

March 6, 1973

an excuse to get around the open-meeting law. In other words, they could have a gathering at which all members were there and they formulated all their policy and did everything there, but they could always say, "Well, hell, this was nothing more than a social gathering. We had a picnic over at Joe's house." So, this is not to outlaw a social gathering among these people, but it is to outlaw the possibility of them having the equivalent of a public meeting and then terminating it or calling it a social gathering under the clear distinction there even though it is rather subtle.

SENATOR CAVANAUGH: Senator DeCamp...forgot who I'm talking to.. there is quite a bit of difference between...if I am looking for legislative intent, now I think I have gotten three different answers as to what the legislative intent is here. Now, if that is actually the legislative intent, how in this law are we going to discern when the social gathering was to conduct public business and when it was not. It's my experience in public life that, for example, if I go to a meal or dinner with you socially or with several of the other members of this body socially, we generally discuss public business. Although that's not our primary intent, we have very little else in common other than public business so we generally resort to that as a form of conversation and very often make decisions on that bases. So, we would have to give public notice every time we go to dinner, or what?

SENATOR DeCAMP: No, that's not true at all and I explained that and you are trying to (inaudible)

SENATOR CAVANAUGH: No, I'm not.

SENATOR DeCAMP: Let me..go back to what Senator Carpenter said. He said you can take any law and this is true. Any law on the books you want to today and you can force it into an absurd position if you want to. A court is going to determine whether the real intent if a question comes up, a court is going to determine whether at some particular picnic or whatever, the real intent was a disguise to get around the open-meeting law. In other words, they would make a determination as to whether it was a legitimate meeting or not.

SENATOR CAVANAUGH: My concern is..

SENATOR DeCAMP: This elimination of "nonsocial" merely eliminates this vast and major loophole in the law which meant actually you could have public meetings...or you could have meetings, including all public officials, merely by labeling them a social gathering. This does not eliminate a social gathering. It eliminates the possibility of calling what should be a public meeting a social gathering.

SENATOR CAVANAUGH: It makes a requirement of public notice for a social gathering, is that correct?

SENATOR DeCAMP: That is absolutely incorrect.

SENATOR CAVANAUGH: OK. Thank you, Senator DeCamp. Thank you, Mr. President.

SPEAKER: The chair recognizes Senator Nore.

SENATOR NORE: Mr. President and fellow members, if this bill, the proposal, will keep from happening what happened two years ago on a reapportionment, I am going to vote for it. We had one of the most, I say unconstitutional, the most terrible reapportionment that has ever happened in the state of Nebraska, and I understand from Senator Syas' debate this morning that they did this rather secretly, and I think it is wrong, and on this basis I am going to vote for this proposal.