

LEGISLATIVE BILL 117

Approved by the Governor April 15, 1985

Introduced by Haberman, 44; Abboud, 12

AN ACT relating to public meetings; to amend sections 84-1410 and 84-1412, Revised Statutes Supplement, 1984; to change provisions relating to certain meetings; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 84-1410, Revised Statutes Supplement, 1984, be amended to read as follows:

84-1410. (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed

session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting nor shall a public body designate itself a subcommittee of the whole body for the purpose of circumventing sections 79-327, 84-1408 to 84-1414, or 85-104, nor shall any closed session, informal meeting, chance meeting, social gathering, or electronic communication be used for the purpose of circumventing the requirements of sections 79-327, 84-1408 to 84-1414, or 85-104.

(5) ~~The provisions of sections~~ Sections 79-327, 84-1408 to 84-1414, and 85-104 shall not apply to chance meetings; or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, ~~if and~~ there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Sec. 2. That section 84-1412, Revised Statutes Supplement, 1984, be amended to read as follows:

84-1412. (1) Subject to ~~the provisions of~~ sections 79-327, 84-1408 to 84-1414, and 85-104, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body ~~is~~ may not be required to allow citizens to speak at each meeting, ~~nor~~ but it may not ~~it~~ forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may, ~~however,~~ require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall for the purpose of circumventing ~~the provisions of~~ sections 84-1408 to

84-1414 hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state. No public body shall hold a meeting outside the State of Nebraska.

(5) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(6) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

Sec. 3. That original sections 84-1410 and 84-1412, Revised Statutes Supplement, 1984, are repealed.