

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 135

Introduced By: Fulton, 29;

Read first time: January 8, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state officers; to amend section
2 84-712.05, Revised Statutes Cumulative Supplement, 2006; to
3 provide for confidentiality of certain municipality records
4 as prescribed; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-712.05, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 84-712.05. The following records, unless publicly disclosed
4 in an open court, open administrative proceeding, or open meeting or
5 disclosed by a public entity pursuant to its duties, may be withheld
6 from the public by the lawful custodian of the records:

7 (1) Personal information in records regarding a student,
8 prospective student, or former student of any educational institution
9 or exempt school that has effectuated an election not to meet state
10 approval or accreditation requirements pursuant to section 79-1601
11 when such records are maintained by and in the possession of a public
12 entity, other than routine directory information specified and made
13 public consistent with 20 U.S.C. 1232g, as such section existed on
14 January 1, 2003;

15 (2) Medical records, other than records of births and deaths
16 and except as provided in subdivision (5) of this section, in any form
17 concerning any person; records of elections filed under section
18 44-2821; and patient safety work product under the Patient Safety
19 Improvement Act;

20 (3) Trade secrets, academic and scientific research work
21 which is in progress and unpublished, and other proprietary or
22 commercial information which if released would give advantage to
23 business competitors and serve no public purpose;

24 (4) Records which represent the work product of an attorney
25 and the public body involved which are related to preparation for
26 litigation, labor negotiations, or claims made by or against the
27 public body or which are confidential communications as defined in

1 section 27-503;

2 (5) Records developed or received by law enforcement
3 agencies and other public bodies charged with duties of investigation
4 or examination of persons, institutions, or businesses, when the
5 records constitute a part of the examination, investigation,
6 intelligence information, citizen complaints or inquiries, informant
7 identification, or strategic or tactical information used in law
8 enforcement training, except that this subdivision shall not apply to
9 records so developed or received relating to the presence of and
10 amount or concentration of alcohol or drugs in any body fluid of any
11 person;

12 (6) Appraisals or appraisal information and negotiation
13 records concerning the purchase or sale, by a public body, of any
14 interest in real or personal property, prior to completion of the
15 purchase or sale;

16 (7) Personal information in records regarding personnel of
17 public bodies other than salaries and routine directory information;

18 (8) Information solely pertaining to protection of the
19 security of public property and persons on or within public property,
20 such as specific, unique vulnerability assessments or specific, unique
21 response plans, either of which is intended to prevent or mitigate
22 criminal acts the public disclosure of which would create a
23 substantial likelihood of endangering public safety or property;
24 computer or communications network schema, passwords, and user
25 identification names; guard schedules; or lock combinations;

26 (9) The security standards, procedures, policies, plans,
27 specifications, diagrams, access lists, and other security-related

1 records of the Lottery Division of the Department of Revenue and those
2 persons or entities with which the division has entered into
3 contractual relationships. Nothing in this subdivision shall allow the
4 division to withhold from the public any information relating to
5 amounts paid persons or entities with which the division has entered
6 into contractual relationships, amounts of prizes paid, the name of
7 the prize winner, and the city, village, or county where the prize
8 winner resides;

9 (10) With respect to public utilities and except as provided
10 in sections 43-512.06 and 70-101, personally identified private
11 citizen account payment information, credit information on others
12 supplied in confidence, and customer lists;

13 (11) Records or portions of records kept by a publicly
14 funded library which, when examined with or without other records,
15 reveal the identity of any library patron using the library's
16 materials or services;

17 (12) Correspondence, memoranda, and records of telephone
18 calls related to the performance of duties by a member of the
19 Legislature in whatever form. The lawful custodian of the
20 correspondence, memoranda, and records of telephone calls, upon
21 approval of the Executive Board of the Legislative Council, shall
22 release the correspondence, memoranda, and records of telephone calls
23 which are not designated as sensitive or confidential in nature to any
24 person performing an audit of the Legislature. A member's
25 correspondence, memoranda, and records of confidential telephone calls
26 related to the performance of his or her legislative duties shall only
27 be released to any other person with the explicit approval of the

1 member;

2 (13) Records or portions of records kept by public bodies
3 which would reveal the location, character, or ownership of any known
4 archaeological, historical, or paleontological site in Nebraska when
5 necessary to protect the site from a reasonably held fear of theft,
6 vandalism, or trespass. This section shall not apply to the release of
7 information for the purpose of scholarly research, examination by
8 other public bodies for the protection of the resource or by
9 recognized tribes, the Unmarked Human Burial Sites and Skeletal
10 Remains Protection Act, or the federal Native American Graves
11 Protection and Repatriation Act;

12 (14) Records or portions of records kept by public bodies
13 which maintain collections of archaeological, historical, or
14 paleontological significance which reveal the names and addresses of
15 donors of such articles of archaeological, historical, or
16 paleontological significance unless the donor approves disclosure,
17 except as the records or portions thereof may be needed to carry out
18 the purposes of the Unmarked Human Burial Sites and Skeletal Remains
19 Protection Act or the federal Native American Graves Protection and
20 Repatriation Act;

21 (15) Job application materials submitted by applicants,
22 other than finalists, who have applied for employment by any public
23 body as defined in section 84-1409. For purposes of this subdivision,
24 job application materials means employment applications, resumes,
25 reference letters, and school transcripts, and finalist means any
26 applicant who is offered and who accepts an interview by a public body
27 or its agents, representatives, or consultants for any public

1 employment position; ~~and~~

2 (16) Social security numbers; credit card, charge card, or
3 debit card numbers and expiration dates; and financial account numbers
4 supplied to state and local governments by citizens; ~~and -~~

5 (17) Records of a public entity when disclosure of such
6 records could reasonably be expected to jeopardize the security,
7 health, safety, or property of the public served by such entities.
8 Such records include, but are not limited to: (a) Vulnerability
9 assessments and information included within such vulnerability
10 assessments; (b) architectural, engineering, or construction
11 diagrams; (c) drawings, plans, or records pertaining to security
12 measures such as security and response plans, security codes and
13 combinations, passwords, passes, keys, or security or response
14 procedures; (d) emergency response protocols; and (e) records
15 disclosing the configuration of critical systems or infrastructures
16 of a public airport, municipal corporation, municipal utility, or
17 rural water district.

18 Sec. 2. Original section 84-712.05, Revised Statutes
19 Cumulative Supplement, 2006, is repealed.