

AMENDMENTS TO LB 674

Introduced by Government, Military and Veterans Affairs.

1           1. Strike the original section and insert the following  
2 new sections:

3           Section 1. This section applies in the event the Board  
4 of Regents of the University of Nebraska establishes an internal  
5 auditing system consisting of an audit committee, an auditor, and  
6 such other personnel as shall be necessary.

7           (2) All final audit reports issued by the audit committee  
8 or auditor shall be maintained permanently as a public record in  
9 the office of the Corporation Secretary of the Board of Regents of  
10 the University of Nebraska, and a copy of such audit reports shall  
11 be provided to the Auditor of Public Accounts.

12           (3) The audit committee or auditor shall have access to  
13 all records of any University of Nebraska-related unit or entity,  
14 in whatever form or mode the records may be, unless the audit  
15 committee's or auditor's access to the records is specifically  
16 prohibited or limited by federal or state law. The information  
17 obtained as a result of the access is not a public record subject  
18 to disclosure pursuant to sections 84-712 to 84-712.09. When an  
19 audit or investigative finding emanates from nonpublic information  
20 which is nonpublic pursuant to federal or state law, such nonpublic  
21 information is not a public record subject to disclosure pursuant  
22 to sections 84-712 to 84-712.09 and shall not be made public. When  
23 an audit or investigative finding emanates from public records,

1 such public records shall remain public.

2 (4) Working papers and other audit files maintained  
3 by the audit committee or auditor are not public records  
4 subject to disclosure pursuant to sections 84-712 to 84-712.09.  
5 Information contained in working papers and audit files prepared  
6 pursuant to a specific audit is not a public record subject to  
7 disclosure pursuant to sections 84-712 to 84-712.09, except to  
8 a county attorney or the Attorney General in connection with an  
9 investigation made or action taken in the course of his or her  
10 official duties, the Auditor of Public Accounts in the course  
11 of his or her official duties, federal agencies that have made  
12 grants to university departments or programs being audited under  
13 this section in the course of such agencies' official duties,  
14 or to the Legislative Performance Audit Committee in the course  
15 of the committee's official duties and pursuant to subdivision  
16 (16) of section 50-1205 or subdivision (5) of section 84-304. The  
17 audit committee or auditor may make the working papers available  
18 for purposes of an external quality control review as required  
19 by generally accepted government auditing standards. However, any  
20 reports made from such external quality control review are not a  
21 public record subject to disclosure pursuant to sections 84-712 to  
22 84-712.09 and are confidential.

23 (5) If any member of the audit committee or the auditor  
24 knowingly divulges or makes known in any manner not permitted  
25 by law any confidential record, document, or information, the  
26 disclosure of which is restricted by law, such person shall be  
27 subject to removal or impeachment and, in addition, is guilty of a

1 Class III misdemeanor.

2 (6) For purposes of this section:

3 (a) Audit committee means the Audit Committee of the  
4 Board of Regents of the University of Nebraska;

5 (b) Auditor means the internal auditor of the University  
6 of Nebraska and any other authorized university officer, employee,  
7 or agent reporting to the auditor or the audit committee; and

8 (c) Working papers means those documents containing  
9 evidence to support the auditor's findings, opinions, conclusions,  
10 and judgments and includes the collection of evidence prepared or  
11 obtained by the auditor during the audit.

12 Sec. 2. Section 81-2703, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 81-2703 For purposes of the State Government  
15 Effectiveness Act:

16 (1) Agency shall mean any agency, department, board,  
17 commission, or other governmental unit of the State of Nebraska  
18 acting or purporting to act by reason of connection with the  
19 State of Nebraska but shall not include (a) any court, (b) any  
20 member or employee of the Legislature or the Legislative Council,  
21 (c) the Governor or his or her personal staff, (d) any political  
22 subdivision or entity thereof, (e) any instrumentality formed  
23 pursuant to an interstate compact and answerable to more than one  
24 state, or (f) any entity of the federal government;

25 (2) Employee shall mean any person employed by an agency,  
26 regardless of rank;

27 (3) Official shall mean any elected state official or any

1 auditor as defined in subdivision (6)(b) of section 1 of this act;

2           (4) Personnel action shall include dismissing, demoting,  
3 transferring, reassigning, suspending, reprimanding, admonishing,  
4 reducing in rank, or reclassifying an employee, withholding work  
5 from an employee of an agency, requiring an employee to submit to  
6 a fitness-for-duty examination or take disability retirement, any  
7 other involuntary action taken against an employee, or any threat  
8 thereof made against an employee; and

9           (5) Wrongdoing shall include any action by an agency or  
10 employee which (a) is a violation of any law, (b) results in gross  
11 mismanagement or gross waste of funds, or (c) creates a substantial  
12 and specific danger to public health or safety.

13           Sec. 3. Original section 81-2703, Reissue Revised  
14 Statutes of Nebraska, is repealed.