

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 643

Introduced by Lautenbaugh, 18.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to public records; to amend section 84-712.05,
- 2 Revised Statutes Cumulative Supplement, 2010; to provide
- 3 additional records that may be withheld; and to repeal
- 4 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, 2010, is amended to read:

3 84-712.05 The following records, unless publicly
4 disclosed in an open court, open administrative proceeding, or open
5 meeting or disclosed by a public entity pursuant to its duties, may
6 be withheld 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
16 deaths and except as provided in subdivision (5) of this section, in
17 any form concerning any person; records of elections filed under
18 section 44-2821; and patient safety work product under the Patient
19 Safety 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21 which is in progress and unpublished, and other proprietary or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
25 attorney and the public body involved which are related to

1 preparation for litigation, labor negotiations, or claims made by or
2 against the public body or which are confidential communications as
3 defined in section 27-503;

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

14 (6) Records relating to initial accident reports received
15 by law enforcement agencies in the course of reporting and
16 investigating traffic accidents;

17 ~~(6)~~—(7) Appraisals or appraisal information and
18 negotiation records concerning the purchase or sale, by a public
19 body, of any interest in real or personal property, prior to
20 completion of the purchase or sale;

21 ~~(7)~~—(8) Personal information in records regarding
22 personnel of public bodies other than salaries and routine directory
23 information;

24 ~~(8)~~—(9) Information solely pertaining to protection of
25 the security of public property and persons on or within public

1 property, such as specific, unique vulnerability assessments or
2 specific, unique response plans, either of which is intended to
3 prevent or mitigate criminal acts the public disclosure of which
4 would create a substantial likelihood of endangering public safety or
5 property; computer or communications network schema, passwords, and
6 user identification names; guard schedules; or lock combinations;

7 ~~(9)~~—(10) The security standards, procedures, policies,
8 plans, specifications, diagrams, access lists, and other security-
9 related records of the Lottery Division of the Department of Revenue
10 and those persons or entities with which the division has entered
11 into contractual relationships. Nothing in this subdivision shall
12 allow the division to withhold from the public any information
13 relating to amounts paid persons or entities with which the division
14 has entered into contractual relationships, amounts of prizes paid,
15 the name of the prize winner, and the city, village, or county where
16 the prize winner resides;

17 ~~(10)~~—(11) With respect to public utilities and except as
18 provided in sections 43-512.06 and 70-101, personally identified
19 private citizen account payment information, credit information on
20 others supplied in confidence, and customer lists;

21 ~~(11)~~—(12) Records or portions of records kept by a
22 publicly funded library which, when examined with or without other
23 records, reveal the identity of any library patron using the
24 library's materials or services;

25 ~~(12)~~—(13) Correspondence, memoranda, and records of

1 telephone calls related to the performance of duties by a member of
2 the Legislature in whatever form. The lawful custodian of the
3 correspondence, memoranda, and records of telephone calls, upon
4 approval of the Executive Board of the Legislative Council, shall
5 release the correspondence, memoranda, and records of telephone calls
6 which are not designated as sensitive or confidential in nature to
7 any person performing an audit of the Legislature. A member's
8 correspondence, memoranda, and records of confidential telephone
9 calls related to the performance of his or her legislative duties
10 shall only be released to any other person with the explicit approval
11 of the member;

12 ~~(13)~~-(14) Records or portions of records kept by public
13 bodies which would reveal the location, character, or ownership of
14 any known archaeological, historical, or paleontological site in
15 Nebraska when necessary to protect the site from a reasonably held
16 fear of theft, vandalism, or trespass. This section shall not apply
17 to the release of information for the purpose of scholarly research,
18 examination by other public bodies for the protection of the resource
19 or by recognized tribes, the Unmarked Human Burial Sites and Skeletal
20 Remains Protection Act, or the federal Native American Graves
21 Protection and Repatriation Act;

22 ~~(14)~~-(15) Records or portions of records kept by public
23 bodies which maintain collections of archaeological, historical, or
24 paleontological significance which reveal the names and addresses of
25 donors of such articles of archaeological, historical, or

1 paleontological significance unless the donor approves disclosure,
2 except as the records or portions thereof may be needed to carry out
3 the purposes of the Unmarked Human Burial Sites and Skeletal Remains
4 Protection Act or the federal Native American Graves Protection and
5 Repatriation Act;

6 ~~(15)~~—(16) Job application materials submitted by
7 applicants, other than finalists, who have applied for employment by
8 any public body as defined in section 84-1409. For purposes of this
9 subdivision, (a) job application materials means employment
10 applications, resumes, reference letters, and school transcripts and
11 (b) finalist means any applicant (i) who reaches the final pool of
12 applicants, numbering four or more, from which the successful
13 applicant is to be selected, (ii) who is an original applicant when
14 the final pool of applicants numbers less than four, or (iii) who is
15 an original applicant and there are four or fewer original
16 applicants;

17 ~~(16)~~—(17) Records obtained by the Public Employees
18 Retirement Board pursuant to section 84-1512;

19 ~~(17)~~—(18) Social security numbers; credit card, charge
20 card, or debit card numbers and expiration dates; and financial
21 account numbers supplied to state and local governments by citizens;
22 and

23 ~~(18)~~—(19) Information exchanged between a jurisdictional
24 utility and city pursuant to section 66-1867.

25 Sec. 2. Original section 84-712.05, Revised Statutes

- 1 Cumulative Supplement, 2010, is repealed.