

AMENDMENTS TO LB471
(Amendments to AM1909)

Introduced by Howard, 9.

1 1. Insert the following new section:

2 Sec. 3. Section 84-712.05, Reissue Revised Statutes of Nebraska, is
3 amended to read:

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

8 (1) Personal information in records regarding a student, prospective
9 student, or former student of any educational institution or exempt
10 school that has effectuated an election not to meet state approval or
11 accreditation requirements pursuant to section 79-1601 when such records
12 are maintained by and in the possession of a public entity, other than
13 routine directory information specified and made public consistent with
14 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
15 regulations adopted thereunder;

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

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21 progress and unpublished, and other proprietary or commercial information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

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

1 are confidential communications as defined in section 27-503;

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

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

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

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

27 (9) The security standards, procedures, policies, plans,
28 specifications, diagrams, access lists, and other security-related
29 records of the Lottery Division of the Department of Revenue and those
30 persons or entities with which the division has entered into contractual
31 relationships. Nothing in this subdivision shall allow the division to

1 withhold from the public any information relating to amounts paid persons
2 or entities with which the division has entered into contractual
3 relationships, amounts of prizes paid, the name of the prize winner, and
4 the city, village, or county where the prize winner resides;

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

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

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

23 (13) Records or portions of records kept by public bodies which
24 would reveal the location, character, or ownership of any known
25 archaeological, historical, or paleontological site in Nebraska when
26 necessary to protect the site from a reasonably held fear of theft,
27 vandalism, or trespass. This section shall not apply to the release of
28 information for the purpose of scholarly research, examination by other
29 public bodies for the protection of the resource or by recognized tribes,
30 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
31 the federal Native American Graves Protection and Repatriation Act;

1 (14) Records or portions of records kept by public bodies which
2 maintain collections of archaeological, historical, or paleontological
3 significance which reveal the names and addresses of donors of such
4 articles of archaeological, historical, or paleontological significance
5 unless the donor approves disclosure, except as the records or portions
6 thereof may be needed to carry out the purposes of the Unmarked Human
7 Burial Sites and Skeletal Remains Protection Act or the federal Native
8 American Graves Protection and Repatriation Act;

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

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

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

23 (18) Information exchanged between a jurisdictional utility and city
24 pursuant to section 66-1867; and -

25 (19) All prescription drug information submitted pursuant to section
26 71-2454, all data contained in the prescription drug monitoring system,
27 and any report obtained from data contained in the prescription drug
28 monitoring system.

29 2. On page 1, line 17, strike "beginning January 1, 2017, and" and
30 insert "as follows: Except as provided in subsection (4) of this section,
31 beginning January 1, 2017, all dispensed prescriptions of controlled

1 substances shall be reported; and beginning January 1, 2018, all
2 prescription information shall be reported to the prescription drug
3 monitoring system. The prescription drug monitoring system".

4 3. On page 2, line 10, strike "shall include" and insert "shall be
5 determined by the entity described in section 71-2455 and shall include,
6 but not be limited to:"; in line 14 strike "written" and insert "issued";
7 in line 16 strike "prescribed" and insert "dispensed or the National Drug
8 Code number as published by the federal Food and Drug Administration of
9 the drug dispensed"; in line 20 strike ", address,"; in line 21 after
10 "number" insert "or Drug Enforcement Administration number when reporting
11 a controlled substance"; and in line 26 after "(5)" insert "All
12 prescription drug information submitted pursuant to this section, all
13 data contained in the prescription drug monitoring system, and any report
14 obtained from data contained in the prescription drug monitoring system
15 are not public records and may be withheld pursuant to section 84-712.05.
16 (6)".

17 4. On page 3, strike beginning with line 4 through "prescription" in
18 line 7 and insert "the delivery of such prescription drug for immediate
19 use for purposes of inpatient hospital care or emergency department care,
20 (ii) the administration of a prescription drug by an authorized person".

21 5. Amend the repealer and renumber the remaining sections
22 accordingly.