

AMENDMENTS TO LB1015

Introduced by Government, Military and Veterans Affairs.

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

3           Section 1. Section 48-144.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           48-144.01 (1) In every case of reportable injury arising out of and  
6 in the course of employment, the employer or workers' compensation  
7 insurer shall file a report thereof with the Nebraska Workers'  
8 Compensation Court. Such report shall be filed within ten days after the  
9 employer or insurer has been given notice of or has knowledge of the  
10 injury.

11           (2) For purposes of this section:

12           (a) Reportable injury means an injury or diagnosed occupational  
13 disease which results in: (i) Death, regardless of the time between the  
14 death and the injury or onset of disease; (ii) time away from work; (iii)  
15 restricted work or termination of employment; (iv) loss of consciousness;  
16 or (v) medical treatment other than first aid;

17           (b) Restricted work means the inability of the employee to perform  
18 one or more of the duties of his or her normal job assignment. Restricted  
19 work does not occur if the employee is able to perform all of the duties  
20 of his or her normal job assignment, but a work restriction is assigned  
21 because the employee is experiencing minor musculoskeletal discomfort and  
22 for the purpose of preventing a more serious condition from developing;

23           (c) Medical treatment means treatment administered by a physician or  
24 other licensed health care professional; and

25           (d) First aid means:

26           (i) Using a nonprescription medication at nonprescription strength.  
27 For medications available in both prescription and nonprescription form,

1 a recommendation by a physician or other licensed health care  
2 professional to use a nonprescription medication at prescription strength  
3 is not first aid;

4 (ii) Administering tetanus immunizations. Administering other  
5 immunizations, such as hepatitis B vaccine and rabies vaccine, is not  
6 first aid;

7 (iii) Cleaning, flushing, or soaking wounds on the surface of the  
8 skin;

9 (iv) Using wound coverings, such as bandages and gauze pads, and  
10 superficial wound closing devices, such as butterfly bandages and steri-  
11 strips. Using other wound closing devices, such as sutures and staples,  
12 is not first aid;

13 (v) Using hot or cold therapy;

14 (vi) Using any nonrigid means of support, such as elastic bandages,  
15 wraps, and nonrigid back belts. Using devices with rigid stays or other  
16 systems designed to immobilize parts of the body is not first aid;

17 (vii) Using temporary immobilization devices, such as splints,  
18 slings, neck collars, and back boards, while transporting accident  
19 victims;

20 (viii) Drilling of a fingernail or toenail to relieve pressure or  
21 draining fluid from a blister;

22 (ix) Using eye patches;

23 (x) Removing foreign bodies from the eye using only irrigation or a  
24 cotton swab;

25 (xi) Removing splinters or foreign material from areas other than  
26 the eye by irrigation, tweezers, cotton swabs, or other simple means;

27 (xii) Using finger guards;

28 (xiii) Using massages. Using physical therapy or chiropractic  
29 treatment is not first aid; and

30 (xiv) Drinking fluids for relief of heat stress.

31 (3) Reports filed pursuant to this section shall be confidential and

1 not open to public inspection or copying, except as required pursuant to  
2 subdivision (21) of section 84-712.05.

3 Sec. 2. Section 84-712.05, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

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

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

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

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

25 (4) Records which represent the work product of an attorney and the  
26 public body involved which are related to preparation for litigation,  
27 labor negotiations, or claims made by or against the public body or which  
28 are confidential communications as defined in section 27-503;

29 (5) Records developed or received by law enforcement agencies and  
30 other public bodies charged with duties of investigation or examination  
31 of persons, institutions, or businesses, when the records constitute a

1 part of the examination, investigation, intelligence information, citizen  
2 complaints or inquiries, informant identification, or strategic or  
3 tactical information used in law enforcement training, except that this  
4 subdivision shall not apply to records so developed or received relating  
5 to the presence of and amount or concentration of alcohol or drugs in any  
6 body fluid of any person;

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

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

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

23 (9) The security standards, procedures, policies, plans,  
24 specifications, diagrams, access lists, and other security-related  
25 records of the Lottery Division of the Department of Revenue and those  
26 persons or entities with which the division has entered into contractual  
27 relationships. Nothing in this subdivision shall allow the division to  
28 withhold from the public any information relating to amounts paid persons  
29 or entities with which the division has entered into contractual  
30 relationships, amounts of prizes paid, the name of the prize winner, and  
31 the city, village, or county where the prize winner resides;

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

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

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

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

28           (14) Records or portions of records kept by public bodies which  
29 maintain collections of archaeological, historical, or paleontological  
30 significance which reveal the names and addresses of donors of such  
31 articles of archaeological, historical, or paleontological significance

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

5 (15) Job application materials submitted by applicants, other than  
6 finalists or a priority candidate for a position described in section  
7 85-106.06 selected using the enhanced public scrutiny process in section  
8 85-106.06, who have applied for employment by any public body as defined  
9 in section 84-1409. For purposes of this subdivision, (a) job application  
10 materials means employment applications, resumes, reference letters, and  
11 school transcripts and (b) finalist means any applicant who is not an  
12 applicant for a position described in section 85-106.06 and (i) who  
13 reaches the final pool of applicants, numbering four or more, from which  
14 the successful applicant is to be selected, (ii) who is an original  
15 applicant when the final pool of applicants numbers less than four, or  
16 (iii) who is an original applicant and there are four or fewer original  
17 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;

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

25 (19) Draft records obtained by the Nebraska Retirement Systems  
26 Committee of the Legislature and the Governor from Nebraska Public  
27 Employees Retirement Systems pursuant to subsection (4) of section  
28 84-1503; ~~and~~

29 (20) All prescription drug information submitted pursuant to section  
30 71-2454, all data contained in the prescription drug monitoring system,  
31 and any report obtained from data contained in the prescription drug

1 monitoring system; and -

2 (21) Reports filed pursuant to section 48-144.01, except that such  
3 reports:

4 (a) Shall be made available for inspection or copying by the  
5 Nebraska Workers' Compensation Court pursuant to sections 84-712 to  
6 84-712.09 upon request:

7 (i) By the employee who is the subject of the report or by an  
8 attorney or authorized agent of such employee;

9 (ii) By the employer, workers' compensation insurer, risk management  
10 pool, or third-party administrator that is a party to the report or an  
11 attorney or authorized agent of such party;

12 (iii) By a third party for the purpose of identifying the number and  
13 nature of any injuries to any employees of an employer identified in the  
14 request, so long as the court redacts any information revealing the  
15 identity of any employee prior to releasing the reports; or

16 (iv) By a nonprofit organization for the purpose of sending  
17 condolences to, providing memorials for, and offering grief counseling to  
18 family members of an employee whose death was caused by a workplace  
19 incident; and

20 (b) Shall be disclosed by the court if the reports are requested for  
21 use in connection with a state or federal investigation or examination or  
22 for use by the state or federal government to compile statistical  
23 information.

24 Sec. 3. Original section 48-144.01, Reissue Revised Statutes of  
25 Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement,  
26 2016, are repealed.