

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 621**

Introduced by Karpisek, 32.

Read first time January 23, 2013

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Intergovernmental Risk Management Act; to  
2 amend section 44-4318, Reissue Revised Statutes of  
3 Nebraska; to exempt certain information from disclosure  
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 44-4318, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           44-4318 (1) Information regarding that portion of the  
4 funds or liability reserve of a risk management pool established for  
5 the purpose of satisfying a specific claim or cause of action shall  
6 be exempt from disclosure under sections 84-712 to 84-712.09.  
7 Notwithstanding any other provision of law to the contrary, a party  
8 to a claim or action against a public agency or any risk management  
9 pool shall not be entitled to discover that portion of the funds or  
10 liability reserve established by the pool for purposes of satisfying  
11 the claim or cause of action, except that such information shall be  
12 discoverable in any supplemental or ancillary proceeding to enforce a  
13 judgment against a public agency or risk management pool.

14           (2) Notwithstanding any other provision of law to the  
15 contrary, trade secrets, academic and scientific research work which  
16 is in progress and unpublished, and other proprietary or commercial  
17 information belonging to a risk management pool which, if released,  
18 would give advantage to business competitors and serve no public  
19 purpose, shall be exempt from disclosure under sections 84-712 to  
20 84-712.09.

21           (3) Notwithstanding any other provision of law to the  
22 contrary, trade secrets, academic and scientific research work which  
23 is in progress and unpublished, and other proprietary or commercial  
24 information which have been provided to a risk management pool and  
25 which, if released, would give advantage to business competitors and

1 serve no public purpose when such records containing such information  
2 have been declared privileged by the provider of the records to the  
3 risk management pool, shall be exempt from disclosure under sections  
4 84-712 to 84-712.09.

5 (4) A risk management pool or a provider of records to a  
6 risk management pool desiring to designate records as trade secrets,  
7 academic and scientific work which is in progress and unpublished, or  
8 other proprietary or commercial information which, if released, would  
9 give advantage to business competitors and serve no public purpose,  
10 shall identify to the Director of Insurance any specific competitor  
11 or competitors which the risk management pool or the provider of  
12 records to the risk management pool asserts might gain advantage from  
13 the disclosure of the material at issue and the nature of the  
14 advantage which could be gained from that disclosure. In providing  
15 such proprietary or commercial information, the risk management pool  
16 or the provider of records to the risk management pool need only  
17 identify the material at issue in general terms.

18 (5) Any person denied any access to records granted by  
19 sections 84-712 to 84-712.09 due to this section may utilize the  
20 remedies provided in section 84-712.03.

21 Sec. 2. Original section 44-4318, Reissue Revised  
22 Statutes of Nebraska, is repealed.