

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1087

Introduced by Legislative Performance Audit Committee:
Beutler, 28, Chairperson; Bromm, 23; Brown, 6;
Engel, 17; McDonald, 41; Price, 26; Wehrbein, 2

Read first time January 15, 2004

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Legislative Performance Audit Act; to
2 amend section 50-1213, Revised Statutes Supplement, 2003;
3 to change provisions relating to confidentiality; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 50-1213, Revised Statutes Supplement,
2 2003, is amended to read:

3 50-1213. The section shall have access to any and all
4 information and records, confidential or otherwise, of any agency,
5 in whatever form they may be, unless the section is denied such
6 access by federal law or explicitly named and denied such access by
7 state law. If such a law exists, the agency shall provide the
8 committee with a written explanation of its inability to produce
9 such information and records and, after reasonable accommodations
10 are made, shall grant the section access to all information and
11 records or portions thereof that can legally be reviewed.
12 Accommodations that may be negotiated between the agency and the
13 committee include, but are not limited to, a requirement that
14 specified information or records be reviewed on agency premises and
15 a requirement that specified working papers be securely stored on
16 agency premises.

17 Any confidential information or confidential records
18 shared with the section pursuant to a performance audit will remain
19 confidential and shall not be shared with any member of the
20 committee unless a dispute arises between the section and the
21 agency as to the accuracy of an audit involving confidential
22 information or confidential records. In that event, the Speaker of
23 the Legislature, as a member of the committee, will be allowed
24 access to the confidential information or confidential records,
25 under the same restrictions and penalties as an employee of the
26 section, for the purpose of verifying the accuracy of the audit.
27 Pursuant to section 84-712.05, the working papers produced by the
28 committee or section in conjunction with a performance audit shall

1 not be considered public documents. If any employee of the section
2 knowingly divulges or makes known confidential information or
3 confidential records, the employee shall be subject to dismissal
4 and in addition shall be guilty of a Class III misdemeanor. No
5 proceeding of the committee ~~or section~~ or opinion or expression of
6 any member of the committee or employee of the section acting at
7 the direction of the committee shall be reviewable in any court.
8 No member of the committee or employee of the section acting at the
9 direction of the committee shall be required to testify or produce
10 evidence in any judicial or administrative proceeding concerning
11 matters relating to the conduct of a performance audit except in a
12 proceeding brought to enforce the Legislative Performance Audit
13 Act.

14 Pursuant to section ~~84-712.05~~, the working papers
15 produced by the committee or section in conjunction with a
16 performance audit shall not be considered public documents.

17 Sec. 2. Original section 50-1213, Revised Statutes
18 Supplement, 2003, is repealed.