

AMENDMENTS TO LB 474

Introduced by Judiciary

1 1. Insert the following new section:

2 Sec. 24. Section 84-712.05, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4 84-712.05 The following records, unless considered a  
5 public record under section 1, 12, or 23 of this act or  
6 unless publicly disclosed in an open court, open administrative  
7 proceeding, or open meeting or disclosed by a public entity  
8 pursuant to its duties, may be withheld from the public by the  
9 lawful custodian of the records:

10 (1) Personal information in records regarding a student,  
11 prospective student, or former student of any educational  
12 institution or exempt school that has effectuated an election  
13 not to meet state approval or accreditation requirements pursuant  
14 to section 79-1601 when such records are maintained by and in  
15 the possession of a public entity, other than routine directory  
16 information specified and made public consistent with 20 U.S.C.  
17 1232g, as such section existed on January 1, 2003;

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

23 (3) Trade secrets, academic and scientific research work

1 which is in progress and unpublished, and other proprietary or  
2 commercial information which if released would give advantage to  
3 business competitors and serve no public purpose;

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

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

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

23 (7) Personal information in records regarding personnel  
24 of public bodies other than salaries and routine directory  
25 information;

26 (8) Information solely pertaining to protection of the  
27 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  
3 to prevent or mitigate criminal acts the public disclosure of  
4 which would create a substantial likelihood of endangering public  
5 safety or property; computer or communications network schema,  
6 passwords, and user identification names; guard schedules; or lock  
7 combinations;

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

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

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

26 (12) Correspondence, memoranda, and records of telephone  
27 calls related to the performance of duties by a member of

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

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

21 (14) Records or portions of records kept by public  
22 bodies which maintain collections of archaeological, historical, or  
23 paleontological significance which reveal the names and addresses  
24 of donors of such articles of archaeological, historical, or  
25 paleontological significance unless the donor approves disclosure,  
26 except as the records or portions thereof may be needed to carry  
27 out the purposes of the Unmarked Human Burial Sites and Skeletal

1 Remains Protection Act or the federal Native American Graves  
2 Protection and Repatriation Act;

3           (15) Job application materials submitted by applicants,  
4 other than finalists, who have applied for employment by any  
5 public body as defined in section 84-1409. For purposes of  
6 this subdivision, job application materials means employment  
7 applications, resumes, reference letters, and school transcripts,  
8 and finalist means any applicant who is offered and who accepts  
9 an interview by a public body or its agents, representatives, or  
10 consultants for any public employment position; and

11           (16) Social security numbers; credit card, charge card,  
12 or debit card numbers and expiration dates; and financial account  
13 numbers supplied to state and local governments by citizens.

14           2. On page 12, line 7, after "involving" insert "an  
15 employee of a public school who is"; and in line 9 strike "school  
16 nurse, or other person" and insert "or other public employee".

17           3. On page 21, line 22, after "employee" insert ", except  
18 a school nurse,".

19           4. On page 22, line 2, after the third comma insert "and  
20 section 84-712.05, Revised Statutes Cumulative Supplement, 2006,".

21           5. Renumber the remaining sections accordingly.