

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1083

Introduced by Storer, 43; Bosn, 25.

Read first time January 15, 2026

Committee:

- 1 A BILL FOR AN ACT relating to consumer protection; to amend section
- 2 84-712.05, Reissue Revised Statutes of Nebraska; to adopt the
- 3 Transparency in Artificial Intelligence Risk Management Act; to
- 4 create a fund; to change provisions relating to records which may be
- 5 withheld from the public; to provide an operative date; to provide
- 6 severability; and to repeal the original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 9 of this act shall be known and may be
2 cited as the Transparency in Artificial Intelligence Risk Management Act.

3 **Sec. 2.** The Legislature finds and declares:

4 (1) Artificial intelligence has great potential to vastly improve
5 the lives of all Nebraskans by accelerating our economic growth and
6 contributing to scientific research;

7 (2) Experts within the artificial intelligence industry have warned
8 that artificial intelligence could pose grave and catastrophic risks, and
9 the State of Nebraska has a strong interest in understanding how the
10 largest artificial intelligence companies are assessing and mitigating
11 such risks;

12 (3) Recent events have illuminated the potential for artificial-
13 intelligence systems to pose serious risks to minors interacting with
14 such systems; and

15 (4) It is the intent of the Legislature to create more transparency
16 around artificial intelligence, but collective safety will depend in part
17 on large frontier developers taking due care proportional to the scale of
18 the foreseeable risks.

19 **Sec. 3.** For purposes of the Transparency in Artificial Intelligence
20 Risk Management Act:

21 (1) Affiliate means a person controlling, controlled by, or under
22 common control with, a specified person, directly or indirectly, through
23 one or more intermediaries;

24 (2) Artificial intelligence model means an engineered or machine-
25 based system that varies in its level of autonomy and that can, for
26 explicit or implicit objectives, infer from the input it receives how to
27 generate outputs that can influence physical or virtual environments;

28 (3)(a) Catastrophic risk means a foreseeable and material risk that
29 a frontier developer's development, storage, use, or deployment of a
30 frontier model will materially contribute to the death of, or serious
31 injury to, more than fifty people or more than one billion dollars in

1 damage to, or loss of, property arising from a single incident involving
2 a frontier model doing any of the following:

3 (i) Providing expert-level assistance in the creation or release of
4 a chemical, biological, radiological, or nuclear weapon;

5 (ii) Engaging in conduct with no meaningful human oversight,
6 intervention, or supervision that is either a cyberattack or, if the
7 conduct had been committed by a human, would constitute the crime of
8 murder, assault, extortion, or theft, including theft by deception; or

9 (iii) Evading the control of its frontier developer or user.

10 (b) Catastrophic risk does not include a foreseeable and material
11 risk from any of the following:

12 (i) Information that a frontier model outputs if the information is
13 otherwise publicly accessible in a substantially similar form from a
14 source other than a foundation model;

15 (ii) Lawful activity of the federal government; or

16 (iii) Harm caused by a frontier model in combination with other
17 software if the frontier model did not materially contribute to the harm;

18 (4) Child safety incident means a covered chatbot engaging in
19 behavior when interacting with a minor that, if it had been engaged in by
20 a human, would be deemed to intentionally or recklessly cause death or
21 bodily injury to such minor or damage the mental health of such minor in
22 a way that constitutes severe emotional distress;

23 (5) Child safety risk means a material and foreseeable risk that a
24 covered chatbot will engage in behavior when interacting with a minor
25 that, if it had been engaged in by a human, would be deemed to
26 intentionally or recklessly do any of the following:

27 (a) Cause death or bodily injury to such minor, including as a
28 result of self-harm; or

29 (b) Cause damage to the mental health of such minor that constitutes
30 severe emotional distress;

31 (6) Covered chatbot means a service that:

- 1 (a) Allows an ordinary person to have conversations in which human-
2 like responses are generated by a foundation model;
- 3 (b) Is foreseeably likely to be accessed by minors; and
- 4 (c) Has at least one million active users monthly;
- 5 (7) Covered risk means a catastrophic risk or a child safety risk;
- 6 (8) Critical safety incident means any of the following:
- 7 (a) Unauthorized access to, modification of, inadvertent release of,
8 or exfiltration of, the model weights of a frontier model;
- 9 (b) The death of, or serious injury to, more than fifty people, or
10 more than one billion dollars in damage to, or loss of, property
11 resulting from the materialization of a catastrophic risk;
- 12 (c) Loss of control of a frontier model that causes death, bodily
13 injury, or that demonstrates materially increased catastrophic risk; or
- 14 (d) A frontier model that uses deceptive techniques against the
15 frontier developer to subvert the controls or monitoring of its frontier
16 developer outside of the context of an evaluation designed to elicit this
17 behavior and in a manner that demonstrates materially increased
18 catastrophic risk;
- 19 (9)(a) Deploy means to make a frontier model available to a third
20 party for use, modification, copying, or combination with other software.
- 21 (b) Deploy does not include making a frontier model available to a
22 third party for the primary purpose of developing or evaluating the
23 frontier model;
- 24 (10) Foundation model means an artificial intelligence model that is
25 all of the following:
- 26 (a) Trained on a broad data set;
- 27 (b) Designed for generality of output; and
- 28 (c) Adaptable to a wide range of distinctive tasks;
- 29 (11) Frontier developer means a person who has trained, or initiated
30 the training of, a frontier model, with respect to which the person has
31 used, or intends to use, at least as much computing power to train the

1 frontier model as would meet the technical specifications found in
2 subdivision (12) of this section, except as otherwise provided by rules
3 and regulations adopted and promulgated pursuant to section 6 of this
4 act. Accredited postsecondary educational institutions shall not be
5 considered frontier developers under the act to the extent that such
6 institutions are developing or using frontier models exclusively for
7 academic research purposes. If a person subsequently transfers full
8 intellectual property rights of a frontier model to another person,
9 including the right to resell the model, and retains none of those rights
10 for themselves, then the receiving person shall be considered the frontier
11 developer with respect to that frontier model on and after such transfer;

12 (12) Frontier model means a foundation model that was trained using
13 a quantity of computing power greater than 10^{26} integer or floating-
14 point operations, except as otherwise provided by rules and regulations
15 adopted and promulgated pursuant to section 6 of this act. The quantity
16 of computing power described in this subdivision shall include computing
17 for the original training run and for any subsequent fine-tuning,
18 reinforcement learning, or other material modifications the developer
19 applies to a preceding foundation model;

20 (13) Large chatbot provider means a person who makes a covered
21 chatbot available in this state and who, together with its affiliates,
22 collectively had an annual revenue in the preceding calendar year of
23 twenty-five million dollars or more, except as otherwise specified by
24 rules and regulations adopted and promulgated pursuant to section 6 of
25 this act.

26 (14) Large frontier developer means, unless otherwise provided by
27 rules and regulations adopted and promulgated pursuant to section 6 of
28 this act, a frontier developer who together with its affiliates had a
29 collective annual revenue in the preceding calendar year of five hundred
30 million dollars or more;

31 (15) Minor means an individual younger than eighteen years of age;

1 (16) Model weight means a numerical parameter in a frontier model
2 that is adjusted through training and that helps determine how inputs are
3 transformed into outputs;

4 (17) Property means tangible or intangible property;

5 (18) Public safety and child protection plan means a documented
6 technical and organizational protocol to manage, assess, and mitigate
7 covered risks; and

8 (19) Safety incident means a child safety incident or a critical
9 safety incident.

10 **Sec. 4.** (1) A large frontier developer or large chatbot provider
11 shall write, implement, comply with, and clearly and conspicuously
12 publish on its website a public safety and child protection plan that
13 describes in detail:

14 (a) For a large frontier developer, how the large frontier
15 developer:

16 (i) Defines and assesses thresholds used by the large frontier
17 developer to identify and assess whether a frontier model has
18 capabilities that could pose a catastrophic risk, which may include
19 multiple-tiered thresholds;

20 (ii) Applies mitigations to address the potential for catastrophic
21 risks based on the results of the assessments undertaken pursuant to
22 subdivision (1)(a)(i) of this section;

23 (iii) Reviews assessments of catastrophic risk and adequacy of
24 mitigations of catastrophic risk as part of the decision to deploy a
25 frontier model or use it extensively internally;

26 (iv) Uses third parties to assess the potential for catastrophic
27 risks and the effectiveness of mitigations of catastrophic risks;

28 (v) Implements cybersecurity practices to secure unreleased frontier
29 model weights from unauthorized modification or transfer by internal or
30 external parties; and

31 (vi) Assesses and manages catastrophic risk resulting from the

1 internal use of its frontier models, including risks resulting from a
2 frontier model circumventing oversight mechanisms;

3 (b) For a large chatbot provider, how the large chatbot provider:

4 (i) Assesses potential for child safety risks.

5 (ii) Applies mitigations to address the potential for child safety
6 risks based on the results of the assessments undertaken pursuant to
7 subdivision (1)(b)(i) of this section; and

8 (iii) Uses third parties to assess the potential for child safety
9 risks and the effectiveness of mitigations of child safety risks; and

10 (c) For both large frontier developers and large chatbot providers,
11 how the large frontier developer or large chatbot provider:

12 (i) Incorporates national standards, international standards, and
13 industry-consensus best practices into its public safety and child
14 protection plan;

15 (ii) Revisits and updates the public safety and child protection
16 plan, including any criteria that trigger updates and how such developer
17 or provider determines when its foundation models or frontier models are
18 substantially modified enough to require disclosures pursuant to
19 subsection (3) or subsection (4) of this section;

20 (iii) Identifies and responds to safety incidents; and

21 (iv) Institutes internal governance practices to ensure
22 implementation of its public safety and child protection plan.

23 (2) If a large frontier developer or large chatbot provider makes a
24 material modification to its public safety and child protection plan, the
25 large frontier developer or large chatbot provider shall clearly and
26 conspicuously publish on such developer's or provider's website the
27 modified public safety and child protection plan and a justification for
28 such modification within thirty days after such material modification.

29 (3) Before, or concurrently with, integrating a new foundation
30 model, or a version of an existing foundation model that has been
31 substantially modified, into a covered chatbot operated by the large

1 chatbot provider, a large chatbot provider shall conspicuously publish on
2 its website summaries of all of the following:

3 (i) Assessments of child safety risks conducted pursuant to the
4 large chatbot provider's public safety and child protection plan;

5 (ii) The results of such assessments;

6 (iii) The extent to which third-party evaluators were involved in
7 such assessments; and

8 (iv) Other steps taken to fulfill the requirements of the public
9 safety and child protection plan with respect to child safety risks.

10 (4)(a) Before, or concurrently with, deploying a new frontier model
11 or a version of an existing frontier model that the large frontier
12 developer has substantially modified, a large frontier developer shall
13 conspicuously publish on its website summaries of all of the following:

14 (i) Assessments of catastrophic risks from the frontier model
15 conducted pursuant to the large frontier developer's public safety and
16 child protection plan;

17 (ii) The results of such assessments;

18 (iii) The extent to which third-party evaluators were involved in
19 such assessments; and

20 (iv) Other steps taken to fulfill the requirements of the public
21 safety and child protection plan with respect to catastrophic risks from
22 the frontier model.

23 (b) A large frontier developer that publishes the information
24 described in subdivision (5)(a) of this section as part of a larger
25 document, including a system card or model card, shall be deemed in
26 compliance with this subsection.

27 (5)(a)(i) A large frontier developer or large chatbot provider shall
28 not make a materially false or misleading statement or omission about
29 covered risks from its activities or its management of covered risks.

30 (ii) A large frontier developer or large chatbot provider shall not
31 make a materially false or misleading statement or omission about its

1 implementation of, or compliance with, its public safety and child
2 protection plan.

3 (b) Subdivision (5)(a) of this section does not apply to a statement
4 that was made in good faith and was reasonable under the circumstances.

5 (6)(a) When a large frontier developer or large chatbot provider
6 publishes documents to comply with this section, the large frontier
7 developer or large chatbot provider may make redactions to those
8 documents that are necessary to protect the large frontier developer's
9 trade secrets, the large frontier developer's or large chatbot provider's
10 cybersecurity, public safety, or the national security of the United
11 States or to comply with any federal or state law.

12 (b) If a large frontier developer or large chatbot provider redacts
13 information in a document pursuant to subdivision (6)(a) of this section,
14 the large frontier developer or large chatbot provider shall describe the
15 character and justification of the redaction in any published version of
16 the document to the extent permitted by the concerns that justify
17 redaction and shall retain the unredacted information for five years.

18 **Sec. 5.** (1) The Attorney General shall establish a mechanism to be
19 used by a frontier developer, a large chatbot provider, or a member of
20 the public to report a safety incident that includes all of the
21 following:

22 (a) The date of the safety incident;

23 (b) The reasons the incident qualifies as a safety incident; and

24 (c) A short and plain statement describing the safety incident.

25 (2) A frontier developer shall report any critical safety incident
26 pertaining to one of its frontier models to the Attorney General within
27 fifteen days after discovering the critical safety incident.

28 (3) If a frontier developer discovers that a critical safety
29 incident poses an imminent risk of death or serious physical injury, the
30 frontier developer shall disclose that incident within twenty-four hours
31 to an authority, including any law enforcement agency or public safety

1 agency with jurisdiction, that is appropriate based on the nature of that
2 incident and as required by law.

3 (4) A large chatbot provider shall report any child safety incident
4 pertaining to one of its covered chatbots to the Attorney General within
5 fifteen days after discovering the child safety incident.

6 (5) The Attorney General shall establish a mechanism to be used by a
7 large frontier developer to confidentially submit summaries of any
8 assessments of the potential for catastrophic risk resulting from
9 internal use of its frontier models.

10 (6) A large frontier developer shall transmit to the Attorney
11 General a summary of any assessment of catastrophic risk resulting from
12 internal use of its frontier models no less frequently than every three
13 months.

14 (7)(a) The Attorney General may transmit reports of safety
15 incidents, summaries of assessments of the potential for catastrophic
16 risk from internal use, and reports from employees made pursuant to
17 section 6 of this act to the Legislature, the Governor, the federal
18 government, or appropriate state agencies.

19 (b) The Attorney General shall strongly consider any risks related
20 to trade secrets, public safety, cybersecurity of a frontier developer or
21 large chatbot provider, or national security when transmitting reports.

22 (8) The Attorney General may adopt and promulgate rules and
23 regulations designating one or more federal laws, regulations, or
24 guidance documents that meet all of the following conditions for the
25 purposes of subsection (9) of this section:

26 (a) The law, regulation, or guidance document imposes or states
27 standards or requirements for safety incident reporting that are
28 substantially equivalent to, or stricter than, those required by this
29 section for critical safety incidents, child safety incidents, or both. A
30 law, regulation, or guidance document may satisfy this subdivision even
31 if it does not require safety incident reporting to the State of

1 Nebraska; and

2 (b) The law, regulation, or guidance document is intended to assess,
3 detect, or mitigate catastrophic risk, child safety risk, or both.

4 (9)(a) A frontier developer or large chatbot provider that intends
5 to comply with all or part of this section by complying with the
6 requirements of, or meeting the standards stated by, a federal law,
7 regulation, or guidance document designated pursuant to subsection (8) of
8 this section by the Attorney General shall declare its intent to do so to
9 the Attorney General.

10 (b) After a frontier developer or large chatbot provider has
11 declared its intent pursuant to subdivision (9)(a) of this section, the
12 following shall apply:

13 (i) To the extent that such developer or provider meets the
14 standards of, or complies with the requirements imposed or stated by, the
15 designated federal law, regulation, or guidance document, such developer
16 or provider shall be deemed in compliance with the obligations under this
17 section pertaining to:

18 (A) Critical safety incidents, if such designated law, regulation,
19 or document is intended to assess, detect, or mitigate catastrophic risk;
20 and

21 (B) Child safety incidents, if such designated law, regulation, or
22 document is intended to assess, detect, or mitigate child safety risk;
23 and

24 (ii) The failure by such developer or provider to meet the standards
25 of, or comply with the requirements stated by, such designated law,
26 regulation, or document, shall be considered a violation of the
27 Transparency in Artificial Intelligence Risk Management Act.

28 (c) Subdivision (9)(b) of this section shall not apply to a frontier
29 developer or large chatbot provider to the extent that:

30 (i) Such developer or provider makes a declaration of intent to the
31 Attorney General to modify or revoke a declaration of intent under

1 subdivision (9)(a) of this section; or

2 (ii) The Attorney General revokes a rule or regulation pursuant to
3 subsection (10) of this section.

4 (10) The Attorney General shall revoke a rule or regulation adopted
5 under or promulgated under subsection (8) of this section if the
6 requirements of subsection (8) are no longer met.

7 **Sec. 6.** (1) On or before January 1, 2027, and annually thereafter,
8 the Attorney General shall assess recent evidence and developments
9 relevant to the purposes of the Transparency in Artificial Intelligence
10 Risk Management Act and may adopt and promulgate rules and regulations to
11 update definitions for any of the following terms for the purposes of the
12 act to ensure that such definitions accurately reflect technological
13 developments, scientific literature, and widely accepted national and
14 international standards:

15 (a) Frontier model, so that such definition applies to foundation
16 models at the frontier of artificial intelligence development;

17 (b) Frontier developer, so that such definition applies to
18 developers of frontier models who are themselves at the frontier of
19 artificial intelligence development;

20 (c) Large frontier developer so that such definition applies to
21 well-resourced frontier developers; and

22 (d) Large chatbot provider so that such definition applies to well-
23 resourced companies developing covered chatbots that may pose child
24 safety risks.

25 (2) In adopting and promulgating rules and regulations pursuant to
26 this section, the Attorney General shall take into account all of the
27 following:

28 (a) Similar thresholds used in international standards or federal
29 law, guidance, or regulations for the management of catastrophic risks or
30 child safety risks. The Attorney General shall align any updated
31 definition with a definition adopted in a federal law or regulation to

1 the extent that it is consistent with the purposes of the Transparency in
2 Artificial Intelligence Risk Management Act;

3 (b) Input from stakeholders, such as academic and technology
4 industry professionals, the open-source community, and governmental
5 entities;

6 (c) The extent to which a person will be able to determine, before
7 beginning to train or deploy a foundation model, whether that person will
8 be subject to the definition as a frontier developer or as a large
9 frontier developer with an aim toward allowing earlier determinations if
10 possible;

11 (d) The complexity of determining whether a person or foundation
12 model is covered, with an aim toward allowing simpler determinations if
13 possible;

14 (e) The external verifiability of determining whether a person or
15 foundation model is covered, with an aim toward definitions that are
16 verifiable by parties other than the frontier developer; and

17 (f) Thresholds used by other states in similar laws.

18 **Sec. 7. (1) For purposes of this section:**

19 (a) Adverse action means the discharge of an employee, a threat
20 against an employee, or any other act against an employee that negatively
21 affects the employee's employment;

22 (b) Applicant means a prospective employee applying for employment;
23 and

24 (c) Employee means an individual employed by a large frontier
25 developer or large chatbot provider.

26 (2) A frontier developer or large chatbot provider shall not take
27 adverse action against or otherwise penalize an employee for disclosing
28 information to the Attorney General, a federal authority, a person with
29 authority over the employee, or another employee who has authority to
30 investigate, discover, or correct the reported issue, if the employee has
31 reasonable cause to believe that the information discloses either of the

1 following:

2 (a) The frontier developer's or large chatbot provider's activities
3 pose a specific and substantial danger to the public health or safety or
4 to the health or safety of a minor; or

5 (b) The frontier developer or large chatbot provider has violated
6 the Transparency in Artificial Intelligence Risk Management Act.

7 (3) A frontier developer or large chatbot provider shall not require
8 an employee or applicant to waive or limit any protection granted under
9 this section as a condition of continued employment or of applying for or
10 receiving an offer of employment. Any agreement to waive any right or
11 protection under the act is against the public policy of this state and
12 is void and unenforceable.

13 (4) A frontier developer or large chatbot provider shall not
14 retaliate, discriminate or take adverse action against an employee or
15 applicant because the employee or applicant testifies, assists, or
16 participates in an investigation, proceeding, or action concerning a
17 violation of the Transparency in Artificial Intelligence Risk Management
18 Act.

19 (5)(a) A large frontier developer shall provide a reasonable
20 internal process through which an employee may anonymously disclose
21 information to the large frontier developer if the employee believes in
22 good faith that the information indicates that the large frontier
23 developer's activities (i) pose a specific and substantial threat to the
24 public health or safety or to the health or safety of a minor or (b) that
25 the large frontier developer or large chatbot provider has violated the
26 Transparency in Artificial Intelligence Risk Management Act. Such
27 internal process shall include providing a monthly update to the person
28 who made the disclosure regarding the status of the large frontier
29 developer's investigation of the disclosure and the actions taken by the
30 large frontier developer in response to the disclosure. Except as
31 provided in subdivision (ii) of this subsection, the disclosures and

1 responses of the process required by this subdivision shall be shared
2 with officers and directors of the large frontier developer at least once
3 each quarter.

4 (b) If an employee has alleged wrongdoing by an officer or director
5 of the large frontier developer in a disclosure or response, subdivision
6 (a) of this subsection shall not apply with respect to that officer or
7 director.

8 (6) Upon violation of this section, an aggrieved employee or
9 applicant may, in addition to any other available remedy, institute a
10 civil action within one year after the date of the alleged violation or
11 the discovery of the alleged violation, whichever is later. The employee
12 or applicant shall file an action directly in the district court of the
13 county where such alleged violation occurred. The district court shall
14 file and try such case as any other civil action, and any successful
15 complainant shall be entitled to appropriate relief, including temporary
16 or permanent injunctive relief, general and special damages, and
17 reasonable attorney's fees and court costs.

18 **Sec. 8.** (1) The Attorney General may bring an action to enforce the
19 Transparency in Artificial Intelligence Risk Management Act. A large
20 frontier developer that violates the act shall be subject to a civil
21 penalty in an amount dependent upon the severity of the violation that
22 does not exceed one million dollars per violation. A large chatbot
23 provider that violates the act shall be subject to a civil penalty in an
24 amount dependent upon the severity of the violation that does not exceed
25 fifty thousand dollars per violation.

26 (2) Any penalties collected under this section shall be remitted to
27 the State Treasurer for distribution in accordance with Article VII,
28 section 5, of the Constitution of Nebraska.

29 **Sec. 9.** The duties and obligations imposed by the Transparency in
30 Artificial Intelligence Risk Management Act are cumulative with any other
31 duties or obligations imposed under other law and shall not be construed

1 to relieve any party from any duties or obligations imposed under another
2 law and do not limit any rights or remedies under existing law.

3 **Sec. 10.** The Juvenile Mental Health Support Fund is created. The
4 fund shall be administered by the Department of Health and Human Services
5 and shall be used for the programming and facilities associated with
6 providing juvenile mental health services. Any money in the fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act.

10 **Sec. 11.** Section 84-712.05, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 84-712.05 The following records, unless publicly disclosed in an
13 open court, open administrative proceeding, or open meeting or disclosed
14 by a public entity pursuant to its duties, may be withheld from the
15 public by the lawful custodian of the records:

16 (1) Personal information in records regarding a student, prospective
17 student, or former student of any educational institution or exempt
18 school that has effectuated an election not to meet state approval or
19 accreditation requirements pursuant to section 79-1601 when such records
20 are maintained by and in the possession of a public entity, other than
21 routine directory information specified and made public consistent with
22 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
23 regulations adopted thereunder;

24 (2) Medical records, other than records of births and deaths and
25 except as provided in subdivisions (5) and (27) of this section, in any
26 form concerning any person; records of elections filed under section
27 44-2821; and patient safety work product under the Patient Safety
28 Improvement Act;

29 (3) Trade secrets, academic and scientific research work which is in
30 progress and unpublished, and other proprietary or commercial information
31 which if released would give advantage to business competitors and serve

1 no public purpose;

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

6 (5) Records developed or received by law enforcement agencies and
7 other public bodies charged with duties of investigation or examination
8 of persons, institutions, or businesses, when the records constitute a
9 part of the examination, investigation, intelligence information,
10 complaints or inquiries from residents of this state or other interested
11 persons, informant identification, or strategic or tactical information
12 used in law enforcement training, except that this subdivision shall not
13 apply to records so developed or received:

14 (a) Relating to the presence of and amount or concentration of
15 alcohol or drugs in any body fluid of any person; or

16 (b) Relating to the cause of or circumstances surrounding the death
17 of an employee arising from or related to his or her employment if, after
18 an investigation is concluded, a family member of the deceased employee
19 makes a request for access to or copies of such records. This subdivision
20 does not require access to or copies of informant identification, the
21 names or identifying information of members of the public making
22 complaints or inquiries, other information which would compromise an
23 ongoing criminal investigation, or information which may be withheld from
24 the public under another provision of law. For purposes of this
25 subdivision, family member means a spouse, child, parent, sibling,
26 grandchild, or grandparent by blood, marriage, or adoption;

27 (6) The identity and personal identifying information of an alleged
28 victim of sexual assault or sex trafficking as provided in section
29 29-4316;

30 (7) Appraisals or appraisal information and negotiation records
31 concerning the purchase or sale, by a public body, of any interest in

1 real or personal property, prior to completion of the purchase or sale;

2 (8) Personal information in records regarding personnel of public
3 bodies other than salaries and routine directory information;

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

15 (10) Information that relates details of physical and cyber assets
16 of critical energy infrastructure or critical electric infrastructure,
17 including (a) specific engineering, vulnerability, or detailed design
18 information about proposed or existing critical energy infrastructure or
19 critical electric infrastructure that (i) relates details about the
20 production, generation, transportation, transmission, or distribution of
21 energy, (ii) could be useful to a person in planning an attack on such
22 critical infrastructure, and (iii) does not simply give the general
23 location of the critical infrastructure and (b) the identity of personnel
24 whose primary job function makes such personnel responsible for (i)
25 providing or granting individuals access to physical or cyber assets or
26 (ii) operating and maintaining physical or cyber assets, if a reasonable
27 person, knowledgeable of the electric utility or energy industry, would
28 conclude that the public disclosure of such identity could create a
29 substantial likelihood of risk to such physical or cyber assets.
30 Subdivision (10)(b) of this section shall not apply to the identity of a
31 chief executive officer, general manager, vice president, or board member

1 of a public entity that manages critical energy infrastructure or
2 critical electric infrastructure. The lawful custodian of the records
3 must provide a detailed job description for any personnel whose identity
4 is withheld pursuant to subdivision (10)(b) of this section. For purposes
5 of subdivision (10) of this section, critical energy infrastructure and
6 critical electric infrastructure mean existing and proposed systems and
7 assets, including a system or asset of the bulk-power system, whether
8 physical or virtual, the incapacity or destruction of which would
9 negatively affect security, economic security, public health or safety,
10 or any combination of such matters;

11 (11) The security standards, procedures, policies, plans,
12 specifications, diagrams, access lists, and other security-related
13 records of the Lottery Division of the Department of Revenue and those
14 persons or entities with which the division has entered into contractual
15 relationships. Nothing in this subdivision shall allow the division to
16 withhold from the public any information relating to:

17 (a) Amounts paid persons or entities with which the division has
18 entered into contractual relationships;

19 (b) Amounts of prizes paid; or

20 (c) The name of any prize winner awarded a prize of less than two
21 hundred fifty thousand dollars, and the city, village, or county where
22 the prize winner resides;

23 (12) With respect to public utilities and except as provided in
24 sections 43-512.06 and 70-101, personally identified private customer
25 account payment and customer use information, credit information on
26 others supplied in confidence, and customer lists;

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

30 (14) Correspondence, memoranda, and records of telephone calls
31 related to the performance of duties by a member of the Legislature in

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

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

19 (16) Records or portions of records kept by public bodies which
20 maintain collections of archaeological, historical, or paleontological
21 significance which reveal the names and addresses of donors of such
22 articles of archaeological, historical, or paleontological significance
23 unless the donor approves disclosure, except as the records or portions
24 thereof may be needed to carry out the purposes of the Unmarked Human
25 Burial Sites and Skeletal Remains Protection Act or the federal Native
26 American Graves Protection and Repatriation Act;

27 (17) Library, archive, and museum materials acquired from
28 nongovernmental entities and preserved solely for reference, research, or
29 exhibition purposes, for the duration specified in subdivision (17)(b) of
30 this section, if:

31 (a) Such materials are received by the public custodian as a gift,

1 purchase, bequest, or transfer; and

2 (b) The donor, seller, testator, or transferor conditions such gift,
3 purchase, bequest, or transfer on the materials being kept confidential
4 for a specified period of time;

5 (18) 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 (19)(a) Records obtained by the Public Employees Retirement Board
19 pursuant to section 84-1512 and (b) records maintained by the board of
20 education of a Class V school district and obtained by the board of
21 trustees or the Public Employees Retirement Board for the administration
22 of a retirement system provided for under the Class V School Employees
23 Retirement Act pursuant to section 79-989;

24 (20) Social security numbers; credit card, charge card, or debit
25 card numbers and expiration dates; and financial account numbers supplied
26 to state and local governments;

27 (21) Information exchanged between a jurisdictional utility and city
28 pursuant to section 66-1867;

29 (22) Draft records obtained by the Nebraska Retirement Systems
30 Committee of the Legislature and the Governor from Nebraska Public
31 Employees Retirement Systems pursuant to subsection (4) of section

1 84-1503;

2 (23) All prescription drug information submitted pursuant to section
3 71-2454, all data contained in the prescription drug monitoring system,
4 and any report obtained from data contained in the prescription drug
5 monitoring system;

6 (24) Information obtained by any government entity, whether federal,
7 state, county, or local, regarding firearm registration, possession,
8 sale, or use that is obtained for purposes of an application permitted or
9 required by law or contained in a permit or license issued by such
10 entity. Such information shall be available upon request to any federal,
11 state, county, or local law enforcement agency;

12 (25) The security standards, procedures, policies, plans,
13 specifications, diagrams, and access lists and other security-related
14 records of the State Racing and Gaming Commission, those persons or
15 entities with which the commission has entered into contractual
16 relationships, and the names of any individuals placed on the list of
17 self-excluded persons with the commission as provided in section 9-1118.
18 Nothing in this subdivision shall allow the commission to withhold from
19 the public any information relating to the amount paid any person or
20 entity with which the commission has entered into a contractual
21 relationship, the amount of any prize paid, the name of the prize winner,
22 and the city, village, or county where the prize winner resides;

23 (26) Records relating to the nature, location, or function of
24 cybersecurity by the State of Nebraska or any of its political
25 subdivisions or any other public entity subject to sections 84-712 to
26 84-712.09, including, but not limited to, devices, programs, or systems
27 designed to protect computer, information technology, or communications
28 systems against terrorist or other attacks. The Nebraska Information
29 Technology Commission shall adopt and promulgate rules and regulations to
30 implement this subdivision;

31 (27) Vital event records, unless all information designated as

1 confidential under the Vital Statistics Act or all personally
2 identifiable information is redacted by the Department of Health and
3 Human Services;

4 (28) Information or records from historical indexes within one
5 hundred years after the event date of the information or record; ~~and~~

6 (29) The certificate number for any vital event certificate; and -

7 (30) A notification or summary of assessment submitted under section
8 5 of this act or a disclosure made pursuant to section 7 of this act.

9 **Sec. 12.** This act becomes operative on January 1, 2027.

10 **Sec. 13.** If any section in this act or any part of any section is
11 declared invalid or unconstitutional, the declaration shall not affect
12 the validity or constitutionality of the remaining portions.

13 **Sec. 14.** Original section 84-712.05, Reissue Revised Statutes of
14 Nebraska, is repealed.