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SENATOR CHAMBERS: I agree with everything that you're putting into your amendment, and I don't want to beat a dead horse, but I still have to pursue it a bit further. Does DEQ have a general statement in the law that makes all documents filed with them a matter of public record, or are there documents listed?

SENATOR PREISTER: I don't believe that there are specific documents that are listed. There could be some things that may not be public, but I think under the federal Freedom of Information Act that these documents that are filed with NDEQ are pretty much all public documents and all available, although I can't cite exactly in statute where we spell that out right now.

SENATOR CHAMBERS: And, Senator Preister, I'm not certain that a person can invoke the federal disclosure act that relates to public documents to have state-held documents revealed to the public. I think the state's law with reference to those documents would obtain in the state.

SENATOR PREISTER: Yes, Senator Chambers, I...

SENATOR CHAMBERS: Okay.

SENATOR PREISTER: ...I believe we do have our own state open records laws and those should apply as well. You're correct.

SENATOR CHAMBERS: So if there are documents which are not subject to what would be freedom of information, those would be listed specifically? Is that what DEQ said? Rather than list the documents that are open to the public, DEQ says that in the statute there's a listing of the documents that are not, or they didn't say either approach is taken?

SENATOR PREISTER: I believe that either...neither approach or either approach, as you're saying it, is taken; that they didn't want it implied that they had secret documents, I think was how I read it; that these are open documents and their other records are also open documents. But if we stated here that these were public then it would somehow imply that their others were not.