

AMENDMENTS TO LB1096

(Amendments to Standing Committee amendments, AM2726)

Introduced by Bostar, 29.

1           1. Strike sections 7 and 12 and insert the following new sections:

2           **Sec. 7.** Section 4, Legislative Bill 904, One Hundred Ninth  
3 Legislature, Second Session, 2026, is amended to read:

4           Sec. 4. (1) Every person employed, retained, or authorized as a  
5 consultant for a Chinese military company shall, before commencing any  
6 influencing activity in Nebraska for such Chinese military company:

7           (a) File with the commission, on a form prescribed by the  
8 commission, information that shall include at a minimum, the following:

9           (i) The name, permanent residence address, and office address of the  
10 consultant;

11           (ii) The name and address of the Chinese military company  
12 represented by such consultant;

13           (iii) A description of the business activity of the consultant;

14           (iv) An identification of the matters on which the consultant  
15 expects to conduct influencing activity on behalf of such Chinese  
16 military company;

17           (v) An affirmative acknowledgment by the consultant that such  
18 consultant is influencing on behalf of, and thereby acting as an agent  
19 of, a foreign adversary of the United States; and

20           (vi) The name and address of any official in the legislative or  
21 executive branch, and of any members of any such official's staff or  
22 immediate family, who are employed by the consultant or any person acting  
23 on behalf of such consultant if such information is known or reasonably  
24 should have been known to the consultant; and

25           (b) Disclose that such Chinese military company is a foreign  
26 adversary of the United States.

1 (2) Any person who violates this section shall be subject to a civil  
2 penalty of one hundred thousand dollars for each violation. For any  
3 subsequent violation, the civil penalty shall be increased by one hundred  
4 thousand dollars more than the previously assessed penalty, not to exceed  
5 one million dollars per violation. All penalties collected under this  
6 section shall be remitted to the State Treasurer for distribution in  
7 accordance with Article VII, section 5, of the Constitution of Nebraska.

8 (3) For purposes of this section:

9 (a) Chinese military company has the same meaning as in section  
10 1260H of Public Law 116-283, as such section existed on April 1, 2025,  
11 and includes any subsidiary of a Chinese military company or any company  
12 owned or controlled, in whole or in part, by a Chinese military company;  
13 ~~and~~

14 (b) Consultant means any person who engages in informing or advising  
15 any other person regarding the policies of the State of Nebraska or the  
16 political or public interest, policies, or relations of a foreign country  
17 or of a foreign political party; and

18 (c) ~~(b)~~ Influencing activity includes, but is not limited to,  
19 influencing by means of telephone, electronic mail, United States mail or  
20 other mail delivery service, or in-person meetings.

21 **Sec. 12.** Section 84-712.05, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 84-712.05 The following records, unless publicly disclosed in an  
24 open court, open administrative proceeding, or open meeting or disclosed  
25 by a public entity pursuant to its duties, may be withheld from the  
26 public by the lawful custodian of the records:

27 (1) Personal information in records regarding a student, prospective  
28 student, or former student of any educational institution or exempt  
29 school that has effectuated an election not to meet state approval or  
30 accreditation requirements pursuant to section 79-1601 when such records  
31 are maintained by and in the possession of a public entity, other than

1 routine directory information specified and made public consistent with  
2 20 U.S.C. 1232g, as such section existed on February 1, 2013, and  
3 regulations adopted thereunder;

4 (2) Medical records, other than records of births and deaths and  
5 except as provided in subdivisions (5) and (27) of this section, in any  
6 form concerning any person; records of elections filed under section  
7 44-2821; and patient safety work product under the Patient Safety  
8 Improvement Act;

9 (3) Trade secrets, academic and scientific research work which is in  
10 progress and unpublished, and other proprietary or commercial information  
11 which if released would give advantage to business competitors and serve  
12 no public purpose;

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

17 (5) Records developed or received by law enforcement agencies and  
18 other public bodies charged with duties of investigation or examination  
19 of persons, institutions, or businesses, when the records constitute a  
20 part of the examination, investigation, intelligence information,  
21 complaints or inquiries from residents of this state or other interested  
22 persons, informant identification, or strategic or tactical information  
23 used in law enforcement training, except that this subdivision shall not  
24 apply to records so developed or received:

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

27 (b) Relating to the cause of or circumstances surrounding the death  
28 of an employee arising from or related to his or her employment if, after  
29 an investigation is concluded, a family member of the deceased employee  
30 makes a request for access to or copies of such records. This subdivision  
31 does not require access to or copies of informant identification, the

1 names or identifying information of members of the public making  
2 complaints or inquiries, other information which would compromise an  
3 ongoing criminal investigation, or information which may be withheld from  
4 the public under another provision of law. For purposes of this  
5 subdivision, family member means a spouse, child, parent, sibling,  
6 grandchild, or grandparent by blood, marriage, or adoption;

7 (6) The identity and personal identifying information of an alleged  
8 victim of sexual assault or sex trafficking as provided in section  
9 29-4316;

10 (7) Appraisals or appraisal information and negotiation records  
11 concerning the purchase or sale, by a public body, of any interest in  
12 real or personal property, prior to completion of the purchase or sale;

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

15 (9) Information solely pertaining to protection of the security of  
16 public property and persons on or within public property, such as  
17 specific, unique vulnerability assessments or specific, unique response  
18 plans, either of which is intended to prevent or mitigate criminal acts  
19 the public disclosure of which would create a substantial likelihood of  
20 endangering public safety or property; computer or communications network  
21 schema, passwords, and user identification names; guard schedules; lock  
22 combinations; or public utility infrastructure specifications or design  
23 drawings the public disclosure of which would create a substantial  
24 likelihood of endangering public safety or property, unless otherwise  
25 provided by state or federal law;

26 (10)(a) Except as otherwise provided in this subdivision (10),  
27 information ~~(10) Information~~ that relates details of physical and cyber  
28 assets of critical energy infrastructure, critical water infrastructure,  
29 critical telecommunications and broadband infrastructure, or critical  
30 electric infrastructure, including (i) ~~(a)~~ specific engineering,  
31 vulnerability, or detailed design information about proposed or existing

1 critical energy infrastructure, critical water infrastructure, critical  
2 telecommunications and broadband infrastructure, or critical electric  
3 infrastructure that (A) ~~(i)~~ relates details about the production,  
4 generation, transportation, transmission, or distribution of energy,  
5 electronic data, or water, (B) ~~(ii)~~ could be useful to a person in  
6 planning an attack on such critical infrastructure, and (C) ~~(iii)~~ does  
7 not simply give the general location of the critical infrastructure and  
8 ~~(ii)~~ ~~(b)~~ the identity of personnel whose primary job function makes such  
9 personnel responsible for (A) ~~(i)~~ providing or granting individuals  
10 access to physical or cyber assets or (B) ~~(ii)~~ operating and maintaining  
11 physical or cyber assets, if a reasonable person, knowledgeable of the  
12 electric, water, telecommunications and broadband, utility or energy  
13 industry, would conclude that the public disclosure of such identity  
14 could create a substantial likelihood of risk to such physical or cyber  
15 assets.

16 (b) Subdivision ~~(10)(a)(ii)~~ ~~(10)(b)~~ of this section shall not apply  
17 to the identity of a chief executive officer, general manager, vice  
18 president, or board member of a public entity that manages critical  
19 energy infrastructure, critical water infrastructure, critical  
20 telecommunications and broadband infrastructure, or critical electric  
21 infrastructure. The lawful custodian of the records must provide a  
22 detailed job description for any personnel whose identity is withheld  
23 pursuant to subdivision ~~(10)(a)(ii)~~ ~~(10)(b)~~ of this section.

24 (c) This subdivision (10) does not apply to the following  
25 information regarding critical water infrastructure:

26 (i) Information relating to water quality, including consumer  
27 confidence reports and sampling results, public notices of violations,  
28 and compliance monitoring data;

29 (ii) Information relating to general descriptions of facilities,  
30 projects, budgets, or maintenance activities that does not reveal  
31 specific vulnerabilities; or

1        (iii) Information relating to water usage, water consumption, or  
2 water emissions.

3        (d) For purposes of this subdivision (10) of this section, critical  
4 energy infrastructure, critical water infrastructure, critical  
5 telecommunications and broadband infrastructure, and critical electric  
6 infrastructure mean existing and proposed systems and assets, including a  
7 system or asset of the bulk-power system, whether physical or virtual,  
8 the incapacity or destruction of which would negatively affect security,  
9 economic security, public health or safety, operation of the 911 service  
10 system as defined in section 86-1048, 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.

7 2. On page 26, line 6, strike "shall" and insert "may".

8 3. Correct the repealer accordingly.