

March 30, 1983

LB 565

SPEAKER NICHOL: LB 539 is advanced. LB 565.

CLERK: Mr. President, 565 was a bill introduced by the Executive Board and signed by its members. (Read title.) The bill was read on January 19, referred to the Government Committee for hearing, advanced to General File. I have no committee amendments to the bill, Mr. President.

SPEAKER NICHOL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, this is a very simple bill that probably is controversial. So let me just deal with it openly and honestly. The State of Nebraska has an act which I am going to call the "Freedom of Information Act", and we passed this act a number of years ago to make governmental records available to private citizens. So if a private citizen wants to have a governmental record, they may simply, they may simply request the governmental agency to provide them the record and the governmental agency under our Freedom of Information Act must provide them the record. Now our Freedom of Information Act contains a few exceptions. Last October our Clerk and our Chairman of the Executive Board were requested, were requested to provide two different individuals with our telephone records, that is the records of us as individual state senators. We requested an opinion from the Attorney General asking the Attorney General whether those records were covered under the Freedom of Information Act, and the Attorney General wrote back that they were so covered under the Freedom of Information Act and had to be made available to the requester. However, the Attorney General noted that there is an exception in the Freedom of Information Act for investigative records, thus we could go through our individual telephone records and ascertain which of those pertain to investigations. To the extent that we did that, we would not have to disclose those particular records. You have on your desk the Attorney General's Opinion on that issue. In the meantime, or sometime thereafter, I made a request of the Attorney General dealing with our personal correspondence and the question was this, is the correspondence that we receive as state senators and the correspondence that we send out as state senators covered by the Freedom of Information Act? And the Attorney General has provided me an opinion which you also find on your desk saying that it is. It is covered by the Freedom of Information Act. Meaning this, if any member of the public makes a demand upon me, Vard Johnson, State Senator, for all correspondence that I have sent and have received regarding LB 283, then under the Freedom of Information Act I am obligated to disclose that correspondence. What LB 565 does