

AMENDMENTS TO LB 868

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 "Sec. 2. Section 84-712.05, Revised Statutes Supplement,
3 2002, as amended by section 1, Legislative Bill 236, Ninety-eighth
4 Legislature, Second Session, 2004, is amended to read:

5 84-712.05. The following records, unless publicly
6 disclosed in an open court, open administrative proceeding, or open
7 meeting or disclosed by a public entity pursuant to its duties, may
8 be withheld from the public by the lawful custodian of the records:

9 (1) Personal information in records regarding a student,
10 prospective student, or former student of any ~~tax-supported~~
11 educational institution maintaining the records or exempt school
12 that has effectuated an election not to meet state approval or
13 accreditation requirements pursuant to section 79-1601 when such
14 records are maintained by and in the possession of a public entity,
15 other than routine directory information specified and made public
16 consistent with 20 U.S.C. 1232g, as such section existed on January
17 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, and also records of elections
21 filed under section 44-2821;

22 (3) Trade secrets, academic and scientific research work
23 which is in progress and unpublished, and other proprietary or

1 commercial information which if released would give advantage to
2 business competitors and serve no public purpose;

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

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

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

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

25 (8) Information solely pertaining to protection of the
26 security of public property and persons on or within public
27 property, such as specific, unique vulnerability assessments or

1 specific, unique response plans, either of which is intended to
2 prevent or mitigate criminal acts the public disclosure of which
3 would create a substantial likelihood of endangering public safety
4 or property; computer or communications network schema, passwords,
5 and user identification names; guard schedules; or lock
6 combinations;

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

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

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

25 (12) Correspondence, memoranda, and records of telephone
26 calls related to the performance of duties by a member of the
27 Legislature in whatever form. The lawful custodian of the

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

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

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

1 Protection and Repatriation Act;

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

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

13 2. On page 1, line 2, after "Nebraska" insert ", and
14 section 84-712.05, Revised Statutes Supplement, 2002, as amended by
15 section 1, Legislative Bill 236, Ninety-eighth Legislature, Second
16 Session, 2004"; in line 3 after the semicolon insert "to change
17 provisions relating to confidentiality of student records as
18 prescribed;"; and in line 4 strike "section" and insert "sections".

19 3. On page 4, line 21, strike "is" and insert "and
20 section 84-712.05, Revised Statutes Supplement, 2002, as amended by
21 section 1, Legislative Bill 236, Ninety-eighth Legislature, Second
22 Session, 2004, are".

23 4. Renumber the remaining sections accordingly.