

May 11, 1979

LB 162, 86

advanced. The next bill, LB 86, Mr. Clerk, will you bring us up-to-date?

CLERK: Mr. President, LB 86, the E & R amendments were adopted by the body on May 4 of this year. Senator Murphy had amendments which were adopted at that time. Senator Murphy now has an amendment on page 1728 but I understand he wishes to withdraw that amendment. Is that correct, Senator? Okay, and Senator Murphy now moves to amend and his amendments are on page 1908.

SENATOR MURPHY: Ladies and gentlemen, you will find the basic bill containing the initial amendments that were adopted and the committee amendments on page 1827. The amendments to be added are on page 1908. This is the public records bill, a statute we have had on the books for a long time since the public has a right to know what public records are, that they shall be available to them, and that if they are public records relating to financial matters of the subdivisions of government in this state, that the law is to be translated liberally to give them very positive access to that. When the law was passed, they did not define what a public record is and this bill is kind of a reverse definition of a public record in that it said all records that have been or are public records shall remain public records except, and the exceptions that are included on page 1908, section 1, it deals with the substance, it would delineate down to page 4 of that particular page. It strikes lines 3 to 9 inasmuch as they repeat exactly the wording that is in section 7. So we are simply eliminating duplication. On that same page 4 of that first amendment, line 25, it strikes "public records may be withheld unless disclosed at a public meeting by a court or the like", but it delineates, tries to speak to the difference between a public, an actual public record. Amendment #2 which is on line 9 of what would be page 5 of the bill inserts the word "academic and scientific trade secrets" in order to identify those things that the University might be working on, those research and studies that might be going forward that truly are not in the interest of the public to have them disclosed. On line 20 after "1943" "preliminary personal opinions of an attorney" are exempt as a public record. It establishes that there can exist between an attorney and a public body a client-attorney relationship that is not necessarily a public record until such time as some pronouncement is made to that extent. Amendment #3 deals with page 6 on line 3 and it further clarifies the fact that an appraisal record must be relating to a sale of public property as opposed to saying that an appraisal record under