

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 876

Introduced by Briese, 41.

Read first time January 07, 2022

Committee: General Affairs

1 A BILL FOR AN ACT relating to gaming; to amend section 2-1205, Reissue
2 Revised Statutes of Nebraska, and sections 9-1101, 9-1104, 9-1106,
3 9-1107, 9-1110, 9-1111, 9-1112, 9-1113, 9-1114, 9-1115, 9-1116,
4 9-1205, 9-1206, 9-1207, and 84-712.05, Revised Statutes Supplement,
5 2021; to change provisions relating to licenses issued by the State
6 Racing and Gaming Commission; to change provisions relating to the
7 Nebraska Racetrack Gaming Act; to rename a fund; to change
8 penalties; to change provisions relating to a gaming tax; to change
9 provisions relating to documents which may be withheld from the
10 public; to harmonize provisions; and to repeal the original
11 sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1205, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-1205 (1) If the commission is satisfied that its rules and
4 regulations and all provisions of sections 2-1201 to 2-1218 have been and
5 will be complied with, it may issue a license for a period of not more
6 than five years ~~one year~~. The license shall set forth the name of the
7 licensee, the place where the races or race meetings are to be held, and
8 the time and number of days during which racing may be conducted by such
9 licensee. Any such license issued shall not be transferable or
10 assignable. The commission shall have the power to revoke any license
11 issued at any time for good cause upon reasonable notice and hearing. No
12 license shall be granted to any corporation or association except upon
13 the express condition that it shall not, by any lease, contract,
14 understanding, or arrangement of whatever kind or nature, grant, assign,
15 or turn over to any person, corporation, or association the operation or
16 management of any racing or race meeting licensed under such sections or
17 of the parimutuel system of wagering described in section 2-1207 or in
18 any manner permit any person, corporation, or association other than the
19 licensee to have any share, percentage, or proportion of the money
20 received for admissions to the racing or race meeting or from the
21 operation of the parimutuel system; and any violation of such conditions
22 shall authorize and require the commission immediately to revoke such
23 license.

24 (2)(a) Beginning January 1, 2026, any racetrack for which a licensee
25 is issued a license to conduct a race or race meeting under sections
26 2-1201 to 2-1218 or a racetrack enclosure that has an authorized gaming
27 operator as defined in section 9-1103, in existence and operational as of
28 the effective date of this act, shall hold a minimum of five live racing
29 meet days annually.

30 (b) Any racetrack for which a licensee is issued a license to
31 conduct a race or race meeting under sections 2-1201 to 2-1218 or a

1 racetrack enclosure that has an authorized gaming operator as defined in
2 section 9-1103, that is in existence and operational after the effective
3 date of this act, shall hold at least one live race meet annually for the
4 first three years of operation. After the first three years of operation,
5 a racetrack issued a license under sections 2-1201 to 2-1218 shall hold a
6 minimum of five live racing meet days annually.

7 (c) A racetrack that fails to meet the minimum requirements under
8 this subsection is subject to discipline by the commission, including
9 revocation of the license issued under sections 2-1201 to 2-1218.

10 (3) Except as provided in subsection (4) of this section, at the
11 time of application and licensure, no racetrack issued a license to
12 conduct a race or race meeting under sections 2-1201 to 2-1218, shall be
13 located within a fifty-mile radius of another racetrack enclosure
14 operating games of chance under the Nebraska Racetrack Gaming Act.

15 (4) Racetracks issued a license to conduct a race or race meeting
16 under sections 2-1201 to 2-1218, in existence on November 1, 2020,
17 located in the counties of Lancaster, Adams, Hall, Douglas, Platte, and
18 Dakota, may be located within a fifty-mile radius of another racetrack
19 operating games of chance under the Nebraska Racetrack Gaming Act and may
20 move such racetrack location within such county.

21 Sec. 2. Section 9-1101, Revised Statutes Supplement, 2021, is
22 amended to read:

23 9-1101 Sections 9-1101 to 9-1116 and sections 5 and 6 of this act
24 shall be known and may be cited as the Nebraska Racetrack Gaming Act.

25 Sec. 3. Section 9-1104, Revised Statutes Supplement, 2021, is
26 amended to read:

27 9-1104 (1) The operation of games of chance at a licensed racetrack
28 enclosure may be conducted by an authorized gaming operator who holds an
29 authorized gaming operator license.

30 (2) No more than one authorized gaming operator license shall be
31 granted for each licensed racetrack enclosure within the state; provided

1 that, it shall not be a requirement that the person or entity applying
2 for or to be granted such authorized gaming operator license hold a
3 racing license or be the same person or entity who operates the licensed
4 racetrack enclosure at which such authorized gaming operator license
5 shall be granted.

6 (3) Gaming devices, limited gaming devices, and all other games of
7 chance may be operated by authorized gaming operators at a licensed
8 racetrack enclosure.

9 (4) No person younger than twenty-one years of age shall play or
10 participate in any way in any game of chance or use any gaming device or
11 limited gaming device at a licensed racetrack enclosure.

12 (5) No authorized gaming operator shall permit an individual younger
13 than twenty-one years of age to play or participate in any game of chance
14 or use any gaming device or limited gaming device conducted or operated
15 pursuant to the Nebraska Racetrack Gaming Act.

16 (6) If the licensed racetrack enclosure at which such authorized
17 gaming operator conducts games of chance does not hold the minimum number
18 of live rare meets required under section 2-1205, the authorized gaming
19 operator may be required to cease operating games of chance at such
20 licensed racetrack enclosure for a period of time as determined by the
21 commission.

22 Sec. 4. Section 9-1106, Revised Statutes Supplement, 2021, is
23 amended to read:

24 9-1106 The commission shall:

25 (1) License and regulate authorized gaming operators for the
26 operation of all games of chance authorized pursuant to the Nebraska
27 Racetrack Gaming Act, including adopting, promulgating, and enforcing
28 rules and regulations governing such authorized gaming operators
29 consistent with the act;

30 (2) Regulate the operation of games of chance in order to prevent
31 and eliminate corrupt practices and fraudulent behavior, and thereby

1 promote integrity, security, and honest administration in, and accurate
2 accounting of, the operation of games of chance which are subject to the
3 act;

4 (3) Establish criteria to license applicants for authorized gaming
5 operator licenses and all other types of gaming licenses for other
6 positions and functions incident to the operation of games of chance,
7 including adopting, promulgating, and enforcing rules, regulations, and
8 eligibility standards for such authorized gaming operator licenses,
9 gaming licenses, and positions and functions incident to the operation of
10 games of chance;

11 (4) Charge fees for applications for licenses and for the issuance
12 of authorized gaming operator licenses and all other types of gaming
13 licenses to successful applicants which shall be payable to the
14 commission;

15 (5) Charge fees to authorized gaming operators in an amount
16 necessary to offset the cost of oversight and regulatory services to be
17 provided which shall be payable to the commission;

18 (6) Impose a one-time authorized gaming operator license fee of five
19 ~~one~~ million dollars on each authorized gaming operator for each licensed
20 racetrack enclosure payable to the commission;

21 (7) Grant, deny, revoke, and suspend authorized gaming operator
22 licenses and all other types of gaming licenses based upon reasonable
23 criteria and procedures established by the commission to facilitate the
24 integrity, productivity, and lawful conduct of gaming within the state;

25 (8) Grant or deny for cause applications for authorized gaming
26 operator licenses of not less than five ~~twenty~~ years in duration with no
27 more than one such authorized gaming operator license granted for any
28 licensed racetrack enclosure within the state;

29 (9) Conduct background investigations of applicants for authorized
30 gaming operator licenses and all other types of gaming licenses;

31 (10) Adopt and promulgate rules and regulations for the standards of

1 manufacture of gaming equipment;

2 (11) Inspect the operation of any authorized gaming operator
3 conducting games of chance for the purpose of certifying the revenue
4 thereof and receiving complaints from the public;

5 (12) Issue subpoenas for the attendance of witnesses or the
6 production of any records, books, memoranda, documents, or other papers
7 or things at or prior to any hearing as is necessary to enable the
8 commission to effectively discharge its duties;

9 (13) Administer oaths or affirmations as necessary to carry out the
10 act;

11 (14) Have the authority to impose, subject to judicial review,
12 appropriate administrative fines and penalties of an amount not to exceed
13 three times the highest daily amount of gross receipts derived from
14 wagering on games of chance at such licensed racetrack enclosure gaming
15 facility during the previous twelve months ~~twenty-five thousand dollars~~
16 for each violation of the act or any rules and regulations adopted and
17 promulgated pursuant to the act;

18 (15) Collect and remit administrative fines collected under this
19 section to the State Treasurer for distribution in accordance with
20 Article VII, section 5, of the Constitution of Nebraska;

21 (16) Adopt and promulgate rules and regulations for any gaming taxes
22 assessed to authorized gaming operators;

23 (17) Collect and account for any gaming taxes assessed to authorized
24 gaming operators and remit such taxes to the State Treasurer or county
25 treasurer as required by Nebraska law;

26 (18) Promote treatment of gaming-related behavioral disorders;

27 (19) Establish procedures for the governance of the commission;

28 (20) Acquire necessary offices, facilities, counsel, and staff;

29 (21) Establish procedures for an applicant for a staff position to
30 disclose conflicts of interest as part of the application for employment;

31 (22) Establish a process to allow a person to be voluntarily

1 excluded from wagering in any game of chance under the act in accordance
2 with section 5 of this act;

3 (23) Remit all license and application fees collected under the
4 Nebraska Racetrack Gaming Act to the State Treasurer for credit to the
5 Racing and Gaming Commission's Racetrack Gaming Fund; and

6 (24) Do all things necessary and proper to carry out its powers and
7 duties under the Nebraska Racetrack Gaming Act, including the adoption
8 and promulgation of rules and regulations and such other actions as
9 permitted by the Administrative Procedure Act.

10 Sec. 5. (1) The commission shall establish a list of persons self-
11 excluded from licensed racetrack enclosures in Nebraska. A person may
12 request such person's name to be placed on the list of self-excluded
13 persons by filing an application with the commission on forms prescribed
14 by the commission, requesting to be self-excluded and agreeing to take
15 personal responsibility for not visiting licensed racetrack enclosures in
16 Nebraska. The application shall specify that by applying to be a self-
17 excluded person from licensed racetrack enclosures the applicant agrees
18 that during any period of voluntary exclusion the person is not eligible
19 to collect any winnings or recover any losses resulting from any gaming
20 activity at a licensed racetrack enclosure.

21 (2) The commission shall adopt rules and regulations for the self-
22 excluded persons list, including:

23 (a) Procedures for placement on the self-exclusion list;

24 (b) Duration of the terms for self-removal from the self-exclusion
25 list;

26 (c) Procedures for providing the list to licensed racetrack
27 enclosures; and

28 (d) Other such procedures the commission determines are necessary
29 for the effective and efficient administration of the self-exclusion
30 program.

31 (3) The commission may revoke, limit, condition, suspend, or fine an

1 authorized gaming operator or its licensed officers, employees, or
2 agents, if such licensee knowingly or recklessly fails to exclude or
3 eject from its premises any person placed on the list of self-excluded
4 persons list.

5 (4) Licensed gaming operators or their officers, agents, and
6 employees, shall not market directly to persons on any excluded persons
7 list. Authorized gaming operators shall deny access to complementary
8 check cashing privileges, club programs, and other similar benefits to
9 persons on the self-excluded persons list.

10 (5) The self-excluded persons list shall not be open to public
11 inspection. Nothing in this section, however, shall prohibit an
12 authorized gaming operator from disclosing the identity of persons on the
13 self-excluded persons list under this section to affiliated gaming
14 facility operators or other jurisdictions for the limited purpose of
15 assisting in the proper administration of responsible gaming programs in
16 Nebraska or as authorized by law in another jurisdiction.

17 (6) A person placed on the self-exclusion list is prohibited from
18 entering a licensed racetrack enclosure in Nebraska and is ineligible to
19 place a legal wager in Nebraska at such licensed racetrack enclosure.
20 Self-excluded persons shall not collect any winnings or recover losses
21 resulting from prohibited gaming activity and such winnings shall be
22 forfeited to the commission to be used for problem gambling treatment,
23 prevention, and education programs.

24 Sec. 6. (1) Any applicant for an authorized gaming operator license
25 shall include in their application to the commission the following:

26 (a) For racetracks operational after the effective date of this act,
27 proof that the proposed licensed racetrack enclosure for which the
28 applicant is seeking to operate games of chance is located a minimum of
29 fifty miles away from any other racetrack that contains a licensed
30 racetrack enclosure currently operating games of chance in accordance
31 with the Nebraska Racetrack Gaming Act;

1 (b) A market assessment that includes the feasibility and
2 sustainability of the proposed licensed racetrack enclosure for games of
3 chance in such proposed location as part of the current market in
4 Nebraska, including a study of the impact of such facility on both horse
5 racing and the operation of games of chance in the state;

6 (c) An analysis of the anticipated impact on infrastructure
7 including water, electricity and natural gas, roads, and public safety
8 including police and fire departments;

9 (d) Zoning and initial planning approval from the city nearest the
10 site of the proposed licensed racetrack enclosure;

11 (e) A full disclosure of the applicant's record as an existing
12 racetrack and game of chance operator, including multi-jurisdictional
13 experience;

14 (f) Evidence of how the proposed licensed racetrack enclosure will
15 improve and give back to the community in which the applicant is
16 proposing to build such facility in a meaningful and sustained way; and

17 (g) Any other information required by the commission.

18 (2) The commission may reject an application that does not meet the
19 requirements of this section.

20 Sec. 7. Section 9-1107, Revised Statutes Supplement, 2021, is
21 amended to read:

22 9-1107 The Racing and Gaming Commission's Racetrack Gaming Fund is
23 created. The fund shall consist of all license, ~~and~~ application, and
24 other fees collected under the Nebraska Racetrack Gaming Act. The fund
25 shall be used for administration of the Nebraska Racetrack Gaming Act.
26 Any money in the Racing and Gaming Commission's Racetrack Gaming Fund
27 available for investment shall be invested by the state investment
28 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
29 State Funds Investment Act.

30 Sec. 8. Section 9-1110, Revised Statutes Supplement, 2021, is
31 amended to read:

1 9-1110 (1) The commission may permit an authorized gaming operator
2 to conduct sports wagering. Any sports wager shall be placed in person or
3 at a wagering kiosk in the designated sports wagering area at the
4 licensed racetrack enclosure. A parimutuel wager conducted in accordance
5 with sections 2-1201 to 2-1218 may be placed in the designated sports
6 wagering area at the licensed racetrack enclosure.

7 (2) A floor plan identifying the designated sports wagering area,
8 including the location of any wagering kiosks, shall be filed with the
9 commission for review and approval. Modification to a previously approved
10 plan must be submitted for approval at least ten days prior to
11 implementation. The area shall not be accessible to persons under twenty-
12 one years of age and shall have a sign posted to restrict access.
13 Exceptions to this subsection must be approved in writing by the
14 commission.

15 (3) The authorized gaming operator shall submit controls for
16 approval by the commission, that include the following for operating the
17 designated sports wagering area:

18 (a) Specific procedures and technology partners to fulfill the
19 requirements set forth by the commission;

20 (b) Other specific controls as designated by the commission;

21 (c) A process to easily and prominently impose limitations or
22 notification for wagering parameters, including, but not limited to,
23 deposits and wagers; and

24 (d) An easy and obvious method for a player to make a complaint and
25 to enable the player to notify the commission if such complaint has not
26 been or cannot be addressed by the sports wagering operator.

27 (4) The commission shall develop policies and procedures to ensure a
28 prohibited participant is unable to place a sports wager or parimutuel
29 wager.

30 Sec. 9. Section 9-1111, Revised Statutes Supplement, 2021, is
31 amended to read:

1 9-1111 (1) Any person who knowingly cheats at any game of chance is
2 guilty of a Class IV felony ~~I misdemeanor~~.

3 (2) Any person who manipulates, with the intent to cheat, any
4 component of a gaming device in a manner contrary to the designed and
5 normal operational purpose of the component, including varying the pull
6 of the handle of a gaming machine, with knowledge that the manipulation
7 affects the outcome of the game or with knowledge of any event that
8 affects the outcome of the game, is guilty of a Class IV felony ~~I~~
9 ~~misdemeanor~~.

10 Sec. 10. Section 9-1112, Revised Statutes Supplement, 2021, is
11 amended to read:

12 9-1112 (1) Any person who, in playing any game of chance designed to
13 be played with or to receive or to be operated by tokens approved by the
14 commission or by lawful currency of the United States, knowingly uses
15 tokens other than those approved by the commission, uses currency that is
16 not lawful currency of the United States, or uses currency not of the
17 same denomination as the currency intended to be used in that game is
18 guilty of a Class IV felony ~~I misdemeanor~~.

19 (2) Any person who knowingly has in such person's possession within
20 a gaming facility any device intended to be used to violate the Nebraska
21 Racetrack Gaming Act is guilty of a Class IV felony ~~I misdemeanor~~.

22 (3) Any person, other than a duly authorized employee of an
23 authorized gaming operator acting in furtherance of such person's
24 employment within a gaming facility, who knowingly has in such person's
25 possession within a gaming facility any key or device known by such
26 person to have been designed for the purpose of and suitable for opening,
27 entering, or affecting the operation of any game, any dropbox, or any
28 electronic or mechanical device connected to the game or dropbox, is
29 guilty of a Class IV felony ~~I misdemeanor~~.

30 (4) Any person who knowingly and with intent to use any
31 paraphernalia for manufacturing slugs for cheating or has such

1 paraphernalia in such person's possession is guilty of a Class IV felony
2 ~~I misdemeanor~~. Possession of more than two items of the equipment,
3 products, or material described in subdivision (4)(a) or (b) of this
4 section permits a rebuttable presumption that the possessor intended to
5 use such paraphernalia for cheating. For purposes of this subsection,
6 paraphernalia for manufacturing slugs (a) means the equipment, products,
7 and materials that are intended for use or designed for use in
8 manufacturing, producing, fabricating, preparing, testing, analyzing,
9 packaging, storing, or concealing a counterfeit facsimile of tokens
10 approved by the commission or a lawful coin of the United States, the use
11 of which is unlawful pursuant to the Nebraska Racetrack Gaming Act, and
12 (b) includes: (i) Lead or lead alloy; (ii) molds, forms, or similar
13 equipment capable of producing a likeness of a gaming token or coin;
14 (iii) melting pots or other receptacles; (iv) torches; and (v) tongs,
15 trimming tools, or other similar equipment.

16 Sec. 11. Section 9-1113, Revised Statutes Supplement, 2021, is
17 amended to read:

18 9-1113 (1) A person who manufactures, sells, or distributes a device
19 that is intended by such person to be used to violate any provision of
20 the Nebraska Racetrack Gaming Act is guilty of a Class IV felony ~~I~~
21 ~~misdemeanor~~.

22 (2) A person who marks, alters, or otherwise modifies any gaming
23 device in a manner that (a) affects the result of a wager by determining
24 win or loss or (b) alters the normal criteria of random selection that
25 (i) affects the operation of a game of chance or (ii) determines the
26 outcome of a game of chance is guilty of a Class IV felony ~~I misdemeanor~~.

27 (3) A person who knowingly possesses any gaming device that has been
28 manufactured, sold, or distributed in violation of the Nebraska Racetrack
29 Gaming Act is guilty of a Class IV felony ~~I misdemeanor~~.

30 Sec. 12. Section 9-1114, Revised Statutes Supplement, 2021, is
31 amended to read:

1 9-1114 A person who, in an application, book, or record required to
2 be maintained or in a report required to be submitted by the Nebraska
3 Racetrack Gaming Act or a rule or regulation adopted and promulgated by
4 the commission, knowingly makes a statement or entry that is false or
5 misleading or fails to maintain or make an entry the person knows is
6 required to be maintained or made is guilty of a Class IV felony ~~I~~
7 ~~misdemeanor~~.

8 Sec. 13. Section 9-1115, Revised Statutes Supplement, 2021, is
9 amended to read:

10 9-1115 (1) A person who knowingly permits an individual whom the
11 person knows is younger than twenty-one years of age to participate in a
12 game of chance is guilty of a Class IV felony ~~I-misdemeanor~~.

13 (2) A person who participates in a game of chance when such person
14 is younger than twenty-one years of age at the time of participation is
15 guilty of a Class IV felony ~~I-misdemeanor~~.

16 Sec. 14. Section 9-1116, Revised Statutes Supplement, 2021, is
17 amended to read:

18 9-1116 A person who willfully violates, attempts to violate, or
19 conspires to violate any of the provisions of the Nebraska Racetrack
20 Gaming Act for which no other penalty is provided is guilty of a Class IV
21 felony ~~I-misdemeanor~~.

22 Sec. 15. Section 9-1205, Revised Statutes Supplement, 2021, is
23 amended to read:

24 9-1205 Every authorized gaming operator subject to taxation as set
25 forth in sections 9-1201 to 9-1209 shall pay such tax by the fifteenth of
26 each month to the gaming commission and make report thereof to the gaming
27 commission under such rules and regulations as may be prescribed by the
28 gaming commission.

29 Sec. 16. Section 9-1206, Revised Statutes Supplement, 2021, is
30 amended to read:

31 9-1206 If the tax provided for in sections 9-1201 to 9-1209 is not

1 paid within such time as provided in section 9-1205 or as may be
2 prescribed for payment thereof by rules and regulations prescribed by the
3 gaming commission, the same shall become delinquent and a penalty of ten
4 percent shall be added thereto, together with interest at the rate
5 specified in section 45-104.02, as such rate may from time to time be
6 adjusted, until paid.

7 Sec. 17. Section 9-1207, Revised Statutes Supplement, 2021, is
8 amended to read:

9 9-1207 Any authorized gaming operator that willfully fails,
10 neglects, or refuses to make any report required by sections 9-1201 to
11 9-1209, or by rules and regulations adopted and promulgated under
12 sections 9-1201 to 9-1209, or that knowingly makes any false statement in
13 any such report, is guilty of a Class IV felony ~~I misdemeanor~~.

14 Sec. 18. Section 84-712.05, Revised Statutes Supplement, 2021, is
15 amended to read:

16 84-712.05 The following records, unless publicly disclosed in an
17 open court, open administrative proceeding, or open meeting or disclosed
18 by a public entity pursuant to its duties, may be withheld from the
19 public by the lawful custodian of the records:

20 (1) Personal information in records regarding a student, prospective
21 student, or former student of any educational institution or exempt
22 school that has effectuated an election not to meet state approval or
23 accreditation requirements pursuant to section 79-1601 when such records
24 are maintained by and in the possession of a public entity, other than
25 routine directory information specified and made public consistent with
26 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
27 regulations adopted thereunder;

28 (2) Medical records, other than records of births and deaths and
29 except as provided in subdivision (5) of this section, in any form
30 concerning any person; records of elections filed under section 44-2821;
31 and patient safety work product under the Patient Safety Improvement Act;

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

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

9 (5) Records developed or received by law enforcement agencies and
10 other public bodies charged with duties of investigation or examination
11 of persons, institutions, or businesses, when the records constitute a
12 part of the examination, investigation, intelligence information, citizen
13 complaints or inquiries, informant identification, or strategic or
14 tactical information used in law enforcement training, except that this
15 subdivision shall not apply to records so developed or received:

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

18 (b) Relating to the cause of or circumstances surrounding the death
19 of an employee arising from or related to his or her employment if, after
20 an investigation is concluded, a family member of the deceased employee
21 makes a request for access to or copies of such records. This subdivision
22 does not require access to or copies of informant identification, the
23 names or identifying information of citizens making complaints or
24 inquiries, other information which would compromise an ongoing criminal
25 investigation, or information which may be withheld from the public under
26 another provision of law. For purposes of this subdivision, family member
27 means a spouse, child, parent, sibling, grandchild, or grandparent by
28 blood, marriage, or adoption;

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

1 (7) Personal information in records regarding personnel of public
2 bodies other than salaries and routine directory information;

3 (8) Information solely pertaining to protection of the security of
4 public property and persons on or within public property, such as
5 specific, unique vulnerability assessments or specific, unique response
6 plans, either of which is intended to prevent or mitigate criminal acts
7 the public disclosure of which would create a substantial likelihood of
8 endangering public safety or property; computer or communications network
9 schema, passwords, and user identification names; guard schedules; lock
10 combinations; or public utility infrastructure specifications or design
11 drawings the public disclosure of which would create a substantial
12 likelihood of endangering public safety or property, unless otherwise
13 provided by state or federal law;

14 (9) Information that relates details of physical and cyber assets of
15 critical energy infrastructure or critical electric infrastructure,
16 including (a) specific engineering, vulnerability, or detailed design
17 information about proposed or existing critical energy infrastructure or
18 critical electric infrastructure that (i) relates details about the
19 production, generation, transportation, transmission, or distribution of
20 energy, (ii) could be useful to a person in planning an attack on such
21 critical infrastructure, and (iii) does not simply give the general
22 location of the critical infrastructure and (b) the identity of personnel
23 whose primary job function makes such personnel responsible for (i)
24 providing or granting individuals access to physical or cyber assets or
25 (ii) operating and maintaining physical or cyber assets, if a reasonable
26 person, knowledgeable of the electric utility or energy industry, would
27 conclude that the public disclosure of such identity could create a
28 substantial likelihood of risk to such physical or cyber assets.
29 Subdivision (9)(b) of this section shall not apply to the identity of a
30 chief executive officer, general manager, vice president, or board member
31 of a public entity that manages critical energy infrastructure or

1 critical electric infrastructure. The lawful custodian of the records
2 must provide a detailed job description for any personnel whose identity
3 is withheld pursuant to subdivision (9)(b) of this section. For purposes
4 of subdivision (9) of this section, critical energy infrastructure and
5 critical electric infrastructure mean existing and proposed systems and
6 assets, including a system or asset of the bulk-power system, whether
7 physical or virtual, the incapacity or destruction of which would
8 negatively affect security, economic security, public health or safety,
9 or any combination of such matters;

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

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

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

26 (13) Correspondence, memoranda, and records of telephone calls
27 related to the performance of duties by a member of the Legislature in
28 whatever form. The lawful custodian of the correspondence, memoranda, and
29 records of telephone calls, upon approval of the Executive Board of the
30 Legislative Council, shall release the correspondence, memoranda, and
31 records of telephone calls which are not designated as sensitive or

1 confidential in nature to any person performing an audit of the
2 Legislature. A member's correspondence, memoranda, and records of
3 confidential telephone calls related to the performance of his or her
4 legislative duties shall only be released to any other person with the
5 explicit approval of the member;

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

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

23 (16) Library, archive, and museum materials acquired from
24 nongovernmental entities and preserved solely for reference, research, or
25 exhibition purposes, for the duration specified in subdivision (16)(b) of
26 this section, if:

27 (a) Such materials are received by the public custodian as a gift,
28 purchase, bequest, or transfer; and

29 (b) The donor, seller, testator, or transferor conditions such gift,
30 purchase, bequest, or transfer on the materials being kept confidential
31 for a specified period of time;

1 (17) Job application materials submitted by applicants, other than
2 finalists or a priority candidate for a position described in section
3 85-106.06 selected using the enhanced public scrutiny process in section
4 85-106.06, who have applied for employment by any public body as defined
5 in section 84-1409. For purposes of this subdivision, (a) job application
6 materials means employment applications, resumes, reference letters, and
7 school transcripts and (b) finalist means any applicant who is not an
8 applicant for a position described in section 85-106.06 and (i) who
9 reaches the final pool of applicants, numbering four or more, from which
10 the successful applicant is to be selected, (ii) who is an original
11 applicant when the final pool of applicants numbers less than four, or
12 (iii) who is an original applicant and there are four or fewer original
13 applicants;

14 (18)(a) Records obtained by the Public Employees Retirement Board
15 pursuant to section 84-1512 and (b) records maintained by the board of
16 education of a Class V school district and obtained by the board of
17 trustees or the Public Employees Retirement Board for the administration
18 of a retirement system provided for under the Class V School Employees
19 Retirement Act pursuant to section 79-989;

20 (19) Social security numbers; credit card, charge card, or debit
21 card numbers and expiration dates; and financial account numbers supplied
22 to state and local governments by citizens;

23 (20) Information exchanged between a jurisdictional utility and city
24 pursuant to section 66-1867;

25 (21) Draft records obtained by the Nebraska Retirement Systems
26 Committee of the Legislature and the Governor from Nebraska Public
27 Employees Retirement Systems pursuant to subsection (4) of section
28 84-1503;

29 (22) All prescription drug information submitted pursuant to section
30 71-2454, all data contained in the prescription drug monitoring system,
31 and any report obtained from data contained in the prescription drug

1 monitoring system;~~and~~

2 (23) Information obtained by any government entity, whether federal,
3 state, county, or local, regarding firearm registration, possession,
4 sale, or use that is obtained for purposes of an application permitted or
5 required by law or contained in a permit or license issued by such
6 entity. Such information shall be available upon request to any federal,
7 state, county, or local law enforcement agency; and -

8 (24) The security standards, procedures, policies, plans,
9 specifications, diagrams, access lists, and other security-related
10 records of the State Racing and Gaming Commission and those persons or
11 entities with which the gaming commission has entered into contractual
12 relationships and the names of any individuals placed on the self-
13 excluded persons list with the commission as provided in section 5 of
14 this act. Nothing in this subdivision shall allow the commission to
15 withhold from the public any information relating to amounts paid persons
16 or entities with which the commission has entered into contractual
17 relationships, amounts of prizes paid, the name of the prize winner, and
18 the city, village, or county where the prize winner resides.

19 Sec. 19. Original section 2-1205, Reissue Revised Statutes of
20 Nebraska, and sections 9-1101, 9-1104, 9-1106, 9-1107, 9-1110, 9-1111,
21 9-1112, 9-1113, 9-1114, 9-1115, 9-1116, 9-1205, 9-1206, 9-1207, and
22 84-712.05, Revised Statutes Supplement, 2021, are repealed.