

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 376

Introduced by Hansen, M., 26.

PURPOSE: The purpose of this resolution is to propose an interim study to determine whether reports of the resistance of public agencies to fulfill public record requests are representative of a broad statewide issue or represent isolated incidents. If these incidents are commonplace, the study should determine what reforms could be enacted to ensure that public record requests are being properly met and that Nebraskans have prompt, unfettered, and robust access to open government.

Sections 84-712 to 84-712.09 are intended to guarantee that the public has access to public records of government bodies at all levels of government. However, even though the purpose and scope of sections 84-712 to 84-712.09 are for broad disclosure and accessibility, some categories of records are exempt from disclosure. Section 84-712.05 provides twenty-three separate categories of records that may be withheld from the public so long as such records have not been publicly disclosed in open court, an open administrative proceeding, or an open meeting or disclosed by a public entity pursuant to its duty. There are additional statutory exceptions which provide that governmental records can be withheld from public inspection.

News media members, advocacy groups, and other members of the public have reported that public records requests are regularly and routinely resisted by governmental bodies. Such reports indicate that resistance takes the form of prolonged delays in responding to requests, demands of excessive prepayment amounts for the costs of retrieving such records, tenuous claims of exemptions allowing for the public agency to withhold records, or other justifications.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.