

## LEGISLATIVE BILL 525

Approved by the Governor March 28, 2005

Introduced by Engel, 17

AN ACT relating to public records; to amend section 84-1205.03, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic access to public records; to provide duties; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 84-1205.03, Reissue Revised Statutes of Nebraska, is amended to read:

84-1205.03. (1) Any state agency other than the courts or the Legislature desiring to enter into an agreement to or otherwise provide electronic access to public records through a gateway for a fee shall make a written request for approval to the board. The request shall include, ~~but not be limited to,~~ (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records which are the subject of the contract or proposed electronic access fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. The board shall take action on such request in accordance with section 84-1205.02 and after a public hearing within thirty days after receipt. The board may request a presentation or such other information as it deems necessary from the requesting state agency.

(2) A state agency other than the courts or the Legislature may charge a fee for electronic access to public records without the board's approval for a one-time sale in a unique format. The purchaser may object to the fee in writing to the board, and the one-time fee shall then be subject to approval by the board according to the procedures and guidelines established in sections 84-1205 to 84-1205.04.

(3) Courts or the Legislature providing electronic access to public records through a gateway for a fee shall make a written report. ~~The State Court Administrator shall file the report with the board. The report shall be filed with the State Records Board by the State Court Administrator for the courts and the chairperson of the Executive Board of the Legislative Council for the Legislature.~~ The report shall include, ~~but not be limited to,~~ (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records which are the subject of the contract or proposed electronic access fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. ~~The board~~ State Records Board may request a presentation or such other information as it deems necessary. ~~The courts and the Legislature shall take into consideration any recommendation made by the board~~ State Records Board with respect to such fees.

(4) Courts and the Legislature may charge a fee for electronic access to public records for a one-time sale in a unique format without providing a report to the board as required under subsection (3) of this section.

Sec. 2. Original section 84-1205.03, Reissue Revised Statutes of Nebraska, is repealed.