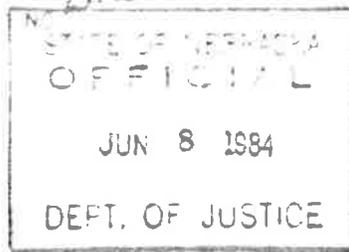


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2662 STATE CAPITOL LINCOLN NEBRASKA 68509



May 31, 1984

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Attorney General
PATRICK T. GREEN
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Deputy Attorney General

SUBJECT: Public Records: County Lotteries

REQUESTED BY: Donald L. Knowles, Douglas County
Attorney, Omaha, Nebraska

OPINION BY: Paul L. Douglas, Attorney General
Mel Kammerlohr, Assistant Attorney General

QUESTION: Are the records, including the names of
prize winners, maintained by the county
in connection with a lottery conducted
under the provisions of Neb.Rev.Stat.
§§28-1116 and 28-1116.01 (Supp. 1983)
public records subject to inspection
and copying by the general public?

CONCLUSION: Yes.

Neb.Rev.Stat. §84-712 (Reissue 1981) provides that except as otherwise expressly provided by statute, all citizens and other persons are fully empowered to examine and make abstracts of the public records as defined in §84-712.01.

Neb.Rev.Stat. §84-712.01 (Reissue 1981) provides in part:

Except where any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state,
(Emphasis added.)

The records in question are "of" and "belong" to the county and are necessary to show compliance with the lottery statutes mentioned above.

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Donald L. Knowles
May 22, 1984
Page -2-

We have found no express statute making lottery records confidential, as required by both §§84-711 and 84-712.01, before they may be removed from public inspection.

In addition, §84-712.03 (Supp. 1983) specifically lists records which may be withheld from the public by the custodian of the records. The lottery records are not mentioned therein. However, such records as personal information in records regarding students at tax-supported educational institutions and public utility records concerning clients' accounts and credit information are listed as exclusions; the foregoing examples indicate the Legislature did not intend that public records were only confined to governmental functions in the strictest sense, but also includes other authorized governmental activities.

In view of the strong expression of the intention of the Legislature in the foregoing statutes to make public all records belonging to the public agencies listed, except when expressly stated otherwise, it is our opinion that the public is entitled to access to lottery records of the county conducted under §§28-1116 and 28-1116.01.

In view of the foregoing, it is not necessary to determine whether these records relate to "public funds" in the strict sense of that term under the provisions of subsection (2) of §84-712.01, which gives a further admonition that these statutes relating to public inspection of records, when relating to public funds, shall be liberally construed in order that the citizens shall have full access to such information.

Very truly yours,

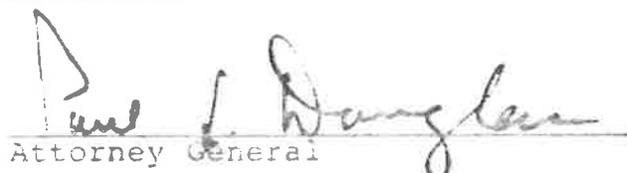
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APPROVED:



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