

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 919**

Introduced by Mello, 5.

Read first time January 15, 2014

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to state government; to create the Open Data
- 2                   Advisory Board; and to provide powers and duties.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Open Data Advisory Board is created.

2           The board shall comprise the following members:

3                   (a) The Director of Administrative Services or his or her  
4           designee;

5                   (b) The Chief Information Officer or his or her designee,  
6           who shall serve as chairperson of the board;

7                   (c) The Director of the Nebraska State Historical Society  
8           or his or her designee;

9                   (d) The State Records Administrator or his or her  
10          designee;

11                  (e) A representative of the Nebraska news media selected  
12          by the Governor;

13                  (f) A member of the public with expertise in information  
14          technology selected by the Governor; and

15                  (g) Three members of the Legislature selected by the  
16          Executive Board of the Legislative Council.

17                  (2) The board shall be housed in the office of the Chief  
18          Information Officer for administrative and budgetary purposes.

19                  Sec. 2. For purposes of sections 1 to 4 of this act:

20                          (1) Board means the Open Data Advisory Board;

21                          (2) Data set means a named collection of related records  
22          on an electronic storage device, with the collection containing  
23          individual data units organized or formatted in a specific and  
24          prescribed way, often in tabular form, and accessed by a specific  
25          access method that is based on the data set organization. Data set

1 does not include any data that is protected from disclosure under  
2 applicable federal or state law or by contract or data that is  
3 proprietary; and

4 (3) State open data web site means a single Internet web  
5 site containing public data sets and information or links to public  
6 data sets and information.

7 Sec. 3. The board shall:

8 (1) Study the establishment of a state open data web site  
9 and develop recommendations for its establishment;

10 (2) Develop recommendations about how to make public data  
11 sets and information more readily available to the public through the  
12 state open data web site;

13 (3) Report the recommendations and standards developed  
14 under this section to the Governor and the Executive Board of the  
15 Legislative Council by December 1, 2014; and

16 (4) Review the recommendations and standards annually and  
17 report on any recommended changes to the Governor and the executive  
18 board.

19 The reports submitted to the executive board shall be  
20 submitted electronically.

21 Sec. 4. In fulfilling its duties under section 3 of this  
22 act, the board shall use the provisions of sections 84-712 to  
23 84-712.09 as a starting point and be guided by principles that  
24 encourage:

25 (1) Setting the default position for public data sets and

1 information to open unless the data set or information contains  
2 information designated as sensitive, private, or confidential or that  
3 is exempt from disclosure pursuant to sections 84-712 to 84-713;

4 (2) Establishment of a standardized format of public data  
5 sets and information that makes the information more easily  
6 accessible by the public;

7 (3) Removal of restrictions and unnecessary barriers on  
8 the use and reuse of public data sets and information;

9 (4) Minimizing limitations on the disclosure of public  
10 data sets and information while appropriately safeguarding sensitive  
11 information;

12 (5) Balancing factors in favor of excluding public data  
13 sets and information from the state open data web site against the  
14 public interest in having the information accessible on the state  
15 open data web site;

16 (6) Permanent, lasting, open access to public data sets  
17 and information;

18 (7) Publication of bulk data, unique identifiers, and  
19 metadata for all public data sets and information;

20 (8) Implementation of well-designed public information  
21 systems that ensure data quality, create a public, comprehensive list  
22 or index of public data sets and information, and define a process  
23 for continuous publication of and updates to public data sets and  
24 information;

25 (9) Identification of public data sets and information

1 not currently made available online and the implementation of a  
2 process, including a timeline and benchmarks, for making such public  
3 data sets and information available online;

4 (10) Use of electronic filing systems in the collection  
5 of public data and information as a means to improve data quality and  
6 accuracy;

7 (11) Use of open source software when feasible;

8 (12) Creation of application programming interfaces by  
9 state agencies that allow third parties to automatically search,  
10 retrieve, or submit information directly from online databases; and

11 (13) Accountability on the part of those who create,  
12 maintain, manage, or store public data sets and information or post  
13 it to the state open data web site.