

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 297

Introduced by Sanders, 45; Conrad, 46.

Read first time January 11, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend
- 2 section 84-920, Revised Statutes Cumulative Supplement, 2022; to
- 3 adopt the Personal Privacy Protection Act; to harmonize provisions;
- 4 to provide an operative date; to provide severability; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-920, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
4 Act and the Personal Privacy Protection Act shall be known and may be
5 cited as the Administrative Procedure Act.

6 Sec. 2. Sections 2 to 4 of this act shall be known and may be cited
7 as the Personal Privacy Protection Act.

8 Sec. 3. For purposes of the Personal Privacy Protection Act:

9 (1) Person means any individual, partnership, limited liability
10 company, corporation, association, firm, or agent or employee of any such
11 individual or business entity;

12 (2) Personal information means any list, record, register, registry,
13 roll, roster, or other compilation of data that directly or indirectly
14 identifies a person as a member, supporter, or volunteer of, or donor of
15 financial or nonfinancial support to, any nonprofit organization holding
16 a certificate of exemption under section 501(c) of the Internal Revenue
17 Code; and

18 (3) Public agency means any state or local governmental unit,
19 including, but not limited to:

20 (a) The State of Nebraska;

21 (b) Any agency, department, division, office, commission, board,
22 bureau, committee, council, or other entity of the state;

23 (c) The University of Nebraska or any state college;

24 (d) Any political subdivision of the state, including, but not
25 limited to, any county, city, village, township, school district,
26 community college area, public power district, rural fire district, or
27 other local governmental unit, or agency, authority, council, board, or
28 commission thereof;

29 (e) Any state or local court, tribunal, or other judicial or quasi-
30 judicial body; or

31 (f) Any public corporation whose primary function is to act as an

1 instrumentality or agency of the state or of any other public agency.

2 Sec. 4. (1) Notwithstanding any provision of law to the contrary,
3 and except as otherwise provided in this section, each public agency is
4 prohibited from:

5 (a) Requiring any individual to provide personal information or
6 otherwise compelling the release of personal information;

7 (b) Requiring any nonprofit organization holding a certificate of
8 exemption under section 501(c) of the Internal Revenue Code to provide
9 such public agency with personal information or otherwise compelling the
10 release of personal information;

11 (c) Releasing, publicizing, or otherwise publicly disclosing
12 personal information in the possession of such public agency; or

13 (d) Requesting or requiring a current or prospective contractor or
14 grantee to provide such public agency with a list of nonprofit
15 organizations holding certificates of exemption under section 501(c) of
16 the Internal Revenue Code to which such contractor or grantee has
17 provided financial or nonfinancial support.

18 (2) Personal information is exempt from disclosure under public
19 records laws, including, but not limited to, sections 84-712 to 84-712.09
20 and section 84-1413.

21 (3) This section does not prohibit:

22 (a) Any report or disclosure required by the Nebraska Political
23 Accountability and Disclosure Act;

24 (b) Any report or disclosure by a public agency regarding testimony
25 received at a public hearing conducted by such public agency;

26 (c) Any lawful warrant, subpoena, or order issued by a court of
27 competent jurisdiction for the production of personal information;

28 (d) Any lawful request for discovery of personal information in
29 litigation if both of the following conditions are met:

30 (i) The requestor demonstrates a compelling need for such personal
31 information by clear and convincing evidence; and

1 (ii) The requestor obtains an order barring disclosure of such
2 personal information to any person not named in the litigation;

3 (e) Admission of personal information as relevant evidence before a
4 court of competent jurisdiction. However, no court shall publicly reveal
5 personal information absent a specific finding of good cause;

6 (f) Any report or disclosure required by state or federal law or
7 regulation for an employee of the University of Nebraska or any state
8 college. Except as otherwise required by law, no such report or
9 disclosure shall be subject to release under the state public records
10 laws;

11 (g) Any report or disclosure required by conflict of interest,
12 conflict of commitment, or outside income policies for an employee of the
13 University of Nebraska or any state college. Except as otherwise required
14 by law, no such report or disclosure shall be subject to release under
15 the state public records laws;

16 (h) Any document required or permitted to be filed with the
17 Secretary of State disclosing the identity of any director, officer,
18 incorporator, or registered agent of a nonprofit organization; or

19 (i) Any examination undertaken by the Auditor of Public Accounts
20 pursuant to state statute. Personal information obtained during the
21 course of such examination may not be disclosed except to a county
22 attorney or the Attorney General in connection with an investigation made
23 or action taken in the course of the official duties of a county attorney
24 or the Attorney General.

25 Sec. 5. This act becomes operative on January 1, 2024.

26 Sec. 6. If any section in this act or any part of any section is
27 declared invalid or unconstitutional, the declaration shall not affect
28 the validity or constitutionality of the remaining portions.

29 Sec. 7. Original section 84-920, Revised Statutes Cumulative
30 Supplement, 2022, is repealed.