

TWENTY-FIRST DAY - FEBRUARY 8, 2022

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 8, 2022

PRAYER

The prayer was offered by Senator Kolterman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Hughes.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Blood, Bostar, Bostelman, Day, B. Hansen, Lathrop, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 519. Placed on General File with amendment.

[AM1781](#)

1 1. On page 2, strike beginning with "for" in line 20 through the
2 comma in line 21 and insert "upon a showing by the petitioner"; and in
3 line 21 strike "could" and insert "would".

LEGISLATIVE BILL 543. Placed on General File with amendment.

[AM1800](#)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 6 of this act shall be known and may be
4 cited as the Agricultural Equipment Right-To-Repair Act.
5 Sec. 2. For purposes of the Agricultural Equipment Right-To-Repair

6 Act:

7 (1) Authorized repair provider means an individual or business who
8 is affiliated with an original equipment manufacturer and who has an
9 arrangement with the original equipment manufacturer, for a definite or
10 indefinite period, under which the original equipment manufacturer grants
11 to the individual or business a license to use a trade name, service
12 mark, or other proprietary identifier for the purposes of offering the
13 services of diagnosis, maintenance, or repair of electronics-enabled
14 agricultural equipment under the name of the original equipment
15 manufacturer, or other arrangement with the original equipment
16 manufacturer to offer such services on behalf of the original equipment
17 manufacturer. An original equipment manufacturer who offers the services
18 of diagnosis, maintenance, or repair of its own electronics-enabled
19 agricultural equipment, and who does not have an arrangement described in
20 this subsection with an affiliated individual or business, shall be
21 considered an authorized repair provider with respect to such equipment;

22 (2) Electronics-enabled agricultural equipment or equipment means
23 any product, part of a product, or attachment to a product, when sold or
24 leased for use in farming, ranching, or other agriculture, that depends
25 for its functioning, in whole or in part, on digital electronics embedded
26 in or attached to it. The term includes, but is not limited to, a
27 tractor, a trailer, a combine, a sprayer, a baler, or an implement used
1 for tillage, planting, irrigation, or cultivating. Electronics-enabled
2 agricultural equipment or equipment does not include motor vehicles and
3 does not include consumer electronic devices, including wireless
4 communication devices and computers;

5 (3) Documentation means any manual, diagram, reporting output,
6 service code description, schematic, product guide, product service
7 demonstration, training seminar, clinic, fleet management information,
8 connected support, mobile application, on-board diagnostic via
9 diagnostics port or wireless interface, or other guidance or information
10 on service, parts, operation, safety, electronic field diagnostic service
11 tools, or training for use in effecting the services of diagnosis,
12 maintenance, or repair of electronics-enabled agricultural equipment or
13 service that is required to bring the equipment back to full or upgraded
14 functionality;

15 (4) Embedded software means any programmable instructions provided
16 on firmware delivered with electronics-enabled agricultural equipment, or
17 with a part for such equipment, for purposes of equipment operation,
18 including all relevant updates, patches, and fixes made by the
19 manufacturer of such equipment or part for such purposes;

20 (5)(a) Fair and reasonable terms for obtaining a part, a tool,
21 documentation, or software means at fair and reasonable costs and terms
22 that do not impair the contracts and agreements between authorized repair
23 providers affiliated with the original equipment manufacturer. Fair and
24 reasonable terms shall prohibit an original equipment manufacturer and
25 its authorized repair providers from imposing additional costs or burdens
26 not reasonably necessary or designed to be an impediment on the
27 independent repair provider or equipment owner.

28 (b) For software tools, fair and reasonable terms also means without
29 requiring authorization or Internet access, or imposing impediments to
30 access or use, in the course of effecting the diagnosis, maintenance, or
31 repair and enabling full functionality of electronics-enabled
1 agricultural equipment, in a manner that impairs the efficient and cost-
2 effective performance of any of those activities unless authorization is
3 required to prevent access to source code or infringement of intellectual
4 property in software or hardware that is owned and licensed to the
5 original equipment manufacturer by a third party and subject to terms of
6 use;

7 (6) Firmware means a set of instructions programmed on electronics-

8 enabled agricultural equipment, or on a part for such equipment, to allow
9 the equipment or part to communicate within itself or with other computer
10 hardware;

11 (7) Independent repair provider means an individual or business
12 operating in this state, who does not have an arrangement described in
13 subdivision (1) of this section with an original equipment manufacturer,
14 and who is not affiliated with any individual or business who has such an
15 arrangement, and who is engaged in the services of diagnosis,
16 maintenance, or repair of electronics-enabled agricultural equipment,
17 except that an original equipment manufacturer or, with respect to that
18 original equipment manufacturer, an individual or business who has such
19 an arrangement with that original equipment manufacturer, or who is
20 affiliated with an individual or business who has such an arrangement
21 with that original equipment manufacturer, shall be considered an
22 independent repair provider for purposes of those instances in which it
23 engages in the services of diagnosis, maintenance, or repair of
24 electronics-enabled agricultural equipment that is not manufactured by or
25 sold under the name of that original equipment manufacturer;

26 (8) Motor vehicle means a vehicle that is designed for transporting
27 persons or property on a street or highway and is certified by the
28 manufacturer under all applicable federal safety and emissions standards
29 and requirements for distribution and sale in the United States;

30 (9) Original equipment manufacturer means a business engaged in the
31 business of selling, leasing, or otherwise supplying new electronics-
1 enabled agricultural equipment manufactured by or on behalf of itself, to
2 any individual or business;

3 (10) Owner means an individual or business that owns or leases
4 electronics-enabled agricultural equipment purchased or used in this
5 state;

6 (11) Part means any replacement part, either new or used, made
7 available by an original equipment manufacturer or other supplier for
8 purposes of effecting the services of maintenance or repair of
9 electronics-enabled agricultural equipment manufactured by or on behalf
10 of, sold, or otherwise supplied by the original equipment manufacturer;

11 (12) Repair means to maintain, diagnose, service, and restore
12 machinery that results in the machine being returned to its original or
13 upgraded specifications. Repair does not include performing any
14 activities that result in the machine being modified outside of the
15 original equipment manufacturer specifications. Specifically, repair does
16 not include the ability to:

17 (a) Reset security-related electronic modules;

18 (b) Reprogram any electronic processing units or engine control
19 units and parameters;

20 (c) Change any equipment or engine settings that negatively affect
21 emissions or safety compliance; and

22 (d) Download or access the source code of any proprietary embedded
23 software or code;

24 (13) Tools means any software program, software upgrade, hardware
25 implement, product service demonstrations, service training, seminars,
26 clinics, on-board diagnostics via diagnostics port or wireless interface,
27 electronic field diagnostic service tools and training on how to use
28 them, or other apparatus used for diagnosis, maintenance, or repair of
29 electronics-enabled agricultural equipment, including software or other
30 mechanisms that provision, program, or pair a new part, calibrate
31 functionality, or perform any other function required to bring the
1 product back to specifications; and

2 (14) Trade secret has the same meaning as in section 87-502.

3 Sec. 3. For electronics-enabled agricultural equipment, and parts
4 for such equipment, sold or used in this state, an original equipment
5 manufacturer shall make available, for purposes of diagnosis,

6 maintenance, or repair of such equipment, to any independent repair
7 provider, or to the owner of electronics-enabled agricultural equipment
8 manufactured by or on behalf of, or sold or otherwise supplied by, the
9 original equipment manufacturer, on fair and reasonable terms,
10 documentation, parts, and tools, inclusive of any updates to information
11 or embedded software. Nothing in this subsection requires an original
12 equipment manufacturer to make available documentation, parts, and tools
13 if such documentation, parts, and tools are no longer available to the
14 original equipment manufacturer.
15 Sec. 4. Violation of the Agricultural Equipment Right-To-Repair Act
16 is an unlawful practice under the Uniform Deceptive Trade Practices Act.
17 All remedies, penalties, and authority granted to the Attorney General by
18 the Uniform Deceptive Trade Practices Act shall be available to the
19 Attorney General for the enforcement of the Agricultural Equipment Right-
20 To-Repair Act.
21 Sec. 5. (1) Nothing in the Agricultural Equipment Right-To-Repair
22 Act shall be construed to require an original equipment manufacturer to
23 divulge a trade secret to an owner or an independent service provider
24 except as necessary to provide documentation, parts, and tools on fair
25 and reasonable terms.
26 (2) No provision in the Agricultural Equipment Right-To-Repair Act
27 shall be construed to alter the terms of any arrangement described in
28 subdivision (1) of section 2 of this act in force between an authorized
29 repair provider and an original equipment manufacturer, including, but
30 not limited to, the performance or provision of warranty or recall repair
31 work by an authorized repair provider on behalf of an original equipment
1 manufacturer pursuant to such arrangement, except that any provision in
2 such terms that purports to waive, avoid, restrict, or limit the original
3 equipment manufacturer's obligations to comply with the act shall be void
4 and unenforceable.
5 Sec. 6. The Agricultural Equipment Right-To-Repair Act applies with
6 respect to equipment sold or in use on or after the effective date of
7 this act.

(Signed) Steve Lathrop, Chairperson

ANNOUNCEMENT(S)

Priority designation(s) received:

Brandt - LB543

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 289 and 290 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 289 and 290.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services
Room 1510 1:30 PM

Wednesday, March 2, 2022

Briefing by the Department of Health and Human Services on the
Heritage Health Procurement

(Signed) John Arch, Chairperson

Government, Military and Veterans Affairs
Room 1507 1:30 PM

Wednesday, February 16, 2022

LB928
LB908
LB1205
LB930

Thursday, February 17, 2022

LB1104
LB964
LB910

(Signed) Tom Brewer, Chairperson

Urban Affairs
Room 1510 1:30 PM

Tuesday, February 22, 2022

LB1108
LB726
LB727
LB821
LB1118
LB1119

Tuesday, February 15, 2022

LB1073
LB789
LB1189
LB998
LB837
LB1227

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 450A. Placed on Select File.

(Signed) Terrell McKinney, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 376. Placed on Final Reading.**ST40**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1307, on page 7, line 8, "section" has been struck and "sections 83-1201 and" inserted; and in line 9 "is" has been struck and "are" inserted.

2. On page 1, lines 2 through 7 and all amendments thereto have been struck and "sections 83-1201 and 83-1212.01, Revised Statutes Cumulative Supplement, 2020; to state findings and declarations; to require application for and implementation of services and supports for children with disabilities and their families as prescribed; to require reports and evaluations; to provide powers and duties; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Terrell McKinney, Chairperson

GENERAL FILE**LEGISLATIVE BILL 592.** Title read. Considered.

Committee [AM237](#), found on page 536, First Session, 2021, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 754. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Committee [AM1684](#), found on page 456, was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, and 6 present and not voting.

LEGISLATIVE BILL 892. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 4 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 695. Placed on General File with amendment. [AM1742](#) is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to [LB939](#):
[AM1820](#)

(Amendments to Standing Committee amendments, AM1780)

1 1. On page 2, line 6, strike "Top" and insert "Maximum"; and in line
2 9 strike "top" and insert "maximum".

Senator Linehan filed the following amendment to [LB939](#):
[AM1821](#)

(Amendments to Standing Committee amendments, AM1780)

1 1. On page 5, line 23, strike "coincide", show as stricken, and
2 insert "match".

ANNOUNCEMENT(S)

Priority designation(s) received:

Williams - LB1069

GENERAL FILE

LEGISLATIVE BILL 986. Committee [AM1702](#), found on page 465 and considered on pages 490, 493, and 503, was renewed.

Senator M. Hansen renewed his amendment, [AM1716](#), found on page 490 and considered on pages 490, 494, and 503, to the committee amendment.

Senator Hunt renewed her motion, [MO138](#), found on page 503 and considered on pages 503 and 506, to recommit to Revenue Committee.

Senator M. Hansen offered the following motion:

[MO139](#)

Bracket until April 20, 2022.

Senator Briese offered the following motion:

[MO140](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Briese moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Briese requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 28:

Albrecht	Briese	Gragert	Lindstrom	Pahls
Arch	Clements	Groene	Linehan	Sanders
Bostar	Erdman	Halloran	Lowe	Slama
Bostelman	Flood	Hansen, B.	McDonnell	Wayne
Brandt	Friesen	Hilgers	Moser	
Brewer	Geist	Hughes	Murman	

Voting in the negative, 21:

Aguilar	DeBoer	Kolterman	Pansing Brooks	Wishart
Blood	Dorn	Lathrop	Stinner	
Cavanaugh, J.	Hansen, M.	McCollister	Vargas	
Cavanaugh, M.	Hilkemann	McKinney	Walz	
Day	Hunt	Morfeld	Williams	

The Briese motion to invoke cloture failed with 28 ayes, 21 nays, and 0 not voting.

GENERAL FILE

LEGISLATIVE BILL 906. Title read. Considered.

Committee [AM1729](#), found on page 485, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator J. Cavanaugh filed the following amendment to [LB773](#):

[AM1794](#)

(Amendments to AM1757)

1 1. Insert the following new sections:

2 Sec. 14. (1) For purposes of this section, concealed weapon offense

3 means:

4 (a) A violation of section 28-1202 as it existed on or before

5 January 1, 2022; or

6 (b) Attempt, conspiracy, solicitation, being an accessory to, aiding

7 and abetting, aiding the consummation of, or compounding a felony with a

8 violation described in subdivision (1)(a) of this section as the
9 underlying offense.
10 (2) At any time following the completion of sentence or disposition,
11 a person convicted of a concealed weapon offense or adjudicated in
12 juvenile court for a concealed weapon offense may file a motion to set
13 aside such conviction or adjudication. The motion shall be filed in the
14 county, district, or separate juvenile court in which the movant was
15 convicted or adjudicated.
16 (3) In determining whether to set aside the conviction, the court
17 shall consider:
18 (a) The behavior of the movant after completion of sentencing or
19 disposition;
20 (b) The likelihood that the movant will not engage in further
21 criminal activity; and
22 (c) Any other information the court considers relevant.
23 (4) There shall be a rebuttable presumption that the movant is
24 entitled to relief under this section if:
25 (a) As a result of the changes made to section 28-1202 by this
26 legislative bill, the movant's conduct underlying the conviction or
1 adjudication for a concealed weapon offense would not be a violation of
2 section 28-1202;
3 (b) Section 28-1202 is amended by the Legislature such that the
4 movant's conduct underlying the conviction or adjudication for a
5 concealed weapon offense would no longer be a violation of section
6 28-1202; or
7 (c) Section 28-1202 is outright repealed by the Legislature.
8 (5) The court may grant the motion and issue an order setting aside
9 the conviction or adjudication when in the opinion of the court the order
10 will be in the best interest of the movant and consistent with the public
11 welfare.
12 (6) An order setting aside a conviction or an adjudication under
13 this section shall have the same effect as an order setting aside a
14 conviction as provided in subsections (5) and (6) of section 29-2264.
15 Sec. 15. Section 29-3523, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:
17 29-3523 (1) After the expiration of the periods described in
18 subsection (3) of this section or after the granting of a motion under
19 subsection (4), (5), ~~or (6)~~, or (7) of this section, a criminal justice
20 agency shall respond to a public inquiry in the same manner as if there
21 were no criminal history record information and criminal history record
22 information shall not be disseminated to any person other than a criminal
23 justice agency, except as provided in subsection (2) of this section or
24 when the subject of the record:
25 (a) Is currently the subject of prosecution or correctional control
26 as the result of a separate arrest;
27 (b) Is currently an announced candidate for or holder of public
28 office;
29 (c) Has made a notarized request for the release of such record to a
30 specific person; or
31 (d) Is kept unidentified, and the record is used for purposes of
1 surveying or summarizing individual or collective law enforcement agency
2 activity or practices, or the dissemination is requested consisting only
3 of release of criminal history record information showing (i) dates of
4 arrests, (ii) reasons for arrests, and (iii) the nature of the
5 dispositions including, but not limited to, reasons for not prosecuting
6 the case or cases.
7 (2) That part of criminal history record information described in
8 subsection (8) (7) of this section may be disseminated to individuals and
9 agencies for the express purpose of research, evaluative, or statistical
10 activities pursuant to an agreement with a criminal justice agency that

11 specifically authorizes access to the information, limits the use of the
 12 information to research, evaluative, or statistical activities, and
 13 ensures the confidentiality and security of the information.

14 (3) Except as provided in subsections (1) and (2) of this section,
 15 in the case of an arrest, citation in lieu of arrest, or referral for
 16 prosecution without citation, all criminal history record information
 17 relating to the case shall be removed from the public record as follows:
 18 (a) When no charges are filed as a result of the determination of
 19 the prosecuting attorney, the criminal history record information shall
 20 not be part of the public record after one year from the date of arrest,
 21 citation in lieu of arrest, or referral for prosecution without citation;
 22 (b) When charges are not filed as a result of a completed diversion,
 23 the criminal history record information shall not be part of the public
 24 record after two years from the date of arrest, citation in lieu of
 25 arrest, or referral for prosecution without citation; and
 26 (c) When charges are filed, but the case is dismissed by the court
 27 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
 28 not the subject of a pending appeal, (iii) after acquittal, (iv) after a
 29 deferred judgment, or (v) after completion of a program prescribed by a
 30 drug court or any other problem solving court approved by the Supreme
 31 Court, the criminal history record information shall not be part of the
 1 public record immediately upon notification of a criminal justice agency
 2 after acquittal pursuant to subdivision (3)(c)(iii) of this section or
 3 after the entry of an order dismissing the case.

4 (4) Upon the granting of a motion to set aside a conviction or an
 5 adjudication pursuant to section 29-3005, a person who is a victim of sex
 6 trafficking, as defined in section 29-3005, may file a motion with the
 7 ~~same sentencing~~ court for an order to seal the criminal history record
 8 information related to such conviction or adjudication. Upon a finding
 9 that a court issued an order setting aside such conviction or
 10 adjudication pursuant to section 29-3005, the ~~sentencing~~ court shall
 11 grant the motion and:

12 (a) For a conviction, issue an order as provided in subsection (8)
 13 ~~(7)~~ of this section; or
 14 (b) For an adjudication, issue an order as provided in section
 15 43-2,108.05.

16 (5) Upon the granting of a motion to set aside a conviction or an
 17 adjudication pursuant to section 14 of this act, the movant may file a
 18 motion with the same court for an order to seal the criminal history
 19 record information related to such conviction or adjudication. Upon a
 20 finding that an order setting aside such conviction or adjudication was
 21 issued pursuant to section 14 of this act, the court shall grant the
 22 motion and:

23 (a) For a conviction, issue an order as provided in subsection (8)
 24 of this section; or
 25 (b) For an adjudication, issue an order as provided in section
 26 43-2,108.05.

27 ~~(6)~~ ~~(5)~~ Any person who has received a pardon may file a motion with
 28 the sentencing court for an order to seal the criminal history record
 29 information and any cases related to such charges or conviction. Upon a
 30 finding that the person received a pardon, the court shall grant the
 31 motion and issue an order as provided in subsection ~~(8)~~ ~~(7)~~ of this
 1 section.

2 ~~(7)~~ ~~(6)~~ Any person who is subject to a record which resulted in a
 3 case being dismissed prior to January 1, 2017, as described in
 4 subdivision (3)(c) of this section, may file a motion with the court in
 5 which the case was filed to enter an order pursuant to subsection ~~(8)~~ ~~(7)~~
 6 of this section. Upon a finding that the case was dismissed for any
 7 reason described in subdivision (3)(c) of this section, the court shall
 8 grant the motion and enter an order as provided in subsection ~~(8)~~ ~~(7)~~ of

9 this section.

10 ~~(8) (7)~~ Upon acquittal or entry of an order dismissing a case
11 described in subdivision (3)(c) of this section, or after granting a
12 motion under subsection (4), (5), ~~or (6), or (7)~~ of this section, the
13 court shall:

14 (a) Order that all records, including any information or other data
15 concerning any proceedings relating to the case, including the arrest,
16 taking into custody, petition, complaint, indictment, information, trial,
17 hearing, adjudication, correctional supervision, dismissal, or other
18 disposition or sentence, are not part of the public record and shall not
19 be disseminated to persons other than criminal justice agencies, except
20 as provided in subsection (1) or (2) of this section;

21 (b) Send notice of the order (i) to the Nebraska Commission on Law
22 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
23 (iii) to law enforcement agencies, county attorneys, and city attorneys
24 referenced in the court record;

25 (c) Order all parties notified under subdivision ~~(8)(b) (7)(b)~~ of
26 this section to seal all records pertaining to the case; and

27 (d) If the case was transferred from one court to another, send
28 notice of the order to seal the record to the transferring court.

29 ~~(9) (8)~~ In any application for employment, bonding, license,
30 education, or other right or privilege, any appearance as a witness, or
31 any other public inquiry, a person cannot be questioned with respect to
1 any offense for which the record is sealed. If an inquiry is made in
2 violation of this subsection, the person may respond as if the offense
3 never occurred.

4 ~~(10) (9)~~ Any person arrested due to the error of a law enforcement
5 agency may file a petition with the district court for an order to
6 expunge the criminal history record information related to such error.
7 The petition shall be filed in the district court of the county in which
8 the petitioner was arrested. The county attorney shall be named as the
9 respondent and shall be served with a copy of the petition. The court may
10 grant the petition and issue an order to expunge such information if the
11 petitioner shows by clear and convincing evidence that the arrest was due
12 to error by the arresting law enforcement agency.

13 ~~(11) (40)~~ The changes made by Laws 2018, LB1132 and this legislative
14 bill, to the relief set forth in this section shall apply to all persons
15 otherwise eligible in accordance with the provisions of this section,
16 whether arrested, cited in lieu of arrest, referred for prosecution
17 without citation, charged, convicted, or adjudicated prior to, on, or
18 subsequent to July 19, 2018.

19 Sec. 16. Section 29-3528, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-3528 ~~(1) If a state agency or political subdivision or an~~
22 ~~Whenever any officer or employee of a the state, its agencies, or its~~
23 ~~political subdivisions, or whenever any state agency or any political~~
24 ~~subdivision or its agencies fails to comply with the requirements of the~~
25 ~~Security, Privacy, and Dissemination of Criminal History Information Act~~
26 ~~sections 29-209, 29-210, 29-3501 to 29-3528, and 81-1423 or of rules and~~
27 ~~regulations lawfully adopted and promulgated under such act, such failure~~
28 ~~creates private liability on the part of such agency, political~~
29 ~~subdivision, officer, or employee. Any to implement sections 29-209,~~
30 ~~29-210, 29-3501 to 29-3528, and 81-1423, any person aggrieved by such a~~
31 ~~violation may bring an action for appropriate relief, including, but not~~
1 ~~limited to, actual damages, such preliminary and other equitable or~~
2 ~~declaratory relief as may be appropriate, or a writ of an action for~~
3 ~~mandamus.~~

4 ~~(2) Consent is hereby given to join the state, any agency or~~
5 ~~political subdivision of the state, and any officer or employee of the~~
6 ~~state, its agencies, or its political subdivisions as a defendant in any~~

7 ~~action under this section. Such entities, when a party to any such~~
 8 ~~action, shall be deemed to have waived sovereign immunity and shall be~~
 9 ~~subject to the judgments, orders, and decrees of the court.~~
 10 (3) ~~An action under this section is not subject to the State Tort~~
 11 ~~Claims Act or the Political Subdivisions Tort Claims Act.~~
 12 (4) ~~An , to compel compliance and such action under this section may~~
 13 be brought in the district court of any district in which the records
 14 involved are located or in the district court of Lancaster County. The
 15 commission may request the Attorney General to bring such action.
 16 2. Renumber the remaining sections and correct the repealer
 17 accordingly.

Senator Friesen filed the following amendment to LB939:
AM1818

(Amendments to Standing Committee amendments, AM1780)

1 1. On page 2, line 11, strike "2023" and insert "2050"; in line 13
 2 strike "2023" and insert "2050" and strike "2024" and insert "2051"; in
 3 line 15 strike "2024" and insert "2051" and strike "2025" and insert
 4 "2052"; and in line 17 strike "2025" and insert "2052".

Senator Friesen filed the following amendment to LB939:
AM1815

(Amendments to Standing Committee amendments, AM1780)

1 1. Strike section 1.
 2 2. Renumber the remaining sections and correct the repealer
 3 accordingly.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
 Room 1525 1:30 PM

Wednesday, February 16, 2022

Scott L. Cassels - Nebraska Game and Parks Commission
 LB1081
 LB1186

Thursday, February 17, 2022

Bridget Troxel Peck - Nebraska Power Review Board

(Signed) Bruce Bostelman, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 293. Introduced by Friesen, 34; Aguilar, 35; Albrecht, 17; Arch, 14; Blood, 3; Bostar, 29; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Clements, 2; Day, 49; DeBoer, 10; Dorn, 30; Erdman, 47; Flood, 19; Geist, 25; Gragert, 40; Groene, 42; Halloran, 33; Hansen, B., 16; Hansen, M., 26; Hilgers, 21; Hilkemann, 4; Hughes, 44; Kolterman, 24; Lathrop, 12; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Moser, 22; Murman, 38; Pahls, 31; Pansing Brooks, 28; Sanders, 45; Slama, 1; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, the United States has a close alliance with the United Kingdom. The United States and the United Kingdom are durable partners and allies whose partnership is the foundation of our mutual prosperity and security; and

WHEREAS, the strong relationship between the United States and the United Kingdom reflects common democratic ideals and values, which are reinforced through cooperation on political, security, and economic issues; and

WHEREAS, the United States and the United Kingdom are the first and fifth largest economies in the world, and their investment and commitment to free market values and mutual trade enables both economies to thrive; and

WHEREAS, United Kingdom companies employ over 4000 workers in the State of Nebraska; and

WHEREAS, the citizens of Nebraska and the United Kingdom mutually benefit from trade between the United States and the United Kingdom; and

WHEREAS, Nebraska's exports to the United Kingdom totaled \$68.2 million in 2020, with \$14.9 million coming from agricultural products; and

WHEREAS, Nebraska annually exports about 30 percent of its agricultural production.

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

1. That the Legislature thanks the United Kingdom for being a longstanding ally.

2. That the Legislature appreciates the strong diplomatic and trade relationship between our two great nations.

3. That copies of this resolution be sent to the British Consul General in Chicago.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Groene name added to LB713.

Senator Clements name added to LB906.

Senator Morfeld name added to LB1241.

Senator DeBoer name added to LB1246.

Senator Morfeld name added to LB1271.

VISITOR(S)

Visitors to the Chamber were a group of State Officers from Career and Technical Student Organizations; and members of Leadership Wayne.

The Doctor of the Day was Dr. Pat Hotovy of York.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 2022.

Patrick J. O'Donnell
Clerk of the Legislature