

**THIRTY-SIXTH DAY - MARCH 1, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 1, 2023

**PRAYER**

The prayer was offered by Father Lawrence Stoley, St. Michael Church, Lincoln.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Brewer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators Bostar, J. Cavanaugh, Day, DeBoer, Dorn, B. Hansen, Hunt, Lowe, Walz, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 50.** Introduced by Jacobson, 42; Aguilar, 35; Albrecht, 17; Arch, 14; Armendariz, 18; Ballard, 21; Blood, 3; Bostelman, 23; Brandt, 32; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Cavanaugh, M., 6; Clements, 2; Conrad, 46; Day, 49; DeBoer, 10; Dorn, 30; Dover, 19; Dungan, 26; Erdman, 47; Fredrickson, 20; Geist, 25; Halloran, 33; Hansen, B., 16; Hardin, 48; Holdcroft, 36; Hughes, 24; Hunt, 8; Ibach, 44; Kauth, 31; Linehan, 39; Lowe, 37; McDonnell, 5; McKinney, 11; Moser, 22; Murman, 38; Raybould, 28; Riepe, 12; Sanders, 45; Vargas, 7; von Gillern, 4; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, multiple sclerosis (MS) is an unpredictable, often disabling disease of the central nervous system that interrupts the flow of information between the brain and the body; and

WHEREAS, although there has been significant progress in MS research, including more than twenty disease modifying treatments to slow the progression of the disease, there is still no known cause or cure; and

WHEREAS, an estimated one million people in the United States are living with MS, including more than three thousand two hundred people in Nebraska; and

WHEREAS, the National Multiple Sclerosis Society exists to help each person address the challenges of living with MS by funding cutting-edge research, facilitating professional education, and providing programs and services that help people with MS and their families move their lives forward; and

WHEREAS, MS Awareness Month is recognized annually in March to unite people in Nebraska, the United States, and worldwide in the fight to end MS, to create connections stronger than the ones MS destroys, and to educate people about MS and what they can do to make a difference.

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

1. That the Legislature recognizes March 2023 as Multiple Sclerosis Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the Mid America Chapter of the National Multiple Sclerosis Society.

Laid over.

**LEGISLATIVE RESOLUTION 51.** Introduced by Hardin, 48; Erdman, 47; Jacobson, 42.

WHEREAS, community transportation is a growing need in the Panhandle of Nebraska; and

WHEREAS, under the leadership of Christy Warner, Kimball County Transit Service has expanded to meet the needs of the community; and

WHEREAS, Kimball County Transit Service and its drivers have received both state and national recognition; and

WHEREAS, in 2022, Kimball County Transit Service was the first Nebraska transit service to be invited to have a representative speak at the annual American Planning Association National Planning Conference; and

WHEREAS, Kimball County Transit Service has the fifth largest transit service area in the state of Nebraska including the counties of Kimball, Banner, Scotts Bluff, Cheyenne, Deuel, Keith, Morrill, and Lincoln; and

WHEREAS, Kimball County Transit Service also offers interstate travel to Cheyenne and Pine Bluffs, Wyoming, and Fort Collins, Loveland, and Denver, Colorado; and

WHEREAS, Kimball County Transit Service was awarded the 2018 Award of Excellence and the 2021 Connecting Rural Communities Award by the Federal Transit Administration; and

WHEREAS, in just five years, Kimball County Transit Service has grown from 7,000 annual rides to nearly 30,000 annual rides, totaling 96,905 boardings and covering 1,213,806 miles over those five years.

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

1. The Legislature recognizes the work Christy Warner and Kimball County Transit Service have done to meet the transit needs of the Panhandle.
2. That the Legislature congratulates Christy Warner and Kimball County Transit Service on receiving a multitude of state and national awards.
3. That a copy of this resolution be sent to the Kimball County Transit Service.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 77.** Title read. Considered.

Senator Brewer asked unanimous consent to withdraw [AM55](#), found on page 359, and replace it with substitute amendment, [AM640](#).

### [AM640](#)

1 1. Insert the following new sections:

2 Sec. 13. Section 28-1205, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron  
5 knuckles, or any other deadly weapon to commit any felony which may be  
6 prosecuted in a court of this state commits the offense of use of a  
7 deadly weapon to commit a felony.

8 (b) Use of a deadly weapon, other than a firearm, to commit a felony  
9 is a Class II felony.

10 (c) Use of a deadly weapon, which is a firearm, to commit a felony  
11 is a Class IC felony.

12 (2)(a) Any person who possesses a firearm, a knife, brass or iron  
13 knuckles, or a destructive device during the commission of any felony  
14 which may be prosecuted in a court of this state commits the offense of  
15 possession of a deadly weapon during the commission of a felony.

16 (b) Possession of a deadly weapon, other than a firearm, during the  
17 commission of a felony is a Class III felony.

18 (c) Possession of a deadly weapon, which is a firearm, during the  
19 commission of a felony is a Class II felony.

20 (3)(a) Any person who carries a firearm or a destructive device  
21 during the commission of a dangerous misdemeanor commits the offense of  
22 carrying a firearm or destructive device during the commission of a  
23 dangerous misdemeanor.

24 (b) A violation of this subsection is a:

25 (i) Class I misdemeanor for a first or second offense; and

26 (ii) A Class IV felony for any third or subsequent offense.

27 (4) A violation of this section (3) The crimes defined in this  
1 section shall be treated as a separate and distinct offense offenses from  
2 the underlying crimes felony being committed, and a sentence sentences  
3 imposed under this section shall be consecutive to any other sentence  
4 imposed.

5 (5) (4) Possession of a deadly weapon may be proved through evidence

6 demonstrating either actual or constructive possession of a firearm, a  
7 knife, brass or iron knuckles, or a destructive device during,  
8 immediately prior to, or immediately after the commission of a felony.  
9 ~~(6) (5)~~ For purposes of this section:  
10 (a) Dangerous misdemeanor means a misdemeanor violation of any of  
11 the following offenses:  
12 (i) Stalking under section 28-311.03;  
13 (ii) Knowing violation of a harassment protection order under  
14 section 28-311.09;  
15 (iii) Knowing violation of a sexual assault protection order under  
16 section 28-311.11;  
17 (iv) Domestic assault under section 28-323;  
18 (v) Assault of an unborn child in the third degree under section  
19 28-399;  
20 (vi) Theft by shoplifting under section 28-511.01;  
21 (vii) Unauthorized use of a propelled vehicle under section 28-516;  
22 (viii) Criminal mischief under section 28-519 if such violation  
23 arises from an incident involving the commission of a misdemeanor crime  
24 of domestic violence;  
25 (ix) Impersonating a police officer under section 28-610;  
26 (x) Resisting arrest under section 28-904;  
27 (xi) Operating a motor vehicle or vessel to avoid arrest under  
28 section 28-905;  
29 (xii) Obstructing a peace officer under section 28-906;  
30 (xiii) Knowing violation of a domestic abuse protection order under  
31 section 42-924; or  
1 (xiv) Any attempt under section 28-201 to commit an offense  
2 described in subdivisions (6)(a)(i) through (xiii) of this section;  
3 (b) (a) Destructive device has the same meaning as in section  
4 28-1213; and  
5 (c) Misdemeanor crime of domestic violence has the same meaning as  
6 in section 28-1206; and  
7 (d) (b) Use of a deadly weapon includes the discharge, employment,  
8 or visible display of any part of a firearm, a knife, brass or iron  
9 knuckles, any other deadly weapon, or a destructive device during,  
10 immediately prior to, or immediately after the commission of a felony or  
11 communication to another indicating the presence of a firearm, a knife,  
12 brass or iron knuckles, any other deadly weapon, or a destructive device  
13 during, immediately prior to, or immediately after the commission of a  
14 felony, regardless of whether such firearm, knife, brass or iron  
15 knuckles, deadly weapon, or destructive device was discharged, actively  
16 employed, or displayed.  
17 Sec. 15. Section 28-1354, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:  
19 28-1354 For purposes of the Public Protection Act:  
20 (1) Enterprise means any individual, sole proprietorship,  
21 partnership, corporation, trust, association, or any legal entity, union,  
22 or group of individuals associated in fact although not a legal entity,  
23 and shall include illicit as well as licit enterprises as well as other  
24 entities;  
25 (2) Pattern of racketeering activity means a cumulative loss for one  
26 or more victims or gains for the enterprise of not less than one thousand  
27 five hundred dollars resulting from at least two acts of racketeering  
28 activity, one of which occurred after August 30, 2009, and the last of  
29 which occurred within ten years, excluding any period of imprisonment,  
30 after the commission of a prior act of racketeering activity;  
31 (3) Until January 1, 2017, person means any individual or entity, as  
1 defined in section 21-2014, holding or capable of holding a legal,  
2 equitable, or beneficial interest in property. Beginning January 1, 2017,  
3 person means any individual or entity, as defined in section 21-214,

4 holding or capable of holding a legal, equitable, or beneficial interest  
5 in property;

6 (4) Prosecutor includes the Attorney General of the State of  
7 Nebraska, the deputy attorney general, assistant attorneys general, a  
8 county attorney, a deputy county attorney, or any person so designated by  
9 the Attorney General, a county attorney, or a court of the state to carry  
10 out the powers conferred by the act;

11 (5) Racketeering activity includes the commission of, criminal  
12 attempt to commit, conspiracy to commit, aiding and abetting in the  
13 commission of, aiding in the consummation of, acting as an accessory to  
14 the commission of, or the solicitation, coercion, or intimidation of  
15 another to commit or aid in the commission of any of the following:

16 (a) Offenses against the person which include: Murder in the first  
17 degree under section 28-303; murder in the second degree under section  
18 28-304; manslaughter under section 28-305; assault in the first degree  
19 under section 28-308; assault in the second degree under section 28-309;  
20 assault in the third degree under section 28-310; terroristic threats  
21 under section 28-311.01; kidnapping under section 28-313; false  
22 imprisonment in the first degree under section 28-314; false imprisonment  
23 in the second degree under section 28-315; sexual assault in the first  
24 degree under section 28-319; and robbery under section 28-324;

25 (b) Offenses relating to controlled substances which include: To  
26 unlawfully manufacture, distribute, deliver, dispense, or possess with  
27 intent to manufacture, distribute, deliver, or dispense a controlled  
28 substance under subsection (1) of section 28-416; possession of marijuana  
29 weighing more than one pound under subsection (12) of section 28-416;  
30 possession of money used or intended to be used to facilitate a violation  
31 of subsection (1) of section 28-416 prohibited under subsection (17) of  
1 section 28-416; any violation of section 28-418; to unlawfully  
2 manufacture, distribute, deliver, or possess with intent to distribute or  
3 deliver an imitation controlled substance under section 28-445;  
4 possession of anhydrous ammonia with the intent to manufacture  
5 methamphetamine under section 28-451; and possession of ephedrine,  
6 pseudoephedrine, or phenylpropanolamine with the intent to manufacture  
7 methamphetamine under section 28-452;

8 (c) Offenses against property which include: Arson in the first  
9 degree under section 28-502; arson in the second degree under section  
10 28-503; arson in the third degree under section 28-504; burglary under  
11 section 28-507; theft by unlawful taking or disposition under section  
12 28-511; theft by shoplifting under section 28-511.01; theft by deception  
13 under section 28-512; theft by extortion under section 28-513; theft of  
14 services under section 28-515; theft by receiving stolen property under  
15 section 28-517; criminal mischief under section 28-519; and unlawfully  
16 depriving or obtaining property or services using a computer under  
17 section 28-1344;

18 (d) Offenses involving fraud which include: Burning to defraud an  
19 insurer under section 28-505; forgery in the first degree under section  
20 28-602; forgery in the second degree under section 28-603; criminal  
21 possession of a forged instrument under section 28-604; criminal  
22 possession of written instrument forgery devices under section 28-605;  
23 criminal impersonation under section 28-638; identity theft under section  
24 28-639; identity fraud under section 28-640; false statement or book  
25 entry under section 28-612; tampering with a publicly exhibited contest  
26 under section 28-614; issuing a false financial statement for purposes of  
27 obtaining a financial transaction device under section 28-619;  
28 unauthorized use of a financial transaction device under section 28-620;  
29 criminal possession of a financial transaction device under section  
30 28-621; unlawful circulation of a financial transaction device in the  
31 first degree under section 28-622; unlawful circulation of a financial  
1 transaction device in the second degree under section 28-623; criminal

2 possession of a blank financial transaction device under section 28-624;  
3 criminal sale of a blank financial transaction device under section  
4 28-625; criminal possession of a financial transaction forgery device  
5 under section 28-626; unlawful manufacture of a financial transaction  
6 device under section 28-627; laundering of sales forms under section  
7 28-628; unlawful acquisition of sales form processing services under  
8 section 28-629; unlawful factoring of a financial transaction device  
9 under section 28-630; and fraudulent insurance acts under section 28-631;  
10 (e) Offenses involving governmental operations which include: Abuse  
11 of public records under section 28-911; perjury or subornation of perjury  
12 under section 28-915; bribery under section 28-917; bribery of a witness  
13 under section 28-918; tampering with a witness or informant or jury  
14 tampering under section 28-919; bribery of a juror under section 28-920;  
15 assault on an officer, an emergency responder, a state correctional  
16 employee, a Department of Health and Human Services employee, or a health  
17 care professional in the first degree under section 28-929; assault on an  
18 officer, an emergency responder, a state correctional employee, a  
19 Department of Health and Human Services employee, or a health care  
20 professional in the second degree under section 28-930; assault on an  
21 officer, an emergency responder, a state correctional employee, a  
22 Department of Health and Human Services employee, or a health care  
23 professional in the third degree under section 28-931; and assault on an  
24 officer, an emergency responder, a state correctional employee, a  
25 Department of Health and Human Services employee, or a health care  
26 professional using a motor vehicle under section 28-931.01;  
27 (f) Offenses involving gambling which include: Promoting gambling in  
28 the first degree under section 28-1102; possession of gambling records  
29 under section 28-1105; gambling debt collection under section 28-1105.01;  
30 and possession of a gambling device under section 28-1107;  
31 (g) Offenses relating to firearms, weapons, and explosives which  
1 include: Carrying a concealed weapon under section 28-1202;  
2 transportation or possession of machine guns, short rifles, or short  
3 shotguns under section 28-1203; unlawful possession of a handgun under  
4 section 28-1204; unlawful transfer of a firearm to a juvenile under  
5 section 28-1204.01; possession of a firearm by a prohibited juvenile  
6 offender under section 28-1204.05; using a deadly weapon to commit a  
7 felony, ~~or~~ possession of a deadly weapon during the commission of a  
8 felony, or carrying a firearm or destructive device during the commission  
9 of a dangerous misdemeanor under section 28-1205; possession of a deadly  
10 weapon by a prohibited person under section 28-1206; possession of a  
11 defaced firearm under section 28-1207; defacing a firearm under section  
12 28-1208; unlawful discharge of a firearm under section 28-1212.02;  
13 possession, receipt, retention, or disposition of a stolen firearm under  
14 section 28-1212.03; unlawful possession of explosive materials in the  
15 first degree under section 28-1215; unlawful possession of explosive  
16 materials in the second degree under section 28-1216; unlawful sale of  
17 explosives under section 28-1217; use of explosives without a permit  
18 under section 28-1218; obtaining an explosives permit through false  
19 representations under section 28-1219; possession of a destructive device  
20 under section 28-1220; threatening the use of explosives or placing a  
21 false bomb under section 28-1221; using explosives to commit a felony  
22 under section 28-1222; using explosives to damage or destroy property  
23 under section 28-1223; and using explosives to kill or injure any person  
24 under section 28-1224;  
25 (h) Any violation of the Securities Act of Nebraska pursuant to  
26 section 8-1117;  
27 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to  
28 section 77-2713;  
29 (j) Offenses relating to public health and morals which include:  
30 Prostitution under section 28-801; pandering under section 28-802;

31 keeping a place of prostitution under section 28-804; labor trafficking,  
 1 sex trafficking, labor trafficking of a minor, or sex trafficking of a  
 2 minor under section 28-831; a violation of section 28-1005; and any act  
 3 relating to the visual depiction of sexually explicit conduct prohibited  
 4 in the Child Pornography Prevention Act; and  
 5 (k) A violation of the Computer Crimes Act;  
 6 (6) State means the State of Nebraska or any political subdivision  
 7 or any department, agency, or instrumentality thereof; and  
 8 (7) Unlawful debt means a debt of at least one thousand five hundred  
 9 dollars:  
 10 (a) Incurred or contracted in gambling activity which was in  
 11 violation of federal law or the law of the state or which is  
 12 unenforceable under state or federal law in whole or in part as to  
 13 principal or interest because of the laws relating to usury; or  
 14 (b) Which was incurred in connection with the business of gambling  
 15 in violation of federal law or the law of the state or the business of  
 16 lending money or a thing of value at a rate usurious under state law if  
 17 the usurious rate is at least twice the enforceable rate.  
 18 2. On page 15, strike lines 3 through 7 and insert the following new  
 19 subdivisions:  
 20 "(11)(a) Prohibited person means:  
 21 (i) A person prohibited from possessing a firearm or ammunition by  
 22 state law, including, but not limited to, section 28-1206; or  
 23 (ii) A person prohibited from possessing a firearm or ammunition by  
 24 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.  
 25 (b) This definition does not apply to the use of the term prohibited  
 26 person in section 28-1206;".  
 27 3. On page 24, line 9, strike beginning with "and" through "second"  
 28 and insert ", a Class I misdemeanor for a second offense, and a Class IV  
 29 felony for a third".  
 30 4. Renumber the remaining sections and correct the repealer  
 31 accordingly.

Senator Raybould objected.

Senator Brewer offered the following motion:

[MO46](#)

Withdraw and Substitute with AM640

#### **SPEAKER ARCH PRESIDING**

Pending.

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 41, 42, 43, 44, 45, and 46 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business,  
 the Speaker signed the following: LRs 41, 42, 43, 44, 45, and 46.

#### **PRESIDENT KELLY PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 77.** The Brewer motion, [MO46](#), found in this day's Journal, to withdraw and substitute with AM640, was renewed.

Senator M. Cavanaugh offered the following motion:

[MO48](#)

Bracket until March 02, 2023.

Pending.

**COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 698.** Placed on General File.

**LEGISLATIVE BILL 141.** Placed on General File with amendment.

[AM433](#)

1 1. On page 2, strike lines 3 through 5 and insert the following new  
2 subsection:  
3 "(2) On or before January 1, 2024, the State Department of Education  
4 shall develop guidelines which school districts may use for the  
5 implementation of a moment of silence or quiet reflection during each  
6 school day."

(Signed) Dave Murman, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 321A.** Introduced by Brandt, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 321, One Hundred Eighth Legislature, First Session, 2023.

**LEGISLATIVE BILL 552A.** Introduced by Cavanaugh, J., 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 552, One Hundred Eighth Legislature, First Session, 2023; and to declare an emergency.

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524 1:30 PM

Wednesday, March 8, 2023

LB622

LB429



LB505  
LB692  
LB499

(Signed) Lou Ann Linehan, Chairperson

Judiciary  
Room 1113 1:30 PM

Wednesday, March 8, 2023

LB248  
LB175  
LB182  
LB187  
LB545  
LB270

(Signed) Justin Wayne, Chairperson

**COMMITTEE REPORT**  
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thomas E. Henning - Nebraska Investment Council

Aye: 5. Clements, Conrad, Ibach, McDonnell, Vargas. Nay: 0. Absent: 1. Hardin. Present and not voting: 0.

(Signed) Mike McDonnell, Chairperson

**AMENDMENTS - Print in Journal**

Senator Linehan filed the following amendment to [LB302](#):

[AM603](#)

(Amendments to Standing Committee amendments, AM503)

- 1 1. Strike amendment 2 and insert the following new amendment:
- 2 2. On page 3, lines 14, 15, and 28, strike "person holding elective
- 3 office", show as stricken, and insert "public official"; in lines 24 and
- 4 25 strike "city, village, or school district", show as stricken, and
- 5 insert "political subdivision"; and in line 26 strike "person holding
- 6 elective", show as stricken, and insert "public official holding".

Senator Raybould filed the following amendment to [LB77](#):

[FA24](#)

The provision of AM640 to LB77 shall terminate on January 1, 2024.

Senator Holdcroft filed the following amendment to [LB580](#):

[AM634](#)

1 1. Strike the original section and insert the following new  
2 sections:  
3 Section 1. Section 77-1344, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:  
5 77-1344 (1) Agricultural or horticultural land which has an actual  
6 value as defined in section 77-112 reflecting purposes or uses other than  
7 agricultural or horticultural purposes or uses shall be assessed as  
8 provided in subsection (3) of section 77-201 if the land meets the  
9 qualifications of this subsection and an application for such special  
10 valuation is filed and approved pursuant to section 77-1345. In order for  
11 the land to qualify for special valuation, ~~all of the following criteria~~  
12 ~~shall be met:~~ (a) ~~The land must be located outside the corporate~~  
13 ~~boundaries of any sanitary and improvement district, city, or village~~  
14 ~~except as provided in subsection (2) of this section; and (b) the land~~  
15 ~~must be agricultural or horticultural land. If the land consists of five~~  
16 ~~contiguous acres or less, the owner or lessee of the land must also~~  
17 ~~provide an Internal Revenue Service Schedule F documenting a profit or~~  
18 ~~loss from farming for two out of the last three years in order for such~~  
19 ~~land to qualify for special valuation.~~  
20 ~~(2) Special valuation may be applicable to agricultural or~~  
21 ~~horticultural land included within the corporate boundaries of a city or~~  
22 ~~village if:~~  
23 ~~(a) The land is subject to a conservation or preservation easement~~  
24 ~~as provided in the Conservation and Preservation Easements Act and the~~  
25 ~~governing body of the city or village approves the agreement creating the~~  
26 ~~easement;~~  
27 ~~(b) The land is subject to air installation compatible use zone~~  
1 ~~regulations; or~~  
2 ~~(c) The land is within a flood plain.~~  
3 ~~(2) (3) The eligibility of land for the special valuation provisions~~  
4 ~~of this section shall be determined each year as of January 1. If the~~  
5 ~~land so qualified becomes disqualified on or before December 31 of that~~  
6 ~~year, it shall continue to receive the special valuation until January 1~~  
7 ~~of the year following.~~  
8 ~~(3) (4) The special valuation placed on such land by the county~~  
9 ~~assessor under this section shall be subject to equalization by the~~  
10 ~~county board of equalization and the Tax Equalization and Review~~  
11 ~~Commission.~~  
12 Sec. 2. Section 77-1347, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:  
14 77-1347 (1) Upon approval of an application, the county assessor  
15 shall value the land as provided in section 77-1344 until the land  
16 becomes disqualified for such valuation by:  
17 (a) (1) Written notification by the applicant or his or her  
18 successor in interest to the county assessor to remove such special  
19 valuation;  
20 (2) ~~Except as provided in subsection (2) of section 77-1344,~~  
21 ~~inclusion of the land within the corporate boundaries of any sanitary and~~  
22 ~~improvement district, city, or village;~~  
23 (b) (3) The land no longer qualifying as agricultural or  
24 horticultural land; or  
25 (c) (4) For land that consists of five contiguous acres or less, the  
26 owner or lessee of the land not being able to provide an Internal Revenue  
27 Service Schedule F documenting a profit or loss from farming for two out  
28 of the last three years.  
29 (2) The changes made in this section by this legislative bill shall  
30 apply retroactively to January 1, 2023.  
31 Sec. 3. Original sections 77-1344 and 77-1347, Revised Statutes  
1 Cumulative Supplement, 2022, are repealed.  
2 Sec. 4. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

**MOTIONS - Print in Journal**

Senator M. Cavanaugh filed the following motion to [LB751](#):

[MO47](#)

Withdraw LB751.

Senator Riepe filed the following motion to [LB464](#):

[MO49](#)

Suspend Rule 3, Section 14 to permit cancellation of the public hearing for LB 464.

Senator Vargas filed the following motion to [LB464](#):

[MO51](#)

Withdraw LB464.

**ANNOUNCEMENT**

Priority designation received:

Legislative Performance Audit - LB90

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 52.** Introduced by Armendariz, 18.

WHEREAS, the 2023 Nebraska School Activities Association State Wrestling Tournament was held from February 16 through February 18 at the CHI Health Center Omaha; and

WHEREAS, Maycee Peacher competed in the tournament for the Bennington High School wrestling team; and

WHEREAS, Maycee Peacher won the Girls 110-pound state championship by defeating Ella Reeves of Battle Creek in the Girls 110-pound championship match 16-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Bennington High School wrestler Maycee Peacher on winning the 2023 Girls 110-pound State Wrestling Championship.

2. That copies of this resolution be sent to Bennington High School and Maycee Peacher.

Laid over.

**LEGISLATIVE RESOLUTION 53.** Introduced by Armendariz, 18.

WHEREAS, the 2023 Nebraska School Activities Association State Wrestling Tournament was held from February 16 through February 18 at the CHI Health Center Omaha; and

WHEREAS, Cadyn Coyle, Kael Lauridsen, and Kyler Lauridsen competed in the tournament for the Bennington High School wrestling team; and

WHEREAS, Cadyn Coyle won the Class B 113-pound state championship by defeating Daylen Naylor of Lexington in the Class B 113-pound championship match 3-1; and

WHEREAS, Kael Lauridsen won the Class B 126-pound state championship by defeating John Alden of O'Neill in the Class B 126-pound championship match 5-3; and

WHEREAS, Kyler Lauridsen won the Class B 138-pound state championship by defeating Ely Olberding of Fort Calhoun in the Class B 138-pound championship match 12-4; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Bennington High School wrestlers Cadyn Coyle, Kael Lauridsen, and Kyler Lauridsen on winning the 2023 Class B 113-pound, 126-pound, and 138-pound State Wrestling Championships respectively.

2. That copies of this resolution be sent to Bennington High School, Cadyn Coyle, Kael Lauridsen, and Kyler Lauridsen.

Laid over.

#### ANNOUNCEMENTS

Senator B. Hansen announced the Health and Human Services Committee will hold an executive session Friday, March 3, 2023, immediately after their hearing, in Room 1510.

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Thursday, March 2, 2023, after their hearing, in Room 1507.

#### UNANIMOUS CONSENT - Add Cointroducers

Unanimous consent to add Senators as cointroducers. No objections. So ordered.

Senator Holdcroft name added to LB80.

Senator Day name added to LB748.

**VISITORS**

Visitors to the Chamber were leaders from the Nebraska Health Care Association; students from Heartland Community School, Henderson; students from Christ Lincoln School, Lincoln.

The Doctor of the Day was Dr. George Voigtlander of Lincoln.

**ADJOURNMENT**

At 12:10 p.m., on a motion by Senator Day, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2023.

Brandon Metzler  
Clerk of the Legislature

