

**EIGHTEENTH DAY - FEBRUARY 1, 2021****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 1, 2021

**PRAYER**

The prayer was offered by Senator Arch.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Lathrop.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hilgers presiding.

The roll was called and all members were present except Senators Clements, Dorn, Halloran, Hilkemann, Kolterman, McDonnell, Stinner, Vargas, and Wishart who were excused; and Senators M. Cavanaugh, Day, Hunt, McKinney, Pansing Brooks, Wayne, and Williams who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORT(S)****Education**

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Marilyn B. Hadley - Nebraska Educational Telecommunications Commission  
Clay Smith - Nebraska Educational Telecommunications Commission  
Paul Turman - Nebraska Educational Telecommunications Commission

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mary Lauritzen - Coordinating Commission for Postsecondary Education  
Paul Von Behren - Coordinating Commission for Postsecondary Education

Aye: 8. Day, Linehan, McKinney, Morfeld, Murman, Pansing Brooks, Sanders, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications  
Room 1113

Tuesday, February 9, 2021 9:30 a.m.  
LB460  
LB600  
LB498

(Signed) Curt Friesen, Chairperson

Education  
Room 1525

Monday, February 8, 2021 9:30 a.m.  
Duane L. Kime - Board of Educational Lands and Funds  
LB473  
LR13CA

Monday, February 8, 2021 1:30 p.m.  
LB623  
LB558  
LB389

Tuesday, February 9, 2021 9:30 a.m.  
LB154  
LB322  
LB673

Tuesday, February 9, 2021 1:30 p.m.  
Gene Kelly - Coordinating Commission for Postsecondary Education  
LB198  
LB136  
LB518  
LB642

(Signed) Lynne Walz, Chairperson

General Affairs  
Room 1510

Monday, February 8, 2021 9:30 a.m.

LB511  
LB72  
LB578  
LB80

Monday, February 8, 2021 1:30 p.m.

LB274  
LB295  
LB415  
LB311

(Signed) Tom Briese, Chairperson

Nebraska Retirement Systems  
Room 1525

Tuesday, February 9, 2021 12:00 p.m.

LB16  
LB24

(Signed) Mark Kolterman, Chairperson

Appropriations  
Room 1507

Monday, February 8, 2021 9:30 a.m.

Agency 24 - Motor Vehicles, Department of  
Agency 27 - Transportation, Department of  
Agency 40 - Motor Vehicle Licensing Board, Nebraska  
LB579

Monday, February 8, 2021 1:30 p.m.

Agency 16 - Revenue, Department of  
Agency 36 - Racing Commission, Nebraska State  
Agency 93 - Tax Equalization and Review Commission  
Agency - Nebraska Gaming Commission  
LB365  
LB629

(Signed) John Stinner, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, February 10, 2021 9:30 a.m.

LB65  
LB482

Wednesday, February 10, 2021 1:30 p.m.

LR14  
LB195

Thursday, February 11, 2021 9:30 a.m.

LB631  
LB664  
LB261

Thursday, February 11, 2021 1:30 p.m.

Kate Sullivan - Nebraska Accountability and Disclosure Commission  
Erin Bond - State Personnel Board

(Signed) Tom Brewer, Chairperson

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 288.** Placed on General File.

**LEGISLATIVE BILL 323.** Placed on General File with amendment.

[AM41](#)

1 1. Insert the following new section:

2 Sec. 4. Section 79-1007.20, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 79-1007.20 (1) School districts may apply to the department for a  
5 student growth adjustment, on a form prescribed by the department, on or  
6 before October 15 of the school fiscal year immediately preceding the  
7 school fiscal year for which aid is being calculated. Such form shall  
8 require an estimate of the average daily membership for the school fiscal  
9 year for which aid is being calculated, the estimated student growth  
10 calculated by subtracting the fall membership of the current school  
11 fiscal year from the estimated average daily membership for the school  
12 fiscal year for which aid is being calculated, and evidence supporting  
13 the estimates. On or before the immediately following December 1, the  
14 department shall approve the estimated student growth, approve a modified  
15 student growth, or deny the application based on the requirements of this  
16 section, the evidence submitted on the application, and any other  
17 information provided by the department. The state board shall establish  
18 procedures for appeal of decisions of the department to the state board  
19 for final determination.

20 (2) The student growth adjustment for each approved district shall  
21 equal the sum of the product of the school district's basic funding per  
22 formula student multiplied by the difference of the approved student  
23 growth minus the greater of twenty-five students or one percent of the  
24 fall membership for the school fiscal year immediately preceding the  
25 school fiscal year for which aid is being calculated plus the product of  
26 fifty percent of the school district's basic funding per formula student

27 multiplied by the greater of twenty-five students or one percent of the  
 1 fall membership for the school fiscal year immediately preceding the  
 2 school fiscal year for which aid is being calculated.  
 3 (3)(a) (3) The department shall calculate a student growth  
 4 adjustment correction for each district that received a student growth  
 5 adjustment for aid distributed in the most recently available complete  
 6 data year.  
 7 (b) Except as otherwise provided in subdivision (3)(c) of this  
 8 section, such student growth adjustment correction shall equal the  
 9 product of the difference of the actual student growth for such school  
 10 fiscal year minus the estimated student growth for such school fiscal  
 11 year used to calculate the student growth adjustment for such school  
 12 fiscal year multiplied by the school district's basic funding per formula  
 13 student used in the final calculation of aid pursuant to section 79-1065  
 14 for such school fiscal year, except that the absolute value of a negative  
 15 correction shall not exceed the original adjustment.  
 16 (c)(i) If a negative student growth adjustment correction determined  
 17 pursuant to subdivision (3)(b) of this section is based on a most  
 18 recently available complete data year that was a pandemic affected school  
 19 fiscal year, such student growth adjustment correction shall be delayed  
 20 and redetermined pursuant to subdivision (3)(c)(ii) of this section and  
 21 any student growth adjustment correction based on the most recently  
 22 available complete data year that immediately follows such pandemic  
 23 affected school fiscal year shall be determined pursuant to subdivision  
 24 (3)(c)(iii) of this section.  
 25 (ii) A student growth adjustment correction for a school district  
 26 that is delayed pursuant to this subdivision shall be redetermined for  
 27 the school fiscal year immediately following the original school fiscal  
 28 year for which aid was being calculated. Such student growth adjustment  
 29 correction shall equal the product of the difference of the average daily  
 30 membership of the school district for the school fiscal year immediately  
 31 following such pandemic affected school fiscal year, minus the fall  
 1 membership for the school fiscal year immediately preceding such pandemic  
 2 affected school fiscal year, and minus the estimated student growth used  
 3 to calculate the student growth adjustment for such pandemic affected  
 4 school fiscal year multiplied by the school district's basic funding per  
 5 formula student used in the final calculation of aid pursuant to section  
 6 79-1065 for such pandemic affected school fiscal year, except that the  
 7 absolute value of a negative student growth adjustment correction shall  
 8 not exceed the original student growth adjustment. This subdivision shall  
 9 only apply to the first pandemic affected school fiscal year for any  
 10 pandemic that spans more than one school fiscal year.  
 11 (iii) For any school district for which a student growth adjustment  
 12 correction is delayed and redetermined pursuant to subdivision (3)(c)(ii)  
 13 of this section based on a pandemic affected school fiscal year, any  
 14 student growth adjustment correction based on the school fiscal year that  
 15 immediately follows such pandemic affected school fiscal year shall be  
 16 determined pursuant to subdivision (3)(b) of this section, except that  
 17 the student growth adjustment correction determined pursuant to  
 18 subdivision (3)(c)(ii) of this section shall be subtracted from the  
 19 student growth adjustment correction determined pursuant to subdivision  
 20 (3)(b) of this section and the absolute value of any resulting net  
 21 negative student growth adjustment correction shall not exceed the  
 22 original student growth adjustment for the school fiscal year immediately  
 23 following the pandemic affected school fiscal year.  
 24 2. Renumber the remaining sections and correct the repealer  
 25 accordingly.

(Signed) Lynne Walz, Chairperson

**MOTION - Withdraw LB55**

Senator Lathrop offered his motion, [MO7](#), found on page 340, to withdraw LB55.

The Lathrop motion to withdraw the bill prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

**MOTION - Rerefer LB656**

Senator Wayne offered his motion, [MO5](#), found on page 333, to rerefer LB656 to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne withdrew his motion to rerefer the bill.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR1.

**NOTICE OF COMMITTEE HEARING(S)**

Business and Labor  
Room 1524

Monday, February 8, 2021 9:30 a.m.

LB451

LB420

LB598 (reschedule)

LB440

Monday, February 8, 2021 1:30 p.m.

LB684

LB171

LB290

LB258

(Signed) Ben Hansen, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB523	Revenue (rereferred)

(Signed) Dan Hughes, Chairperson  
Executive Board

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Hansen, M. name added to LB20.  
Senator Cavanaugh, M. name added to LB83.  
Senator Blood name added to LB256.  
Senator McCollister name added to LB298.  
Senator Brewer name added to LB508.  
Senator Lowe name added to LB650.

**VISITOR(S)**

The Doctor of the Day was Dr. Joe Miller of Omaha.

**ADJOURNMENT**

At 9:22 a.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 2021.

Patrick J. O'Donnell  
Clerk of the Legislature

