

THIRTEENTH DAY - JANUARY 27, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 2014

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Christensen and Garrett who were excused; and Senators Ashford, Campbell, Lautenbaugh, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 403. Placed on Select File with amendment.
ER125

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 28-101 Sections 28-101 to 28-1356 and section 2 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.
- 7 Sec. 2. (1) For purposes of this section:
- 8 (a) Novelty lighter means a mechanical or electrical
- 9 device typically used for lighting cigarettes, cigars, or pipes
- 10 and (i) designed to resemble a cartoon character, a toy, a gun,
- 11 a watch, a musical instrument, a vehicle, an animal, a food or
- 12 beverage container, or a similar item, (ii) that plays musical
- 13 notes, (iii) that has flashing lights, or (iv) that has more than
- 14 one button or function; and
- 15 (b) Novelty lighter does not include:

- 16 (i) A lighter manufactured prior to January 1, 1980;
 17 (ii) A lighter incapable of being fueled or lacking a
 18 device necessary to produce combustion or a flame; or
 19 (iii) A standard disposable or refillable lighter that is
 20 printed or decorated with a logo, label, decal, artwork, or heat
 21 shrinkable sleeve.
 22 (2) It shall be unlawful to sell at retail, offer for
 23 retail sale, or distribute for retail sale or promotion in this
 1 state a novelty lighter manufactured on or after the effective date
 2 of this act without a child-proof safety feature.
 3 (3) Any person who violates this section shall be guilty
 4 of a Class IV misdemeanor.
 5 (4) This section does not apply to the transportation
 6 of novelty lighters through the state or the storage of novelty
 7 lighters in a warehouse or distribution center in this state that
 8 is closed to the public for purposes of retail sales.
 9 Sec. 3. Original section 28-101, Revised Statutes
 10 Supplement, 2013, is repealed.
 11 2. On page 1, line 2, strike "Cumulative" and strike
 12 "2012" and insert "2013"; and in line 3 after "lighters" insert
 13 "without a child-proof safety feature as prescribed".

LEGISLATIVE BILL 215. Placed on Select File.

LEGISLATIVE BILL 470. Placed on Select File with amendment.

ER126

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 13-504, Revised Statutes Supplement,
 4 2013, is amended to read:
 5 13-504 (1) Each governing body shall annually or
 6 biennially prepare a proposed budget statement on forms prescribed
 7 and furnished by the auditor. The proposed budget statement shall
 8 be made available to the public by the political subdivision prior
 9 to publication of the notice of the hearing on the proposed budget
 10 statement pursuant to section 13-506. A proposed budget statement
 11 shall contain the following information, except as provided by
 12 state law:
 13 (a) For the immediately preceding fiscal year or biennial
 14 period, the revenue from all sources, including motor vehicle
 15 taxes, other than revenue received from personal and real property
 16 taxation, allocated to the funds and separately stated as to each
 17 such source: The unencumbered cash balance at the beginning and end
 18 of the year or biennial period; the amount received by taxation of
 19 personal and real property; and the amount of actual expenditures;
 20 (b) For the current fiscal year or biennial period,
 21 actual and estimated revenue from all sources, including motor
 22 vehicle taxes, allocated to the funds and separately stated as to
 23 each such source: The actual unencumbered cash balance available

1 at the beginning of the year or biennial period; the amount
2 received from personal and real property taxation; and the amount
3 of actual and estimated expenditures, whichever is applicable. Such
4 statement shall contain the cash reserve for each fiscal year or
5 biennial period and shall note whether or not such reserve is
6 encumbered. Such cash reserve projections shall be based upon the
7 actual experience of prior years or biennial periods. The cash
8 reserve shall not exceed fifty percent of the total budget adopted
9 exclusive of capital outlay items;

10 (c) For the immediately ensuing fiscal year or biennial
11 period, an estimate of revenue from all sources, including motor
12 vehicle taxes, other than revenue to be received from taxation
13 of personal and real property, separately stated as to each
14 such source: The actual or estimated unencumbered cash balances,
15 whichever is applicable, to be available at the beginning of the
16 year or biennial period; the amounts proposed to be expended during
17 the year or biennial period; and the amount of cash reserve, based
18 on actual experience of prior years or biennial periods, which cash
19 reserve shall not exceed fifty percent of the total budget adopted
20 exclusive of capital outlay items;

21 (d) A statement setting out separately the amount sought
22 to be raised from the levy of a tax on the taxable value of real
23 property (i) for the purpose of paying the principal or interest on
24 bonds issued by the governing body and (ii) for all other purposes;

25 (e) A uniform summary of the proposed budget statement,
26 including each proprietary function fund included in a separate
27 proprietary budget statement prepared pursuant to the Municipal
1 Proprietary Function Act, and a grand total of all funds maintained
2 by the governing body; ~~and~~

3 (f) For municipalities, a list of the proprietary
4 functions which are not included in the budget statement. Such
5 proprietary functions shall have a separate budget statement which
6 is approved by the city council or village board as provided in the
7 Municipal Proprietary Function Act; ~~and~~;

8 (g) For school districts and educational service units, a
9 separate identification and description of all current and future
10 costs to the school district or educational service unit which are
11 reasonably anticipated as a result of any contract, and any adopted
12 amendments thereto, for superintendent services to be rendered to
13 such school district or administrator services to be rendered to
14 such educational service unit.

15 (2) The actual or estimated unencumbered cash balance
16 required to be included in the budget statement by this section
17 shall include deposits and investments of the political subdivision
18 as well as any funds held by the county treasurer for the political
19 subdivision and shall be accurately stated on the proposed budget
20 statement.

21 (3) The political subdivision shall correct any material
22 errors in the budget statement detected by the auditor or by other

23 sources.

24 Sec. 2. Sections 2 to 6 of this act shall be known and
25 may be cited as the Superintendent Pay Transparency Act.

26 Sec. 3. (1) Before the school board of any school
27 district or the board of any educational service unit approves
1 a proposed contract, or any proposed amendment to an existing
2 contract, for future superintendent services to be rendered to
3 such school district by the current superintendent or future
4 administrator services to be rendered to such educational service
5 unit by the current administrator, the board shall publish a copy
6 of such proposed contract or amendment, and a reasonable estimate
7 and description of all current and future costs to the school
8 district or educational service unit if the proposed contract or
9 amendment were to be approved, at least three days before the
10 meeting of the board at which such proposed contract or amendment
11 will be considered. Such publication shall also specify the date,
12 time, and place of the public meeting at which the proposed
13 contract or amendment will be considered. Electronic publication on
14 the web site of the school district or educational service unit
15 shall satisfy the requirement of this subsection if such electronic
16 publication is prominently displayed and allows public access to
17 the entire proposed contract or amendment.

18 (2) After the school board of any school district or
19 the board of any educational service unit approves a contract
20 for future superintendent services to be rendered to such school
21 district by a new superintendent or future administrator services
22 to be rendered to such educational service unit by a new
23 administrator, the board shall publish a copy of such contract, and
24 a reasonable estimate and description of all current and future
25 costs to the school district or educational service unit that will
26 be incurred as a result of such contract, within two days after
27 the meeting of the board at which such contract was approved.
1 Electronic publication on the web site of the school district or
2 educational service unit shall satisfy the requirement of this
3 subsection if such electronic publication is prominently displayed
4 and allows public access to the entire contract.

5 Sec. 4. After approval of a contract, or any amendments
6 thereto, for superintendent services or educational service unit
7 administrator services, the approving board shall file a copy of
8 such contract or amendment with the State Department of Education
9 on or before the next succeeding August 1. The department shall
10 have no duty to review such contracts or amendments but shall
11 publicly post all such contracts or amendments received on the web
12 site of the department.

13 Sec. 5. If the school board of any school district or the
14 board of any educational service unit fails to timely file a copy
15 of an approved contract, or contract amendment, for superintendent
16 services or educational service unit administrator services with
17 the State Department of Education as required in section 4 of

18 this act, the Commissioner of Education, after notice to the board
 19 president and either the superintendent or educational service unit
 20 administrator and an opportunity to be heard, shall direct that
 21 any state aid granted pursuant to the Tax Equity and Educational
 22 Opportunities Support Act to the school district or core services
 23 and technology infrastructure funds granted pursuant to section
 24 79-1241.03 to the educational service unit be withheld until such
 25 time as the contract or amendment is received by the department.
 26 In addition, the commissioner shall direct each county treasurer
 27 of a county with territory in the school district or educational
 1 service unit to withhold all money belonging to the school district
 2 or educational service unit until such time as the commissioner
 3 notifies such county treasurer of receipt of such contract or
 4 amendment. Each such county treasurer shall withhold such money.
 5 For school districts that are members of learning communities,
 6 a determination of school money belonging to the school district
 7 shall be based on the proportionate share of property tax receipts
 8 allocated to the school district pursuant to section 79-1073 in
 9 addition to the other property tax receipts belonging to the school
 10 district. If the board does not comply with this section prior
 11 to October 1 following the school fiscal year for which the state
 12 aid or core services and technology infrastructure funding was
 13 calculated, the funds shall revert to the General Fund. The amount
 14 of any reverted funds shall be included in data provided to the
 15 Governor, the Appropriations Committee of the Legislature, and the
 16 Education Committee of the Legislature in accordance with section
 17 79-1031.

18 Sec. 6. All amendments to a contract for superintendent
 19 services or educational service unit administrator services shall
 20 be subject to the Superintendent Pay Transparency Act, including,
 21 but not limited to, amendments involving salary increases or
 22 benefit changes.

23 Sec. 7. This act becomes operative on July 1, 2014.

24 Sec. 8. Original section 13-504, Revised Statutes
 25 Supplement, 2013, is repealed.

26 Sec. 9. Since an emergency exists, this act takes effect
 27 when passed and approved according to law.

1 2. On page 1, strike beginning with "Reissue" in line
 2 1 through "Nebraska" in line 2 and insert "Revised Statutes
 3 Supplement, 2013".

LEGISLATIVE BILL 76. Placed on Select File with amendment.
 ER127

1 1. On page 5, line 15, strike the second "and".

LEGISLATIVE BILL 371. Placed on Select File with amendment.
 ER128

1 1. On page 1, line 2, after "Act" insert "; and to
 2 declare an emergency".

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Room 1507

Monday, February 3, 2014 1:30 p.m.

LB749
LB751
LB810
LB1010

Tuesday, February 4, 2014 1:30 p.m.

LB750
LB753
LB774
LB734

Monday, February 10, 2014 1:30 p.m.

LB876
LB716
LB849
LB971

Tuesday, February 11, 2014 1:30 p.m.

LB735
LB860
LB875
LB993

Tuesday, February 18, 2014 1:30 p.m.

LB831
LB858
LB883
LB953
LB926

Monday, February 24, 2014 1:30 p.m.

LB880
LB991
LB886
LB900

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 3, 2014 1:30 p.m.

LB698
LB981
LB982
LB983

(Signed) Annette Dubas, Chairperson

Appropriations

Room 1524

Tuesday, February 4, 2014 1:30 p.m.

Agency 69 - Arts Council, Nebraska
Agency 54 - Historical Society, Nebraska State
Agency 33 - Game and Parks Commission
LB873
LB874
LB1033

Room 1003

Wednesday, February 5, 2014 1:30 p.m.

Agency 47 - Educational Telecommunications Commission, Nebraska
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 13 - Education, Department of
LB944
LB969
LB1026

Thursday, February 6, 2014 1:30 p.m.

Agency 14 - Public Service Commission
Agency 41 - State Real Estate Commission
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska System
LB764
LB1051

(Signed) Heath Mello, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1008	Agriculture (rereferred)

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 144. Title read. Considered.

Senator Scheer offered the following amendment:

FA182

On page 2, line 20, after the word "village" add "Natural Resources Districts".

Senator Scheer withdrew his amendment.

Senator Davis offered the following amendment:

FA183

Strike Section 2b and insert the following language:

The candidate was a candidate for a publicly elected office and the candidate lost the election as a result of a determination pursuant to 32-1122 in the case of a tie vote

SPEAKER ADAMS PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 408, 409, 410, and 412 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 408, 409, 410, and 412.

COMMITTEE REPORT

Natural Resources

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

Mohamed F. Dahab - Environmental Quality Council
John Edward Dilsaver - Environmental Quality Council

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 391. Placed on General File.
LEGISLATIVE BILL 494. Placed on General File.
LEGISLATIVE BILL 844. Placed on General File.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

Monday, February 3, 2014 1:30 p.m.

LB863
LB866
LB888
LB899
LB1104

(Signed) Russ Karpisek, Chairperson

Urban Affairs

Room 1510

Tuesday, February 4, 2014 1:30 p.m.

LB1011
LB1012
LB1095
LB1096

Tuesday, February 11, 2014 1:30 p.m.

LB1014
LB823

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in JournalSenator Chambers filed the following amendments to LB382:

FA178

Page 2, in line 3, strike, "Each political" and insert "The Republican"; in line 6 strike "conventions" and insert "convention"; in line 10 strike "A political party" and insert "Such".

FA179

Page 2, in line 13 beginning with "the", strike through "it" in line 16.

FA180

Page 2, in line 12, place a period after "election" and strike the following language through the period in line 13.

FA181

Page 3, in line 4 strike "3" and insert "4"; on pages 2, 3, 4 reinstate all stricken matter.

UNANIMOUS CONSENT - Add Cointroducers

Senator Kintner asked unanimous consent to add his name as cointroducer to LB832. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB748. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LB814. No objections. So ordered.

VISITORS

Visitor to the Chamber was Brian Schlote from the Plainview Fire Department.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 2014.

Patrick J. O'Donnell
Clerk of the Legislature

