

AMENDMENTS TO LB818

(Amendments to Standing Committee amendments, AM1172)

Introduced by Wayne, 13.

1 1. Insert the following new sections:

2 Sec. 45. For purposes of this section and section 46 of this act:

3 (1) Benefit means any amount, not included in salary, to be paid
4 during the contract year or to be paid in the future by a school district
5 or educational service unit in exchange for the personal services
6 performed during such contract year resulting in a benefit for the
7 employee or the family of the employee including, but not limited to, (a)
8 employer contributions pursuant to the School Employees Retirement Act or
9 the Class V School Employees Retirement Act, (b) early retirement
10 inducements as defined in section 79-978 for employees of Class V school
11 districts and as defined in section 79-902 for employees of all other
12 school districts and educational service units, (c) cash awards paid by
13 the school district or educational service unit, (d) severance pay, (e)
14 employer contributions made for the purpose of separation payments to be
15 made at retirement, (f) employer contributions to annuities, (g) employer
16 contributions to group life, health, or disability insurance premiums,
17 (h) payments made to an employee in lieu of employer contributions to
18 insurance premiums, and (i) the maximum cash payment for potential unused
19 leave of any type that could be accrued during such contract year;

20 (2) Compensation means a reasonable estimate of the total amount of
21 salary and benefits to be paid by a school district or educational
22 service unit in exchange for personal services performed during a
23 contract year;

24 (3) Compensation for a beginning teacher means compensation expected
25 to be paid by a school district or educational service unit for the first
26 year of teaching by a certificated teacher assuming such certificated

1 teacher receives the maximum benefits generally available to a teacher
2 who does not receive additional compensation for duties beyond the
3 standard teaching contract; and

4 (4) Salary means gross wages to be paid in exchange for personal
5 services performed during the contract year and includes (a) overtime
6 pay, (b) member contributions pursuant to the School Employees Retirement
7 Act or the Class V School Employees Retirement Act, and (c) amounts
8 contributed to plans under section 125, 403(b), or 457 of the Internal
9 Revenue Code or any other section of the code which defers or excludes
10 such amounts from income.

11 Sec. 46. (1) On and after July 1, 2023, a school district or
12 educational service unit that receives money under the Tax Equity in
13 Educational Opportunities Support Act or the Education Future Fund shall
14 not enter into any contract with a superintendent for services to be
15 rendered to a school district or an administrator for services to be
16 rendered to an educational service unit if such contract will cause, by
17 the terms of such contract or in combination with existing contracts,
18 such school district or educational service unit to pay compensation for
19 any contract year to or on behalf of such superintendent or administrator
20 in excess of five times the compensation for a beginning teacher in such
21 school district or educational service unit for the same contract year.

22 (2) For purposes of this section:

23 (a) If a superintendent of a school district also receives
24 compensation from an educational service unit in which such school
25 district is a member, such compensation shall be deemed compensation from
26 such school district; and

27 (b) If an administrator of an educational service unit receives
28 compensation from a school district which is a member of such educational
29 service unit, such compensation shall be deemed compensation from such
30 educational service unit.

31 (3) Any contract entered into in violation of this section shall be

1 invalid, and money belonging to a school district or educational service
2 unit shall not be expended on such a contract.

3 (4) Any compensation received by a superintendent or administrator
4 in violation of the limitations in this section shall be forfeited by
5 such superintendent or administrator and returned to the school district
6 or educational service unit, and a notice regarding such excess
7 compensation shall be filed with the Commissioner of Education within
8 thirty days after the superintendent, administrator, school board, or
9 board of the educational service unit becomes aware of such violation.

10 2. Renumber the remaining sections accordingly.