

AMENDMENTS TO LB283

(Amendments to E and R amendments, ER104)

Introduced by Baker, 30.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 13-511, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-511 (1) Unless otherwise provided by law, whenever during the
6 current fiscal year or biennial period it becomes apparent to a governing
7 body that (a) there are circumstances which could not reasonably have
8 been anticipated at the time the budget for the current year or biennial
9 period was adopted, (b) the budget adopted violated sections 13-518 to
10 13-522, such that the revenue of the current fiscal year or biennial
11 period for any fund thereof will be insufficient, additional expenses
12 will be necessarily incurred, or there is a need to reduce the budget
13 requirements to comply with sections 13-518 to 13-522, or (c) the
14 governing body has been notified by the auditor of a mathematical or
15 accounting error or noncompliance with the Nebraska Budget Act, such
16 governing body may propose to revise the previously adopted budget
17 statement and shall conduct a public hearing on such proposal. The public
18 hearing requirement shall not apply to emergency expenditures pursuant to
19 section 81-829.51.

20 (2) Notice of the time and place of the hearing shall be published
21 at least five days prior to the date set for hearing in a newspaper of
22 general circulation within the governing body's jurisdiction. Such
23 published notice shall set forth (a) the time and place of the hearing,
24 (b) the amount in dollars of additional or reduced money required and for
25 what purpose, (c) a statement setting forth the nature of the
26 unanticipated circumstances and, if the budget requirements are to be

1 increased, the reasons why the previously adopted budget of expenditures
2 cannot be reduced during the remainder of the current year or biennial
3 period to meet the need for additional money in that manner, (d) a copy
4 of the summary of the originally adopted budget previously published, and
5 (e) a copy of the summary of the proposed revised budget.

6 (3) At such hearing any taxpayer may appear or file a written
7 statement protesting any application for additional money. A written
8 record shall be kept of all such hearings.

9 (4) Upon conclusion of the public hearing on the proposed revised
10 budget and approval of the proposed revised budget by the governing body,
11 the governing body shall file with the county clerk of the county or
12 counties in which such governing body is located, with the learning
13 community coordinating council for school districts that are members of
14 learning communities, and with the auditor, a copy of the revised budget,
15 as adopted. The governing body may then issue warrants in payment for
16 expenditures authorized by the adopted revised budget. Such warrants
17 shall be referred to as registered warrants and shall be repaid during
18 the next fiscal year or biennial period from funds derived from taxes
19 levied therefor.

20 (5) Within thirty days after the adoption of the budget under
21 section 13-506, a governing body may, or within thirty days after
22 notification of an error by the auditor, a governing body shall, correct
23 an adopted budget which contains a clerical, mathematical, or accounting
24 error which does not affect the total amount budgeted by more than one
25 percent or increase the amount required from property taxes. No public
26 hearing shall be required for such a correction. After correction, the
27 governing body shall file a copy of the corrected budget with the county
28 clerk of the county or counties in which such governing body is located
29 and with the auditor. The governing body may then issue warrants in
30 payment for expenditures authorized by the budget.

31 Sec. 2. Section 73-106, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 73-106 Whenever any public school district in the state expends
3 public funds for the construction, remodeling, or repair of any school-
4 owned building or for site improvements, other than those expenditures
5 authorized by section 81-829.51 for emergency expenditures or section
6 79-10,104 for facilities which are not to be owned by the district
7 following their completion, the school board or its representative shall
8 advertise for bids in the regular manner established by the board and
9 accept or reject bids pursuant to section 73-101, except that nothing in
10 this section applies to such construction, remodeling, repair, or site
11 improvements when the contemplated expenditure for the complete project
12 does not exceed forty thousand dollars. This section does not apply to
13 the acquisition of existing buildings, purchase of new sites, or site
14 expansions by the school district.

15 Sec. 3. Section 79-1023, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-1023 (1) On or before April 10, 2014, and on or before March 1 of
18 each year thereafter, the department shall determine and certify to each
19 school district budget authority for the general fund budget of
20 expenditures for the ensuing school fiscal year.

21 (2) Except as provided in sections 79-1028.01, 79-1029, ~~and~~ 79-1030,
22 and 81-829.51, each school district shall have budget authority for the
23 general fund budget of expenditures equal to the greater of (a) the
24 general fund budget of expenditures for the immediately preceding school
25 fiscal year minus exclusions pursuant to subsection (1) of section
26 79-1028.01 for such school fiscal year with the difference increased by
27 the basic allowable growth rate for the school fiscal year for which
28 budget authority is being calculated, (b) the general fund budget of
29 expenditures for the immediately preceding school fiscal year minus
30 exclusions pursuant to subsection (1) of section 79-1028.01 for such
31 school fiscal year with the difference increased by an amount equal to

1 any student growth adjustment calculated for the school fiscal year for
2 which budget authority is being calculated, or (c) one hundred ten
3 percent of formula need for the school fiscal year for which budget
4 authority is being calculated minus the special education budget of
5 expenditures as filed on the school district budget statement on or
6 before September 20 for the immediately preceding school fiscal year,
7 which special education budget of expenditures is increased by the basic
8 allowable growth rate for the school fiscal year for which budget
9 authority is being calculated.

10 (3) For any school fiscal year for which the budget authority for
11 the general fund budget of expenditures for a school district is based on
12 a student growth adjustment, the budget authority for the general fund
13 budget of expenditures for such school district shall be adjusted in
14 future years to reflect any student growth adjustment corrections related
15 to such student growth adjustment.

16 Sec. 4. Section 81-829.49, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-829.49 Each local government, school district, or educational
19 service unit shall have the power to make appropriations in the manner
20 provided by law for making appropriations for the ordinary expenses of
21 such local government, school district, or educational service unit for
22 the payment of expenses of its city, village, county, school district,
23 educational service unit, or interjurisdictional emergency management
24 organization and in furthering the purposes of the Emergency Management
25 Act.

26 Sec. 5. Section 81-829.51, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-829.51 (1)(a) In the event of a disaster, emergency, or civil
29 defense emergency, each local government may make emergency expenditures,
30 enter into contracts, and incur obligations for emergency management
31 purposes regardless of existing statutory limitations and requirements

1 pertaining to appropriation, budgeting, levies, or the manner of entering
2 into contracts.

3 (b) In the event of a disaster, emergency, or civil defense
4 emergency, each school district or educational service unit may make
5 emergency expenditures, enter into contracts, and incur obligations for
6 emergency management purposes and to minimize the disruption to education
7 services regardless of existing statutory limitations and requirements
8 pertaining to appropriation, budgeting, or the manner of entering into
9 contracts.

10 (2) If any such expenditure, contract, or obligation will be in
11 excess of or in violation of existing statutory limitations or
12 requirements, then before any such expenditure, contract, or obligation
13 is undertaken it shall be approved by a vote of the governing body of
14 such local government, school district, or educational service unit. The
15 and such governing body may not vote its approval unless it has secured a
16 copy of the proclamation as provided in section 81-829.50 from the
17 certificate of the city, village, county, or interjurisdictional
18 emergency management director serving such local government, school
19 district, or educational service unit. For school districts and
20 educational service units, the proclamation shall be secured from the
21 county in which the school district or principal office of the
22 educational service unit is located that such action is necessary in the
23 public interest for emergency management purposes.

24 Sec. 6. Original sections 13-511, 73-106, 79-1023, 81-829.49, and
25 81-829.51, Reissue Revised Statutes of Nebraska, are repealed.

26 Sec. 7. Since an emergency exists, this act takes effect when passed
27 and approved according to law.