

AMENDMENTS TO LB212

Introduced by Government, Military and Veterans Affairs.

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

3 Section 1. Section 13-519, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 13-519 (1)(a) Subject to subdivisions (1)(b) and (c) of this
6 section, for all fiscal years beginning on or after July 1, 1998, no
7 governmental unit shall adopt a budget containing a total of budgeted
8 restricted funds more than the last prior year's total of budgeted
9 restricted funds plus allowable growth plus the basic allowable growth
10 percentage of the base limitation established under section 77-3446. For
11 the second fiscal year in which a county will receive a full year of
12 receipts from the tax imposed in sections 77-27,223 to 77-27,227, the
13 prior year's total of restricted funds shall be the prior year's total of
14 restricted funds plus the total receipts from the tax imposed in sections
15 77-27,223 to 77-27,227 in the prior year. If a governmental unit
16 transfers the financial responsibility of providing a service financed in
17 whole or in part with restricted funds to another governmental unit or
18 the state, the amount of restricted funds associated with providing the
19 service shall be subtracted from the last prior year's total of budgeted
20 restricted funds for the previous provider and may be added to the last
21 prior year's total of restricted funds for the new provider. For
22 governmental units that have consolidated, the calculations made under
23 this section for consolidating units shall be made based on the combined
24 total of restricted funds, population, or full-time equivalent students
25 of each governmental unit.

26 (b) For all fiscal years beginning on or after July 1, 2008,
27 educational service units may exceed the limitations of subdivision (1)

1 (a) of this section to the extent that one hundred ten percent of the
2 needs for the educational service unit calculated pursuant to section
3 79-1241.03 exceeds the budgeted restricted funds allowed pursuant to
4 subdivision (1)(a) of this section.

5 (c) For fiscal year 2017-18, the last prior year's total of
6 restricted funds for counties shall be the last prior year's total of
7 restricted funds less the last prior year's restricted funds budgeted by
8 counties under sections 39-2501 to 39-2520, plus the last prior year's
9 amount of restricted funds budgeted by counties under sections 39-2501 to
10 39-2520 to be used for capital improvements.

11 (2) A governmental unit may exceed the limit provided in subdivision
12 (1)(a) of this section for a fiscal year by up to an additional one
13 percent upon the affirmative vote of at least seventy-five percent of the
14 governing body.

15 (3) A governmental unit may exceed the applicable allowable growth
16 percentage otherwise prescribed in this section by an amount approved by
17 a majority of legal voters voting on the issue at a special election
18 called for such purpose upon the recommendation of the governing body or
19 upon the receipt by the county clerk or election commissioner of a
20 petition requesting an election signed by at least five percent of the
21 legal voters of the governmental unit. The recommendation of the
22 governing body or the petition of the legal voters shall include the
23 amount and percentage by which the governing body would increase its
24 budgeted restricted funds for the ensuing year over and above the current
25 year's budgeted restricted funds. The county clerk or election
26 commissioner shall call for a special election on the issue within thirty
27 days after the receipt of such governing body recommendation or legal
28 voter petition. The election shall be held pursuant to the Election Act,
29 and all costs shall be paid by the governing body. The issue may be
30 approved on the same question as a vote to exceed the levy limits
31 provided in section 77-3444.

1 (4) In lieu of the election procedures in subsection (3) of this
2 section, any governmental unit may, for a period of one year, exceed the
3 allowable growth percentage otherwise prescribed in this section by an
4 amount approved by a majority of legal voters voting at a meeting of the
5 residents of the governmental unit, called after notice is published in a
6 newspaper of general circulation in the governmental unit at least twenty
7 days prior to the meeting. At least ten percent of the registered voters
8 residing in the governmental unit shall constitute a quorum for purposes
9 of taking action to exceed the allowable growth percentage. If a majority
10 of the registered voters present at the meeting vote in favor of
11 exceeding the allowable growth percentage, a copy of the record of that
12 action shall be forwarded to the Auditor of Public Accounts along with
13 the budget documents. The issue to exceed the allowable growth percentage
14 may be approved at the same meeting as a vote to exceed the limits or
15 final levy allocation provided in section 77-3444.

16 Sec. 2. Section 13-520, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 13-520 The limitations in section 13-519 shall not apply to (1)
19 restricted funds budgeted for capital improvements, (2) restricted funds
20 expended from a qualified sinking fund for acquisition or replacement of
21 tangible personal property with a useful life of five years or more, (3)
22 restricted funds pledged to retire bonds as defined in subdivision (1) of
23 section 10-134 and approved according to law, (4) restricted funds bonded
24 indebtedness, used by a public airport to retire interest-free loans from
25 the Division of Aeronautics of the Department of Transportation in lieu
26 of bonded indebtedness at a lower cost to the public airport, (5) ~~or used~~
27 ~~to pay other financial instruments that are approved and agreed to before~~
28 ~~July 1, 1999, in the same manner as bonds by a governing body created~~
29 ~~under section 35-501,~~ (4) restricted funds budgeted in support of a
30 service which is the subject of an agreement or a modification of an
31 existing agreement whether operated by one of the parties to the

1 agreement or by an independent joint entity or joint public agency, (6)
2 ~~(5)~~ restricted funds budgeted to pay for repairs to infrastructure
3 damaged by a natural disaster which is declared a disaster emergency
4 pursuant to the Emergency Management Act, (7) ~~(6)~~ restricted funds
5 budgeted to pay for judgments, except judgments or orders from the
6 Commission of Industrial Relations, obtained against a governmental unit
7 which require or obligate a governmental unit to pay such judgment, to
8 the extent such judgment is not paid by liability insurance coverage of a
9 governmental unit, or (8) ~~(7)~~ the dollar amount by which restricted funds
10 budgeted by a natural resources district to administer and implement
11 ground water management activities and integrated management activities
12 under the Nebraska Ground Water Management and Protection Act exceed its
13 restricted funds budgeted to administer and implement ground water
14 management activities and integrated management activities for FY2003-04.

15 Sec. 3. Section 23-906, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 23-906 In each county the finance committee of the county board
18 shall constitute the budget-making authority unless the board, in its
19 discretion, designates or appoints one of its own members or the county
20 comptroller, the county manager, or other qualified person as the budget-
21 making authority. If he or she will accept the appointment, another
22 county official may be appointed as the budget-making authority. For the
23 performance of this additional responsibility, the county official
24 accepting the appointment may receive such additional salary as fixed by
25 the county board.

26 On or before August 1, the budget-making authority shall prepare a
27 county budget document, in the form required by sections 23-904 and
28 23-905, for the fiscal year and transmit the document to the county
29 board.

30 A summary of the budget, in the form required by section 23-905,
31 showing for each fund (1) the requirements, (2) the outstanding warrants,

1 (3) the operating reserve to be maintained, (4) the cash on hand at the
2 close of the preceding fiscal year, (5) the revenue from sources other
3 than taxation, (6) the amount to be raised by taxation, and (7) the
4 amount raised by taxation in the preceding fiscal year, together with a
5 notice of a public hearing to be had with respect to the budget before
6 the county board, shall be published once at least four calendar days
7 prior to five days before the date of hearing in some legal newspaper
8 published and of general circulation in the county or, if no such legal
9 newspaper is published, in some legal newspaper of general circulation in
10 the county. For purposes of such notice, the four calendar days shall
11 include the day of publication but not the day of hearing.

12 Sec. 4. Section 77-1601.02, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 77-1601.02 (1) The property tax request for the prior year shall be
15 the property tax request for the current year for purposes of the levy
16 set by the county board of equalization in section 77-1601 unless the
17 governing body of the county, municipality, school district, learning
18 community, sanitary and improvement district, natural resources district,
19 educational service unit, or community college passes by a majority vote
20 a resolution or ordinance setting the tax request at a different amount.
21 Such resolution or ordinance shall only be passed after a special public
22 hearing called for such purpose is held and after notice is published in
23 a newspaper of general circulation in the area of the political
24 subdivision at least four calendar ~~five~~ days prior to the hearing. For
25 purposes of such notice, the four calendar days shall include the day of
26 publication but not the day of hearing. The hearing notice shall contain
27 the following information: The dollar amount of the prior year's tax
28 request and the property tax rate that was necessary to fund that tax
29 request; the property tax rate that would be necessary to fund last
30 year's tax request if applied to the current year's valuation; and the
31 proposed dollar amount of the tax request for the current year and the

1 property tax rate that will be necessary to fund that tax request. Any
2 resolution setting a tax request under this section shall be certified
3 and forwarded to the county clerk on or before October 13 of the year for
4 which the tax request is to apply.

5 (2) Any levy which is not in compliance with this section and
6 section 77-1601 shall be construed as an unauthorized levy under section
7 77-1606.

8 Sec. 5. Section 84-1411, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 84-1411 (1) Each public body shall give reasonable advance
11 publicized notice of the time and place of each meeting by a method
12 designated by each public body and recorded in its minutes. Such notice
13 shall be transmitted to all members of the public body and to the public.
14 Such notice shall contain an agenda of subjects known at the time of the
15 publicized notice or a statement that the agenda, which shall be kept
16 continually current, shall be readily available for public inspection at
17 the principal office of the public body during normal business hours.
18 Agenda items shall be sufficiently descriptive to give the public
19 reasonable notice of the matters to be considered at the meeting. Except
20 for items of an emergency nature, the agenda shall not be altered later
21 than (a) twenty-four hours before the scheduled commencement of the
22 meeting or (b) forty-eight hours before the scheduled commencement of a
23 meeting of a city council or village board scheduled outside the
24 corporate limits of the municipality. The public body shall have the
25 right to modify the agenda to include items of an emergency nature only
26 at such public meeting.

27 (2) A meeting of a state agency, state board, state commission,
28 state council, or state committee, of an advisory committee of any such
29 state entity, of an organization created under the Interlocal Cooperation
30 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
31 Act, of the governing body of a public power district having a chartered

1 territory of more than one county in this state, of the governing body of
2 a public power and irrigation district having a chartered territory of
3 more than one county in this state, of a board of an educational service
4 unit, of the Educational Service Unit Coordinating Council, of the
5 governing body of a risk management pool or its advisory committees
6 organized in accordance with the Intergovernmental Risk Management Act,
7 or of a community college board of governors may be held by means of
8 videoconferencing or, in the case of the Judicial Resources Commission in
9 those cases specified in section 24-1204, by telephone conference, if:

10 (a) Reasonable advance publicized notice is given;

11 (b) Reasonable arrangements are made to accommodate the public's
12 right to attend, hear, and speak at the meeting, including seating,
13 recordation by audio or visual recording devices, and a reasonable
14 opportunity for input such as public comment or questions to at least the
15 same extent as would be provided if videoconferencing or telephone
16 conferencing was not used;

17 (c) At least one copy of all documents being considered is available
18 to the public at each site of the videoconference or telephone
19 conference;

20 (d) At least one member of the state entity, advisory committee,
21 board, council, or governing body is present at each site of the
22 videoconference or telephone conference, except that a member of an
23 organization created under the Interlocal Cooperation Act that sells
24 electricity or natural gas at wholesale on a multistate basis, an
25 organization created under the Municipal Cooperative Financing Act, or a
26 governing body of a risk management pool or an advisory committee of such
27 organization or pool may designate a nonvoting designee, who shall not be
28 included as part of the quorum, to be present at any site; and

29 (e)(i) Except as provided in subdivision (2)(e)(ii) of this section,
30 no (e) No more than one-half of the state entity's, advisory committee's,
31 board's, council's, or governing body's meetings in a calendar year are

1 held by videoconference or telephone conference; or -

2 (ii) In the case of an organization created under the Interlocal
3 Cooperation Act that sells electricity or natural gas at wholesale on a
4 multistate basis or an organization created under the Municipal
5 Cooperative Financing Act, such organization holds at least one meeting
6 each calendar year that is not by videoconferencing or telephone
7 conferencing.

8 Videoconferencing, telephone conferencing, or conferencing by other
9 electronic communication shall not be used to circumvent any of the
10 public government purposes established in the Open Meetings Act.

11 (3) A meeting of a board of an educational service unit, of the
12 Educational Service Unit Coordinating Council, of the governing body of
13 an entity formed under the Interlocal Cooperation Act, the Joint Public
14 Agency Act, or the Municipal Cooperative Financing Act, of the governing
15 body of a risk management pool or its advisory committees organized in
16 accordance with the Intergovernmental Risk Management Act, of a community
17 college board of governors, of the governing body of a public power
18 district, of the governing body of a public power and irrigation
19 district, or of the Nebraska Brand Committee may be held by telephone
20 conference call if:

21 (a) The territory represented by the educational service unit,
22 member educational service units, community college board of governors,
23 public power district, public power and irrigation district, Nebraska
24 Brand Committee, or member public agencies of the entity or pool covers
25 more than one county;

26 (b) Reasonable advance publicized notice is given which identifies
27 each telephone conference location at which there will be present: (i) A
28 member of the an educational service unit board-member, a council-member,
29 a member of a community college board of governors, a member of the
30 governing body of a public power district, a member of the governing body
31 of a public power and irrigation district, a member of the Nebraska Brand

1 Committee, or a member of the entity's or pool's governing body; or will
2 be present (ii) A nonvoting designee designated under subdivision (3)(f)
3 of this section;

4 (c) All telephone conference meeting sites identified in the notice
5 are located within public buildings used by members of the educational
6 service unit board, council, community college board of governors,
7 governing body of the public power district, governing body of the public
8 power and irrigation district, Nebraska Brand Committee, or entity or
9 pool or at a place which will accommodate the anticipated audience;

10 (d) Reasonable arrangements are made to accommodate the public's
11 right to attend, hear, and speak at the meeting, including seating,
12 recordation by audio recording devices, and a reasonable opportunity for
13 input such as public comment or questions to at least the same extent as
14 would be provided if a telephone conference call was not used;

15 (e) At least one copy of all documents being considered is available
16 to the public at each site of the telephone conference call;

17 (f) At least one member of the educational service unit board,
18 council, community college board of governors, governing body of the
19 public power district, governing body of the public power and irrigation
20 district, Nebraska Brand Committee, or governing body of the entity or
21 pool is present at each site of the telephone conference call identified
22 in the public notice, except that a member of an organization created
23 under the Interlocal Cooperation Act that sells electricity or natural
24 gas at wholesale on a multistate basis, an organization created under the
25 Municipal Cooperative Financing Act, or a governing body of a risk
26 management pool or an advisory committee of such organization or pool may
27 designate a nonvoting designee, who shall not be included as part of the
28 quorum, to be present at any site;

29 (g) The telephone conference call lasts no more than five ~~two~~ hours;
30 and

31 (h) No more than one-half of the board's, council's, governing

1 body's, committee's, entity's, or pool's meetings in a calendar year are
2 held by telephone conference call, except that: a

3 (i) The governing body of a risk management pool that meets at least
4 quarterly and the advisory committees of the governing body may each hold
5 more than one-half of its meetings by telephone conference call if the
6 governing body's quarterly meetings are not held by telephone conference
7 call or videoconferencing; and -

8 (ii) An organization created under the Interlocal Cooperation Act
9 that sells electricity or natural gas at wholesale on a multistate basis
10 or an organization created under the Municipal Cooperative Financing Act
11 may hold more than one-half of its meetings by telephone conference call
12 if the organization holds at least one meeting each calendar year that is
13 not by videoconferencing or telephone conference call.

14 Nothing in this subsection shall prevent the participation of
15 consultants, members of the press, and other nonmembers of the governing
16 body at sites not identified in the public notice. Telephone conference
17 calls, emails, faxes, or other electronic communication shall not be used
18 to circumvent any of the public government purposes established in the
19 Open Meetings Act.

20 (4) The secretary or other designee of each public body shall
21 maintain a list of the news media requesting notification of meetings and
22 shall make reasonable efforts to provide advance notification to them of
23 the time and place of each meeting and the subjects to be discussed at
24 that meeting.

25 (5) When it is necessary to hold an emergency meeting without
26 reasonable advance public notice, the nature of the emergency shall be
27 stated in the minutes and any formal action taken in such meeting shall
28 pertain only to the emergency. Such emergency meetings may be held by
29 means of electronic or telecommunication equipment. The provisions of
30 subsection (4) of this section shall be complied with in conducting
31 emergency meetings. Complete minutes of such emergency meetings

1 specifying the nature of the emergency and any formal action taken at the
2 meeting shall be made available to the public by no later than the end of
3 the next regular business day.

4 (6) A public body may allow a member of the public or any other
5 witness other than a member of the public body to appear before the
6 public body by means of video or telecommunications equipment.

7 Sec. 6. Original sections 23-906 and 77-1601.02, Reissue Revised
8 Statutes of Nebraska, and sections 13-519, 13-520, and 84-1411, Revised
9 Statutes Cumulative Supplement, 2018, are repealed.