

AMENDMENTS TO LB148

Introduced by Government, Military and Veterans Affairs.

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

3           Section 1. Section 13-503, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5           13-503 For purposes of the Nebraska Budget Act, unless the context  
6 otherwise requires:

7           (1) Governing body means the governing body of any county  
8 agricultural society, elected county fair board, joint airport authority  
9 formed under the Joint Airport Authorities Act, city or county airport  
10 authority, bridge commission created pursuant to section 39-868, cemetery  
11 district, city, village, municipal county, community college, community  
12 redevelopment authority, county, drainage or levee district, educational  
13 service unit, rural or suburban fire protection district, historical  
14 society, hospital district, irrigation district, learning community,  
15 natural resources district, nonprofit county historical association or  
16 society for which a tax is levied under subsection (1) of section  
17 23-355.01, public building commission, railroad transportation safety  
18 district, reclamation district, road improvement district, rural water  
19 district, school district, sanitary and improvement district, township,  
20 offstreet parking district, transit authority, metropolitan utilities  
21 district, Educational Service Unit Coordinating Council, ~~and~~ political  
22 subdivision with the authority to have a property tax request, with the  
23 authority to levy a toll, or that receives state aid, and joint entity  
24 created pursuant to the Interlocal Cooperation Act that receives tax  
25 funds generated under section 2-3226.05;

26           (2) Levying board means any governing body which has the power or  
27 duty to levy a tax;

1 (3) Fiscal year means the twelve-month period used by each governing  
2 body in determining and carrying on its financial and taxing affairs;

3 (4) Tax means any general or special tax levied against persons,  
4 property, or business for public purposes as provided by law but shall  
5 not include any special assessment;

6 (5) Auditor means the Auditor of Public Accounts;

7 (6) Cash reserve means funds required for the period before revenue  
8 would become available for expenditure but shall not include funds held  
9 in any special reserve fund;

10 (7) Public funds means all money, including nontax money, used in  
11 the operation and functions of governing bodies. For purposes of a  
12 county, city, or village which has a lottery established under the  
13 Nebraska County and City Lottery Act, only those net proceeds which are  
14 actually received by the county, city, or village from a licensed lottery  
15 operator shall be considered public funds, and public funds shall not  
16 include amounts awarded as prizes;

17 (8) Adopted budget statement means a proposed budget statement which  
18 has been adopted or amended and adopted as provided in section 13-506.  
19 Such term shall include additions, if any, to an adopted budget statement  
20 made by a revised budget which has been adopted as provided in section  
21 13-511;

22 (9) Special reserve fund means any special fund set aside by the  
23 governing body for a particular purpose and not available for expenditure  
24 for any other purpose. Funds created for (a) the retirement of bonded  
25 indebtedness, (b) the funding of employee pension plans, (c) the purposes  
26 of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes  
27 of the Local Option Municipal Economic Development Act, (e) voter-  
28 approved sinking funds, or (f) statutorily authorized sinking funds shall  
29 be considered special reserve funds;

30 (10) Biennial period means the two fiscal years comprising a  
31 biennium commencing in odd-numbered or even-numbered years used by a

1 city, village, or natural resources district in determining and carrying  
2 on its financial and taxing affairs; and

3 (11) Biennial budget means (a) a budget by a city of the primary or  
4 metropolitan class that adopts a charter provision providing for a  
5 biennial period to determine and carry on the city's financial and taxing  
6 affairs, (b) a budget by a city of the first or second class or village  
7 that provides for a biennial period to determine and carry on the city's  
8 or village's financial and taxing affairs, or (c) a budget by a natural  
9 resources district that provides for a biennial period to determine and  
10 carry on the natural resources district's financial and taxing affairs.

11 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 13-506 (1) Each governing body shall each year or biennial period  
14 conduct a public hearing on its proposed budget statement. Such hearing  
15 shall be held separately from any regularly scheduled meeting of the  
16 governing body and shall not be limited by time. Notice of place and time  
17 of such hearing, together with a summary of the proposed budget  
18 statement, shall be published at least four calendar days prior to the  
19 date set for hearing in a newspaper of general circulation within the  
20 governing body's jurisdiction. For purposes of such notice, the four  
21 calendar days shall include the day of publication but not the day of  
22 hearing. When the total operating budget, not including reserves, does  
23 not exceed ten thousand dollars per year or twenty thousand dollars per  
24 biennial period, the proposed budget summary may be posted at the  
25 governing body's principal headquarters. At such hearing, the governing  
26 body shall make at least three copies of the proposed budget statement  
27 available to the public and shall make a presentation outlining key  
28 provisions of the proposed budget statement, including, but not limited  
29 to, a comparison with the prior year's budget. Any member of the public  
30 desiring to speak on the proposed budget statement shall be allowed to  
31 address the governing body at the hearing and shall be given a reasonable

1 amount of time to do so. After such hearing, the proposed budget  
2 statement shall be adopted, or amended and adopted as amended, and a  
3 written record shall be kept of such hearing. The amount to be received  
4 from personal and real property taxation shall be certified to the  
5 levying board after the proposed budget statement is adopted or is  
6 amended and adopted as amended. If the levying board represents more than  
7 one county, a member or a representative of the governing board shall,  
8 upon the written request of any represented county, appear and present  
9 its budget at the hearing of the requesting county. The certification of  
10 the amount to be received from personal and real property taxation shall  
11 specify separately (a) the amount to be applied to the payment of  
12 principal or interest on bonds issued by the governing body and (b) the  
13 amount to be received for all other purposes. If the adopted budget  
14 statement reflects a change from that shown in the published proposed  
15 budget statement, a summary of such changes shall be published within  
16 twenty calendar days after its adoption in the manner provided in this  
17 section, but without provision for hearing, setting forth the items  
18 changed and the reasons for such changes.

19 (2) Upon approval by the governing body, the budget shall be filed  
20 with the auditor. The auditor may review the budget for errors in  
21 mathematics, improper accounting, and noncompliance with the Nebraska  
22 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
23 errors, he or she shall immediately notify the governing body of such  
24 errors. The governing body shall correct any such error as provided in  
25 section 13-511. Warrants for the payment of expenditures provided in the  
26 budget adopted under this section shall be valid notwithstanding any  
27 errors or noncompliance for which the auditor has notified the governing  
28 body.

29 Sec. 3. Section 84-1411, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 84-1411 (1)(a) ~~(1)~~ Each public body shall give reasonable advance

1 publicized notice of the time and place of each meeting as provided in  
2 this subsection by a method designated by each public body and recorded  
3 in its minutes. Such notice shall be transmitted to all members of the  
4 public body and to the public.

5 (b)(i) Except as provided in subdivision (1)(b)(ii) of this section,  
6 in the case of a public body described in subdivision (1)(a)(i) of  
7 section 84-1409 or such body's advisory committee, such notice shall be  
8 published in a newspaper of general circulation within the public body's  
9 jurisdiction and, if available, in a digital advertisement on such  
10 newspaper's web site.

11 (ii) In the case of the governing body of a city of the second class  
12 or village or such body's advisory committee, such notice shall be  
13 published by:

14 (A) Publication in a newspaper of general circulation within the  
15 public body's jurisdiction and, if available, in a digital advertisement  
16 on such newspaper's web site; or

17 (B) Posting written notice in three conspicuous public places in  
18 such city or village. Such notice shall be posted in the same three  
19 places for each meeting.

20 (iii) In the case of a public body not described in subdivision (1)  
21 (b)(i) or (ii) of this section, such notice shall be given by a method  
22 designated by the public body.

23 (c) In addition to a method of notice required by subdivision (1)(b)  
24 (i) or (ii) of this section, such notice may also be provided by any  
25 other appropriate method designated by such public body or such advisory  
26 committee.

27 (d) Each public body shall record the methods and dates of such  
28 notice in its minutes.

29 (e) Such notice shall contain an agenda of subjects known at the  
30 time of the publicized notice or a statement that the agenda, which shall  
31 be kept continually current, shall be readily available for public

1 inspection at the principal office of the public body during normal  
2 business hours. Agenda items shall be sufficiently descriptive to give  
3 the public reasonable notice of the matters to be considered at the  
4 meeting. Except for items of an emergency nature, the agenda shall not be  
5 altered later than (i) ~~(a)~~ twenty-four hours before the scheduled  
6 commencement of the meeting or (ii) ~~(b)~~ forty-eight hours before the  
7 scheduled commencement of a meeting of a city council or village board  
8 scheduled outside the corporate limits of the municipality. The public  
9 body shall have the right to modify the agenda to include items of an  
10 emergency nature only at such public meeting.

11 (2) A meeting of a state agency, state board, state commission,  
12 state council, or state committee, of an advisory committee of any such  
13 state entity, of an organization created under the Interlocal Cooperation  
14 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing  
15 Act, of the governing body of a public power district having a chartered  
16 territory of more than one county in this state, of the governing body of  
17 a public power and irrigation district having a chartered territory of  
18 more than one county in this state, of a board of an educational service  
19 unit, of the Educational Service Unit Coordinating Council, of the  
20 governing body of a risk management pool or its advisory committees  
21 organized in accordance with the Intergovernmental Risk Management Act,  
22 or of a community college board of governors may be held by means of  
23 videoconferencing or, in the case of the Judicial Resources Commission in  
24 those cases specified in section 24-1204, by telephone conference, if:

25 (a) Reasonable advance publicized notice is given as provided in  
26 subsection (1) of this section;

27 (b) Reasonable arrangements are made to accommodate the public's  
28 right to attend, hear, and speak at the meeting, including seating,  
29 recordation by audio or visual recording devices, and a reasonable  
30 opportunity for input such as public comment or questions to at least the  
31 same extent as would be provided if videoconferencing or telephone

1 conferencing was not used;

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

5 (d) At least one member of the state entity, advisory committee,  
6 board, council, or governing body is present at each site of the  
7 videoconference or telephone conference; and

8 (e) No more than one-half of the state entity's, advisory  
9 committee's, board's, council's, or governing body's meetings in a  
10 calendar year are held by videoconference or telephone conference.

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

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

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

29 (b) Reasonable advance publicized notice is given as provided in  
30 subsection (1) of this section which identifies each telephone conference  
31 location at which an educational service unit board member, a council

1 member, a member of a community college board of governors, a member of  
2 the governing body of a public power district, a member of the governing  
3 body of a public power and irrigation district, a member of the Nebraska  
4 Brand Committee, or a member of the entity's or pool's governing body  
5 will be present;

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

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

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

19 (f) At least one member of the educational service unit board,  
20 council, community college board of governors, governing body of the  
21 public power district, governing body of the public power and irrigation  
22 district, Nebraska Brand Committee, or governing body of the entity or  
23 pool is present at each site of the telephone conference call identified  
24 in the public notice;

25 (g) The telephone conference call lasts no more than two hours; and

26 (h) No more than one-half of the board's, council's, governing  
27 body's, committee's, entity's, or pool's meetings in a calendar year are  
28 held by telephone conference call, except that a governing body of a risk  
29 management pool that meets at least quarterly and the advisory committees  
30 of the governing body may each hold more than one-half of its meetings by  
31 telephone conference call if the governing body's quarterly meetings are

1 not held by telephone conference call or videoconferencing.

2 Nothing in this subsection shall prevent the participation of  
3 consultants, members of the press, and other nonmembers of the governing  
4 body at sites not identified in the public notice. Telephone conference  
5 calls, emails, faxes, or other electronic communication shall not be used  
6 to circumvent any of the public government purposes established in the  
7 Open Meetings Act.

8 (4) The secretary or other designee of each public body shall  
9 maintain a list of the news media requesting notification of meetings and  
10 shall make reasonable efforts to provide advance notification to them of  
11 the time and place of each meeting and the subjects to be discussed at  
12 that meeting.

13 (5) When it is necessary to hold an emergency meeting without  
14 reasonable advance public notice, the nature of the emergency shall be  
15 stated in the minutes and any formal action taken in such meeting shall  
16 pertain only to the emergency. Such emergency meetings may be held by  
17 means of electronic or telecommunication equipment. The provisions of  
18 subsection (4) of this section shall be complied with in conducting  
19 emergency meetings. Complete minutes of such emergency meetings  
20 specifying the nature of the emergency and any formal action taken at the  
21 meeting shall be made available to the public by no later than the end of  
22 the next regular business day.

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

26 Sec. 4. Original sections 13-503, 13-506, and 84-1411, Revised  
27 Statutes Cumulative Supplement, 2018, are repealed.