

E AND R AMENDMENTS TO LB 148

Introduced by Slama, 1, Chairman Enrollment and Review

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

3       Section 1. Section 13-503, Revised Statutes Supplement, 2019, is  
4 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, regional metropolitan  
21 transit authority, metropolitan utilities district, Educational Service  
22 Unit Coordinating Council, and political subdivision with the authority  
23 to have a property tax request, with the authority to levy a toll, or  
24 that receives state aid, and joint entity created pursuant to the  
25 Interlocal Cooperation Act that receives tax funds generated under  
26 section 2-3226.05;

27       (2) Levying board means any governing body which has the power or

1      duty to levy a tax;

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

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

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

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

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

18          (8) Adopted budget statement means a proposed budget statement which  
19     has been adopted or amended and adopted as provided in section 13-506.  
20     Such term shall include additions, if any, to an adopted budget statement  
21     made by a revised budget which has been adopted as provided in section  
22     13-511;

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

31          (10) Biennial period means the two fiscal years comprising a

1 biennium commencing in odd-numbered or even-numbered years used by a  
2 city, village, or natural resources district in determining and carrying  
3 on its financial and taxing affairs; and

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

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

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

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

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

30       Sec. 3. Section 84-1411, Revised Statutes Supplement, 2019, is  
31   amended to read:

1        84-1411 (1)(a) (1) Each public body shall give reasonable advance  
2        publicized notice of the time and place of each meeting as provided in  
3        this subsection by a method designated by each public body and recorded  
4        in its minutes. Such notice shall be transmitted to all members of the  
5        public body and to the public.

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

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

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

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

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

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

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

30      (e) Such notice shall contain an agenda of subjects known at the  
31      time of the publicized notice or a statement that the agenda, which shall

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

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

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

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

1 same extent as would be provided if videoconferencing or telephone  
2 conferencing was not used;

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

6 (d) At least one member of the state entity, advisory committee,  
7 board, council, or governing body is present at each site of the  
8 videoconference or telephone conference, except that a member of an  
9 organization created under the Interlocal Cooperation Act that sells  
10 electricity or natural gas at wholesale on a multistate basis, an  
11 organization created under the Municipal Cooperative Financing Act, or a  
12 governing body of a risk management pool or an advisory committee of such  
13 organization or pool may designate a nonvoting designee, who shall not be  
14 included as part of the quorum, to be present at any site; and

15 (e)(i) Except as provided in subdivision (2)(e)(ii) of this section,  
16 no more than one-half of the state entity's, advisory committee's,  
17 board's, council's, or governing body's meetings in a calendar year are  
18 held by videoconference or telephone conference; or

19 (ii) In the case of an organization created under the Interlocal  
20 Cooperation Act that sells electricity or natural gas at wholesale on a  
21 multistate basis or an organization created under the Municipal  
22 Cooperative Financing Act, such organization holds at least one meeting  
23 each calendar year that is not by videoconferencing or telephone  
24 conferencing.

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

28 (3) A meeting of a board of an educational service unit, of the  
29 Educational Service Unit Coordinating Council, of the governing body of  
30 an entity formed under the Interlocal Cooperation Act, the Joint Public  
31 Agency Act, or the Municipal Cooperative Financing Act, of the governing

1 body of a risk management pool or its advisory committees organized in  
2 accordance with the Intergovernmental Risk Management Act, of a community  
3 college board of governors, of the governing body of a public power  
4 district, of the governing body of a public power and irrigation  
5 district, or of the Nebraska Brand Committee may be held by telephone  
6 conference call if:

7 (a) The territory represented by the educational service unit,  
8 member educational service units, community college board of governors,  
9 public power district, public power and irrigation district, Nebraska  
10 Brand Committee, or member public agencies of the entity or pool covers  
11 more than one county;

12 (b) Reasonable advance publicized notice is given as provided in  
13 subsection (1) of this section which identifies each telephone conference  
14 location at which there will be present: (i) A member of the educational  
15 service unit board, council, community college board of governors,  
16 governing body of a public power district, governing body of a public  
17 power and irrigation district, Nebraska Brand Committee, or entity's or  
18 pool's governing body; or (ii) A nonvoting designee designated under  
19 subdivision (3)(f) of this section;

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

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

31 (e) At least one copy of all documents being considered is available

1 to the public at each site of the telephone conference call;

2 (f) At least one member of the educational service unit board,  
3 council, community college board of governors, governing body of the  
4 public power district, governing body of the public power and irrigation  
5 district, Nebraska Brand Committee, or governing body of the entity or  
6 pool is present at each site of the telephone conference call identified  
7 in the public notice, except that a member of an organization created  
8 under the Interlocal Cooperation Act that sells electricity or natural  
9 gas at wholesale on a multistate basis, an organization created under the  
10 Municipal Cooperative Financing Act, or a governing body of a risk  
11 management pool or an advisory committee of such organization or pool may  
12 designate a nonvoting designee, who shall not be included as part of the  
13 quorum, to be present at any site;

14 (g) The telephone conference call lasts no more than five hours; and

15 (h) No more than one-half of the board's, council's, governing  
16 body's, committee's, entity's, or pool's meetings in a calendar year are  
17 held by telephone conference call, except that:

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

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

29 Nothing in this subsection shall prevent the participation of  
30 consultants, members of the press, and other nonmembers of the governing  
31 body at sites not identified in the public notice. Telephone conference

1 calls, emails, faxes, or other electronic communication shall not be used  
2 to circumvent any of the public government purposes established in the  
3 Open Meetings Act.

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

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

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

22 Sec. 4. Original section 13-506, Revised Statutes Cumulative  
23 Supplement, 2018, and sections 13-503 and 84-1411, Revised Statutes  
24 Supplement, 2019, are repealed.

25 2. On page 1, strike beginning with "sections" in line 2 through  
26 "2018" in line 3 and insert "section 13-506, Revised Statutes Cumulative  
27 Supplement, 2018, and sections 13-503 and 84-1411, Revised Statutes  
28 Supplement, 2019".