

LEGISLATIVE BILL 17

Approved by the Governor April 10, 1981

Introduced by Koch, 12; Carsten, 2
AN ACT to amend sections 77-3402, 77-3404, 77-3405,
77-3406, 77-3409, and 77-3410, Revised
Statutes Supplement, 1980, relating to the
Local Option Tax Control Act; to change
petition requirements; to change the period of
time a budget limitation is applicable; to
harmonize provisions; to delete provisions for
submission to the voters by resolution; to
provide for termination of existing
limitations; to repeal the original sections,
and also section 77-3403, Revised Statutes
Supplement, 1980; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 77-3402, Revised
Statutes Supplement, 1980, be amended to read as follows:

77-3402. If the voters of any political subdivision of the state authorized to levy a tax or cause a tax to be levied determine that a limitation of its budget funded by ad valorem taxes is needed, they may call for an election for that purpose. When five ten per cent of the registered voters of any political subdivision sign a petition calling for a limitation on its budget funded by ad valorem taxes, the question of such budget limitation shall be placed before the voters at a general, primary, or special election, except that petitions completed prior to the effective date of this act shall only require the signatures of five per cent of the registered voters in the political subdivision. The petition shall be filed with the governing body of the political subdivision. The budget limitation shall be adopted if approved by a majority of those voting on the question. Voting at such general, primary, or special election shall be by those persons who are authorized to vote for the members of the governing body of such political subdivision. For the purposes of sections 77-3401 to 77-3411, the term budget funded by ad valorem taxes shall include all funds the source of which is an ad valorem tax regardless of the purpose of such funds, except such funds as are necessary to pay interest on and for retiring, funding, or servicing bonded indebtedness during the upcoming fiscal year.

Sec. 2. That section 77-3404, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3404. When a budget limitation is approved by the voters at a general, primary, or special election held for such purpose, the budget for the year years in which taxes will be levied to fund such budget shall, except as provided in section 23-929, be limited as provided in the petition, or-resolution-and-each-fiscal year-thereafter-the--budget--may--be--adjusted--from--the previous-year's-budget-so-as-not-to-exceed-any-limitation provided-by-the-petition-or-resolution-

Sec. 3. That section 77-3405, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3405. The petition or-resolution calling for a budget limitation election and the election notice shall refer to section 77-3402, or-77-3403,-whichever-is appropriate; state the percentage limitation placed on future-budgets the budget for the ensuing two years, and specify the first year for which such limitation becomes is applicable. All such elections held pursuant to section 77-3402 or 77-3410 shall be held prior-to-August 15 at least ninety days prior to the date on which the fiscal year of the affected political subdivision begins and shall affect the budgets commencing-in for the fiscal years specified subsequent to such election, except that elections for which petitions have been completed prior to the effective date of this act shall not be subject to such ninety day limitation but shall be held prior to August 15, 1981.

Sec. 4. That section 77-3406, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3406. (1) Notice of the an election held pursuant to section 77-3402 or 77-3410 shall state the date on which the election is to be held and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general circulation in the political subdivision at least fifteen days prior to such election. If no newspaper is published in or of general circulation in the political subdivision, notice shall be posted in each of three public places therein.

(2) The governing body shall prescribe the form of the ballot to be used at the election, and the proposition appearing on such ballot shall state the percentage limitation to be placed on future-budgets the budget for the ensuing two years and specify the first year two years for which such limitation becomes is applicable. The form of submission upon the ballot shall be as follows:

For a budget limitation

Against a budget limitation.

Sec. 5. That section 77-3409, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3409. If two or more proposals relating to the budget level of a political subdivision are placed upon the ballot at a general, primary, or special election and more than one such proposal receives a majority of affirmative votes, the proposal receiving the largest number of affirmative votes shall be considered the successful proposal. ~~The-issue-of-limiting-a-budget funded--by--ad--valorem--taxes--in--any--one--political subdivision-shall-not-be-placed-on-the-primary-or-special election-ballot--more--than--twice--in--any--twelve-month period.~~

Sec. 6. That section 77-3410, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3410. Any limitation placed on budgets pursuant to sections 77-3401 to 77-3411 shall remain in effect ~~for only the ensuing two fiscal years, except that the governing body of a political subdivision may, during the first year of a two-year budget limitation, by a majority vote place the issue of terminating the limitation after the first year on the ballot at a general, primary, or special election. Such budget limitation shall be terminated at the end of the first year if such termination is approved by a majority of those voting on the issue. Such election shall be held at least ninety days prior to the date on which the second fiscal year subject to the limitation begins. until a majority of the registered voters authorized to vote for the members of the governing body of such political subdivision vote to alter, amend, or revoke such budget limitation at a primary or special election. Such elections shall be called and conducted in the same manner as elections to place a limitation on budgets are called and conducted pursuant to sections 77-3401 to 77-3411.~~

Sec. 7. Any limitation placed on a budget pursuant to the Local Option Tax Control Act prior to the effective date of this act which has been in effect for two or more fiscal years shall not apply to any budget for a fiscal year commencing after the effective date of this act. Any limitation placed on a budget pursuant to the Local Option Tax Control Act prior to the effective date of this act which has been in effect for less than two fiscal years shall be terminated after a total of two

fiscal years unless terminated prior to such date pursuant to section 77-3410.

Sec. 8. That original sections 77-3402, 77-3404, 77-3405, 77-3406, 77-3409, and 77-3410, Revised Statutes Supplement, 1980, and also section 77-3403, Revised Statutes Supplement, 1980, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.