

LEGISLATIVE BILL 9

Approved by the Governor February 3, 2003

Introduced by Executive Board: Engel, 17, Chairperson

AN ACT relating to budgets; to amend section 13-519, Revised Statutes Supplement, 2002; to delete obsolete provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 13-519, Revised Statutes Supplement, 2002, is amended to read:

13-519. (1) ~~For fiscal years beginning on or after July 1, 1996, and before July 1, 1997, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus population growth plus two percent expressed in dollars. For cities of the first and second class and villages, restricted funds shall be reduced to take into account the fourteen-month fiscal year for 1995-96. For fiscal years beginning on or after July 1, 1997, and before July 1, 1998, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus population growth expressed in dollars. For all fiscal years beginning on or after July 1, 1998, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus allowable growth plus the basic allowable growth percentage of the base limitation established under section 77-3446. For all fiscal years beginning on or after July 1, 1998, and before July 1, 1999, the last prior year's total of restricted funds shall be the last prior year's total of restricted funds not excluding restricted funds budgeted for acquisition or replacement of tangible personal property with a useful life of five years or more in the last prior year or the year before the last prior year, whichever excluded the most, plus restricted funds budgeted to pay for lease-purchase contracts approved on or after July 1, 1997, and before July 1, 1998, to the extent the lease payments are not budgeted restricted funds for fiscal year 1997-98. For all fiscal years beginning on or after July 1, 2001, and before July 1, 2002, the last prior year's total of restricted funds shall be the last prior year's total of restricted funds plus any amount budgeted to be received from the Natural Resources Enhancement Fund in fiscal year 1999-2000. For the second fiscal year in which a county will receive a full year of receipts from the tax imposed in sections 77-27,223 to 77-27,227, the prior year's total of restricted funds shall be the prior year's total of restricted funds plus the total receipts from the tax imposed in sections 77-27,223 to 77-27,227 in the prior year. If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of budgeted restricted funds for the previous provider and may be added to the last prior year's total of restricted funds for the new provider. For governmental units that have consolidated, the calculations made under this section for consolidating units shall be made based on the combined total of restricted funds, population, or full-time equivalent students of each governmental unit.~~

~~(2) In addition to the increase allowed in subsection (1) of this section, for fiscal years beginning on or after July 1, 1998, and before July 1, 1999, a governmental unit may increase its budget of restricted funds no more than four percent to create or increase an existing qualified sinking fund or funds upon the affirmative vote of at least seventy-five percent of the governing body. Any unused authority granted in this subsection may not be carried forward under section 13-521.~~

~~(3) A governmental unit may exceed the limit provided in subsection (1) of this section for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.~~

~~(4) (3) A governmental unit may exceed the applicable allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the governing body or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the legal voters of the governmental unit. The recommendation of the governing body or the petition~~

of the legal voters shall include the amount and percentage by which the governing body would increase its budgeted restricted funds for the ensuing year over and above the current year's budgeted restricted funds. The county clerk or election commissioner shall call for a special election on the issue within fifteen days after the receipt of such governing body recommendation or legal voter petition. The election shall be held pursuant to the Election Act, and all costs shall be paid by the governing body. The issue may be approved on the same question as a vote to exceed the levy limits provided in section 77-3444.

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

Sec. 2. Original section 13-519, Revised Statutes Supplement, 2002, is repealed.