

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 887**

Introduced by Murante, 49.

Read first time January 08, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section
- 2 13-519, Revised Statutes Supplement, 2017; to clarify requirements
- 3 for exceeding budget limitations; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-519, Revised Statutes Supplement, 2017, is  
2 amended to read:

3 13-519 (1)(a) Subject to subdivisions (1)(b) and (c) of this  
4 section, for all fiscal years beginning on or after July 1, 1998, no  
5 governmental unit shall adopt a budget containing a total of budgeted  
6 restricted funds more than the last prior year's total of budgeted  
7 restricted funds plus allowable growth plus the basic allowable growth  
8 percentage of the base limitation established under section 77-3446. For  
9 the second fiscal year in which a county will receive a full year of  
10 receipts from the tax imposed in sections 77-27,223 to 77-27,227, the  
11 prior year's total of restricted funds shall be the prior year's total of  
12 restricted funds plus the total receipts from the tax imposed in sections  
13 77-27,223 to 77-27,227 in the prior year. If a governmental unit  
14 transfers the financial responsibility of providing a service financed in  
15 whole or in part with restricted funds to another governmental unit or  
16 the state, the amount of restricted funds associated with providing the  
17 service shall be subtracted from the last prior year's total of budgeted  
18 restricted funds for the previous provider and may be added to the last  
19 prior year's total of restricted funds for the new provider. For  
20 governmental units that have consolidated, the calculations made under  
21 this section for consolidating units shall be made based on the combined  
22 total of restricted funds, population, or full-time equivalent students  
23 of each governmental unit.

24 (b) For all fiscal years beginning on or after July 1, 2008,  
25 educational service units may exceed the limitations of subdivision (1)  
26 (a) of this section to the extent that one hundred ten percent of the  
27 needs for the educational service unit calculated pursuant to section  
28 79-1241.03 exceeds the budgeted restricted funds allowed pursuant to  
29 subdivision (1)(a) of this section.

30 (c) For fiscal year 2017-18, the last prior year's total of  
31 restricted funds for counties shall be the last prior year's total of

1 restricted funds less the last prior year's restricted funds budgeted by  
2 counties under sections 39-2501 to 39-2520, plus the last prior year's  
3 amount of restricted funds budgeted by counties under sections 39-2501 to  
4 39-2520 to be used for capital improvements.

5 (2) A governmental unit may exceed the limit provided in subdivision  
6 (1)(a) of this section for a fiscal year by up to an additional one  
7 percent upon the affirmative vote of at least seventy-five percent of all  
8 members of the governing body.

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

26 (4) In lieu of the election procedures in subsection (3) of this  
27 section, any governmental unit may exceed the allowable growth percentage  
28 otherwise prescribed in this section by an amount approved by a majority  
29 of legal voters voting at a meeting of the residents of the governmental  
30 unit, called after notice is published in a newspaper of general  
31 circulation in the governmental unit at least twenty days prior to the

1 meeting. At least ten percent of the registered voters residing in the  
2 governmental unit shall constitute a quorum for purposes of taking action  
3 to exceed the allowable growth percentage. If a majority of the  
4 registered voters present at the meeting vote in favor of exceeding the  
5 allowable growth percentage, a copy of the record of that action shall be  
6 forwarded to the Auditor of Public Accounts along with the budget  
7 documents. The issue to exceed the allowable growth percentage may be  
8 approved at the same meeting as a vote to exceed the limits or final levy  
9 allocation provided in section 77-3444.

10       Sec. 2. Original section 13-519, Revised Statutes Supplement, 2017,  
11 is repealed.