

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1098**

Introduced by Hudkins, 21.

Read first time January 23, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections  
2 35-508, 35-514.02, and 77-3443, Reissue Revised Statutes  
3 of Nebraska, and sections 35-509, 77-3442, and 77-3444,  
4 Revised Statutes Supplement, 2007; to change levy  
5 provisions for rural and suburban fire protection  
6 districts; to provide an operative date; and to repeal  
7 the original sections.

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

1           Section 1. Section 35-508, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           35-508 The board of directors shall have the following  
4 general powers:

5           (1) To determine a general fire protection and rescue  
6 program for the district;

7           (2) To make an annual estimate of the probable expense  
8 for carrying out such program;

9           (3) To annually certify such estimate to the county clerk  
10 in the manner provided by section 35-509;

11           (4) To manage and conduct the business affairs of the  
12 district;

13           (5) To make and execute contracts in the name of and on  
14 behalf of the district;

15           (6) To buy real estate when needed for the district and  
16 to sell real estate of the district when the district has no  
17 further use for it;

18           (7) To purchase or lease such firefighting and rescue  
19 equipment, supplies, and other real or personal property as  
20 necessary and proper to carry out the general fire protection  
21 and rescue program of the district;

22           (8) To incur indebtedness on behalf of the district;

23           (9) To authorize the issuance of evidences of the  
24 indebtedness permitted under subdivision (8) of this section and  
25 to pledge any real or personal property owned or acquired by the

1 district as security for the same;

2 (10) To organize, establish, equip, maintain, and  
3 supervise a paid, volunteer, or combination paid and volunteer fire  
4 department or company to serve the district and to establish a  
5 service award benefit program pursuant to the Volunteer Emergency  
6 Responders Recruitment and Retention Act;

7 (11) To employ and compensate such personnel as necessary  
8 to carry out the general fire protection and rescue program of the  
9 district;

10 (12) To authorize the execution of a contract with the  
11 Game and Parks Commission or a public power district for fire  
12 protection of property of the commission or public power district  
13 located in or adjacent to the rural or suburban fire protection  
14 district;

15 (13) To levy a tax not to exceed ten and one-half cents  
16 on each one hundred dollars in any one year upon the taxable value  
17 of all taxable property within such district subject to section  
18 ~~77-3443~~, in addition to the amount of tax which may be annually  
19 levied to defray the general and incidental expenses of such  
20 district, for the purpose of establishing a sinking fund for the  
21 construction, purchase, improvement, extension, original equipment,  
22 or repair, not including maintenance, of district buildings to  
23 house equipment or personal belongings of a fire department, for  
24 the purchase of firefighting and rescue equipment or apparatus,  
25 for the acquisition of any land incidental to such purposes,

1 ~~or for payment of principal and interest on any evidence of~~  
2 ~~indebtedness issued pursuant to subdivisions (8) and (9) of this~~  
3 ~~section. For purposes of section 77-3443, the county board of~~  
4 ~~the county in which the greatest portion of the valuation of the~~  
5 ~~district is located shall approve the levy; To levy a tax not~~  
6 ~~to exceed ten and one-half cents on each one hundred dollars in~~  
7 ~~any one year upon the taxable valuation of property subject to~~  
8 ~~the levy, in addition to the amount of tax which may be annually~~  
9 ~~levied to defray the general and incidental expenses of such~~  
10 ~~district, for the purpose of establishing a sinking fund for the~~  
11 ~~construction, purchase, improvement, extension, original equipment,~~  
12 ~~or repair, not including maintenance, of district buildings to~~  
13 ~~house equipment or personal belongings of a fire department, for~~  
14 ~~the purchase of firefighting and rescue equipment or apparatus, for~~  
15 ~~the acquisition of any land incidental to such purposes, or for~~  
16 ~~payment of principal and interest on any evidence of indebtedness~~  
17 ~~issued pursuant to subdivisions (8) and (9) of this section;~~

18 (14) To adopt and enforce fire codes and establish  
19 penalties at annual meetings, except that the code must be  
20 available prior to annual meetings and notice shall so provide; and

21 (15) Generally to perform all acts necessary to fully  
22 carry out the purposes of sections 35-501 to 35-517.

23 Sec. 2. Section 35-509, Revised Statutes Supplement,  
24 2007, is amended to read:

25 35-509 (1) The board of directors shall have the power

1 and duty to determine a general fire protection and rescue policy  
2 for the district and shall annually fix the amount of money for  
3 the proposed budget statement as may be deemed sufficient and  
4 necessary in carrying out such contemplated program for the ensuing  
5 fiscal year, including the amount of principal and interest upon  
6 the indebtedness of the district for the ensuing year. After the  
7 adoption of the budget statement, the president and secretary of  
8 the district shall ~~request~~ certify the amount of tax to be levied  
9 which the district requires for the adopted budget statement for  
10 the ensuing year to the proper county ~~board~~ clerk or county clerks  
11 on or before August 1 of each year. Such ~~board~~ county clerk or  
12 county clerks shall levy a tax not to exceed ten and one-half  
13 cents on each one hundred dollars upon the taxable value of all  
14 the taxable property in such district when the district is a rural  
15 or suburban fire protection district, for the maintenance of the  
16 fire protection district for the fiscal year as provided by law.  
17 ~~, plus such levy as is authorized to be made under subdivision~~  
18 ~~(13) of section 35-508, all such levies being subject to section~~  
19 ~~77-3443.~~ The tax shall be collected as other taxes are collected  
20 in the county, deposited with the county treasurer, and placed to  
21 the credit of the rural or suburban fire protection district so  
22 authorizing the same on or before the fifteenth day of each month  
23 or more frequently as provided in section 77-1759 or be remitted to  
24 the county treasurer of the county in which the greatest portion  
25 of the valuation of the district is located as is provided for by

1 subsection (2) of this section. ~~For purposes of section 77-3443,~~  
2 ~~the county board of the county in which the greatest portion of the~~  
3 ~~valuation of the district is located shall approve the levy.~~

4 (2) All such taxes collected or received for the district  
5 by the treasurer of any other county than the one in which the  
6 greatest portion of the valuation of the district is located shall  
7 be remitted to the treasurer of the county in which the greatest  
8 portion of the valuation of the district is located at least  
9 quarterly. All such taxes collected or received shall be placed to  
10 the credit of such district in the treasury of the county in which  
11 the greatest portion of the valuation of the district is located.

12 (3) In no case shall the amount of tax levy exceed the  
13 amount of funds to be received from taxation according to the  
14 adopted budget statement of the district.

15 Sec. 3. Section 35-514.02, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 35-514.02 A rural or suburban fire protection district  
18 may establish an emergency medical service, including the provision  
19 of scheduled or unscheduled ambulance service, or provide fire  
20 protection service either within or without the district, may  
21 enter into agreements under the Interlocal Cooperation Act and  
22 the Joint Public Agency Act for the purpose of establishing an  
23 emergency medical service or providing fire protection service,  
24 may contract with any city, person, firm, corporation, or other  
25 fire protection district to provide such services, may expend funds

1 of the district, and may charge a reasonable fee to the user.  
2 Before any such services are established under the authority of  
3 this section, the rural or suburban fire protection district shall  
4 hold a public hearing after giving at least ten days' notice,  
5 which notice shall include a brief summary of the general plan  
6 for establishing the emergency medical service or providing fire  
7 protection service, including an estimate of the initial cost and  
8 the possible continuing cost of operating the emergency medical  
9 service or fire protection service. If the board after such hearing  
10 determines that an emergency medical service or fire protection  
11 service is needed, it may proceed as authorized in this section.  
12 The authority granted in this section shall be cumulative and  
13 supplementary to any existing powers heretofore granted. Any fire  
14 protection district providing any service under this section may  
15 pay the cost for the service out of available funds or may levy a  
16 tax for the purpose of supporting an emergency medical service or  
17 providing fire protection service, which levy shall be in addition  
18 to any other tax for such fire protection district and shall be  
19 ~~subject to section 77-3443.~~ in addition to restrictions on the  
20 levy of taxes provided by statute. When a fire protection district  
21 levies a tax for the purpose of supporting an emergency medical  
22 service, the taxpayers of such district shall be exempt from any  
23 tax levied under section 13-303. The board of a fire protection  
24 district which provides fire protection service outside of the  
25 district may charge a political subdivision with which the district

1 has entered into an agreement for such service on a per-call basis  
2 for such service.

3 Sec. 4. Section 77-3442, Revised Statutes Supplement,  
4 2007, is amended to read:

5 77-3442 (1) Property tax levies for the support of local  
6 governments for fiscal years beginning on or after July 1, 1998,  
7 shall be limited to the amounts set forth in this section except as  
8 provided in section 77-3444.

9 (2)(a) Except as provided in subdivision (2)(e) of this  
10 section, school districts and multiple-district school systems,  
11 except learning communities and school districts that are members  
12 of learning communities, may levy a maximum levy of one dollar and  
13 five cents per one hundred dollars of taxable valuation of property  
14 subject to the levy.

15 (b) For each fiscal year, learning communities may levy  
16 a maximum levy for the general fund budgets of member school  
17 districts equal to the local effort rate prescribed in section  
18 79-1015.01 for such fiscal year. The proceeds from the levy  
19 pursuant to this subdivision shall be distributed pursuant to  
20 section 79-1073.

21 (c) Except as provided in subdivision (2)(e) of this  
22 section, for each fiscal year, school districts that are members  
23 of learning communities may levy for purposes of such districts'  
24 general fund budget and special building funds a maximum combined  
25 levy of the difference of one dollar and five cents on each one



1 hundred dollars of taxable property subject to the levy minus  
2 the learning community levies pursuant to subdivisions (2)(b) and  
3 (2)(g) of this section for such learning community.

4 (d) Excluded from the limitations in subdivisions (2)(a)  
5 and (2)(c) of this section are amounts levied to pay for  
6 sums agreed to be paid by a school district to certificated  
7 employees in exchange for a voluntary termination of employment  
8 and amounts levied to pay for special building funds and sinking  
9 funds established for projects commenced prior to April 1, 1996,  
10 for construction, expansion, or alteration of school district  
11 buildings. For purposes of this subsection, commenced means any  
12 action taken by the school board on the record which commits  
13 the board to expend district funds in planning, constructing, or  
14 carrying out the project.

15 (e) Federal aid school districts may exceed the maximum  
16 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
17 only to the extent necessary to qualify to receive federal aid  
18 pursuant to Title VIII of Public Law 103-382, as such title existed  
19 on September 1, 2001. For purposes of this subdivision, federal  
20 aid school district means any school district which receives ten  
21 percent or more of the revenue for its general fund budget from  
22 federal government sources pursuant to Title VIII of Public Law  
23 103-382, as such title existed on September 1, 2001.

24 (f) For school fiscal year 2002-03 through school fiscal  
25 year 2007-08, school districts and multiple-district school systems

1 may, upon a three-fourths majority vote of the school board of  
2 the school district, the board of the unified system, or the  
3 school board of the high school district of the multiple-district  
4 school system that is not a unified system, exceed the maximum  
5 levy prescribed by subdivision (2) (a) of this section in an amount  
6 equal to the net difference between the amount of state aid that  
7 would have been provided under the Tax Equity and Educational  
8 Opportunities Support Act without the temporary aid adjustment  
9 factor as defined in section 79-1003 for the ensuing school fiscal  
10 year for the school district or multiple-district school system  
11 and the amount provided with the temporary aid adjustment factor.  
12 The State Department of Education shall certify to the school  
13 districts and multiple-district school systems the amount by which  
14 the maximum levy may be exceeded for the next school fiscal year  
15 pursuant to this subdivision (f) of this subsection on or before  
16 February 15 for school fiscal years 2004-05 through 2007-08.

17 (g) For each fiscal year, learning communities may levy a  
18 maximum levy of two cents on each one hundred dollars of taxable  
19 property subject to the levy for special building funds for member  
20 school districts. The proceeds from the levy pursuant to this  
21 subdivision shall be distributed pursuant to section 79-1073.01.

22 (h) For each fiscal year, learning communities may levy  
23 a maximum levy of five cents on each one hundred dollars of  
24 taxable property subject to the levy for elementary learning center  
25 facilities and for up to fifty percent of the estimated cost for

1 capital projects approved by the learning community coordinating  
2 council pursuant to section 79-2111.

3 (3) Community colleges may levy a maximum levy calculated  
4 pursuant to the Community College Foundation and Equalization Aid  
5 Act on each one hundred dollars of taxable property subject to the  
6 levy.

7 (4) (a) Natural resources districts may levy a maximum  
8 levy of four and one-half cents per one hundred dollars of taxable  
9 valuation of property subject to the levy.

10 (b) Natural resources districts shall also have the power  
11 and authority to levy a tax equal to the dollar amount by which  
12 their restricted funds budgeted to administer and implement ground  
13 water management activities and integrated management activities  
14 under the Nebraska Ground Water Management and Protection Act  
15 exceed their restricted funds budgeted to administer and implement  
16 ground water management activities and integrated management  
17 activities for FY2003-04, not to exceed one cent on each one  
18 hundred dollars of taxable valuation annually on all of the taxable  
19 property within the district.

20 (c) In addition, natural resources districts located in  
21 a river basin, subbasin, or reach that has been determined to  
22 be fully appropriated pursuant to section 46-714 or designated  
23 as overappropriated pursuant to section 46-713 by the Department  
24 of Natural Resources shall also have the power and authority to  
25 levy a tax equal to the dollar amount by which their restricted

1 funds budgeted to administer and implement ground water management  
2 activities and integrated management activities under the Nebraska  
3 Ground Water Management and Protection Act exceed their restricted  
4 funds budgeted to administer and implement ground water management  
5 activities and integrated management activities for FY2005-06, not  
6 to exceed three cents on each one hundred dollars of taxable  
7 valuation on all of the taxable property within the district for  
8 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
9 year 2011-12.

10 (5) Educational service units may levy a maximum levy of  
11 one and one-half cents per one hundred dollars of taxable valuation  
12 of property subject to the levy.

13 (6) (a) Incorporated cities and villages which are not  
14 within the boundaries of a municipal county may levy a maximum levy  
15 of forty-five cents per one hundred dollars of taxable valuation  
16 of property subject to the levy plus an additional five cents per  
17 one hundred dollars of taxable valuation to provide financing for  
18 the municipality's share of revenue required under an agreement  
19 or agreements executed pursuant to the Interlocal Cooperation Act  
20 or the Joint Public Agency Act. The maximum levy shall include  
21 amounts levied to pay for sums to support a library pursuant  
22 to section 51-201, museum pursuant to section 51-501, visiting  
23 community nurse, home health nurse, or home health agency pursuant  
24 to section 71-1637, or statue, memorial, or monument pursuant to  
25 section 80-202.

1           (b) Incorporated cities and villages which are within the  
2 boundaries of a municipal county may levy a maximum levy of ninety  
3 cents per one hundred dollars of taxable valuation of property  
4 subject to the levy. The maximum levy shall include amounts paid  
5 to a municipal county for county services, amounts levied to pay  
6 for sums to support a library pursuant to section 51-201, a museum  
7 pursuant to section 51-501, a visiting community nurse, home health  
8 nurse, or home health agency pursuant to section 71-1637, or a  
9 statue, memorial, or monument pursuant to section 80-202.

10           (7) Sanitary and improvement districts which have been in  
11 existence for more than five years may levy a maximum levy of forty  
12 cents per one hundred dollars of taxable valuation of property  
13 subject to the levy, and sanitary and improvement districts which  
14 have been in existence for five years or less shall not have  
15 a maximum levy. Unconsolidated sanitary and improvement districts  
16 which have been in existence for more than five years and are  
17 located in a municipal county may levy a maximum of eighty-five  
18 cents per hundred dollars of taxable valuation of property subject  
19 to the levy.

20           (8) Counties may levy or authorize a maximum levy of  
21 fifty cents per one hundred dollars of taxable valuation of  
22 property subject to the levy, except that five cents per one  
23 hundred dollars of taxable valuation of property subject to the  
24 levy may only be levied to provide financing for the county's  
25 share of revenue required under an agreement or agreements executed

1 pursuant to the Interlocal Cooperation Act or the Joint Public  
2 Agency Act. The maximum levy shall include amounts levied to pay  
3 for sums to support a library pursuant to section 51-201 or museum  
4 pursuant to section 51-501. The county may allocate up to fifteen  
5 cents of its authority to other political subdivisions subject  
6 to allocation of property tax authority under subsection (1) of  
7 section 77-3443 and not specifically covered in this section to  
8 levy taxes as authorized by law which do not collectively exceed  
9 fifteen cents per one hundred dollars of taxable valuation on any  
10 parcel or item of taxable property. The county may allocate to  
11 one or more other political subdivisions subject to allocation  
12 of property tax authority by the county under subsection (1) of  
13 section 77-3443 some or all of the county's five cents per one  
14 hundred dollars of valuation authorized for support of an agreement  
15 or agreements to be levied by the political subdivision for the  
16 purpose of supporting that political subdivision's share of revenue  
17 required under an agreement or agreements executed pursuant to the  
18 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
19 allocation by a county would cause another county to exceed its  
20 levy authority under this section, the second county may exceed the  
21 levy authority in order to levy the amount allocated.

22 (9) Municipal counties may levy or authorize a maximum  
23 levy of one dollar per one hundred dollars of taxable valuation  
24 of property subject to the levy. The municipal county may allocate  
25 levy authority to any political subdivision or entity subject to

1 allocation under section 77-3443.

2 (10) Rural and suburban fire protection districts may  
3 levy a maximum of ten and one-half cents per one hundred dollars of  
4 taxable valuation of property subject to the levy.

5 ~~(10)~~ (11) Property tax levies for judgments, except  
6 judgments or orders from the Commission of Industrial Relations,  
7 obtained against a political subdivision which require or obligate  
8 a political subdivision to pay such judgment, to the extent  
9 such judgment is not paid by liability insurance coverage of  
10 a political subdivision, for preexisting lease-purchase contracts  
11 approved prior to July 1, 1998, for bonded indebtedness approved  
12 according to law and secured by a levy on property, and for  
13 payments by a public airport to retire interest-free loans from the  
14 Department of Aeronautics in lieu of bonded indebtedness at a lower  
15 cost to the public airport are not included in the levy limits  
16 established by this section.

17 ~~(11)~~ (12) The limitations on tax levies provided in  
18 this section are to include all other general or special levies  
19 provided by law. Notwithstanding other provisions of law, the only  
20 exceptions to the limits in this section are those provided by or  
21 authorized by sections 77-3442 to 77-3444.

22 ~~(12)~~ (13) Tax levies in excess of the limitations in  
23 this section shall be considered unauthorized levies under section  
24 77-1606 unless approved under section 77-3444.

25 ~~(13)~~ (14) For purposes of sections 77-3442 to 77-3444,

1 political subdivision means a political subdivision of this state  
2 and a county agricultural society.

3 Sec. 5. Section 77-3443, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 77-3443 (1) All political subdivisions, other than (a)  
6 school districts, community colleges, natural resources districts,  
7 educational service units, cities, villages, counties, municipal  
8 counties, rural and suburban fire protection districts, and  
9 sanitary and improvement districts and (b) political subdivisions  
10 subject to municipal allocation under subsection (2) of this  
11 section, may levy taxes as authorized by law which are authorized  
12 by the county board of the county or the council of a municipal  
13 county in which the greatest portion of the valuation is located,  
14 which are counted in the county or municipal county levy limit  
15 provided in section 77-3442, and which do not collectively total  
16 more than fifteen cents per one hundred dollars of taxable  
17 valuation on any parcel or item of taxable property for all  
18 governments for which allocations are made by the municipality,  
19 county, or municipal county, except that such limitation shall  
20 not apply to property tax levies for preexisting lease-purchase  
21 contracts approved prior to July 1, 1998, for bonded indebtedness  
22 approved according to law and secured by a levy on property, and  
23 for payments by a public airport to retire interest-free loans from  
24 the Department of Aeronautics in lieu of bonded indebtedness at  
25 a lower cost to the public airport. The county board or council



1 shall review and approve or disapprove the levy request of all  
2 political subdivisions subject to this subsection. The county board  
3 or council may approve all or a portion of the levy request  
4 and may approve a levy request that would allow the requesting  
5 political subdivision to levy a tax at a levy greater than that  
6 permitted by law. The county board of a county or the council  
7 of a municipal county which contains a transit authority created  
8 pursuant to section 14-1803 shall allocate no less than three  
9 cents per one hundred dollars of taxable property within the city  
10 or municipal county subject to the levy to the transit authority  
11 if requested by such authority. For any political subdivision  
12 subject to this subsection that receives taxes from more than one  
13 county or municipal county, the levy shall be allocated only by  
14 the county or municipal county in which the greatest portion of  
15 the valuation is located. The county board of equalization shall  
16 certify all levies by October 15 to insure that the taxes levied by  
17 political subdivisions subject to this subsection do not exceed the  
18 allowable limit for any parcel or item of taxable property. The  
19 levy allocated by the county or municipal county may be exceeded  
20 as provided in section 77-3444.

21 (2) All city airport authorities established under  
22 the Cities Airport Authorities Act, community redevelopment  
23 authorities established under the Community Development Law,  
24 transit authorities established under the Transit Authority Law,  
25 and offstreet parking districts established under the Offstreet

1 Parking District Act may be allocated property taxes as authorized  
2 by law which are authorized by the city, village, or municipal  
3 county and are counted in the city or village levy limit or  
4 municipal county levy limit provided by section 77-3442, except  
5 that such limitation shall not apply to property tax levies for  
6 preexisting lease-purchase contracts approved prior to July 1,  
7 1998, for bonded indebtedness approved according to law and secured  
8 by a levy on property, and for payments by a public airport to  
9 retire interest-free loans from the Department of Aeronautics in  
10 lieu of bonded indebtedness at a lower cost to the public airport.  
11 For offstreet parking districts established under the Offstreet  
12 Parking District Act, the tax shall be counted in the allocation by  
13 the city proportionately, by dividing the total taxable valuation  
14 of the taxable property within the district by the total taxable  
15 valuation of the taxable property within the city multiplied by  
16 the levy of the district. The city council of a city which has  
17 created a transit authority pursuant to section 14-1803 or the  
18 council of a municipal county which contains a transit authority  
19 shall allocate no less than three cents per one hundred dollars  
20 of taxable property subject to the levy to the transit authority  
21 if requested by such authority. The city council, village board,  
22 or council shall review and approve or disapprove the levy request  
23 of the political subdivisions subject to this subsection. The city  
24 council, village board, or council may approve all or a portion of  
25 the levy request and may approve a levy request that would allow

1 a levy greater than that permitted by law. The levy allocated by  
2 the municipality or municipal county may be exceeded as provided  
3 in section 77-3444.

4 (3) On or before August 1, all political subdivisions  
5 subject to county, municipal, or municipal county levy authority  
6 under this section shall submit a preliminary request for levy  
7 allocation to the county board, city council, village board, or  
8 council that is responsible for levying such taxes. The preliminary  
9 request of the political subdivision shall be in the form of a  
10 resolution adopted by a majority vote of members present of the  
11 political subdivision's governing body. The failure of a political  
12 subdivision to make a preliminary request shall preclude such  
13 political subdivision from using procedures set forth in section  
14 77-3444 to exceed the final levy allocation as determined in  
15 subsection (4) of this section.

16 (4) Each county board, city council, village board, or  
17 council shall (a) adopt a resolution by a majority vote of members  
18 present which determines a final allocation of levy authority  
19 to its political subdivisions and (b) forward a copy of such  
20 resolution to the chairperson of the governing body of each of its  
21 political subdivisions. No final levy allocation shall be changed  
22 after September 1 except by agreement between both the county  
23 board, city council, village board, or council which determined the  
24 amount of the final levy allocation and the governing body of the  
25 political subdivision whose final levy allocation is at issue.

1                   Sec. 6. Section 77-3444, Revised Statutes Supplement,  
2 2007, is amended to read:

3                   77-3444 (1) A political subdivision, other than a Class I  
4 school district, may exceed the limits provided in section 77-3442  
5 or a final levy allocation determination as provided in section  
6 77-3443 by an amount not to exceed a maximum levy approved by a  
7 majority of registered voters voting on the issue in a primary,  
8 general, or special election at which the issue is placed before  
9 the registered voters. A vote to exceed the limits provided in  
10 section 77-3442 or a final levy allocation as provided in section  
11 77-3443 must be approved prior to October 10 of the fiscal  
12 year which is to be the first to exceed the limits or final  
13 levy allocation. The governing body of the political subdivision  
14 may call for the submission of the issue to the voters (a) by  
15 passing a resolution calling for exceeding the limits or final  
16 levy allocation by a vote of at least two-thirds of the members  
17 of the governing body and delivering a copy of the resolution to  
18 the county clerk or election commissioner of every county which  
19 contains all or part of the political subdivision or (b) upon  
20 receipt of a petition by the county clerk or election commissioner  
21 of every county containing all or part of the political subdivision  
22 requesting an election signed by at least five percent of the  
23 registered voters residing in the political subdivision. The  
24 resolution or petition shall include the amount of levy which  
25 would be imposed in excess of the limits provided in section

1 77-3442 or the final levy allocation as provided in section 77-3443  
2 and the duration of the excess levy authority. The excess levy  
3 authority shall not have a duration greater than five years. Any  
4 resolution or petition calling for a special election shall be  
5 filed with the county clerk or election commissioner no later than  
6 thirty days prior to the date of the election, and the time of  
7 publication and providing a copy of the notice of election required  
8 in section 32-802 shall be no later than twenty days prior to the  
9 election. The county clerk or election commissioner shall place the  
10 issue on the ballot at an election as called for in the resolution  
11 or petition which is at least thirty days after receipt of the  
12 resolution or petition. The election shall be held pursuant to  
13 the Election Act. For petitions filed with the county clerk or  
14 election commissioner on or after May 1, 1998, the petition shall  
15 be in the form as provided in sections 32-628 to 32-631. Any  
16 excess levy authority approved under this section shall terminate  
17 pursuant to its terms, on a vote of the governing body of the  
18 political subdivision to terminate the authority to levy more than  
19 the limits, at the end of the fourth fiscal year following the  
20 first year in which the levy exceeded the limit or the final  
21 levy allocation, or as provided in subsection (4) of this section,  
22 whichever is earliest. A governing body may pass no more than one  
23 resolution calling for an election pursuant to this section during  
24 any one calendar year. Only one election may be held in any one  
25 calendar year pursuant to a petition initiated under this section.

1           (2) The ballot question may include any terms and  
2 conditions set forth in the resolution or petition and shall  
3 include the following: "Shall (name of political subdivision) be  
4 allowed to levy a property tax not to exceed ..... cents per  
5 one hundred dollars of taxable valuation in excess of the limits  
6 prescribed by law until fiscal year ..... for the purposes  
7 of (general operations; building construction, remodeling, or site  
8 acquisition; or both general operations and building construction,  
9 remodeling, or site acquisition)?" . If a majority of the votes cast  
10 upon the ballot question are in favor of such tax, the county board  
11 shall authorize a tax in excess of the limits in section 77-3442  
12 or the final levy allocation in section 77-3443 but such tax shall  
13 not exceed the amount stated in the ballot question. If a majority  
14 of those voting on the ballot question are opposed to such tax, the  
15 governing body of the political subdivision shall not impose such  
16 tax.

17           (3) In lieu of the election procedures in subsection  
18 (1) of this section, any political subdivision subject to section  
19 77-3443, other than a Class I school district, and villages and  
20 rural and suburban fire protection districts may approve a levy  
21 in excess of the limits in section 77-3442 or the final levy  
22 allocation provided in section 77-3443 for a period of one year  
23 at a meeting of the residents of the political subdivision, ~~or~~  
24 village, or rural or suburban fire protection district, called  
25 after notice is published in a newspaper of general circulation

1 in the political subdivision, ~~or~~ village, or rural or suburban  
2 fire protection district, at least twenty days prior to the  
3 meeting. At least ten percent of the registered voters residing  
4 in the political subdivision, ~~or~~ village, or rural or suburban  
5 fire protection district shall constitute a quorum for purposes  
6 of taking action to exceed the limits or final levy allocation.  
7 A record shall be made of the registered voters residing in the  
8 political subdivision or village who are present at the meeting.  
9 The method of voting at the meeting shall protect the secrecy  
10 of the ballot. If a majority of the registered voters present  
11 at the meeting vote in favor of exceeding the limits or final  
12 levy allocation, a copy of the record of that action shall be  
13 forwarded to the county board prior to October 10 and the county  
14 board shall authorize a levy as approved by the residents for the  
15 year. If a majority of the registered voters present at the meeting  
16 vote against exceeding the limits or final allocation, the limit  
17 or allocation shall not be exceeded and the political subdivision  
18 shall have no power to call for an election under subsection (1) of  
19 this section.

20 (4) A political subdivision, other than a Class I school  
21 district, may rescind or modify a previously approved excess levy  
22 authority prior to its expiration by a majority of registered  
23 voters voting on the issue in a primary, general, or special  
24 election at which the issue is placed before the registered voters.  
25 A vote to rescind or modify must be approved prior to October

1 10 of the fiscal year for which it is to be effective. The  
2 governing body of the political subdivision may call for the  
3 submission of the issue to the voters (a) by passing a resolution  
4 calling for the rescission or modification by a vote of at least  
5 two-thirds of the members of the governing body and delivering a  
6 copy of the resolution to the county clerk or election commissioner  
7 of every county which contains all or part of the political  
8 subdivision or (b) upon receipt of a petition by the county clerk  
9 or election commissioner of every county containing all or part of  
10 the political subdivision requesting an election signed by at least  
11 five percent of the registered voters residing in the political  
12 subdivision. The resolution or petition shall include the amount  
13 and the duration of the previously approved excess levy authority  
14 and a statement that either such excess levy authority will be  
15 rescinded or such excess levy authority will be modified. If the  
16 excess levy authority will be modified, the amount and duration of  
17 such modification shall be stated. The modification shall not have  
18 a duration greater than five years. The county clerk or election  
19 commissioner shall place the issue on the ballot at an election as  
20 called for in the resolution or petition which is at least thirty  
21 days after receipt of the resolution or petition, and the time of  
22 publication and providing a copy of the notice of election required  
23 in section 32-802 shall be no later than twenty days prior to the  
24 election. The election shall be held pursuant to the Election Act.

25 (5) For purposes of this section, when the political



1 subdivision is a sanitary and improvement district, registered  
2 voter means a person qualified to vote as provided in section  
3 31-735. Any election conducted under this section for a sanitary  
4 and improvement district shall be conducted and counted as provided  
5 in sections 31-735 to 31-735.06.

6 (6) For purposes of this section, when the political  
7 subdivision is a school district or a multiple-district school  
8 system, registered voter includes both (a) persons qualified to  
9 vote for the members of the school board of the school district  
10 which is voting to exceed the maximum levy limits pursuant to this  
11 section and (b) persons in those portions of any Class I district  
12 which are affiliated with or a part of the school district which is  
13 voting pursuant to this section, if such voter is also qualified to  
14 vote for the school board of the affected Class I school district.

15 Sec. 7. This act becomes operative on July 1, 2009.

16 Sec. 8. Original sections 35-508, 35-514.02, and 77-3443,  
17 Reissue Revised Statutes of Nebraska, and sections 35-509, 77-3442,  
18 and 77-3444, Revised Statutes Supplement, 2007, are repealed.