

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1064**

Introduced by Nelson, 6; Coash, 27; Janssen, 15; Karpisek, 32;  
Krist, 10; Pirsch, 4; Rogert, 16.

Read first time January 21, 2010

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to drainage; to amend sections 25-2501, 32-608,  
2 32-1203, 77-1701, 77-1858, 77-3442, and 77-3444, Reissue  
3 Revised Statutes of Nebraska, and section 2-4214, Revised  
4 Statutes Supplement, 2009; to adopt the Limited Purpose  
5 Sanitary and Improvement District Act; to harmonize  
6 provisions; and to repeal the original sections.

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

1           Section 1. Sections 1 to 19 of this act shall be known  
2 and may be cited as the Limited Purpose Sanitary and Improvement  
3 District Act.

4           Sec. 2. When a city or village proposes to annex the  
5 territory of a sanitary and improvement district which has within  
6 its boundaries (1) real property owned, leased, or otherwise  
7 controlled by the sanitary and improvement district other than  
8 tracts which the city or village desires to acquire for public  
9 park purposes or (2) nondedicated streets and roadways, the  
10 annexing city or village may authorize the board of trustees  
11 or administrator of such sanitary and improvement district to form  
12 a limited purpose sanitary and improvement district for the purpose  
13 of providing continued maintenance, preservation, and enhancement  
14 of such real property and improvements and for the performance  
15 of such additional work as is necessary and incidental in the  
16 accomplishment of such objects.

17           Sec. 3. The board of trustees or administrator of a  
18 sanitary and improvement district encompassing territory to be  
19 served by a limited purpose sanitary and improvement district  
20 shall, prior to the effective date of the annexation of such  
21 territory pursuant to section 2 of this act, file an application  
22 with the office of the clerk of the district court which decreed  
23 the sanitary and improvement district to be a corporation, seeking  
24 redesignation of the sanitary and improvement district as a  
25 limited purpose sanitary and improvement district and seeking

1 amendment of its articles of association, together with a voluntary  
2 appearance, waiver of notice, and consent to such redesignation  
3 on behalf of the annexing city or village. Upon receipt of the  
4 application, the district court shall enter an order, effective on  
5 the effective date of such annexation, designating as a limited  
6 purpose sanitary and improvement district that portion of the  
7 sanitary and improvement district consisting of the real property  
8 described in subdivision (1) of section 2 of this act and any  
9 nondedicated streets and roadways described in subdivision (2)  
10 of such section, together with (1) all parcels of real property  
11 situated within the boundaries of the sanitary and improvement  
12 district being annexed abutting on any portion of the real property  
13 and nondedicated streets and roadways described in section 2 of  
14 this act and (2) such additional parcels of real property situated  
15 within the boundaries of the sanitary and improvement district  
16 which are deemed by the court to utilize or be benefited by the  
17 real property being annexed.

18 Within twenty days after entry of such order, the board  
19 of trustees or administrator shall send a copy of such order,  
20 by regular United States mail, postage prepaid, to the owners of  
21 record as of the date of entry of such order of all parcels of  
22 real property included within the limited purpose sanitary and  
23 improvement district, and the board of trustees or administrator  
24 shall, within thirty days after the entry of such order, file with  
25 the clerk of the district court an affidavit of mailing evidencing

1 compliance with this requirement.

2           Sec. 4. If the sanitary and improvement district being  
3 annexed is under the authority of an administrator as of the date  
4 of entry of such order by the district court, the board of trustees  
5 shall be elected on the first Tuesday after the second Monday in  
6 September following entry of such order, pursuant to the election  
7 provisions of section 13 of this act. Upon receipt of a certificate  
8 of election results from the election commissioner or county clerk,  
9 the administrator shall, after giving notice as required by law,  
10 convene a meeting of the newly elected board of trustees. The  
11 trustees shall elect from among themselves a chairperson and a  
12 clerk. Upon the procurement of bonds for the chairperson and clerk  
13 under section 14 of this act, the authority of the administrator  
14 shall terminate and control of the affairs of the limited purpose  
15 sanitary and improvement district shall vest in the newly elected  
16 board of trustees.

17           Sec. 5. Prior to the effective date of annexation, the  
18 chairperson and clerk or the administrator of the sanitary and  
19 improvement district shall execute (1) a quitclaim deed conveying  
20 to the limited purpose sanitary and improvement district all  
21 nondedicated real estate and all interests in such real estate  
22 held by the sanitary and improvement district, (2) a bill of  
23 sale transferring to the limited purpose sanitary and improvement  
24 district all personal property held by the sanitary and improvement  
25 district for use in connection with such nondedicated real estate,

1 and (3) an assignment transferring to the limited purpose sanitary  
2 and improvement district all rights, claims, and causes of action  
3 held by the sanitary and improvement district which relate to  
4 its nondedicated real estate. Such documents shall be delivered  
5 on the effective date of annexation to the administrator or  
6 the chairperson of the board of trustees of the limited purpose  
7 sanitary and improvement district.

8           Sec. 6. Notice of the formation of a limited purpose  
9 sanitary and improvement district shall be accomplished by:

10           (1) Filing with the Secretary of State a certified  
11 copy of the application, voluntary appearance, waiver of notice,  
12 consent, and order described in section 3 of this act, together  
13 with a duplicate original copy of the articles of amendment of the  
14 articles of association of the predecessor sanitary and improvement  
15 district, in the same manner as the original filing required by  
16 section 31-731;

17           (2) Filing with the register of deeds, county clerk, and  
18 election commissioner of each county containing any lands within  
19 the boundaries of the limited purpose sanitary and improvement  
20 district a notice including:

21           (a) The numerical designation of the limited purpose  
22 sanitary and improvement district which shall be the same number  
23 as the number of the district previously encompassing the property  
24 contained with the limited purpose sanitary and improvement  
25 district;

1           (b) The legal description of all real property in the  
2 limited purpose sanitary and improvement district;

3           (c) A statement that the former sanitary and improvement  
4 district has, by order of the district court, been redesignated a  
5 limited purpose sanitary and improvement district;

6           (d) The effective date of creation of the limited purpose  
7 sanitary and improvement district which shall be the same date as  
8 the effective date of annexation by the city or village of the  
9 predecessor sanitary and improvement district;

10           (e) A statement that the affairs of the limited purpose  
11 sanitary and improvement district shall be managed by the board of  
12 trustees previously serving the annexed sanitary and improvement  
13 district or, if such sanitary and improvement district was under  
14 the control of an administrator, by the administrator pending the  
15 election and qualification of trustees and officers as provided in  
16 sections 13 and 14 of this act;

17           (f) The names of the members of the initial board of  
18 trustees of the limited purpose sanitary and improvement district  
19 or, if the annexed sanitary and improvement district was under the  
20 control of an administrator, the name of the administrator;

21           (g) The name, address, and telephone number of the  
22 attorney for the limited purpose sanitary and improvement district;  
23 and

24           (h) A statement that any questions relating to the former  
25 sanitary and improvement district, to the redesignation of the

1 sanitary and improvement district as a limited purpose sanitary  
 2 and improvement district, or to the limited purpose sanitary and  
 3 improvement district should be directed to a member of the board of  
 4 trustees or the attorney; and

5 (3)(a) Mailing to each owner of property within the  
 6 boundaries of the sanitary and improvement district whose interest  
 7 appears of record on the date of entry of the order redesignating  
 8 the sanitary and improvement district as a limited purpose sanitary  
 9 and improvement district a copy of the notice described in  
 10 subdivision (2) of this section within ten days after the effective  
 11 date of the annexation and (b) filing with the clerk of the  
 12 district court in which such order was entered an affidavit of  
 13 mailing such notice within twenty days after the effective date of  
 14 the annexation.

15 Sec. 7. A limited purpose sanitary and improvement  
 16 district shall be a body corporate and politic by the name of  
 17 Limited Purpose Sanitary and Improvement District No. .... of  
 18 ..... County, Nebraska, created for the limited purposes of  
 19 (1) maintaining and improving public real property and interests in  
 20 such property within its boundaries or (2) maintaining, improving,  
 21 and reconstructing the nondedicated streets and roadways within its  
 22 boundaries.

23 Sec. 8. (1) A limited purpose sanitary and improvement  
 24 district shall have the power to impose a tax levy upon the  
 25 property within its boundaries. Except as provided in subsection

1 (2) of this section, the initial tax rate imposed by the district  
2 shall not be in excess of the rate necessary to generate the  
3 revenue needed to meet the projected expenditures of the district  
4 determined in accordance with the provisions of the Limited Purpose  
5 Sanitary and Improvement District Act dealing with allocation  
6 of projected revenue between the limited purpose sanitary and  
7 improvement district and the annexing city or village to pay the  
8 costs incurred for the following items.

9 (2) The combined tax rate applicable to property within  
10 the limited purpose sanitary and improvement district as imposed  
11 by the annexing city or village and the limited purpose sanitary  
12 and improvement district for the year to which the initial rate  
13 applies shall not exceed the individual tax rate of the sanitary  
14 and improvement district exercising jurisdiction over such property  
15 prior to the effective date of creation of the limited purpose  
16 sanitary and improvement district:

17 (a) Nondedicated street maintenance and repairs,  
18 including snow removal costs, to the extent budgeted, for the  
19 nondedicated streets and roadways within the limited purpose  
20 sanitary and improvement district and excluding any sums budgeted  
21 for maintenance and repairs, including snow removal costs, for  
22 dedicated streets and roadways within the limited purpose sanitary  
23 and improvement district;

24 (b) Mowing and grounds maintenance, to the extent  
25 budgeted for real property owned, leased, or otherwise controlled



1 by the limited purpose sanitary and improvement district within its  
2 boundaries which is not accepted by the annexing city or village  
3 for public park purposes;

4 (c) Maintenance, preservation, and enhancement of lakes,  
5 ponds, retention lagoons, sediment basins, marshes, fens, and  
6 other wetland areas owned, leased, or otherwise controlled by the  
7 limited purpose sanitary and improvement district, including costs  
8 for dredging, redredging, shore or bank stabilization, and water  
9 treatment;

10 (d) Street lighting for nondedicated streets and roadways  
11 within the limited purpose sanitary and improvement district,  
12 including the acquisition and placement of fixtures and the  
13 purchase of electricity for the illumination of such fixtures;

14 (e) Fees for the professional services of its accountant,  
15 attorney, and engineer;

16 (f) Insurance premiums for public liability, property  
17 damage, and errors and omissions insurance;

18 (g) Bonds for the chairperson and clerk of the board of  
19 trustees;

20 (h) Election expenses;

21 (i) Compensation for the clerk and trustees in accordance  
22 with section 31-733;

23 (j) Fees payable to the county treasurer of the county  
24 in which the limited purpose sanitary and improvement district is  
25 located for services rendered and the holding of funds of the

1 limited purpose sanitary and improvement district;

2 (k) Taxes imposed on goods purchased by and services  
3 rendered to the limited purpose sanitary and improvement district;  
4 and

5 (l) Filing fees.

6 (3) The property tax rate applicable in years subsequent  
7 to the year to which the initial rate applies shall be subject  
8 to the limitations and procedures for adjustment then applicable  
9 to the budget, levy, and revenue of a sanitary and improvement  
10 district.

11 Sec. 9. In addition to the power to impose the tax levy  
12 provided in section 8 of this act, a limited purpose sanitary and  
13 improvement district shall have the following powers:

14 (1) The power to take and hold real and personal property  
15 and interests in such property necessary for the use of such  
16 property;

17 (2) The power to grant easements and licenses with  
18 respect to its real property;

19 (3) The power to sue and be sued;

20 (4) The power to appoint, employ, and pay an accountant,  
21 attorney, and engineer, each of whom shall be removable at the  
22 pleasure of the board of trustees;

23 (5) The power to make contracts for fulfillment of the  
24 purposes of the district;

25 (6) The power to procure insurance, including public

1 liability insurance, concerning the property it maintains, property  
2 damage insurance for the improvements upon the property it  
3 maintains, and errors and omissions insurance for the trustees;

4 (7) The power to procure bonds for its chairperson and  
5 clerk in the manner and amount required by section 14 of this act;

6 (8) The power to adopt a budget in accordance with  
7 the requirements of the Nebraska Budget Act for sanitary and  
8 improvement districts and the power to provide for and file an  
9 audit in accordance with section 31-740;

10 (9) The power to prepare and file an annual statement in  
11 accordance with the requirements of section 16 of this act; and

12 (10) The power to pay taxes imposed upon goods purchased  
13 by it and services rendered to it.

14 Sec. 10. (1) On the effective date of annexation of  
15 the sanitary and improvement district being annexed in whole  
16 or in part, the annexing city or village shall succeed to all  
17 rights in and to (a) all funds then on hand in the sanitary and  
18 improvement district's construction fund with the county treasurer,  
19 (b) all funds payable to the sanitary and improvement district's  
20 construction fund for utility connection privileges, and (c) the  
21 portion of unpaid property taxes due and payable during the  
22 calendar year in which the fiscal year running on the effective  
23 date of annexation ends which are budgeted for the construction  
24 fund.

25 (2) Prior to the effective date of annexation of the

1 sanitary and improvement district being annexed in whole or in  
2 part, the governing body of the annexing city or village, in  
3 consultation with its finance department or fiscal agent, and  
4 the board of trustees of the district, in consultation with its  
5 accountant, shall allocate between the city or village and the  
6 limited purpose sanitary and improvement district, on a fair and  
7 equitable basis, (a) all funds then on hand in the sanitary and  
8 improvement district's general fund with the county treasurer,  
9 (b) all funds payable to the sanitary and improvement district's  
10 general fund other than property taxes, and (c) the portion of  
11 unpaid property taxes due and payable during the calendar year in  
12 which the fiscal year running on the effective date of annexation  
13 ends which are budgeted for the general fund, in proportion to  
14 the total amount of line items of the most recently adopted  
15 general fund budget relating to functions which are to be the  
16 responsibility of the annexing city or village and functions which  
17 are to be the responsibility of the limited purpose sanitary and  
18 improvement district, respectively, subsequent to the effective  
19 date of annexation.

20 (3) The budget items allocable between functions to be  
21 performed or expenses to be incurred in part by the annexing  
22 city or village and in part by the limited purpose sanitary  
23 and improvement district shall be allocated in accordance with a  
24 certificate of allocation executed by the clerk of the sanitary and  
25 improvement district being annexed, verified by the accountant for

1 the sanitary and improvement district being annexed, and approved  
2 by the finance director of the annexing city or village based upon  
3 the factors and projections considered by the board of trustees  
4 at or prior to the time of adoption of such general fund budget.  
5 Notice of such allocation shall be filed with the clerk and the  
6 attorney and with the county treasurer prior to the effective date  
7 of annexation. Subsequent to the effective date of annexation, the  
8 county treasurer shall segregate such funds for the use of the  
9 respective parties in accordance with the allocation pursuant to  
10 this section.

11           Sec. 11. A board of five trustees shall govern a limited  
12 purpose sanitary and improvement district. The initial board of  
13 trustees of a limited purpose sanitary and improvement district  
14 shall consist of the members of the board of trustees of the  
15 annexed sanitary and improvement district who are owners of real  
16 property within the boundaries of the limited purpose sanitary and  
17 improvement district as of the effective date of annexation. Such  
18 trustees shall serve for the balance of the terms of office to  
19 which they were elected. If any trustees of the annexed sanitary  
20 and improvement district do not qualify as trustees for service on  
21 the board of the limited purpose sanitary and improvement district  
22 as a result of failure to own real property within the boundaries  
23 of the limited purpose sanitary and improvement district, the  
24 remaining trustees, prior to the effective date of annexation,  
25 shall select persons owning real property within the boundaries

1 of the limited purpose sanitary and improvement district to fill  
2 such positions for the balance of the term of such board. If a  
3 vacancy occurs on such board during the balance of the term of such  
4 board, the remaining trustees shall fill the vacancy until the next  
5 election.

6           Sec. 12. The board of trustees of a limited purpose  
7 sanitary and improvement district shall keep a record of all its  
8 proceedings which shall be open to inspection by all owners of real  
9 property within the district and may exercise all powers set forth  
10 in sections 8 and 9 of this act, together with the authority to  
11 adopt all necessary resolutions for the conduct of its business and  
12 to carry into effect the objects for which the district was formed.  
13 The clerk of the board shall be paid a salary not to exceed six  
14 hundred dollars per year, and each trustee with the exception of  
15 the clerk shall be paid ten dollars for each meeting of the board  
16 which he or she attends.

17           Sec. 13. (1) On the first Tuesday after the second Monday  
18 in September which is at least two years after the last election  
19 held for the sanitary and improvement district previously serving  
20 the area within the boundaries of the limited purpose sanitary and  
21 improvement district, the board of trustees shall cause a special  
22 election to be held, at which election a board of trustees of five  
23 in number shall be elected. Each member elected to the board of  
24 trustees shall be elected to a term of two years and shall hold  
25 office until such member's successor is elected and qualified. Any

1 person desiring to file for the office of trustee may file for  
2 such office with the election commissioner, or county clerk in  
3 counties having no election commissioner, of the county in which  
4 the greater proportion in area of the district is located not  
5 later than fifty days before the election. No filing fee shall  
6 be required. The name of a person may be written in and voted  
7 for as a candidate for the office of trustee, and such write-in  
8 candidate may be elected to the office of trustee. Such trustees  
9 shall reside within and be owners of real property located within  
10 the boundaries of the district unless more than fifty percent of  
11 the homes in the district are used as a second, seasonal, or  
12 recreational residence, in which case owners of such property shall  
13 be considered legal property owners resident within the district  
14 for purposes of electing trustees.

15 Notice of the date of the election shall be mailed by the  
16 clerk of the district not later than sixty-five days prior to the  
17 election to each person who is entitled to vote at the election for  
18 trustees whose property ownership or lease giving a right to vote  
19 is of record on the records of the register of deeds as of a date  
20 designated by the election commissioner or county clerk, which date  
21 shall be not more than seventy-five days prior to the election.

22 (2) Persons whose ownership or right to vote becomes of  
23 record or is received after the date specified in subsection (1)  
24 of this section may vote upon establishing their right to vote to  
25 the satisfaction of the election board appointed under subsection

1 (4) of this section. At each election, any person may cast one  
2 vote for each trustee for each acre of unplatted real property or  
3 fraction thereof he or she may own in the district and one vote  
4 for each platted lot which he or she may own in the district,  
5 except that only one person may cast the votes for each individual  
6 parcel of real property regardless of the number of owners of  
7 such parcel. If there are not any legal property owners resident  
8 within such district, the five members shall be elected by the  
9 legal property owners of all property within such district. Any  
10 corporation, whether public, private, or municipal, owning any land  
11 or lot within the district may vote at such election the same as an  
12 individual. For purposes of voting for trustees, each condominium  
13 apartment under a condominium property regime established prior to  
14 January 1, 1984, under the Condominium Property Act or established  
15 after January 1, 1984, under the Nebraska Condominium Act shall  
16 be deemed to be a platted lot and the lessee or the owner of  
17 the lessee's interest, under any lease for an initial term of not  
18 less than twenty years which requires the lessee to pay taxes and  
19 special assessments levied on the leased property, shall be deemed  
20 to be the owner of the property so leased and entitled to cast the  
21 vote of such property. The personal representative, guardian, or  
22 trustee of any person or estate interested shall have the right to  
23 vote. No corporation, estate, or irrevocable trust shall be deemed  
24 to be a resident owner for purposes of voting for trustees. If two  
25 or more persons or officials claim the right to vote on the same



1 tract, the election board shall determine the party entitled to  
2 vote.

3 The board of trustees of the limited purpose sanitary and  
4 improvement district shall select one of their number chairperson  
5 and one of their number clerk. In case of a vacancy on such board,  
6 the remaining trustees shall fill the vacancy on such board until  
7 the next election.

8 (3) The election commissioner or county clerk shall hold  
9 any election required by subsection (1) of this section by sealed  
10 mail ballot by notifying the board of trustees on or before July  
11 1 of a given year. The election commissioner or county clerk  
12 shall, at least twenty days prior to the election, mail a ballot  
13 and return envelope to each person who is entitled to vote at  
14 the election and whose property ownership or lease giving a right  
15 to vote is of record with the register of deeds as of the date  
16 designated by the election commissioner or county clerk, which date  
17 shall not be more than seventy-five days prior to the election.  
18 The ballot and return envelope shall include: (a) The names and  
19 addresses of the candidates; (b) room for write-in candidates; and  
20 (c) instructions on how to vote and return the ballot. Such ballots  
21 shall be returned to the election commissioner or county clerk no  
22 later than 10 a.m. on the first Thursday following the election.

23 (4) At any election held to elect trustees of a limited  
24 purpose sanitary and improvement district, the ballots shall be  
25 received, counted, and canvassed by an election board of two or

1 more persons appointed by the election commissioner or county  
2 clerk.

3 (5) For any limited purpose sanitary and improvement  
4 district, the election commissioner or county clerk shall certify  
5 the results of the election to the district.

6 (6) When any election held to elect trustees of a  
7 limited purpose sanitary and improvement district is contested, the  
8 provisions of the Election Act relating to election contests apply.

9 Sec. 14. The chairperson and clerk of any limited purpose  
10 sanitary and improvement district shall, upon assuming his or her  
11 respective office, execute and file with the clerk of the city  
12 or village in which such district or the greater portion of its  
13 area is located a bond, with one or more sureties, to be approved  
14 by the city or village clerk, running to the State of Nebraska  
15 in the penal sum of five thousand dollars for the chairperson  
16 and twenty thousand dollars for the clerk, conditioned for the  
17 faithful performance of his or her official duties and the faithful  
18 accounting for all funds and property of the district that shall  
19 come into his or her possession or control during his or her term  
20 of office. The premium, if any, on any such bond shall be paid out  
21 of the funds of the district. Any person, firm, or corporation that  
22 has sustained loss or damage in consequence of the breach thereof  
23 may bring suit on such bonds.

24 Sec. 15. Within thirty days after the formation of a  
25 limited purpose sanitary and improvement district, the clerk shall

1 file with the register of deeds of the county and the city or  
2 village clerk of the city or village in which the district is  
3 located a statement containing the following information: (1) The  
4 district number; (2) the legal description of all real property  
5 contained within the district; (3) the purpose or purposes for  
6 which the limited purpose sanitary and improvement district was  
7 formed; (4) a statement that the district has the power to levy a  
8 property tax to pay its expenses of operation and maintenance; and  
9 (5) that the actual current tax levy amount of the district may  
10 be obtained from the clerk of the city or village in which the  
11 district is located.

12           Sec. 16. On or before December 31 of each year, the clerk  
13 of each limited purpose sanitary and improvement district shall  
14 file with the register of deeds or, if none, the county clerk of  
15 the county or counties and with the city or village clerk of the  
16 city or village in which the sanitary and improvement district  
17 is located a statement updated each December 31 containing the  
18 following information:

19           (1) The names of the members of the current board of  
20 trustees of the district;

21           (2) The names of the current attorney, accountant, and  
22 fiscal agent of the district; and

23           (3) The tax levy of the district as of December 31.

24           For any late filing of the statement, the limited purpose  
25 sanitary and improvement district shall be assessed a late fee of

1 ten dollars per day, not to exceed a total of three hundred dollars  
2 for each late filing.

3 The real estate broker or salesperson or, if none,  
4 the owner shall distribute the most recent statement filed in  
5 accordance with this section to any prospective purchaser of  
6 any real estate located within a limited purpose sanitary and  
7 improvement district. The statement shall be distributed on or  
8 before the date on which the purchaser becomes obligated to  
9 purchase such real estate. The exclusive remedy for failure to  
10 provide such statements shall be an action for damages, and any  
11 such failure shall not affect title to the real estate or the  
12 validity of the conveyance.

13 Sec. 17. (1) The clerk of each limited purpose sanitary  
14 and improvement district shall notify the board of trustees of such  
15 district and the clerk of the city or village within which such  
16 district is located of all meetings of the board of trustees by  
17 sending a notice of such meeting to the trustees and to the clerk  
18 of the city or village not less than seven days prior to the date  
19 set for any meeting.

20 (2) Within thirty days after any meeting of a limited  
21 purpose sanitary and improvement district board of trustees, the  
22 clerk of the district shall transmit to the clerk of the city or  
23 village within which the district is located a copy of the minutes  
24 of such meeting.

25 Sec. 18. All contracts by a limited purpose sanitary

1 and improvement district for construction work to be done or  
2 materials or equipment purchased, the expense of which is more  
3 than five thousand dollars, shall be let to the lowest responsible  
4 bidder, upon notice of not less than twenty days, of the terms  
5 and conditions of the contract to be let. The board of trustees  
6 shall have power to reject any and all bids and readvertise for  
7 the letting of such work or to negotiate any contract after an  
8 unsuccessful public letting.

9           Sec. 19. If at any time after the formation of a  
10 limited purpose sanitary and improvement district the governing  
11 body of the city or village within the boundaries of which the  
12 limited purpose sanitary and improvement district is situated  
13 adopts an ordinance undertaking to perform the functions within  
14 the boundaries of the limited purpose sanitary and improvement  
15 district relating to maintenance of common areas and nondedicated  
16 streets which gave rise to the creation of the limited purpose  
17 sanitary and improvement district, the city or village clerk shall,  
18 within ten days after the date of adoption of such ordinance,  
19 notify the clerk of the limited purpose sanitary and improvement  
20 district of the adoption of the ordinance. Upon receiving such  
21 notice, the board of trustees of the limited purpose sanitary  
22 and improvement district shall meet for the purpose of adopting  
23 a resolution of dissolution of the limited purpose sanitary and  
24 improvement district. Written notice of the meeting shall be mailed  
25 to all owners of real property within the boundaries of the

1 limited purpose sanitary and improvement district not less than  
2 ten days and not more than twenty days prior to the date of  
3 the meeting by first class United States mail, postage prepaid.  
4 At the meeting, the board shall issue warrants in payment of  
5 all outstanding bills of the district, execute quitclaim deeds  
6 conveying all real property owned by the limited purpose sanitary  
7 and improvement district to the city or village within which it is  
8 located, and adopt a resolution of dissolution. Certified copies  
9 of the resolution of dissolution shall, within ten days after  
10 the meeting at which such resolution was adopted, be filed with  
11 the Secretary of State, with the register of deeds, county clerk,  
12 county treasurer, and election commissioner of each county within  
13 which any portion of the limited purpose sanitary and improvement  
14 district is located, and with the city or village clerk of the  
15 city or village within which the limited purpose sanitary and  
16 improvement district is located. Dissolution of the limited purpose  
17 sanitary and improvement district becomes effective fifteen days  
18 after the adoption of the resolution of dissolution by the board of  
19 trustees.

20           Sec. 20. Section 2-4214, Revised Statutes Supplement,  
21 2009, is amended to read:

22           2-4214 The corporation shall have the following duties:

23           (1) To invest any funds not needed for immediate  
24 disbursement, including any funds held in reserve, in direct and  
25 general obligations of or obligations fully and unconditionally

1 guaranteed by the United States of America; obligations issued  
2 by agencies of the United States of America; obligations of  
3 this state or of any political subdivision except obligations of  
4 sanitary and improvement districts organized under Chapter 31,  
5 article 7 or limited purpose sanitary and improvement districts  
6 organized under the Limited Purpose Sanitary and Improvement  
7 District Act; certificates of deposit of banks whose deposits  
8 are insured or guaranteed by the Federal Deposit Insurance  
9 Corporation or collateralized by deposit of securities with  
10 the secretary-treasurer of the corporation, as, and to the  
11 extent not covered by insurance or guarantee, with securities  
12 which are eligible for securing the deposits of the state or  
13 counties, school districts, cities, or villages of the state;  
14 certificates of deposit of capital stock financial institutions as  
15 provided by section 77-2366; certificates of deposit of qualifying  
16 mutual financial institutions as provided by section 77-2365.01;  
17 repurchase agreements which are fully secured by any of such  
18 securities or obligations which may be unsecured and unrated,  
19 including investment agreements, of any corporation, national bank,  
20 capital stock financial institution, qualifying mutual financial  
21 institution, bank holding company, insurance company, or trust  
22 company which has outstanding debt obligations which are rated  
23 by a nationally recognized rating agency in one of the three  
24 highest rating categories established by such rating agency; or any  
25 obligations or securities which may from time to time be legally

1 purchased by governmental subdivisions of this state pursuant to  
2 subsection (1) of section 77-2341;

3 (2) To collect fees and charges the corporation  
4 determines to be reasonable in connection with its loans, advances,  
5 insurance commitments, and servicing;

6 (3) To cooperate with and exchange services, personnel,  
7 and information with any federal, state, or local governmental  
8 agencies;

9 (4) To sell, assign, or otherwise dispose of at public or  
10 private sale, with or without public bidding, any mortgage or other  
11 obligations held by the corporation; and

12 (5) To do any act necessary or convenient to the exercise  
13 of the powers granted by the Conservation Corporation Act or  
14 reasonably implied from it.

15 Sec. 21. Section 25-2501, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 25-2501 It is the intent and purpose of sections 25-2501  
18 to 25-2506 to establish a uniform procedure to be used in acquiring  
19 private property for a public purpose by the State of Nebraska  
20 and its political subdivisions and by all privately owned public  
21 utility corporations and common carriers which have been granted  
22 the power of eminent domain. Such sections shall not apply to:

23 (1) Water transmission and distribution pipelines and  
24 their appurtenances and common carrier pipelines and their  
25 appurtenances;



1           (2) Public utilities and cities of all classes and  
2 villages when acquiring property for a proposed project involving  
3 the acquisition of rights or interests in ten or fewer separately  
4 owned tracts or when the acquisition is within the corporate limits  
5 of any city or village;

6           (3) Sanitary and improvement districts organized under  
7 sections 31-727 to 31-762 and limited purpose sanitary and  
8 improvement districts organized under the Limited Purpose Sanitary  
9 and Improvement District Act when acquiring easements for a  
10 proposed project involving the acquisition of rights or interests  
11 in ten or fewer separately owned tracts;

12           (4) Counties and municipalities which acquire property  
13 through the process of platting or subdivision or for street or  
14 highway construction or improvements;

15           (5) Common carriers subject to regulation by the  
16 Federal Railroad Administration of the United States Department of  
17 Transportation; or

18           (6) The Department of Roads when acquiring property for  
19 highway construction or improvements.

20           Sec. 22. Section 32-608, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           32-608 (1) Except as provided in subsection (4) or (5) of  
23 this section, a filing fee shall be paid by or on behalf of each  
24 candidate prior to filing for office. For candidates who file in  
25 the office of the Secretary of State as provided in subdivision (1)

1 of section 32-607, the filing fee shall be paid to the Secretary  
2 of State who shall remit the fee to the State Treasurer for credit  
3 to the Election Administration Fund. For candidates for any city or  
4 village office, the filing fee shall be paid to the city or village  
5 treasurer of the city or village in which the candidate resides.  
6 For candidates who file in the office of the election commissioner  
7 or county clerk, the filing fee shall be paid to the election  
8 commissioner or county clerk in the county in which the office  
9 is sought. The election commissioner or county clerk shall remit  
10 the fee to the county treasurer. The fee shall be placed in the  
11 general fund of the county, city, or village. No candidate filing  
12 forms shall be filed until the proper payment or the proper receipt  
13 showing the payment of such filing fee is presented to the filing  
14 officer. On the day of the filing deadline, the city or village  
15 treasurer's office shall remain open to receive filing fees until  
16 the hour of the filing deadline.

17 (2) Except as provided in subsection (4) or (5) of this  
18 section, the filing fees shall be as follows:

19 (a) For the office of United States Senator, state  
20 officers, including members of the Legislature, Representatives in  
21 Congress, county officers, and city or village officers, except the  
22 mayor or council members of cities having a home rule charter, a  
23 sum equal to one percent of the annual salary such candidate will  
24 receive if he or she is elected and qualifies for the office for  
25 which he or she files as a candidate;

1           (b) For directors of public power and irrigation  
2 districts in districts receiving annual gross revenue of forty  
3 million dollars or more, twenty-five dollars, and in districts  
4 receiving annual gross revenue of less than forty million dollars,  
5 ten dollars;

6           (c) For directors of reclamation districts, ten dollars;  
7 and

8           (d) For Regents of the University of Nebraska, members  
9 of the State Board of Education, and directors of metropolitan  
10 utilities districts, twenty-five dollars.

11           (3) All declared write-in candidates shall pay the filing  
12 fees that are required for the office at the time that they present  
13 the write-in affidavit to the filing officer. Any undeclared  
14 write-in candidate who is nominated or elected by write-in votes  
15 shall pay the filing fee required for the office within ten days  
16 after the canvass of votes by the county canvassing board and  
17 shall file the receipt with the person issuing the certificate of  
18 nomination or the certificate of election prior to the certificate  
19 being issued.

20           (4) No filing fee shall be required for any candidate  
21 filing for an office in which a per diem is paid rather than a  
22 salary or for which there is a salary of less than five hundred  
23 dollars per year. No filing fee shall be required for any candidate  
24 for membership on a school board, on the board of an educational  
25 service unit, on the board of governors of a community college

1 area, on the board of directors of a natural resources district, or  
2 on the board of trustees of a sanitary and improvement district or  
3 a limited purpose sanitary and improvement district.

4 (5) No filing fee shall be required of any candidate  
5 completing an affidavit requesting to file for elective office in  
6 forma pauperis. A pauper shall mean a person whose income and other  
7 resources for maintenance are found under assistance standards to  
8 be insufficient for meeting the cost of his or her requirements and  
9 whose reserve of cash or other available resources does not exceed  
10 the maximum available resources that an eligible individual may  
11 own. Available resources shall include every type of property or  
12 interest in property that an individual owns and may convert into  
13 cash except:

14 (a) Real property used as a home;

15 (b) Household goods of a moderate value used in the home;

16 and

17 (c) Assets to a maximum value of three thousand  
18 dollars used by a recipient in a planned effort directed towards  
19 self-support.

20 (6) If any candidate dies prior to an election, the  
21 spouse of the candidate may file a claim for refund of the filing  
22 fee with the proper governing body prior to the date of the  
23 election. Upon approval of the claim by the proper governing body,  
24 the filing fee shall be refunded.

25 Sec. 23. Section 32-1203, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           32-1203 (1) Each city, village, school district, public  
3 power district, sanitary and improvement district, limited purpose  
4 sanitary and improvement district, metropolitan utilities district,  
5 fire district, natural resources district, community college area,  
6 educational service unit, hospital district, reclamation district,  
7 and library board shall pay for the costs of nominating and  
8 electing its officers as provided in subsection (2), (3), or (4)  
9 of this section. If a special issue is placed on the ballot at the  
10 time of the statewide primary or general election by any political  
11 subdivision, the political subdivision shall pay for the costs of  
12 the election as provided in subsection (2), (3), or (4) of this  
13 section. The districts listed in this subsection shall furnish to  
14 the Secretary of State and election commissioner or county clerk  
15 any maps and additional information which the election commissioner  
16 or county clerk may require in the proper performance of their  
17 duties in the conduct of elections and certification of results.

18           (2) The charge for each primary and general election  
19 shall be determined by (a) ascertaining the total cost of all  
20 chargeable costs as described in section 32-1202, (b) dividing  
21 the total cost by the number of precincts participating in the  
22 election to fix the cost per precinct, (c) prorating the cost  
23 per precinct by the inked ballot inch in each precinct for each  
24 political subdivision, and (d) totaling the cost for each precinct  
25 for each political subdivision, except that the minimum charge for

1 each primary and general election for each political subdivision  
2 shall be fifty dollars.

3 (3) In lieu of the charge determined pursuant to  
4 subsection (2) of this section, the election commissioner or  
5 county clerk may charge public power districts the fee for election  
6 costs set by section 70-610.

7 (4) In lieu of the charge determined pursuant to  
8 subsection (2) of this section, the election commissioner or  
9 county clerk may bill school districts directly for the costs of an  
10 election held under section 10-703.01.

11 Sec. 24. Section 77-1701, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 77-1701 (1) The county treasurer shall be ex officio  
14 county collector of all taxes levied within the county. The county  
15 board shall designate a county official to mail or otherwise  
16 deliver a statement of the amount of taxes due and a notice  
17 that special assessments are due, to the last-known address of  
18 the person, firm, association, or corporation against whom such  
19 taxes or special assessments are assessed or to the lending  
20 institution or other party responsible for paying such taxes or  
21 special assessments. Such statement shall clearly indicate, for  
22 each political subdivision, the levy rate and the amount of taxes  
23 due as the result of principal or interest payments on bonds  
24 issued by the political subdivision and shall show such rate and  
25 amount separate from any other levy. Beginning with tax year 2000,

1 when taxes on real property are delinquent for a prior year, the  
2 county treasurer shall indicate this information on the current  
3 year tax statement in bold letters. The information provided shall  
4 inform the taxpayer that delinquent taxes and interest are due  
5 for the prior year or years and shall indicate the specific year  
6 or years for which such taxes and interest remain unpaid. The  
7 language shall read "Back Taxes and Interest Due For", followed by  
8 numbers to indicate each year for which back taxes and interest  
9 are due. Failure to receive such statement or notice shall not  
10 relieve the taxpayer from any liability to pay such taxes or  
11 special assessments and any interest or penalties accrued thereon.  
12 In any county in which a city of the metropolitan class is located,  
13 all statements of taxes shall also include notice that special  
14 assessments for cutting weeds, removing litter, and demolishing  
15 buildings are due.

16 (2) Notice that special assessments are due shall not be  
17 required for special assessments levied by sanitary and improvement  
18 districts organized under Chapter 31, article 7, or limited purpose  
19 sanitary and improvement districts organized under the Limited  
20 Purpose Sanitary and Improvement District Act, except that such  
21 notice may be provided by the county at the discretion of the  
22 county board or by the ~~sanitary and improvement~~ district with the  
23 approval of the county board.

24 (3) A statement of the amount of taxes due and a notice  
25 that special assessments are due shall not be required to be mailed

1 or otherwise delivered pursuant to subsection (1) of this section  
2 if the total amount of the taxes and special assessments due is  
3 less than two dollars. Failure to receive the statement or notice  
4 shall not relieve the taxpayer from any liability to pay the taxes  
5 or special assessments but shall relieve the taxpayer from any  
6 liability for interest or penalties. Taxes and special assessments  
7 of less than two dollars shall be added to the amount of taxes  
8 and special assessments due in subsequent years and shall not be  
9 considered delinquent until the total amount is two dollars or  
10 more.

11 Sec. 25. Section 77-1858, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 77-1858 Wherever power is now given by the revenue laws  
14 of this state to the county treasurer of any county in this  
15 state to sell real estate, on which the taxes have not been  
16 paid as provided by law, it shall include the power to sell the  
17 real estate for (1) all the taxes and special assessments, except  
18 special assessments levied by a sanitary and improvement district  
19 organized under sections 31-727 to 31-762 or a limited purpose  
20 sanitary and improvement district organized under the Limited  
21 Purpose Sanitary and Improvement District Act, levied or hereafter  
22 levied by any county, municipality, drainage district, or other  
23 political subdivision of the state and (2) all special assessments  
24 levied or hereafter levied by any sanitary and improvement district  
25 or limited purpose sanitary and improvement district if such sale



1 is requested by such ~~sanitary and improvement~~ district which levied  
2 the special assessment. All provisions of the revenue law now  
3 in force with reference to the collection of taxes shall apply  
4 with equal force to all taxes and special assessments levied by  
5 such county, municipality, drainage district, or other political  
6 subdivision of the state.

7           Sec. 26. Section 77-3442, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           77-3442 (1) Property tax levies for the support of local  
10 governments for fiscal years beginning on or after July 1, 1998,  
11 shall be limited to the amounts set forth in this section except as  
12 provided in section 77-3444.

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

19           (b) For each fiscal year, learning communities may levy  
20 a maximum levy for the general fund budgets of member school  
21 districts of ninety-five cents per one hundred dollars of taxable  
22 valuation of property subject to the levy. The proceeds from the  
23 levy pursuant to this subdivision shall be distributed pursuant to  
24 section 79-1073.

25           (c) Except as provided in subdivision (2)(e) of this

1 section, for each fiscal year, school districts that are members  
2 of learning communities may levy for purposes of such districts'  
3 general fund budget and special building funds a maximum combined  
4 levy of the difference of one dollar and five cents on each one  
5 hundred dollars of taxable property subject to the levy minus  
6 the learning community levies pursuant to subdivisions (2)(b) and  
7 (2)(g) of this section for such learning community.

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

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

1 federal government sources pursuant to Title VIII of Public Law  
2 103-382, as such title existed on September 1, 2001.

3 (f) For school fiscal year 2002-03 through school fiscal  
4 year 2007-08, school districts and multiple-district school systems  
5 may, upon a three-fourths majority vote of the school board of  
6 the school district, the board of the unified system, or the  
7 school board of the high school district of the multiple-district  
8 school system that is not a unified system, exceed the maximum  
9 levy prescribed by subdivision (2) (a) of this section in an amount  
10 equal to the net difference between the amount of state aid that  
11 would have been provided under the Tax Equity and Educational  
12 Opportunities Support Act without the temporary aid adjustment  
13 factor as defined in section 79-1003 for the ensuing school fiscal  
14 year for the school district or multiple-district school system  
15 and the amount provided with the temporary aid adjustment factor.  
16 The State Department of Education shall certify to the school  
17 districts and multiple-district school systems the amount by which  
18 the maximum levy may be exceeded for the next school fiscal year  
19 pursuant to this subdivision (f) of this subsection on or before  
20 February 15 for school fiscal years 2004-05 through 2007-08.

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

1           (h) For each fiscal year, learning communities may levy  
2 a maximum levy of five cents on each one hundred dollars of  
3 taxable property subject to the levy for elementary learning center  
4 facilities and for up to fifty percent of the estimated cost for  
5 capital projects approved by the learning community coordinating  
6 council pursuant to section 79-2111.

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

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

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

24           (c) In addition, natural resources districts located in  
25 a river basin, subbasin, or reach that has been determined to

1 be fully appropriated pursuant to section 46-714 or designated  
2 as overappropriated pursuant to section 46-713 by the Department  
3 of Natural Resources shall also have the power and authority to  
4 levy a tax equal to the dollar amount by which their restricted  
5 funds budgeted to administer and implement ground water management  
6 activities and integrated management activities under the Nebraska  
7 Ground Water Management and Protection Act exceed their restricted  
8 funds budgeted to administer and implement ground water management  
9 activities and integrated management activities for FY2005-06, not  
10 to exceed three cents on each one hundred dollars of taxable  
11 valuation on all of the taxable property within the district for  
12 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
13 year 2011-12.

14 (5) Any educational service unit authorized to levy a  
15 property tax pursuant to section 79-1225 may levy a maximum levy of  
16 one and one-half cents per one hundred dollars of taxable valuation  
17 of property subject to the levy.

18 (6)(a) Incorporated cities and villages which are not  
19 within the boundaries of a municipal county may levy a maximum levy  
20 of forty-five cents per one hundred dollars of taxable valuation  
21 of property subject to the levy plus an additional five cents per  
22 one hundred dollars of taxable valuation to provide financing for  
23 the municipality's share of revenue required under an agreement  
24 or agreements executed pursuant to the Interlocal Cooperation Act  
25 or the Joint Public Agency Act. The maximum levy shall include

1 amounts levied to pay for sums to support a library pursuant  
2 to section 51-201, museum pursuant to section 51-501, visiting  
3 community nurse, home health nurse, or home health agency pursuant  
4 to section 71-1637, or statue, memorial, or monument pursuant to  
5 section 80-202.

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

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

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

1 levy authority under this section, the second county may exceed  
2 the levy authority in order to levy the amount allocated. Property  
3 tax levies for costs of reassumption of the assessment function  
4 pursuant to section 77-1340 or 77-1340.04 are not included in the  
5 levy limits established in this subsection for fiscal years 2010-11  
6 through 2013-14.

7 (9) Municipal counties may levy or authorize a maximum  
8 levy of one dollar per one hundred dollars of taxable valuation  
9 of property subject to the levy. The municipal county may allocate  
10 levy authority to any political subdivision or entity subject to  
11 allocation under section 77-3443.

12 (10) Property tax levies for judgments, except judgments  
13 or orders from the Commission of Industrial Relations, obtained  
14 against a political subdivision which require or obligate a  
15 political subdivision to pay such judgment, to the extent such  
16 judgment is not paid by liability insurance coverage of a  
17 political subdivision, for preexisting lease-purchase contracts  
18 approved prior to July 1, 1998, for bonded indebtedness approved  
19 according to law and secured by a levy on property except as  
20 provided in section 44-4317 for bonded indebtedness issued by  
21 educational service units and school districts, and for payments by  
22 a public airport to retire interest-free loans from the Department  
23 of Aeronautics in lieu of bonded indebtedness at a lower cost to  
24 the public airport are not included in the levy limits established  
25 by this section.



1           (11) The limitations on tax levies provided in this  
2 section are to include all other general or special levies  
3 provided by law. Notwithstanding other provisions of law, the  
4 only exceptions to the limits in this section are those provided by  
5 or authorized by sections 77-3442 to 77-3444.

6           (12) Tax levies in excess of the limitations in this  
7 section shall be considered unauthorized levies under section  
8 77-1606 unless approved under section 77-3444.

9           (13) For purposes of sections 77-3442 to 77-3444,  
10 political subdivision means a political subdivision of this state  
11 and a county agricultural society.

12           (14) For school districts that file a binding resolution  
13 on or before May 9, 2008, with the county assessors, county clerks,  
14 and county treasurers for all counties in which the school district  
15 has territory pursuant to subsection (7) of section 79-458, if the  
16 combined levies, except levies for bonded indebtedness approved by  
17 the voters of the school district and levies for the refinancing  
18 of such bonded indebtedness, are in excess of the greater of (a)  
19 one dollar and twenty cents per one hundred dollars of taxable  
20 valuation of property subject to the levy or (b) the maximum  
21 levy authorized by a vote pursuant to section 77-3444, all school  
22 district levies, except levies for bonded indebtedness approved by  
23 the voters of the school district and levies for the refinancing of  
24 such bonded indebtedness, shall be considered unauthorized levies  
25 under section 77-1606.

1                   Sec. 27. Section 77-3444, Reissue Revised Statutes of  
2 Nebraska, 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 may  
20 approve a levy in excess of the limits in section 77-3442 or the  
21 final levy allocation provided in section 77-3443 for a period of  
22 one year at a meeting of the residents of the political subdivision  
23 or village, called after notice is published in a newspaper of  
24 general circulation in the political subdivision or village at  
25 least twenty days prior to the meeting. At least ten percent of the

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

16 (4) A political subdivision, other than a Class I school  
17 district, may rescind or modify a previously approved excess levy  
18 authority prior to its expiration by a majority of registered  
19 voters voting on the issue in a primary, general, or special  
20 election at which the issue is placed before the registered voters.  
21 A vote to rescind or modify must be approved prior to October  
22 10 of the fiscal year for which it is to be effective. The  
23 governing body of the political subdivision may call for the  
24 submission of the issue to the voters (a) by passing a resolution  
25 calling for the rescission or modification by a vote of at least

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

21 (5) For purposes of this section, when the political  
22 subdivision is a sanitary and improvement district or a limited  
23 purpose sanitary and improvement district, registered voter means  
24 a person qualified to vote as provided in section 31-735 for a  
25 sanitary and improvement district or section 13 of this act for a

1 limited purpose sanitary and improvement district. Any election  
2 conducted under this section for a sanitary and improvement  
3 district or a limited purpose sanitary and improvement district  
4 shall be conducted and counted as provided in sections 31-735 to  
5 31-735.06 for a sanitary and improvement district or section 13 of  
6 this act for a limited purpose sanitary and improvement district.

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

16 Sec. 28. Original sections 25-2501, 32-608, 32-1203,  
17 77-1701, 77-1858, 77-3442, and 77-3444, Reissue Revised Statutes of  
18 Nebraska, and section 2-4214, Revised Statutes Supplement, 2009,  
19 are repealed.