

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 815

Introduced by Haar, 21; Avery, 28.

Read first time January 08, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to government; to amend sections 13-504 and
2 13-516, Reissue Revised Statutes of Nebraska, and section
3 84-602.02, Revised Statutes Supplement, 2009; to change
4 requirements for budget statements for certain political
5 subdivisions; to change requirements for the Taxpayer
6 Transparency Act; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-504, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-504 (1) Each governing body shall annually prepare a
4 proposed budget statement on forms prescribed and furnished by the
5 auditor. The proposed budget statement shall be made available to
6 the public by the political subdivision prior to publication of the
7 notice of the hearing on the proposed budget statement pursuant
8 to section 13-506. A proposed budget statement shall contain the
9 following information, except as provided by state law:

10 (a) For the immediately preceding fiscal year, the
11 revenue from all sources, including motor vehicle taxes, other
12 than revenue received from personal and real property taxation,
13 allocated to the funds and separately stated as to each such
14 source: The unencumbered cash balance at the beginning and end of
15 the year; the amount received by taxation of personal and real
16 property; and the amount of actual expenditures;

17 (b) For the current fiscal year, actual and estimated
18 revenue from all sources, including motor vehicle taxes, allocated
19 to the funds and separately stated as to each such source: The
20 actual unencumbered cash balance available at the beginning of the
21 year; the amount received from personal and real property taxation;
22 and the amount of actual and estimated expenditures, whichever
23 is applicable. Such statement shall contain the cash reserve for
24 each fiscal year and shall note whether or not such reserve is
25 encumbered. Such cash reserve projections shall be based upon the

1 actual experience of prior years. The cash reserve shall not exceed
2 fifty percent of the total budget adopted exclusive of capital
3 outlay items;

4 (c) For the immediately ensuing fiscal year, an estimate
5 of revenue from all sources, including motor vehicle taxes, other
6 than revenue to be received from taxation of personal and real
7 property, separately stated as to each such source: The actual or
8 estimated unencumbered cash balances, whichever is applicable, to
9 be available at the beginning of the year; the amounts proposed
10 to be expended during the year; and the amount of cash reserve,
11 based on actual experience of prior years, which cash reserve shall
12 not exceed fifty percent of the total budget adopted exclusive of
13 capital outlay items;

14 (d) A statement setting out separately the amount sought
15 to be raised from the levy of a tax on the taxable value of real
16 property (i) for the purpose of paying the principal or interest on
17 bonds issued by the governing body and (ii) for all other purposes;

18 (e) A statement setting out separately the amount of
19 money received as private donations, gifts, or grants in the past
20 two fiscal years and estimated to be received in the current and
21 ensuing fiscal years and the source, allocation, and expenditure of
22 such money which was received in increments of one thousand dollars
23 or more;

24 ~~(e)~~ (f) A uniform summary of the proposed budget
25 statement, including each proprietary function fund included in

1 a separate proprietary budget statement prepared pursuant to the
2 Municipal Proprietary Function Act, and a grand total of all funds
3 maintained by the governing body; and

4 ~~(f)~~ (g) For municipalities, a list of the proprietary
5 functions which are not included in the budget statement. Such
6 proprietary functions shall have a separate budget statement which
7 is approved by the city council or village board as provided in the
8 Municipal Proprietary Function Act.

9 (2) The actual or estimated unencumbered cash balance
10 required to be included in the budget statement by this section
11 shall include deposits and investments of the political subdivision
12 as well as any funds held by the county treasurer for the political
13 subdivision and shall be accurately stated on the proposed budget
14 statement.

15 (3) The political subdivision shall correct any material
16 errors in the budget statement detected by the auditor or by other
17 sources.

18 Sec. 2. Section 13-516, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 13-516 A public power district or public power and
21 irrigation district organized pursuant to Chapter 70, article 6,
22 a rural power district organized pursuant to Chapter 70, article
23 8, or any agency created pursuant to sections 18-2426 to 18-2434
24 shall prepare in writing each year a proposed budget which shall
25 include at a minimum: Revenue from all sources separately stated as

1 to each source and expenditures from the prior two years; estimates
2 of the current year's revenue from all sources separately stated as
3 to each source and expenditures; and a summary which outlines the
4 fiscal policy of the district or agency for the period covered by
5 the budget. Included in the proposed budget shall be a statement
6 setting out separately the amount of money received as private
7 donations, gifts, or grants in the past two fiscal years and
8 estimated to be received in the current and ensuing fiscal years
9 and the source, allocation, and expenditure of such money which
10 was received in increments of one thousand dollars or more. Such
11 proposed budget shall be available for inspection by the general
12 public at each district's or agency's principal headquarters at
13 least seven days prior to the meeting of the board of directors at
14 which such budget is to be adopted. The budget shall be in a form
15 approved by the Nebraska Power Review Board.

16 Notice of the place and time of such meeting of the board
17 of directors shall be published at least seven days prior to the
18 date set for such meeting in a newspaper of general circulation
19 within the district or agency. The notice shall include a statement
20 that the proposed budget is available for public inspection and
21 the location where it is available. Any changes to the proposed
22 budget made between the date the proposed budget is made available
23 for public inspection and the date of the board meeting shall be
24 added to the proposed budget at the principal headquarters of the
25 district or agency prior to the board meeting. At such meeting the

1 public shall have an opportunity to testify before the proposed
2 budget is adopted, and a written record shall be kept of such
3 meeting. If the adopted budget reflects a change from that shown in
4 the proposed budget a summary of such changes shall be available
5 for inspection at the principal headquarters of such district or
6 agency.

7 Sec. 3. Section 84-602.02, Revised Statutes Supplement,
8 2009, is amended to read:

9 84-602.02 (1) (a) Not later than January 1, 2010, the web
10 site established, developed, and maintained by the State Treasurer
11 pursuant to subdivision (9) of section 84-602 shall provide such
12 information as will document the sources of all ~~tax receipts~~ state
13 funds and the expenditure of state funds by all agencies, boards,
14 commissions, and departments of the state.

15 (b) The State Treasurer shall, in appropriate detail,
16 cause to be published on the web site:

17 (i) The identity, principal location, and amount of funds
18 received or expended by the State of Nebraska and all of its
19 agencies, boards, commissions, and departments;

20 (ii) The amount of money received as private donations,
21 gifts, or grants and the source, allocation, and expenditure of
22 such money which was received in increments of one thousand dollars
23 or more;

24 ~~(ii)~~ (iii) The funding or expending agency, board,
25 commission, or department;

1 ~~(iii)~~ (iv) The budget program source;

2 ~~(iv)~~ (v) The amount, date, purpose, and recipient of all

3 disbursed funds; and

4 ~~(v)~~ (vi) Such other relevant information as will further

5 the intent of enhancing the transparency of state government

6 financial operations to its citizens and taxpayers. The web site

7 shall include data for fiscal year 2008-09 and each fiscal year

8 thereafter.

9 (2) Beginning July 1, 2010, the data shall be available

10 on the web site no later than thirty days after the end of

11 the preceding fiscal year. All agencies, boards, commissions, and

12 departments of the state shall provide to the State Treasurer, at

13 such times and in such form as designated by the State Treasurer,

14 such information as is necessary to accomplish the purposes of the

15 Taxpayer Transparency Act. Nothing in this subsection requires the

16 disclosure of information which is considered confidential under

17 state or federal law or is not a public record under section

18 84-712.05.

19 (3) (a) For purposes of this section, expenditure of state

20 funds means all expenditures of appropriated or nonappropriated

21 funds by an agency, board, commission, or department of the state

22 from the state treasury in forms including, but not limited to:

- 23 (i) Grants;
- 24 (ii) Contracts;
- 25 (iii) Subcontracts;

1 (iv) State aid to political subdivisions; and
2 (v) Tax refunds or credits that may be disclosed
3 pursuant to the Nebraska Advantage Act, the Nebraska Advantage
4 Microenterprise Tax Credit Act, the Nebraska Advantage Research and
5 Development Act, or the Nebraska Advantage Rural Development Act.

6 (b) Expenditure of state funds does not include the
7 transfer of funds between two agencies, boards, commissions, or
8 departments of the state or payments of state or federal assistance
9 to an individual.

10 Sec. 4. Original sections 13-504 and 13-516, Reissue
11 Revised Statutes of Nebraska, and section 84-602.02, Revised
12 Statutes Supplement, 2009, are repealed.