

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 89**

Introduced by Hughes, 44.

Read first time January 05, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections
- 2 13-506 and 13-511, Revised Statutes Cumulative Supplement, 2016; to
- 3 change published notice of hearing requirements; and to repeal the
- 4 original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-506, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 13-506 (1) Each governing body shall each year or biennial period  
4 conduct a public hearing on its proposed budget statement. Notice of  
5 place and time of such hearing, together with a summary of the proposed  
6 budget statement, shall be published at least four calendar ~~five~~ days  
7 prior to the date set for hearing in a newspaper of general circulation  
8 within the governing body's jurisdiction. For purposes of such notice,  
9 the four calendar days shall include the day of publication but not the  
10 day of hearing. When the total operating budget, not including reserves,  
11 does not exceed ten thousand dollars per year or twenty thousand dollars  
12 per biennial period, the proposed budget summary may be posted at the  
13 governing body's principal headquarters. After such hearing, the proposed  
14 budget statement shall be adopted, or amended and adopted as amended, and  
15 a written record shall be kept of such hearing. The amount to be received  
16 from personal and real property taxation shall be certified to the  
17 levying board after the proposed budget statement is adopted or is  
18 amended and adopted as amended. If the levying board represents more than  
19 one county, a member or a representative of the governing board shall,  
20 upon the written request of any represented county, appear and present  
21 its budget at the hearing of the requesting county. The certification of  
22 the amount to be received from personal and real property taxation shall  
23 specify separately (a) the amount to be applied to the payment of  
24 principal or interest on bonds issued by the governing body and (b) the  
25 amount to be received for all other purposes. If the adopted budget  
26 statement reflects a change from that shown in the published proposed  
27 budget statement, a summary of such changes shall be published within  
28 twenty calendar days after its adoption in the manner provided in this  
29 section, but without provision for hearing, setting forth the items  
30 changed and the reasons for such changes.

31 (2) Upon approval by the governing body, the budget shall be filed

1 with the auditor. The auditor may review the budget for errors in  
2 mathematics, improper accounting, and noncompliance with the Nebraska  
3 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
4 errors, he or she shall immediately notify the governing body of such  
5 errors. The governing body shall correct any such error as provided in  
6 section 13-511. Warrants for the payment of expenditures provided in the  
7 budget adopted under this section shall be valid notwithstanding any  
8 errors or noncompliance for which the auditor has notified the governing  
9 body.

10 Sec. 2. Section 13-511, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 13-511 (1) Unless otherwise provided by law, whenever during the  
13 current fiscal year or biennial period it becomes apparent to a governing  
14 body that (a) there are circumstances which could not reasonably have  
15 been anticipated at the time the budget for the current year or biennial  
16 period was adopted, (b) the budget adopted violated sections 13-518 to  
17 13-522, such that the revenue of the current fiscal year or biennial  
18 period for any fund thereof will be insufficient, additional expenses  
19 will be necessarily incurred, or there is a need to reduce the budget  
20 requirements to comply with sections 13-518 to 13-522, or (c) the  
21 governing body has been notified by the auditor of a mathematical or  
22 accounting error or noncompliance with the Nebraska Budget Act, such  
23 governing body may propose to revise the previously adopted budget  
24 statement and shall conduct a public hearing on such proposal. The public  
25 hearing requirement shall not apply to emergency expenditures pursuant to  
26 section 81-829.51.

27 (2) Notice of the time and place of the hearing shall be published  
28 at least four calendar ~~five~~ days prior to the date set for hearing in a  
29 newspaper of general circulation within the governing body's  
30 jurisdiction. For purposes of such notice, the four calendar days shall  
31 include the day of publication but not the day of hearing. Such published

1 notice shall set forth (a) the time and place of the hearing, (b) the  
2 amount in dollars of additional or reduced money required and for what  
3 purpose, (c) a statement setting forth the nature of the unanticipated  
4 circumstances and, if the budget requirements are to be increased, the  
5 reasons why the previously adopted budget of expenditures cannot be  
6 reduced during the remainder of the current year or biennial period to  
7 meet the need for additional money in that manner, (d) a copy of the  
8 summary of the originally adopted budget previously published, and (e) a  
9 copy of the summary of the proposed revised budget.

10 (3) At such hearing any taxpayer may appear or file a written  
11 statement protesting any application for additional money. A written  
12 record shall be kept of all such hearings.

13 (4) Upon conclusion of the public hearing on the proposed revised  
14 budget and approval of the proposed revised budget by the governing body,  
15 the governing body shall file with the county clerk of the county or  
16 counties in which such governing body is located, with the learning  
17 community coordinating council for fiscal years prior to fiscal year  
18 2017-18 for school districts that are members of learning communities,  
19 and with the auditor, a copy of the revised budget, as adopted. The  
20 governing body may then issue warrants in payment for expenditures  
21 authorized by the adopted revised budget. Such warrants shall be referred  
22 to as registered warrants and shall be repaid during the next fiscal year  
23 or biennial period from funds derived from taxes levied therefor.

24 (5) Within thirty calendar days after the adoption of the budget  
25 under section 13-506, a governing body may, or within thirty calendar  
26 days after notification of an error by the auditor, a governing body  
27 shall, correct an adopted budget which contains a clerical, mathematical,  
28 or accounting error which does not affect the total amount budgeted by  
29 more than one percent or increase the amount required from property  
30 taxes. No public hearing shall be required for such a correction. After  
31 correction, the governing body shall file a copy of the corrected budget

1 with the county clerk of the county or counties in which such governing  
2 body is located and with the auditor. The governing body may then issue  
3 warrants in payment for expenditures authorized by the budget.

4       Sec. 3.   Original sections 13-506 and 13-511, Revised Statutes  
5 Cumulative Supplement, 2016, are repealed.