

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 148**

Introduced by Groene, 42.

Read first time January 11, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to state and local government; to amend
- 2 sections 13-503, 13-506, and 84-1411, Revised Statutes Cumulative
- 3 Supplement, 2018; to redefine a term; to change provisions relating
- 4 to public hearings on proposed budget statements and notice of
- 5 meetings of public bodies; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-503, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 13-503 For purposes of the Nebraska Budget Act, unless the context  
4 otherwise requires:

5 (1) Governing body means the governing body of any county  
6 agricultural society, elected county fair board, joint airport authority  
7 formed under the Joint Airport Authorities Act, city or county airport  
8 authority, bridge commission created pursuant to section 39-868, cemetery  
9 district, city, village, municipal county, community college, community  
10 redevelopment authority, county, drainage or levee district, educational  
11 service unit, rural or suburban fire protection district, historical  
12 society, hospital district, irrigation district, learning community,  
13 natural resources district, nonprofit county historical association or  
14 society for which a tax is levied under subsection (1) of section  
15 23-355.01, public building commission, railroad transportation safety  
16 district, reclamation district, road improvement district, rural water  
17 district, school district, sanitary and improvement district, township,  
18 offstreet parking district, transit authority, metropolitan utilities  
19 district, Educational Service Unit Coordinating Council, ~~and~~ political  
20 subdivision with the authority to have a property tax request, with the  
21 authority to levy a toll, or that receives state aid, and joint entity  
22 created pursuant to the Interlocal Cooperation Act that receives tax  
23 funds generated under section 2-3226.05;

24 (2) Levying board means any governing body which has the power or  
25 duty to levy a tax;

26 (3) Fiscal year means the twelve-month period used by each governing  
27 body in determining and carrying on its financial and taxing affairs;

28 (4) Tax means any general or special tax levied against persons,  
29 property, or business for public purposes as provided by law but shall  
30 not include any special assessment;

31 (5) Auditor means the Auditor of Public Accounts;

1 (6) Cash reserve means funds required for the period before revenue  
2 would become available for expenditure but shall not include funds held  
3 in any special reserve fund;

4 (7) Public funds means all money, including nontax money, used in  
5 the operation and functions of governing bodies. For purposes of a  
6 county, city, or village which has a lottery established under the  
7 Nebraska County and City Lottery Act, only those net proceeds which are  
8 actually received by the county, city, or village from a licensed lottery  
9 operator shall be considered public funds, and public funds shall not  
10 include amounts awarded as prizes;

11 (8) Adopted budget statement means a proposed budget statement which  
12 has been adopted or amended and adopted as provided in section 13-506.  
13 Such term shall include additions, if any, to an adopted budget statement  
14 made by a revised budget which has been adopted as provided in section  
15 13-511;

16 (9) Special reserve fund means any special fund set aside by the  
17 governing body for a particular purpose and not available for expenditure  
18 for any other purpose. Funds created for (a) the retirement of bonded  
19 indebtedness, (b) the funding of employee pension plans, (c) the purposes  
20 of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes  
21 of the Local Option Municipal Economic Development Act, (e) voter-  
22 approved sinking funds, or (f) statutorily authorized sinking funds shall  
23 be considered special reserve funds;

24 (10) Biennial period means the two fiscal years comprising a  
25 biennium commencing in odd-numbered or even-numbered years used by a  
26 city, village, or natural resources district in determining and carrying  
27 on its financial and taxing affairs; and

28 (11) Biennial budget means (a) a budget by a city of the primary or  
29 metropolitan class that adopts a charter provision providing for a  
30 biennial period to determine and carry on the city's financial and taxing  
31 affairs, (b) a budget by a city of the first or second class or village

1 that provides for a biennial period to determine and carry on the city's  
2 or village's financial and taxing affairs, or (c) a budget by a natural  
3 resources district that provides for a biennial period to determine and  
4 carry on the natural resources district's financial and taxing affairs.

5 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 13-506 (1) Each governing body shall each year or biennial period  
8 conduct a public hearing on its proposed budget statement. Such hearing  
9 shall be held separately from any regularly scheduled meeting of the  
10 governing body and shall not be limited by time. Notice of place and time  
11 of such hearing, together with a summary of the proposed budget  
12 statement, shall be published at least four calendar days prior to the  
13 date set for hearing in a newspaper of general circulation within the  
14 governing body's jurisdiction. For purposes of such notice, the four  
15 calendar days shall include the day of publication but not the day of  
16 hearing. When the total operating budget, not including reserves, does  
17 not exceed ten thousand dollars per year or twenty thousand dollars per  
18 biennial period, the proposed budget summary may be posted at the  
19 governing body's principal headquarters. At such hearing, the governing  
20 body shall make a detailed presentation of the proposed budget statement  
21 and shall make at least three copies of the proposed budget statement  
22 available to the public. Any member of the public desiring to speak on  
23 the proposed budget statement shall be allowed to address the governing  
24 body and shall be given a reasonable amount of time to do so. After such  
25 hearing, the proposed budget statement shall be adopted, or amended and  
26 adopted as amended, and a written record shall be kept of such hearing.  
27 The amount to be received from personal and real property taxation shall  
28 be certified to the levying board after the proposed budget statement is  
29 adopted or is amended and adopted as amended. If the levying board  
30 represents more than one county, a member or a representative of the  
31 governing board shall, upon the written request of any represented

1 county, appear and present its budget at the hearing of the requesting  
2 county. The certification of the amount to be received from personal and  
3 real property taxation shall specify separately (a) the amount to be  
4 applied to the payment of principal or interest on bonds issued by the  
5 governing body and (b) the amount to be received for all other purposes.  
6 If the adopted budget statement reflects a change from that shown in the  
7 published proposed budget statement, a summary of such changes shall be  
8 published within twenty calendar days after its adoption in the manner  
9 provided in this section, but without provision for hearing, setting  
10 forth the items changed and the reasons for such changes.

11 (2) Upon approval by the governing body, the budget shall be filed  
12 with the auditor. The auditor may review the budget for errors in  
13 mathematics, improper accounting, and noncompliance with the Nebraska  
14 Budget Act or sections 13-518 to 13-522. If the auditor detects such  
15 errors, he or she shall immediately notify the governing body of such  
16 errors. The governing body shall correct any such error as provided in  
17 section 13-511. Warrants for the payment of expenditures provided in the  
18 budget adopted under this section shall be valid notwithstanding any  
19 errors or noncompliance for which the auditor has notified the governing  
20 body.

21 Sec. 3. Section 84-1411, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 84-1411 (1)(a)(i) ~~(1)~~ Each public body shall give reasonable  
24 advance publicized notice of the time and place of each meeting ~~by a~~  
25 ~~method designated by each public body and recorded in its minutes.~~ Such  
26 notice shall be transmitted to all members of the public body and to the  
27 public.

28 (ii) In the case of a public body described in subdivision (1)(a)(i)  
29 of section 84-1409 or such body's advisory committee, such notice shall  
30 be published in a newspaper of general circulation within the public  
31 body's jurisdiction and, if available, in a digital advertisement on such

1 newspaper's web site. In addition to such required methods of notice,  
2 such notice may also be provided by any other appropriate method  
3 designated by such public body or such advisory committee.

4 (iii) In the case of any other public body, such notice shall be  
5 given by a method designated by the public body.

6 (b) Each public body shall record the methods and dates of such  
7 notice in its minutes.

8 (c) Such notice shall contain an agenda of subjects known at the  
9 time of the publicized notice or a statement that the agenda, which shall  
10 be kept continually current, shall be readily available for public  
11 inspection at the principal office of the public body during normal  
12 business hours. Agenda items shall be sufficiently descriptive to give  
13 the public reasonable notice of the matters to be considered at the  
14 meeting. Except for items of an emergency nature, the agenda shall not be  
15 altered later than (i) (a) twenty-four hours before the scheduled  
16 commencement of the meeting or (ii) (b) forty-eight hours before the  
17 scheduled commencement of a meeting of a city council or village board  
18 scheduled outside the corporate limits of the municipality. The public  
19 body shall have the right to modify the agenda to include items of an  
20 emergency nature only at such public meeting.

21 (2) A meeting of a state agency, state board, state commission,  
22 state council, or state committee, of an advisory committee of any such  
23 state entity, of an organization created under the Interlocal Cooperation  
24 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing  
25 Act, of the governing body of a public power district having a chartered  
26 territory of more than one county in this state, of the governing body of  
27 a public power and irrigation district having a chartered territory of  
28 more than one county in this state, of a board of an educational service  
29 unit, of the Educational Service Unit Coordinating Council, of the  
30 governing body of a risk management pool or its advisory committees  
31 organized in accordance with the Intergovernmental Risk Management Act,

1 or of a community college board of governors may be held by means of  
2 videoconferencing or, in the case of the Judicial Resources Commission in  
3 those cases specified in section 24-1204, by telephone conference, if:

4 (a) Reasonable advance publicized notice is given as provided in  
5 subsection (1) of this section;

6 (b) Reasonable arrangements are made to accommodate the public's  
7 right to attend, hear, and speak at the meeting, including seating,  
8 recordation by audio or visual recording devices, and a reasonable  
9 opportunity for input such as public comment or questions to at least the  
10 same extent as would be provided if videoconferencing or telephone  
11 conferencing was not used;

12 (c) At least one copy of all documents being considered is available  
13 to the public at each site of the videoconference or telephone  
14 conference;

15 (d) At least one member of the state entity, advisory committee,  
16 board, council, or governing body is present at each site of the  
17 videoconference or telephone conference; and

18 (e) No more than one-half of the state entity's, advisory  
19 committee's, board's, council's, or governing body's meetings in a  
20 calendar year are held by videoconference or telephone conference.

21 Videoconferencing, telephone conferencing, or conferencing by other  
22 electronic communication shall not be used to circumvent any of the  
23 public government purposes established in the Open Meetings Act.

24 (3) A meeting of a board of an educational service unit, of the  
25 Educational Service Unit Coordinating Council, of the governing body of  
26 an entity formed under the Interlocal Cooperation Act, the Joint Public  
27 Agency Act, or the Municipal Cooperative Financing Act, of the governing  
28 body of a risk management pool or its advisory committees organized in  
29 accordance with the Intergovernmental Risk Management Act, of a community  
30 college board of governors, of the governing body of a public power  
31 district, of the governing body of a public power and irrigation

1 district, or of the Nebraska Brand Committee may be held by telephone  
2 conference call if:

3 (a) The territory represented by the educational service unit,  
4 member educational service units, community college board of governors,  
5 public power district, public power and irrigation district, Nebraska  
6 Brand Committee, or member public agencies of the entity or pool covers  
7 more than one county;

8 (b) Reasonable advance publicized notice is given as provided in  
9 subsection (1) of this section which identifies each telephone conference  
10 location at which an educational service unit board member, a council  
11 member, a member of a community college board of governors, a member of  
12 the governing body of a public power district, a member of the governing  
13 body of a public power and irrigation district, a member of the Nebraska  
14 Brand Committee, or a member of the entity's or pool's governing body  
15 will be present;

16 (c) All telephone conference meeting sites identified in the notice  
17 are located within public buildings used by members of the educational  
18 service unit board, council, community college board of governors,  
19 governing body of the public power district, governing body of the public  
20 power and irrigation district, Nebraska Brand Committee, or entity or  
21 pool or at a place which will accommodate the anticipated audience;

22 (d) Reasonable arrangements are made to accommodate the public's  
23 right to attend, hear, and speak at the meeting, including seating,  
24 recordation by audio recording devices, and a reasonable opportunity for  
25 input such as public comment or questions to at least the same extent as  
26 would be provided if a telephone conference call was not used;

27 (e) At least one copy of all documents being considered is available  
28 to the public at each site of the telephone conference call;

29 (f) At least one member of the educational service unit board,  
30 council, community college board of governors, governing body of the  
31 public power district, governing body of the public power and irrigation



1 district, Nebraska Brand Committee, or governing body of the entity or  
2 pool is present at each site of the telephone conference call identified  
3 in the public notice;

4 (g) The telephone conference call lasts no more than two hours; and

5 (h) No more than one-half of the board's, council's, governing  
6 body's, committee's, entity's, or pool's meetings in a calendar year are  
7 held by telephone conference call, except that a governing body of a risk  
8 management pool that meets at least quarterly and the advisory committees  
9 of the governing body may each hold more than one-half of its meetings by  
10 telephone conference call if the governing body's quarterly meetings are  
11 not held by telephone conference call or videoconferencing.

12 Nothing in this subsection shall prevent the participation of  
13 consultants, members of the press, and other nonmembers of the governing  
14 body at sites not identified in the public notice. Telephone conference  
15 calls, emails, faxes, or other electronic communication shall not be used  
16 to circumvent any of the public government purposes established in the  
17 Open Meetings Act.

18 (4) The secretary or other designee of each public body shall  
19 maintain a list of the news media requesting notification of meetings and  
20 shall make reasonable efforts to provide advance notification to them of  
21 the time and place of each meeting and the subjects to be discussed at  
22 that meeting.

23 (5) When it is necessary to hold an emergency meeting without  
24 reasonable advance public notice, the nature of the emergency shall be  
25 stated in the minutes and any formal action taken in such meeting shall  
26 pertain only to the emergency. Such emergency meetings may be held by  
27 means of electronic or telecommunication equipment. The provisions of  
28 subsection (4) of this section shall be complied with in conducting  
29 emergency meetings. Complete minutes of such emergency meetings  
30 specifying the nature of the emergency and any formal action taken at the  
31 meeting shall be made available to the public by no later than the end of

1 the next regular business day.

2 (6) A public body may allow a member of the public or any other  
3 witness other than a member of the public body to appear before the  
4 public body by means of video or telecommunications equipment.

5 Sec. 4. Original sections 13-503, 13-506, and 84-1411, Revised  
6 Statutes Cumulative Supplement, 2018, are repealed.