

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1081

Introduced by Raikes, 25.

Read first time January 22, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to educational service units; to amend section
2 13-519, Revised Statutes Cumulative Supplement, 2006; to
3 change budget limitations as prescribed; to repeal the
4 original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-519, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 13-519 (1) (a) Subject to ~~subdivision (1) (b)~~ subdivisions
4 (1) (b) and (c) of this section, for all fiscal years beginning
5 on or after July 1, 1998, no governmental unit shall adopt a
6 budget containing a total of budgeted restricted funds more than
7 the last prior year's total of budgeted restricted funds plus
8 allowable growth plus the basic allowable growth percentage of
9 the base limitation established under section 77-3446. For the
10 second fiscal year in which a county will receive a full year of
11 receipts from the tax imposed in sections 77-27,223 to 77-27,227,
12 the prior year's total of restricted funds shall be the prior
13 year's total of restricted funds plus the total receipts from the
14 tax imposed in sections 77-27,223 to 77-27,227 in the prior year.
15 If a governmental unit transfers the financial responsibility of
16 providing a service financed in whole or in part with restricted
17 funds to another governmental unit or the state, the amount of
18 restricted funds associated with providing the service shall be
19 subtracted from the last prior year's total of budgeted restricted
20 funds for the previous provider and may be added to the last
21 prior year's total of restricted funds for the new provider. For
22 governmental units that have consolidated, the calculations made
23 under this section for consolidating units shall be made based on
24 the combined total of restricted funds, population, or full-time
25 equivalent students of each governmental unit.

1 (b) For all fiscal years beginning on or after July 1,
2 2005, the last prior year's total of budgeted restricted funds
3 shall be increased for a community college area by adding to such
4 area's fiscal year base-year revenue the amount of revenue to be
5 collected under subdivision (2)(c) of section 85-1517 that is in
6 excess of the amount budgeted under this subdivision in the prior
7 fiscal year.

8 (c) For all fiscal years beginning on or after July
9 1, 2008, educational service units may exceed the limitations
10 of subdivision (1)(a) of this section to the extent that one
11 hundred ten percent of the needs for the educational service unit
12 calculated pursuant to section 79-1241.03 exceeds the budgeted
13 restricted funds allowed pursuant to subdivision (1)(a) of this
14 section.

15 (2) A governmental unit may exceed the limit provided in
16 subdivisions (1)(a) and (b) of this section for a fiscal year by up
17 to an additional one percent upon the affirmative vote of at least
18 seventy-five percent of the governing body.

19 (3) A governmental unit may exceed the applicable
20 allowable growth percentage otherwise prescribed in this section
21 by an amount approved by a majority of legal voters voting on
22 the issue at a special election called for such purpose upon the
23 recommendation of the governing body or upon the receipt by the
24 county clerk or election commissioner of a petition requesting an
25 election signed by at least five percent of the legal voters of

1 the governmental unit. The recommendation of the governing body
2 or the petition of the legal voters shall include the amount
3 and percentage by which the governing body would increase its
4 budgeted restricted funds for the ensuing year over and above
5 the current year's budgeted restricted funds. The county clerk or
6 election commissioner shall call for a special election on the
7 issue within fifteen days after the receipt of such governing body
8 recommendation or legal voter petition. The election shall be held
9 pursuant to the Election Act, and all costs shall be paid by the
10 governing body. The issue may be approved on the same question as a
11 vote to exceed the levy limits provided in section 77-3444.

12 (4) In lieu of the election procedures in subsection (3)
13 of this section, any governmental unit may exceed the allowable
14 growth percentage otherwise prescribed in this section by an amount
15 approved by a majority of legal voters voting at a meeting of
16 the residents of the governmental unit, called after notice is
17 published in a newspaper of general circulation in the governmental
18 unit at least twenty days prior to the meeting. At least ten
19 percent of the registered voters residing in the governmental unit
20 shall constitute a quorum for purposes of taking action to exceed
21 the allowable growth percentage. If a majority of the registered
22 voters present at the meeting vote in favor of exceeding the
23 allowable growth percentage, a copy of the record of that action
24 shall be forwarded to the Auditor of Public Accounts along with
25 the budget documents. The issue to exceed the allowable growth

1 percentage may be approved at the same meeting as a vote to exceed
2 the limits or final levy allocation provided in section 77-3444.

3 Sec. 2. Original section 13-519, Revised Statutes
4 Cumulative Supplement, 2006, is repealed.

5 Sec. 3. Since an emergency exists, this act takes effect
6 when passed and approved according to law.