

## LEGISLATIVE BILL 194

Approved by the Governor April 26, 1995

Introduced by Maurstad, 30

AN ACT relating to cities and villages; to amend sections 16-701, 17-204, and 17-701, Reissue Revised Statutes of Nebraska, and sections 16-704, 17-202, 17-706, 32-532, and 32-811, Revised Statutes Supplement, 1994; to change the fiscal years of certain cities and villages; to change provisions relating to appropriations; to change provisions relating to the election and terms of office of village boards of trustees; to provide duties for the Auditor of Public Accounts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 16-701, Reissue Revised Statutes of Nebraska, is amended to read:

16-701. In 1995, the fiscal period of each city of the first class commences on August 1, 1995, and extends through September 30, 1996. Thereafter, the fiscal year of each city of the first class and of any public utility of a city of the first class commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. The fiscal year of each city shall commence on the first day of August.

Sec. 2. Section 16-704, Revised Statutes Supplement, 1994, is amended to read:

16-704. The city shall within the last quarter of each fiscal year pass an ordinance adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporations, not exceeding in the aggregate the amount of tax authorized to be levied and revenue available during the then ensuing year. In such ordinance there shall be specified the object and purpose for which such appropriations are made and the amount or amounts appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year unless the proposition to make such appropriations has been approved by a majority vote of the city council after a public hearing. Notice of the time and place of such hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the city. All appropriations shall end with the fiscal year for which they are made, except that the fund arising from road taxes and bridge taxes shall be deemed especially appropriated for street repair purposes and the income arising from the operation of water, lighting, power, heating, sewer, gas, and solid waste systems, hospitals, and nursing homes shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements and extensions and additions to such systems, hospitals, and nursing homes, respectively, and shall not be included in the annual appropriation ordinance. Nothing contained in Chapter 16, article 7, shall be construed to prohibit the council from appropriating other money in the annual appropriation bill for the use of streets, grades, and bridges and for water, lighting, power, heating, sewer, gas, or solid waste systems, hospitals, or nursing homes if the sums so appropriated in the aggregate do not exceed the maximum of tax allowed to be levied and collected as fixed in section 16-702.

Sec. 3. Section 17-202, Revised Statutes Supplement, 1994, is amended to read:

17-202. The corporate powers and duties of every village shall be vested in the board of trustees which shall consist of five members. At the first statewide primary general election held after the incorporation of a village, two trustees shall be elected to serve two years and three trustees shall be elected to serve four years. Thereafter the board members shall be elected as provided in the Election Act. The terms shall begin on the first Tuesday in June following the election first regular meeting of the board in December following the statewide general election. The terms of board members holding office on the effective date of this act shall be extended to the first regular meeting of the board in December following the statewide general election. The changes made to this section by Laws 1994, LB 76, and this legislative bill shall not change the staggering of the terms of the board members in villages established prior to January 1, 1995.

Sec. 4. Section 17-204, Reissue Revised Statutes of Nebraska, is amended to read:

17-204. Every trustee, before entering upon the duties of his or her office, shall take an oath to support the Constitution of the United States, and the Constitution of Nebraska, and faithfully and impartially to discharge the duties of his or her office. Every board of trustees appointed by the county board shall meet within twenty days, organize, and appoint the officers required by law. All trustees elected to office shall qualify and meet on the first Tuesday in June regular meeting of the board in December thereafter, organize, elect a chairman chairperson of the board, and appoint the officers required by law. The board of trustees shall, by ordinance, fix the time and place of holding its stated meetings and may be convened at any time by the chairman chairperson.

Sec. 5. Section 17-701, Reissue Revised Statutes of Nebraska, is amended to read:

17-701. In 1995, the fiscal period of each city of the second class and village commences on August 1, 1995, and extends through September 30, 1996. Thereafter, the fiscal year of each city of the second class and village and of any public utility of a city of the second class or village commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. The fiscal period of each city and village commencing on the first Tuesday of May 1968 shall extend to the first day of August 1969. Thereafter, the fiscal year of each such city and village and of any public utility of any such city or village shall commence on the first day of August.

Sec. 6. Section 17-706, Revised Statutes Supplement, 1994, is amended to read:

17-706. The city council of a city of the second class and board of trustees of a village shall, within the last quarter of each fiscal year, pass an ordinance, adopt a budget statement pursuant to the Nebraska Budget Act, to be termed the annual appropriation bill "The Annual Appropriation Bill", in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, not exceeding in the aggregate the amount of tax authorized to be levied, and in such ordinance shall specify the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse to the municipal general fund.

The annual appropriation bill shall not be amended without a majority vote of the city council or board of trustees after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the city or village. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements and extensions and additions to such functions and shall not be included in the annual appropriation bill.

Sec. 7. Section 32-532, Revised Statutes Supplement, 1994, is amended to read:

32-532. The members of a village board of trustees shall be elected at the statewide primary general election as provided in section 17-202 and each four years thereafter. Except as provided in such section, the term of each board member shall be four years or until his or her successor is elected and qualified. The board members shall meet the qualifications found in section 17-203.

Sec. 8. Section 32-811, Revised Statutes Supplement, 1994, is amended to read:

32-811. (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of the boards of educational service units, members of the boards of Class III school districts which nominate candidates at a primary election, and officers of cities of the first or second class, and cities having a city manager plan of government, and villages do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 32-814.

(2) Candidates shall not appear on the ballot in the primary election for the board of directors in public power districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election and for the board of trustees in villages.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 9. For purposes of any limitation on anticipated aggregate receipts from property taxes, the Auditor of Public Accounts shall develop a formula to determine the equivalent of property tax receipts for the prior fiscal year to accommodate fiscal year 1995-96 for cities of the first and second classes and villages. The formula shall provide for the interpolation of the amount of property tax receipts from the prior fiscal year over the fourteen-month fiscal year.

Sec. 10. Original sections 16-701, 17-204, and 17-701, Reissue Revised Statutes of Nebraska, and sections 16-704, 17-202, 17-706, 32-532, and 32-811, Revised Statutes Supplement, 1994, are repealed.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.