

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 501

Introduced by Sullivan, 41; Karpisek, 32.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-960,
2 77-27,142.01, 77-27,142.02, and 77-27,142.03, Reissue
3 Revised Statutes of Nebraska, and section 13-519,
4 Revised Statutes Cumulative Supplement, 2008; to
5 change provisions relating to the submission of
6 certain questions at an election; to change population
7 requirements for elections conducted by mail; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-519, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 13-519 (1) (a) Subject to subdivisions (1) (b) and (c) of
4 this section, for all fiscal years beginning on or after July
5 1, 1998, no governmental unit shall adopt a budget containing
6 a total of budgeted restricted funds more than the last prior
7 year's total of budgeted restricted funds plus allowable growth
8 plus the basic allowable growth percentage of the base limitation
9 established under section 77-3446. For the second fiscal year in
10 which a county will receive a full year of receipts from the tax
11 imposed in sections 77-27,223 to 77-27,227, the prior year's total
12 of restricted funds shall be the prior year's total of restricted
13 funds plus the total receipts from the tax imposed in sections
14 77-27,223 to 77-27,227 in the prior year. If a governmental unit
15 transfers the financial responsibility of providing a service
16 financed in whole or in part with restricted funds to another
17 governmental unit or the state, the amount of restricted funds
18 associated with providing the service shall be subtracted from
19 the last prior year's total of budgeted restricted funds for the
20 previous provider and may be added to the last prior year's total
21 of restricted funds for the new provider. For governmental units
22 that have consolidated, the calculations made under this section
23 for consolidating units shall be made based on the combined total
24 of restricted funds, population, or full-time equivalent students
25 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 and
3 percentage by which the governing body would increase its budgeted
4 restricted funds for the ensuing year over and above the current
5 year's budgeted restricted funds. The county clerk or election
6 commissioner shall call for a special election on the issue within
7 ~~fifteen~~ thirty 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. Section 32-960, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-960 In any county with less than ~~seven~~ ten thousand
6 inhabitants, the county clerk may apply to the Secretary of State
7 to mail ballots for all elections held after approval of the
8 application to registered voters of any or all of the precincts
9 in the county in lieu of establishing polling places for such
10 precincts. The application shall include a written plan for the
11 conduct of the election, including a timetable for the conduct
12 of the election and provisions for the notice of election to be
13 published and for the application for ballots for early voting
14 notwithstanding other statutory provisions regarding the content
15 and publication of a notice of election or the application for
16 ballots for early voting. If the Secretary of State approves such
17 application for one or more precincts in the county, the county
18 clerk shall follow the applicable procedures in sections 32-953 to
19 32-959 for conducting elections by mail, except that the deadline
20 for receipt of the ballots shall be 8 p.m. on the day of the
21 election.

22 Sec. 3. Section 77-27,142.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-27,142.01 ~~(1) The governing body of any incorporated~~
25 ~~municipality which, after January 1, 1978, and prior to February~~

1 ~~14, 1978,~~ authorizes a sales and use tax pursuant to section
2 ~~77-27,142,~~ shall submit the question of continuing such tax at
3 the first regular city, county, or state election held within such
4 incorporated municipality after such tax is imposed. If a majority
5 of those voting on the question shall be opposed to such tax, the
6 governing body of the incorporated municipality shall immediately
7 discontinue the tax.

8 ~~(2)~~ The governing body of any incorporated municipality
9 may submit the question of changing any terms and conditions of a
10 sales and use tax previously authorized under section 77-27,142.
11 The question of modification shall be submitted to the voters at
12 any primary or general election or at a special election if the
13 governing body submits a certified copy of the resolution proposing
14 modification to the election commissioner or county clerk within
15 a reasonable the time prior to the primary, general, or special
16 election prescribed in section 77-27,142.02.

17 Sec. 4. Section 77-27,142.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-27,142.02 Except as otherwise provided by section
20 77-27,142, after February 14, 1978, the power granted by section
21 77-27,142 shall not be exercised unless and until the question
22 has been submitted at a primary, general, or special election held
23 within the incorporated municipality and in which all qualified
24 electors shall be entitled to vote on such question. The officials
25 of the incorporated municipality shall order the submission of the

1 question by submitting a certified copy of the resolution proposing
 2 the tax to the election commissioner or county clerk ~~not later than~~
 3 ~~forty-one days prior to the primary or general election,~~ or within
 4 ~~thirty~~ by March 1 for a primary election, by September 1 for a
 5 general election, or at least fifty days before a special election.

6 The question may include any terms and conditions set forth in
 7 the resolution proposing the tax, such as a termination date or
 8 the specific project or program for which the revenue received
 9 from such tax will be allocated, and shall include the following
 10 language: Shall the governing body of the incorporated municipality
 11 impose a sales and use tax upon the same transactions within such
 12 municipality on which the State of Nebraska is authorized to impose
 13 a tax? If a majority of the votes cast upon such question shall be
 14 in favor of such tax, then the governing body of such incorporated
 15 municipality shall be empowered as provided by section 77-27,142
 16 and shall forthwith proceed to impose a tax pursuant to the Local
 17 Option Revenue Act. If a majority of those voting on the question
 18 shall be opposed to such tax, then the governing body of the
 19 incorporated municipality shall not impose such a tax.

20 Sec. 5. Section 77-27,142.03, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 77-27,142.03 (1) ~~Whenever, at least forty-five days prior~~
 23 ~~to any city, county, or state election,~~ If the qualified electors
 24 of any municipality, equal in number to at least ten percent of
 25 the votes cast at the last preceding municipal election, ~~shall~~

1 petition the governing body to submit ~~such~~ the question at least
2 seventy-five days before the next primary, general, or special
3 election, ~~it shall be the duty of~~ the governing body ~~to~~ shall
4 submit the question at the next primary, general, or special
5 election.

6 (2) The question of imposing a sales and use tax which
7 has been submitted to the electors and failed shall not be
8 submitted to the electors of an incorporated municipality again
9 until twenty-three months after such failure.

10 Sec. 6. Original sections 32-960, 77-27,142.01,
11 77-27,142.02, and 77-27,142.03, Reissue Revised Statutes of
12 Nebraska, and section 13-519, Revised Statutes Cumulative
13 Supplement, 2008, are repealed.