

AMENDMENTS TO LB806

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 17 of this act shall be known and may be
4 cited as the Riverfront Development District Act.

5 Sec. 2. The Legislature finds and declares as follows:

6 (1) Cities in the United States and throughout the world have been
7 historically established along the banks of major rivers due to the role
8 rivers played as early trade routes as well as other inherent strategic
9 and economic benefits;

10 (2) As national, state, and local economies have changed over time,
11 many cities have moved away from their historic riverfronts, resulting in
12 abandonment and blight in close proximity to their central city cores;

13 (3) Many cities in this state that were established along the banks
14 of Nebraska's rivers have grown away from their riverfronts, and these
15 cities have riverfront areas in need of improvement and development but
16 lack the tools and funding necessary to improve or develop such areas;
17 and

18 (4) The purpose of the Riverfront Development District Act is to
19 provide a means by which such cities may effectively fund, manage,
20 promote, and develop riverfronts within their corporate limits.

21 Sec. 3. For purposes of the Riverfront Development District Act:

22 (1) Authority means a riverfront development authority established
23 in accordance with section 5 of this act;

24 (2) City means a city of the metropolitan, primary, first, or second
25 class;

26 (3) District means a riverfront development district established in
27 accordance with section 4 of this act; and

1 (4) River means the Missouri River, Platte River, North Platte
2 River, South Platte River, Republican River, Niobrara River, Loup River,
3 North Loup River, Middle Loup River, South Loup River, Elkhorn River,
4 North Fork of the Elkhorn River, or Big Blue River.

5 Sec. 4. (1) A city may create a riverfront development district by
6 the adoption of an ordinance which specifies the following:

7 (a) The name of the river or rivers along which the district will be
8 created;

9 (b) The boundaries of the district, a map of which shall be
10 incorporated by reference in the ordinance;

11 (c) The qualifications and terms of office of members of the
12 authority established under section 5 of this act;

13 (d) A statement that the businesses and users of space in the
14 district shall be subject to the general business occupation tax or that
15 the real property in the district will be subject to the special
16 assessment authorized by the Riverfront Development District Act;

17 (e) The proposed method of assessment to be imposed within the
18 district or the initial rate of the occupation tax to be imposed;

19 (f) Any penalties to be imposed for failure to pay the occupation
20 tax or special assessment; and

21 (g) The maximum amount of bonds that may be issued by the authority
22 pursuant to section 10 of this act.

23 (2) The ordinance shall recite that the method of raising revenue
24 shall be fair and equitable. In the use of a general business occupation
25 tax, the tax shall be based primarily on the square footage of the
26 owner's and user's place of business. In the use of a special assessment,
27 the assessment shall be based upon the special benefit to the property
28 within the district.

29 (3) The boundaries of any district created under this section shall
30 be wholly contained within the corporate limits of the city and shall not
31 extend more than one-half mile from the edge of the river or rivers along

1 which the district is created.

2 Sec. 5. (1) Following the creation of a district under section 4 of
3 this act, the mayor, with the approval of the city council, shall appoint
4 a riverfront development authority to oversee and manage the district.
5 The authority shall consist of five or more members which shall have,
6 collectively, skills, expertise, and knowledge in residential,
7 commercial, and mixed-use real estate development, financing, law, asset
8 management, economic and community development, and tourism promotion.

9 (2) The members of the authority shall select annually from among
10 themselves a chairperson, a vice-chairperson, a treasurer, and such other
11 officers as the authority may determine.

12 (3) A public official or public employee shall be eligible to be a
13 member of the authority.

14 (4) A vacancy on the authority shall be filled in the same manner as
15 the original appointment.

16 (5) Members of the authority shall serve without compensation.

17 (6) The authority shall meet in regular session according to a
18 schedule adopted by the authority and shall also meet in special session
19 as convened by the chairperson or upon written notice signed by a
20 majority of the members.

21 (7) Two or more cities which have a contiguous riverfront along the
22 same river may enter into an agreement pursuant to the Interlocal
23 Cooperation Act to create a single authority to jointly oversee and
24 manage the districts created in such cities. An agreement entered into
25 under this subsection shall contain the information required by section 4
26 of this act.

27 (8) An authority which oversees and manages a district bordering
28 another state may enter into an agreement pursuant to the Interlocal
29 Cooperation Act with a political subdivision, public agency, or quasi-
30 public agency in such state to jointly oversee and manage the district
31 and any similar district or districts in such state.

1 (9) Each authority created pursuant to the Riverfront Development
2 District Act shall be deemed to be a public corporation acting in a
3 governmental capacity and a political subdivision of the state and shall
4 have permanent and perpetual duration until terminated and dissolved in
5 accordance with section 16 of this act.

6 Sec. 6. (1) Except as provided in subsection (2) of this section,
7 an authority shall have the following powers:

8 (a) To adopt, amend, and repeal bylaws for the regulation of its
9 affairs and the conduct of its business;

10 (b) To sue and be sued in its own name and plead and be impleaded in
11 all civil actions;

12 (c) To procure insurance or guarantees from the state or federal
13 government of the payments of any debts or parts thereof incurred by the
14 authority and to pay premiums in connection therewith;

15 (d) To invest money of the authority in instruments, obligations,
16 securities, or property determined proper by the authority and name and
17 use depositories for its money;

18 (e) To enter into contracts and other instruments necessary,
19 incidental, or convenient to the performance of its duties and the
20 exercise of its powers, including, but not limited to, agreements under
21 the Interlocal Cooperation Act for the joint exercise of powers under the
22 Riverfront Development District Act;

23 (f) To make and execute contracts and other instruments necessary or
24 convenient to the exercise of the powers of the authority;

25 (g) To create and implement plans for improvements and redevelopment
26 within the boundaries of the district, in conjunction with the city or
27 other public and private entities;

28 (h) To develop, manage, and coordinate public activities and events
29 taking place within the boundaries of the district;

30 (i) To acquire, construct, maintain, and operate public offstreet
31 parking facilities for the benefit of the district;

1 (j) To improve any public place or facility within the boundaries of
2 the district, including landscaping, physical improvements for decoration
3 or security purposes, and plantings;

4 (k) To construct or install pedestrian shopping malls or plazas,
5 sidewalks or moving sidewalks, parks, meeting and display facilities, bus
6 stop shelters, lighting, benches or other seating furniture, sculptures,
7 trash receptacles, shelters, fountains, skywalks, pedestrian and
8 vehicular overpasses and underpasses, and any other useful or necessary
9 public improvements within the boundaries of the district;

10 (l) To construct, install, and maintain boardwalks, barges, docks,
11 and wharves;

12 (m) To lease, acquire, construct, reconstruct, extend, maintain, or
13 repair parking lots or parking garages, both above and below ground, or
14 other facilities for the parking of vehicles within the boundaries of the
15 district;

16 (n) To maintain, repair, and reconstruct any improvements or
17 facilities authorized in the Riverfront Development District Act;

18 (o) To enforce parking regulations and the provision of security
19 within the boundaries of the district;

20 (p) To employ such agents and employees, permanent or temporary, as
21 necessary;

22 (q) To fix, charge, and collect fees and charges for services
23 provided by the authority;

24 (r) To fix, charge, and collect rents and leasehold payments for the
25 use of real property of the authority;

26 (s) To grant or acquire a license, easement, lease, as lessor and as
27 lessee, or option with respect to real property of the authority;

28 (t) To make recommendations to the city as to the use of any
29 occupation tax funds collected under section 11 of this act or any
30 special assessment funds collected under section 12 of this act;

31 (u) To administer the use of occupation tax funds or special

1 assessment funds if directed by the mayor and city council; and

2 (v) To do all other things necessary or convenient to achieve the
3 objectives and purposes of the authority.

4 (2) The city creating an authority may, by ordinance, limit the
5 powers that may be exercised by such authority.

6 Sec. 7. (1) An authority may acquire real property or interests in
7 real property by gift, devise, transfer, exchange, foreclosure, purchase,
8 or otherwise on terms and conditions and in a manner the authority
9 considers proper.

10 (2) An authority may accept transfers of real property or interests
11 in real property from political subdivisions upon such terms and
12 conditions as agreed to by the authority and the political subdivision.

13 (3) An authority may convey, exchange, sell, transfer, grant,
14 release and demise, pledge, and hypothecate any and all interests in,
15 upon, or to real property of the authority.

16 (4) An authority shall hold all property acquired by the authority
17 in its own name and maintain all of its real property in accordance with
18 the laws and ordinances of the jurisdiction in which the real property is
19 located.

20 (5) An authority shall not own or hold real property located outside
21 the boundaries of the district which it oversees and manages.

22 (6) An authority shall not rent or lease any of its real property
23 for residential use.

24 Sec. 8. The real property owned by an authority and the authority's
25 income and operations are exempt from all taxation by the state or any
26 political subdivision thereof.

27 Sec. 9. An authority may receive funding through grants and loans
28 from the city that created the authority, from other municipalities, from
29 the state, from the federal government, and from other public and private
30 sources.

31 Sec. 10. (1) An authority shall have the power to issue bonds for

1 any of its corporate purposes, the principal and interest of which are
2 payable from its revenue generally. Any of such bonds shall be secured by
3 a pledge of any revenue of the authority or by a mortgage of any property
4 owned by the authority.

5 (2) The bonds issued by an authority are hereby declared to have all
6 the qualities of negotiable instruments under the Uniform Commercial
7 Code.

8 (3) The bonds of an authority and the income therefrom shall at all
9 times be exempt from all taxes imposed by the state or any political
10 subdivision thereof.

11 (4) Bonds issued by an authority shall be authorized by resolution
12 of the authority and shall be limited obligations of the authority. The
13 principal and interest, costs of issuance, and other costs incidental
14 thereto shall be payable by any revenue of the authority or by the
15 disposition of any assets of the authority. Any refunding bonds issued
16 shall be payable from any source described in this subsection or from the
17 investment of any of the proceeds of the refunding bonds and shall not
18 constitute an indebtedness or pledge of the general credit of any city
19 within the meaning of any constitutional or statutory limitation of
20 indebtedness and shall contain a recital to that effect. Bonds of the
21 authority shall be issued in such form, shall be in such denominations,
22 shall bear interest, shall mature in such manner, and shall be executed
23 by one or more members of the authority as provided in the resolution
24 authorizing the issuance thereof. Such bonds may be subject to redemption
25 at the option of and in the manner determined by the authority in the
26 resolution authorizing the issuance thereof.

27 (5) Bonds issued by the authority shall be issued, sold, and
28 delivered in accordance with the terms and provisions of a resolution
29 adopted by the authority. The authority may sell such bonds in such
30 manner, either at public or private sale, and for such price as it may
31 determine to be in the best interests of the authority. The resolution

1 issuing bonds shall be published in a newspaper in or of general
2 circulation within the city that created the authority.

3 (6) Neither the members of the authority nor any person executing
4 the bonds shall be liable personally on any such bonds by reason of the
5 issuance thereof. Such bonds or other obligations of an authority shall
6 not be a debt of any city and shall so state on their face, nor shall any
7 city nor any revenue or any property of any city be liable for such bonds
8 or other obligations except as provided in the Riverfront Development
9 District Act.

10 Sec. 11. (1) A city may levy a general business occupation tax upon
11 the businesses and users of space within a district for the purpose of
12 paying all or any part of the total costs and expenses of such district.
13 Notice of a hearing on any such tax levied under the Riverfront
14 Development District Act shall be given to the businesses and users of
15 space of such district, and appeals may be taken, in the manner provided
16 in section 13 of this act.

17 (2) Any occupation tax imposed pursuant to this section shall make a
18 reasonable classification of businesses, users of space, or kinds of
19 transactions for purposes of imposing such tax, except that no occupation
20 tax shall be imposed on any transaction which is subject to tax under
21 section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602,
22 or 77-4008 or which is exempt from tax under section 77-2704.24. The
23 collection of a tax imposed pursuant to this section shall be made and
24 enforced in such manner as the city council shall by ordinance determine
25 to produce the required revenue. The city council may provide that
26 failure to pay the tax imposed pursuant to this section shall constitute
27 a violation of the ordinance and subject the violator to a fine or other
28 punishment as provided by ordinance.

29 (3) If any part of a riverfront development district overlaps with a
30 business improvement district in which a general business occupation tax
31 is already being levied pursuant to section 19-4031, the city creating

1 the riverfront development district shall not impose the riverfront
2 development district's occupation tax within the overlapping area.

3 Sec. 12. (1) A city may levy a special assessment against the real
4 estate located in a district, to the extent of the special benefit
5 thereto, for the purpose of paying all or any part of the total costs and
6 expenses of such district. The amount of each special assessment shall be
7 determined by the city council sitting as a board of equalization.
8 Assessments shall be levied in accordance with the method of assessment
9 proposed in the ordinance creating the district. If the city council
10 finds that the proposed method of assessment does not provide a fair and
11 equitable method of apportioning costs, then it may assess the costs
12 under such method as the city council finds to be fair and equitable.
13 Notice of a hearing on any such tax levied under the Riverfront
14 Development District Act shall be given to the landowners in such
15 district, and appeals may be taken, in the manner provided in section 13
16 of this act.

17 (2) All special assessments levied under the act shall be liens on
18 the property and shall be certified for collection and collected in the
19 same manner as special assessments for improvements and street
20 improvement districts of the city are collected.

21 (3) If any part of a riverfront development district overlaps with a
22 business improvement district in which a special assessment is already
23 being levied pursuant to section 19-4030, the city creating the
24 riverfront development district shall not impose the riverfront
25 development district's special assessment within the overlapping area.

26 Sec. 13. Notice of a hearing on any general business occupation tax
27 shall be given to the businesses and users of space of such district and
28 notice of a hearing on any special assessments to be levied shall be
29 given to the landowners in such district by publication of the
30 description of the land, the initial amount of the occupation tax to be
31 levied or the amount proposed to be assessed, and the general purpose for

1 which such occupation tax or special assessment is to be levied one time
2 each week for three weeks in a newspaper in or of general circulation in
3 the city. The notice shall provide the date, time, and place of hearing
4 to hear any objections or protests by landowners in the district as to
5 the amount of assessment made against their land or protests by
6 businesses and users of space of the district as to the initial amount of
7 occupation tax to be levied. A direct appeal to the district court of the
8 county in which such city is located may be taken from the decision of
9 the city council in the same manner and under like terms and conditions
10 as appeals may be taken from the amount of special assessments levied in
11 street improvement districts in such city as now provided by law.

12 Sec. 14. If, subsequent to the levy of taxes or assessments, the
13 use of any parcel of land shall change so that, had the new use existed
14 at the time of making such levy, the assessment or levy on such parcel
15 would have been higher than the levy or assessment actually made, an
16 additional assessment or levy may be made on such parcel by the city
17 council taking into consideration the new and changed use of the
18 property. Reassessments or changes in the rate of levy of assessments or
19 taxes may be made by the city council after notice and hearing as
20 provided in section 13 of this act. The city council shall adopt a
21 resolution of intention to change the rate of levy at least fifteen days
22 prior to the hearing required for changes, which shall specify the
23 proposed change and shall give the time and place of the hearing. The
24 levy of any additional assessment or tax shall not reduce or affect in
25 any manner the assessments previously levied.

26 Sec. 15. (1) The authority shall cause minutes and a record to be
27 kept of all its proceedings. Meetings of the authority shall be subject
28 to the Open Meetings Act.

29 (2) All of an authority's records and documents shall be considered
30 public records for purposes of sections 84-712 to 84-712.09.

31 (3) The authority shall provide quarterly reports to the city that

1 created the authority on the authority's activities pursuant to the
2 Riverfront Development District Act. The authority shall also provide an
3 annual report to the city that created the authority and to the Urban
4 Affairs Committee of the Legislature by January 31 of each year
5 summarizing the authority's activities for the prior calendar year. The
6 report submitted to the committee shall be submitted electronically.

7 Sec. 16. (1) A district or an authority may be dissolved sixty
8 calendar days after a resolution of dissolution is approved by the city
9 council of the city that created the district or authority. Notice of
10 consideration of a resolution of dissolution shall be given by publishing
11 such notice in a newspaper in or of general circulation within the city
12 that created the district or authority. Such notice shall also be sent by
13 certified mail to the trustee of any outstanding bonds of the authority.

14 (2) Upon dissolution of an authority, all real property, personal
15 property, and other assets of the authority shall become the assets of
16 the city that created the authority.

17 (3) Upon dissolution of a district, any proceeds of the occupation
18 tax or the special assessment relating to such district shall be subject
19 to disposition as the city council shall determine.

20 Sec. 17. (1) No member of an authority or employee of an authority
21 shall acquire any interest, direct or indirect, in real property located
22 within the boundaries of any district overseen and managed by the
23 authority.

24 (2) No member of an authority or employee of an authority shall have
25 any interest, direct or indirect, in any contract or proposed contract
26 for materials or services to be furnished or used by the authority.

27 Sec. 18. Section 19-4030, Revised Statutes Supplement, 2015, is
28 amended to read:

29 19-4030 A city may levy a special assessment against the real estate
30 located in a business improvement district, to the extent of the special
31 benefit thereto, for the purpose of paying all or any part of the total

1 costs and expenses of performing any authorized work, except maintenance,
2 repair, and reconstruction costs, within such district. The amount of
3 each special assessment shall be determined by the city council sitting
4 as a board of equalization. Assessments shall be levied in accordance
5 with the method of assessment proposed in the ordinance creating the
6 district. If the city council finds that the proposed method of
7 assessment does not provide a fair and equitable method of apportioning
8 costs, then it may assess the costs under such method as the city council
9 finds to be fair and equitable. Notice of a hearing on any special
10 assessments to be levied under the Business Improvement District Act
11 shall be given to the landowners in such district by publication of the
12 description of the land, the amount proposed to be assessed, and the
13 general purpose for which such assessment is to be made one time each
14 week for three weeks in a daily or weekly newspaper of general
15 circulation published in the city. The notice shall provide the date,
16 time, and place of hearing to hear any objections or protests by
17 landowners in the district as to the amount of assessment made against
18 their land. A direct appeal to the district court of the county in which
19 such city is located may be taken from the decision of the city council
20 in the same manner and under like terms and conditions as appeals may be
21 taken from the amount of special assessments levied in street improvement
22 districts in such city as now provided by law. All special assessments
23 levied under the act shall be liens on the property and shall be
24 certified for collection and collected in the same manner as special
25 assessments for improvements and street improvement districts of the city
26 are collected. If any part of a business improvement district overlaps
27 with a riverfront development district in which a special assessment is
28 already being levied pursuant to section 12 of this act, the city
29 creating the business improvement district shall not impose the business
30 improvement district's special assessment within the overlapping area.

31 Sec. 19. Section 19-4031, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 19-4031 (1) In addition to or in place of the special assessments
3 authorized by the Business Improvement District Act, a city may levy a
4 general business occupation tax upon the businesses and users of space
5 within a district established for acquiring, constructing, maintaining or
6 operating public offstreet parking facilities and providing in connection
7 therewith other public improvements and facilities authorized by the
8 Business Improvement District Act, for the purpose of paying all or any
9 part of the total cost and expenses of any authorized improvement or
10 facility within such district. Notice of a hearing on any such tax levied
11 under the Business Improvement District Act shall be given to the
12 businesses and users of space of such districts, and appeals may be
13 taken, all in the manner provided in section 19-4030.

14 (2) After March 27, 2014, any occupation tax imposed pursuant to
15 this section shall make a reasonable classification of businesses, users
16 of space, or kinds of transactions for purposes of imposing such tax,
17 except that no occupation tax shall be imposed on any transaction which
18 is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,
19 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under
20 section 77-2704.24. The collection of a tax imposed pursuant to this
21 section shall be made and enforced in such a manner as the city council
22 shall by ordinance determine to produce the required revenue. The city
23 council may provide that failure to pay the tax imposed pursuant to this
24 section shall constitute a violation of the ordinance and subject the
25 violator to a fine or other punishment as provided by ordinance.

26 (3) If any part of a business improvement district overlaps with a
27 riverfront development district in which a general business occupation
28 tax is already being levied pursuant to section 11 of this act, the city
29 creating the business improvement district shall not impose the business
30 improvement district's occupation tax within the overlapping area.

31 Sec. 20. The Revisor of Statutes shall assign sections 1 to 17 of

1 this act to Chapter 19.

2 Sec. 21. Original section 19-4031, Revised Statutes Cumulative
3 Supplement, 2014, and section 19-4030, Revised Statutes Supplement, 2015,
4 are repealed.