

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 68**

FINAL READING

Introduced by Hansen, M., 26.

Read first time January 10, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities; to amend sections 19-4029.02 and  
2 19-4029.03, Revised Statutes Cumulative Supplement, 2018, and  
3 sections 19-4021, 19-4027, 19-4029.01, 19-4029.04, and 19-4029.05,  
4 Revised Statutes Supplement, 2019; to change provisions of the  
5 Business Improvement District Act as prescribed; to harmonize  
6 provisions; and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-4021, Revised Statutes Supplement, 2019, is  
2 amended to read:

3 19-4021 The mayor, with the approval of the city council, shall  
4 appoint a business improvement board consisting of property owners,  
5 residents, business operators, or users of space within the business area  
6 to be improved. The boundaries of the business area shall be declared by  
7 resolution of the city council at or prior to the time of the appointment  
8 of the business improvement board. The business improvement board shall  
9 make recommendations to the city council for the establishment of a plan  
10 or plans for improvements in the business area. If it is found that the  
11 improvements to be included in one business area offer benefits that  
12 cannot be equitably assessed together under the Business Improvement  
13 District Act, more than one business improvement district as part of the  
14 same plan for improvements for that business area may be proposed. The  
15 business improvement board may make recommendations to the city as to the  
16 use of any occupation tax funds collected, and may administer such funds  
17 if so directed by the mayor and city council. The business improvement  
18 board shall also review and make recommendations to the city regarding  
19 changing expansion of the boundaries or the functions or ordinance  
20 provisions of the business improvement district under sections 19-4029.02  
21 to 19-4029.05.

22 Sec. 2. Section 19-4027, Revised Statutes Supplement, 2019, is  
23 amended to read:

24 19-4027 Whenever a hearing is held under section 19-4026 or 19-4029,  
25 the city council shall:

26 (1) Hear all protests and receive evidence for or against the  
27 proposed action;

28 (2) Rule upon all written protests received prior to the close of  
29 the hearing, which ruling shall be final; and

30 (3) Continue the hearing from time to time as the city council may  
31 deem necessary.

1           If a special assessment is to be used, proceedings shall terminate  
2 if written protest is made prior to the close of the hearing by the  
3 record owners of over fifty percent of the assessable units in the  
4 proposed business improvement district. If an occupation tax is to be  
5 used, proceedings shall terminate if protest is made by users of over  
6 fifty percent of the space in the proposed business improvement district.

7           Sec. 3. Section 19-4029.01, Revised Statutes Supplement, 2019, is  
8 amended to read:

9           19-4029.01 (1) At least ten days prior to the date of any hearing  
10 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of  
11 such hearing shall be given by:

12           (a) One publication of the notice of hearing in a legal newspaper in  
13 or of general circulation in the city;

14           (b) Mailing a copy of the notice of hearing to each owner of taxable  
15 property in the proposed, modified, or expanded business improvement  
16 district as shown on the latest tax rolls of the county treasurer for  
17 such county;

18           (c) Providing a copy of the notice of hearing to any neighborhood  
19 association registered pursuant to subsection (2) of this section in the  
20 manner requested by such neighborhood association; and

21           (d) If an occupation tax is to be imposed, mailing a copy of the  
22 notice of hearing to each user of space in the proposed, modified, or  
23 expanded business improvement district.

24           (2) The notice required by subdivision (1)(c) of this section shall  
25 be provided to any neighborhood association which is registered pursuant  
26 to this subsection and whose area of representation is located, in whole  
27 or in part, within a one-mile radius of the existing or proposed,  
28 modified, or expanded boundaries of the business improvement district.  
29 Each neighborhood association desiring to receive such notice shall  
30 register with the city the area of representation of such association and  
31 provide the name of and contact information for the individual designated

1 to receive notice on behalf of such association and the requested manner  
2 of service, whether by email or first-class or certified mail. The  
3 registration shall be in accordance with any rules and regulations  
4 adopted and promulgated by the city.

5 (3) Any notice of hearing for any hearing required by sections  
6 19-4026 and section 19-4029 shall contain the following information:

7 (a) A description of the boundaries of the proposed business  
8 improvement district;

9 (b) The time and place of a hearing to be held by the city council  
10 to consider establishment of the business improvement district;

11 (c) The proposed public facilities and improvements to be made or  
12 maintained within any business improvement district; and

13 (d) The proposed or estimated costs for improvements and facilities  
14 within the proposed business improvement district and the method by which  
15 the revenue shall be raised. If a special assessment is proposed, the  
16 notice shall also state the proposed method of assessment.

17 (4) Any notice of hearing for any hearing required by sections  
18 19-4029.02 and 19-4029.03 shall contain the following information:

19 (a) A description of the boundaries of the area to be added to or  
20 removed from the existing business improvement district and a description  
21 of the new boundaries of the modified business improvement district;

22 (b) The time and place of a hearing to be held by the city council  
23 to consider establishment of the modified business improvement district;

24 (c) The new public facilities and improvements, if any, to be made  
25 or maintained within any business improvement district; and

26 (d) The proposed or estimated costs for new and existing  
27 improvements and facilities within the proposed, modified, or expanded  
28 business improvement district and the method by which the revenue shall  
29 be raised. If a special assessment is proposed, the notice shall also  
30 state the proposed method of assessment.

31 Sec. 4. Section 19-4029.02, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 19-4029.02 Upon receiving a ~~the~~ recommendation to change ~~expand~~ the  
3 boundaries or the functions or ordinance provisions of an existing  
4 business improvement district from the business improvement board, the  
5 city council may change ~~expand~~ the boundaries or the functions or  
6 ordinance provisions of one or more business improvement districts by  
7 adopting an ordinance to that effect ~~expand the boundaries of a district~~  
8 ~~or districts~~. Prior to adopting the ordinance, a hearing shall be held to  
9 consider the ordinance.

10 Sec. 5. Section 19-4029.03, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12 19-4029.03 If a ~~In the event that~~ the city council has not acted to  
13 call a hearing to change the ~~expand district~~ boundaries or the functions  
14 or ordinance provisions of an existing business improvement district as  
15 provided in section 19-4029.02, it shall do so when presented with a  
16 petition signed (1) by the users of thirty percent of space in a business  
17 area proposed to be added to or removed from an existing business  
18 improvement district where an occupation tax is imposed, (2) ~~or~~ by the  
19 record owners of thirty percent of the assessable front footage in a  
20 portion of a business area proposed to be added to or removed from an  
21 existing business improvement district, or (3) if the recommendation is  
22 to change the functions or ordinance provisions of an existing business  
23 improvement district, by the record owners of thirty percent of the  
24 existing business improvement district.

25 Sec. 6. Section 19-4029.04, Revised Statutes Supplement, 2019, is  
26 amended to read:

27 19-4029.04 Whenever a hearing is held to change the ~~expand business~~  
28 ~~improvement district~~ boundaries or the functions or ordinance provisions  
29 of an existing business improvement district under section 19-4029.02 or  
30 19-4029.03, the city council shall:

31 (1) Hear all protests and receive evidence for or against the

1 proposed action;

2 (2) Rule upon all written protests received prior to the close of  
3 the hearing, which ruling shall be final; and

4 (3) Continue the hearing from time to time as the city council may  
5 deem necessary.

6 If a special assessment is to be used, proceedings shall terminate  
7 if written protest is made prior to the close of the hearing by the  
8 record owners of over fifty percent of the assessable units in the  
9 modified business improvement district as proposed. If an occupation tax  
10 is to be used, proceedings shall terminate if protest is made by users of  
11 over fifty percent of space in the modified business improvement district  
12 as proposed.

13 Sec. 7. Section 19-4029.05, Revised Statutes Supplement, 2019, is  
14 amended to read:

15 19-4029.05 (1) The city council, following a hearing under section  
16 19-4029.02 or 19-4029.03, may change ~~expand~~ the boundaries or the  
17 functions or ordinance provisions of any business improvement district or  
18 districts. If the city council decides to change ~~expand~~ the boundaries or  
19 the functions or ordinance provisions of any business improvement  
20 district or districts, it shall adopt an ordinance to that effect. This  
21 ordinance shall contain the following information:

22 (a) ~~(1)~~ The name of the business improvement district whose  
23 boundaries, functions, or ordinance provisions will be changed ~~expanded~~;

24 (b) ~~(2)~~ A statement that notice of hearing was given, including the  
25 date or dates on which it was given, in accordance with section  
26 19-4029.01;

27 (c) ~~(3)~~ The time and place the hearing was held concerning the new  
28 boundaries or changed functions or ordinance provisions of the business  
29 improvement district;

30 (d) ~~(4)~~ The purposes of the changed boundary, functions, or  
31 ordinance provisions ~~expansion~~ and any new public improvements and

1 facilities to be included in the business improvement district;

2 (e) ~~(5)~~ The description of the changed ~~new~~ boundaries, functions, or  
3 ordinance provisions of the business improvement district;

4 (f) ~~(6)~~ A statement that the businesses and users of space in the  
5 modified business improvement district established by the ordinance shall  
6 be subject to the general business occupation tax or that the real  
7 property in the modified business improvement district will be subject to  
8 the special assessment authorized by the Business Improvement District  
9 Act;

10 (g) ~~(7)~~ The proposed method of assessment to be imposed within the  
11 business improvement district or the initial rate of the occupation tax  
12 to be imposed; and

13 (h) ~~(8)~~ Any penalties to be imposed for failure to pay the tax or  
14 special assessment.

15 (2) The ordinance shall recite that the method of raising revenue  
16 shall be fair and equitable. In the use of a general occupation tax, the  
17 tax shall be based primarily on the square footage of the owner's and  
18 user's place of business. In the use of a special assessment, the  
19 assessment shall be based upon the special benefit to the property within  
20 the business improvement district.

21 Sec. 8. Original sections 19-4029.02 and 19-4029.03, Revised  
22 Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027,  
23 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement,  
24 2019, are repealed.