

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 324**

Introduced by Moser, 22.

Read first time January 16, 2025

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the Business Improvement District Act; to  
2 amend sections 19-4027, 19-4029.01, and 19-4029.04, Reissue Revised  
3 Statutes of Nebraska; to change protest procedures relating to  
4 creation of a proposed business improvement district or modification  
5 of an existing business improvement district as prescribed; and to  
6 repeal the original sections.

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

1           **Section 1.** Section 19-4027, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           19-4027 (1) Except as otherwise provided under subsection (2) of  
4 this section, whenever ~~Whenever~~ a hearing is held under section 19-4026  
5 or 19-4029, the city council shall:

6           (a) (1) Hear all protests and receive evidence for or against the  
7 proposed action;

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

10           (c) (3) Continue the hearing from time to time as the city council  
11 may deem necessary.

12           (2)(a) If a special assessment is to be used, proceedings shall  
13 terminate if, after a postcard for voting has been mailed pursuant to  
14 section 19-4029.01 to all written protest is made prior to the close of  
15 the hearing by the record owners of over fifty percent of the assessable  
16 units in the proposed business improvement district, less than fifty  
17 percent of such record owners returning the postcard vote in favor of the  
18 creation of the proposed business improvement district.

19           (b) If an occupation tax is to be used, proceedings shall terminate  
20 if, after a postcard for voting has been mailed pursuant to section  
21 19-4029.01 to all users of space in the proposed business improvement  
22 district, less than protest is made by users of over fifty percent of  
23 such users of space returning the postcard vote in favor of the creation  
24 of the space in the proposed business improvement district.

25           **Sec. 2.** Section 19-4029.01, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           19-4029.01 (1) At least ten days prior to the date of any hearing  
28 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of  
29 such hearing shall be given by:

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

1 (b) Mailing a copy of the notice of hearing to each owner of taxable  
2 property in the proposed, modified, or expanded business improvement  
3 district as shown on the latest tax rolls of the county treasurer for  
4 such county along with a self-addressed postcard for voting if a special  
5 assessment is to be imposed. Such postcard may be returned by a record  
6 owner as provided in subdivision (2)(a) of section 19-4027 or subdivision  
7 (2)(a) of section 19-4029.04, whichever is applicable;

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

11 (d) If an occupation tax is to be imposed, mailing a copy of the  
12 notice of hearing to each user of space in the proposed, modified, or  
13 expanded business improvement district along with a self-addressed  
14 postcard for voting. Such postcard may be returned by a user of space as  
15 provided in subdivision (2)(b) of section 19-4027 or subdivision (2)(b)  
16 of section 19-4029.04, whichever is applicable.

17 (2) The notice required by subdivision (1)(c) of this section shall  
18 be provided to any neighborhood association which is registered pursuant  
19 to this subsection and whose area of representation is located, in whole  
20 or in part, within a one-mile radius of the existing or proposed,  
21 modified, or expanded boundaries of the business improvement district.  
22 Each neighborhood association desiring to receive such notice shall  
23 register with the city the area of representation of such association and  
24 provide the name of and contact information for the individual designated  
25 to receive notice on behalf of such association and the requested manner  
26 of service, whether by email or first-class or certified mail. The  
27 registration shall be in accordance with any rules and regulations  
28 adopted and promulgated by the city.

29 (3) Any notice of hearing for any hearing required by sections  
30 19-4026 and 19-4029 shall contain the following information:

31 (a) A description of the boundaries of the proposed business

1 improvement district;

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

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

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

10 (4) Any notice of hearing for any hearing required by sections  
11 19-4029.02 and 19-4029.03 shall contain the following information:

12 (a) A description of the boundaries of the area to be added to or  
13 removed from the existing business improvement district and a description  
14 of the new boundaries of the modified business improvement district;

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

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

19 (d) The proposed or estimated costs for new and existing  
20 improvements and facilities within the proposed, modified, or expanded  
21 business improvement district and the method by which the revenue shall  
22 be raised. If a special assessment is proposed, the notice shall also  
23 state the proposed method of assessment.

24 **Sec. 3.** Section 19-4029.04, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 19-4029.04 (1) Except as otherwise provided under subsection (2) of  
27 this section, whenever ~~Whenever~~ a hearing is held to change the  
28 boundaries or the functions or ordinance provisions of an existing  
29 business improvement district under section 19-4029.02 or 19-4029.03, the  
30 city council shall:

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

1 proposed action;

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

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

6 ~~(2)(a)~~ If a special assessment is to be used, proceedings shall  
7 terminate if, after a postcard for voting has been mailed pursuant to  
8 section 19-4029.01 to all written protest is made prior to the close of  
9 the hearing by the record owners of over fifty percent of the assessable  
10 units in the modified business improvement district as proposed, less  
11 than fifty percent of such record owners returning the postcard vote in  
12 favor of the modified business improvement district as proposed.

13 ~~(b)~~ If an occupation tax is to be used, proceedings shall terminate  
14 if, after a postcard for voting has been mailed pursuant to section  
15 19-4029.01 to all users of space in the modified business improvement  
16 district as proposed, less than protest is made by users of over fifty  
17 percent of such users of space returning the postcard vote in favor of in  
18 the modified business improvement district as proposed.

19 **Sec. 4.** Original sections 19-4027, 19-4029.01, and 19-4029.04,  
20 Reissue Revised Statutes of Nebraska, are repealed.