

AMENDMENTS TO LB68

Introduced by Wayne, 13.

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

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

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

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

26           19-4027 Whenever a hearing is held under section 19-4026 or 19-4029,  
27 the city council shall:

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

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

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

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

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

15 19-4029.01 (1) At least ten days prior to the date of any hearing  
16 under sections 19-4026, 19-4029, 19-4029.02, and 19-4029.03, notice of  
17 such hearing shall be given by:

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

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

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

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

30 (2) The notice required by subdivision (1)(c) of this section shall  
31 be provided to any neighborhood association which is registered pursuant

1 to this subsection and whose area of representation is located, in whole  
2 or in part, within a one-mile radius of the existing or proposed,  
3 modified, or expanded boundaries of the business improvement district.  
4 Each neighborhood association desiring to receive such notice shall  
5 register with the city the area of representation of such association and  
6 provide the name of and contact information for the individual designated  
7 to receive notice on behalf of such association and the requested manner  
8 of service, whether by email or first-class or certified mail. The  
9 registration shall be in accordance with any rules and regulations  
10 adopted and promulgated by the city.

11 (3) Any notice of hearing for any hearing required by sections  
12 19-4026 and section 19-4029 shall contain the following information:

13 (a) A description of the boundaries of the proposed business  
14 improvement district;

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

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

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

23 (4) Any notice of hearing for any hearing required by sections  
24 19-4029.02 and 19-4029.03 shall contain the following information:

25 (a) A description of the boundaries of the area to be added to or  
26 removed from the existing business improvement district and a description  
27 of the new boundaries of the modified business improvement district;

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

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

1 (d) The proposed or estimated costs for new and existing  
2 improvements and facilities within the proposed, modified, or expanded  
3 business improvement district and the method by which the revenue shall  
4 be raised. If a special assessment is proposed, the notice shall also  
5 state the proposed method of assessment.

6 Sec. 4. Section 19-4029.02, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

8 19-4029.02 Upon receiving a the recommendation to change ~~expand~~ the  
9 boundaries or the functions or ordinance provisions of an existing  
10 business improvement district from the business improvement board, the  
11 city council may change ~~expand~~ the boundaries or the functions or  
12 ordinance provisions of one or more business improvement districts by  
13 adopting an ordinance to that effect ~~expand the boundaries of a district~~  
14 ~~or districts~~. Prior to adopting the ordinance, a hearing shall be held to  
15 consider the ordinance.

16 Sec. 5. Section 19-4029.03, Revised Statutes Cumulative Supplement,  
17 2018, is amended to read:

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

31 Sec. 6. Section 19-4029.04, Revised Statutes Supplement, 2019, is

1 amended to read:

2 19-4029.04 Whenever a hearing is held to change the ~~expand~~ business  
3 ~~improvement district~~ boundaries or the functions or ordinance provisions  
4 of an existing business improvement district under section 19-4029.02 or  
5 19-4029.03, the city council shall:

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

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

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

12 If a special assessment is to be used, proceedings shall terminate  
13 if written protest is made prior to the close of the hearing by the  
14 record owners of over fifty percent of the assessable units in the  
15 modified business improvement district as proposed. If an occupation tax  
16 is to be used, proceedings shall terminate if protest is made by users of  
17 over fifty percent of space in the modified business improvement district  
18 as proposed.

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

21 19-4029.05 (1) The city council, following a hearing under section  
22 19-4029.02 or 19-4029.03, may change ~~expand~~ the boundaries or the  
23 functions or ordinance provisions of any business improvement district or  
24 districts. If the city council decides to change ~~expand~~ the boundaries or  
25 the functions or ordinance provisions of any business improvement  
26 district or districts, it shall adopt an ordinance to that effect. This  
27 ordinance shall contain the following information:

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

30 (b) ~~(2)~~ A statement that notice of hearing was given, including the  
31 date or dates on which it was given, in accordance with section

1 19-4029.01;

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

5 (d) ~~(4)~~ The purposes of the changed boundary, functions, or  
6 ordinance provisions ~~expansion~~ and any new public improvements and  
7 facilities to be included in the business improvement district;

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

10 (f) ~~(6)~~ A statement that the businesses and users of space in the  
11 modified business improvement district established by the ordinance shall  
12 be subject to the general business occupation tax or that the real  
13 property in the modified business improvement district will be subject to  
14 the special assessment authorized by the Business Improvement District  
15 Act;

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

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

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

27 Sec. 8. Original sections 19-4029.02 and 19-4029.03, Revised  
28 Statutes Cumulative Supplement, 2018, and sections 19-4021, 19-4027,  
29 19-4029.01, 19-4029.04, and 19-4029.05, Revised Statutes Supplement,  
30 2019, are repealed.