

AMENDMENTS TO LB474

(Amendments to AM1815)

Introduced by Harr

1 1. Insert the following new sections:

2 Sec. 6. Section 18-2142.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 18-2142.02 A city may levy a general business occupation  
5 tax upon the businesses and users of space within an enhanced  
6 employment area for the purpose of paying all or any part  
7 of the costs and expenses of any redevelopment project within  
8 such enhanced employment area. ~~For purposes of the tax imposed~~  
9 ~~under this section, the governing body may make a reasonable~~  
10 ~~classification of businesses, users of space, or kinds of~~  
11 ~~transactions. After the effective date of this act, any occupation~~  
12 ~~tax imposed pursuant to this section shall make a reasonable~~  
13 ~~classification of businesses, users of space, or kinds of~~  
14 ~~transactions for purposes of imposing such tax, except that no~~  
15 ~~occupation tax shall be imposed on any transaction which is subject~~  
16 ~~to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,~~  
17 ~~66-4,146, 77-2602, or 77-4008 or which is exempt from tax under~~  
18 ~~section 77-2704.24.~~ The collection of a tax imposed pursuant to  
19 this section shall be made and enforced in such a manner as the  
20 governing body shall by ordinance determine to produce the required  
21 revenue. The governing body may provide that failure to pay the  
22 tax imposed pursuant to this section shall constitute a violation

1 of the ordinance and subject the violator to a fine or other  
2 punishment as provided by ordinance. Any such occupation tax agreed  
3 to by the authority and the city shall remain in effect so long as  
4 the authority has bonds outstanding which have been issued stating  
5 such occupation tax as an available source for payment.

6 Sec. 7. Section 18-2142.04, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 18-2142.04 (1) For purposes of this section:

9 (a) Authorized work means the performance of any one or  
10 more of the following purposes within an enhanced employment area  
11 designated pursuant to this section:

12 (i) The acquisition, construction, maintenance, and  
13 operation of public offstreet parking facilities for the benefit  
14 of the enhanced employment area;

15 (ii) Improvement of any public place or facility in  
16 the enhanced employment area, including landscaping, physical  
17 improvements for decoration or security purposes, and plantings;

18 (iii) Construction or installation of pedestrian shopping  
19 malls or plazas, sidewalks or moving sidewalks, parks, meeting  
20 and display facilities, bus stop shelters, lighting, benches or  
21 other seating furniture, sculptures, trash receptacles, shelters,  
22 fountains, skywalks, and pedestrian and vehicular overpasses and  
23 underpasses, and any useful or necessary public improvements;

24 (iv) Leasing, acquiring, constructing, reconstructing,  
25 extending, maintaining, or repairing parking lots or parking  
26 garages, both above and below ground, or other facilities for  
27 the parking of vehicles, including the power to install such

1 facilities in public areas, whether such areas are owned in fee or  
2 by easement, in the enhanced employment area;

3 (v) Creation and implementation of a plan for improving  
4 the general architectural design of public areas in the enhanced  
5 employment area;

6 (vi) The development of any public activities and  
7 promotion of public events, including the management, promotion,  
8 and advocacy of retail trade activities or other promotional  
9 activities, in the enhanced employment area;

10 (vii) Maintenance, repair, and reconstruction of any  
11 improvements or facilities authorized by the Community Development  
12 Law;

13 (viii) Any other project or undertaking for the  
14 betterment of the public facilities in the enhanced employment  
15 area, whether the project is capital or noncapital in nature;

16 (ix) Enforcement of parking regulations and the provision  
17 of security within the enhanced employment area; or

18 (x) Employing or contracting for personnel, including  
19 administrators for any improvement program under the Community  
20 Development Law, and providing for any service as may be necessary  
21 or proper to carry out the purposes of the Community Development  
22 Law;

23 (b) Employee means a person employed at a business  
24 located within an enhanced employment area; and

25 (c) Number of new employees means the number of  
26 equivalent employees that are employed at a business located within  
27 an enhanced employment area designated pursuant to this section

1 during a year that are in excess of the number of equivalent  
2 employees during the year immediately prior to the year the  
3 enhanced employment area was designated pursuant to this section.

4 (2) If an area is not blighted or substandard, a city  
5 may designate an area as an enhanced employment area if the  
6 governing body determines that new investment within such enhanced  
7 employment area will result in at least (a) two new employees  
8 and new investment of one hundred twenty-five thousand dollars in  
9 counties with fewer than fifteen thousand inhabitants, (b) five  
10 new employees and new investment of two hundred fifty thousand  
11 dollars in counties with at least fifteen thousand inhabitants but  
12 fewer than twenty-five thousand inhabitants, (c) ten new employees  
13 and new investment of five hundred thousand dollars in counties  
14 with at least twenty-five thousand inhabitants but fewer than fifty  
15 thousand inhabitants, (d) fifteen new employees and new investment  
16 of one million dollars in counties with at least fifty thousand  
17 inhabitants but fewer than one hundred thousand inhabitants, (e)  
18 twenty new employees and new investment of one million five hundred  
19 thousand dollars in counties with at least one hundred thousand  
20 inhabitants but fewer than two hundred thousand inhabitants, (f)  
21 twenty-five new employees and new investment of two million dollars  
22 in counties with at least two hundred thousand inhabitants but  
23 fewer than four hundred thousand inhabitants, or (g) thirty new  
24 employees and new investment of three million dollars in counties  
25 with at least four hundred thousand inhabitants. Any business  
26 that has one hundred thirty-five thousand square feet or more and  
27 annual gross sales of ten million dollars or more shall provide an

1 employer-provided health benefit of at least three thousand dollars  
2 annually to all new employees who are working thirty hours per week  
3 or more on average and have been employed at least six months. In  
4 making such determination, the governing body may rely upon written  
5 undertakings provided by any owner of property within such area.

6 (3) Upon designation of an enhanced employment area  
7 under this section, a city may levy a general business occupation  
8 tax upon the businesses and users of space within such enhanced  
9 employment area for the purpose of paying all or any part of  
10 the costs and expenses of authorized work within such enhanced  
11 employment area. For purposes of the tax imposed under this  
12 section, the governing body may make a reasonable classification  
13 of businesses, users of space, or kinds of transactions. After the  
14 effective date of this act, any occupation tax imposed pursuant to  
15 this section shall make a reasonable classification of businesses,  
16 users of space, or kinds of transactions for purposes of imposing  
17 such tax, except that no occupation tax shall be imposed on any  
18 transaction which is subject to tax under section 53-160, 66-489,  
19 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or  
20 which is exempt from tax under section 77-2704.24. The collection  
21 of a tax imposed pursuant to this section shall be made and  
22 enforced in such a manner as the governing body shall by ordinance  
23 determine to produce the required revenue. The governing body  
24 may provide that failure to pay the tax imposed pursuant to  
25 this section shall constitute a violation of the ordinance and  
26 subject the violator to a fine or other punishment as provided by  
27 ordinance. Any occupation tax levied by the city under this section

1 shall remain in effect so long as the city has bonds outstanding  
2 which have been issued under the authority of this section and are  
3 secured by such occupation tax or that state such occupation tax  
4 as an available source for payment. The total amount of occupation  
5 taxes levied shall not exceed the total costs and expenses of  
6 the authorized work including the total debt service requirements  
7 of any bonds the proceeds of which are expended for or allocated  
8 to such authorized work. The assessments or taxes levied must be  
9 specified by ordinance and the proceeds shall not be used for any  
10 purpose other than the making of such improvements and for the  
11 repayment of bonds issued in whole or in part for the financing  
12 of such improvements. The authority to levy the general business  
13 occupation tax contained in this section and the authority to issue  
14 bonds secured by or payable from such occupation tax shall be  
15 independent of and separate from any occupation tax referenced in  
16 section 18-2103.

17 (4) A city may issue revenue bonds for the purpose of  
18 defraying the cost of authorized work and to secure the payment  
19 of such bonds with the occupation tax revenue described in this  
20 section. Such revenue bonds may be issued in one or more series  
21 or issues where deemed advisable, and each such series or issue  
22 may contain different maturity dates, interest rates, priorities  
23 on revenue available for payment of such bonds and priorities on  
24 securities available for guaranteeing payment thereof, and such  
25 other differing terms and conditions as are deemed necessary. The  
26 following shall apply to any such bonds:

27 (a) Such bonds shall be limited obligations of the city.

1 Bonds and interest on such bonds, issued under the authority of  
2 this section, shall not constitute nor give rise to a pecuniary  
3 liability of the city or a charge against its general credit or  
4 taxing powers. Such limitation shall be plainly stated upon the  
5 face of each of such bonds;

6 (b) Such bonds may (i) be executed and delivered at any  
7 time and from time to time, (ii) be in such form and denominations,  
8 (iii) be of such tenor, (iv) be payable in such installments and  
9 at such time or times not exceeding twenty years from their date,  
10 (v) be payable at such place or places, (vi) bear interest at such  
11 rate or rates, payable at such place or places, and evidenced in  
12 such manner, (vii) be redeemable prior to maturity, with or without  
13 premium, and (viii) contain such provisions as shall be deemed in  
14 the best interest of the city and provided for in the proceedings  
15 of the governing body under which the bonds shall be authorized to  
16 be issued;

17 (c) The authorization, terms, issuance, execution, or  
18 delivery of such bonds shall not be subject to sections 10-101 to  
19 10-126; and

20 (d) Such bonds may be sold at public or private sale  
21 in such manner and at such time or times as may be determined  
22 by the governing body to be most advantageous. The city may  
23 pay all expenses, premiums, and commissions which the governing  
24 body may deem necessary or advantageous in connection with the  
25 authorization, sale, and issuance thereof from the proceeds or  
26 the sale of the bonds or from the revenue of the occupation tax  
27 described in this section.

1           Sec. 8. Section 19-4018, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           19-4018 Pursuant to ~~sections 19-4015 to 19-4038~~ the  
4 Business Improvement District Act, cities of the metropolitan,  
5 primary, first, or second class may impose (1) a special assessment  
6 upon the property within a business improvement district in  
7 the city or (2) a general business ~~license and~~ occupation tax  
8 on businesses and users of space within a business improvement  
9 district. After the effective date of this act, any occupation  
10 tax imposed pursuant to this section shall make a reasonable  
11 classification of businesses, users of space, or kinds of  
12 transactions for purposes of imposing such tax, except that no  
13 occupation tax shall be imposed on any transaction which is subject  
14 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
15 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
16 section 77-2704.24. The proceeds or other available funds may be  
17 used for the purposes stated in section 19-4019.

18           Sec. 9. Section 19-4031, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           19-4031 (1) In addition to or in place of the special  
21 assessments authorized by ~~sections 19-4015 to 19-4038,~~ the Business  
22 Improvement District Act, a city may levy a general business  
23 occupation tax upon the businesses and users of space within  
24 a district established for acquiring, constructing, maintaining  
25 or operating public offstreet parking facilities and providing  
26 in connection therewith other public improvements and facilities  
27 authorized by ~~sections 19-4015 to 19-4038,~~ the Business Improvement



1 District Act, for the purpose of paying all or any part of the  
2 total cost and expenses of any authorized improvement or facility  
3 within such district. Notice of a hearing on any such tax levied  
4 under ~~sections 19-4015 to 19-4038~~ the Business Improvement District  
5 Act shall be given to the businesses and users of space of such  
6 districts, and appeals may be taken, all in the manner provided in  
7 section 19-4030.

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

24 Sec. 10. Section 19-4034, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 19-4034 A city may levy a general business occupation  
27 tax, or a special assessment against the real estate located

1 in a district to the extent of special benefit to such real  
2 estate, for the purpose of paying all or any part of the  
3 cost of maintenance, repair, and reconstruction, including utility  
4 costs of any improvement or facility in the district. Districts  
5 created for taxation or assessment of maintenance, repair, and  
6 reconstruction costs, including utility costs of improvements or  
7 facilities which are authorized by ~~sections 19-4015 to 19-4038,~~  
8 the Business Improvement District Act, but which were not acquired  
9 or constructed pursuant to ~~sections 19-4015 to 19-4038,~~ the act,  
10 may be taxed or assessed as provided in ~~sections 19-4015 to~~  
11 ~~19-4038.~~ the act. Any occupation tax levied under this section  
12 shall be limited to those improvements and facilities authorized  
13 by section 19-4030. After the effective date of this act, any  
14 occupation tax imposed pursuant to this section shall make a  
15 reasonable classification of businesses, users of space, or kinds  
16 of transactions for purposes of imposing such tax, except that  
17 no occupation tax shall be imposed on any transaction which is  
18 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  
20 under section 77-2704.24. The city council may levy such taxes or  
21 assessments under either of the following methods:

22 (1) The city council, sitting as a board of equalization,  
23 may, not more frequently than annually, determine the costs of  
24 maintenance or repair, and reconstruction, of a facility. Such  
25 costs shall be either assessed to the real estate located in such  
26 district in accordance with the proposed method of assessment, or  
27 taxed against the businesses and users of space in the district,

1 whichever may be applicable as determined by the ordinance creating  
2 the district. However, if the city council finds that the method  
3 of assessment proposed in the ordinance creating the district does  
4 not provide a fair and equitable method of apportioning such costs,  
5 then it may assess the costs under such method as the city council  
6 finds to be fair and equitable. At the hearing on such taxes or  
7 assessments, objections may be made to the total cost and the  
8 proposed allocation of such costs among the parcels of real estate  
9 or businesses in such district; or

10 (2) After notice is given to the owners or businesses  
11 as provided in section 19-4030 the city council may establish and  
12 may change from time to time, the percentage of such costs for  
13 maintenance, repair, and reconstruction which each parcel of real  
14 estate or each business or user of space in any district shall pay.  
15 The city council shall annually determine the total amount of such  
16 costs for each period since costs were last taxed or assessed, and  
17 shall, after a hearing, tax or assess such costs to the real estate  
18 in the district in accordance with the percentages previously  
19 established at such hearing. Notice of such hearing shall be given  
20 as provided in section 19-4030 and shall state the total costs and  
21 percentage to be taxed or assessed to each parcel of real estate.  
22 Unless objections are filed with the city clerk at least five days  
23 before the hearing, all objections to the amount of total costs and  
24 the assessment percentages should be deemed to have been waived and  
25 the assessments shall be levied as stated in such notice except  
26 that the city council may reduce any assessment percentage.

27 2. On page 1, line 17; page 4, lines 9 and 26; page 5,

1 line 19; and page 6, line 11, after "77-4008" insert "or which is  
2 exempt from tax under section 77-2704.24".

3 3. Renumber the remaining section and correct the  
4 repealer accordingly.