

LEGISLATIVE BILL 262

Approved by the Governor May 4, 1989

Introduced by Hall, 7

AN ACT relating to tourism; to amend section 81-1254, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1245, 81-1251, 81-1255, and 81-1258, Revised Statutes Supplement, 1988; to authorize an increase in the hotel occupancy tax as prescribed; to authorize the creation of the County Visitors Improvement Fund; to provide uses for such fund; to define a term; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 81-1245, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1245. The purposes of the Nebraska Visitors Development Act are (1) to create a fund for general promotional activity, solicitation, and an operating program to attract visitors to Nebraska and further the use of travel and tourism facilities in Nebraska, (2) to provide for a lodging tax on hotels for the purpose of establishing a State Visitors Promotion Cash Fund, and (3) to authorize the governing body of any county to appoint a visitors committee and impose a lodging tax on hotels for the purpose of establishing a County Visitors Promotion Fund and, in certain counties, a County Visitors Improvement Fund.

Sec. 2. That section 81-1251, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1251. Committee shall mean the visitors committee appointed as provided in section 81-1255 for the purpose of advising the county board in administering the County Visitors Promotion Fund and the County Visitors Improvement Fund established pursuant to section 81-1255 and carrying out the purposes of the Nebraska Visitors Development Act.

Sec. 3. That section 81-1254, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1254. (1) The governing body of any county may after a public hearing adopt a resolution to impose

an additional sales tax of not to exceed two percent upon the total consideration charged for occupancy of any space furnished by any hotel if such county has created a County Visitors Promotion Fund and a visitors committee pursuant to section 81-1255. The proceeds from such tax shall be paid to the County Visitors Promotion Fund.

(2) The governing body of any county with a population of more than three hundred thousand inhabitants may after a public hearing adopt a resolution to impose an additional sales tax of not to exceed two percent upon the total consideration charged for occupancy of any space furnished by any hotel if such county has created a County Visitors Improvement Fund and a visitors committee pursuant to section 81-1255. The proceeds from such tax shall be paid to the County Visitors Improvement Fund.

(3) The ~~tax~~ taxes authorized by this section shall be in addition to the tax authorized in section 81-1253 or any other sales tax imposed or authorized.

Sec. 4. That section 81-1255, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1255. The governing body of the county shall after a public hearing adopt a resolution establishing a County Visitors Promotion Fund and a visitors committee which shall serve as an advisory committee to the county board in administering the proceeds from the ~~tax~~ taxes provided to the county by the Nebraska Visitors Development Act. The governing body of a county with a population of more than three hundred thousand inhabitants may also after a public hearing adopt a resolution establishing a County Visitors Improvement Fund. The ~~7~~ and such proceeds of the County Visitors Promotion Fund shall be used generally to promote, encourage, and attract visitors to come to the county and use the travel and tourism facilities within the county. The proceeds of the County Visitors Improvement Fund shall be used to improve the visitor attractions and facilities in the county, except that no proceeds shall be used to improve a facility in which parimutuel wagering is conducted. If the visitors committee determines that the visitor attractions in the county are adequate and do not require improvement, the committee may use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county to use the county's travel and tourism facilities. The committee shall consist of five members appointed by the governing body

of the county. Two members of the committee shall be in the hotel industry.

Such appointees shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for a ~~term~~ terms of four years, except that two of those initially appointed shall be appointed for ~~an initial term~~ initial terms of two years. Vacancies shall be filled in the same manner as the initial ~~appointment~~ appointments. The committee shall elect a chairperson and vice-chairperson from among its members to serve for a ~~term~~ terms of two years.

Sec. 5. That section 81-1258, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1258. (1) Except as provided in subsection (2) of this section, none ~~None~~ of the proceeds from the taxes provided by the Nebraska Visitors Development Act shall be used for any type of capital construction.

(2) The County Visitors Improvement Fund shall be administered by the governing body of the county with the advice of the visitors committee created in section 81-1255. The fund shall be used to make grants for expanding and improving facilities at any existing visitor attraction, acquiring or expanding exhibits for existing visitor attractions, or planning or developing such expansions, improvements, or additions. Grants shall be available for any visitor attraction in the county owned by the public or any nonprofit organization, the primary purpose of which is to operate the visitor attraction, except that grants shall not be available for any visitor attraction where parimutuel wagering is conducted.

(3) For purposes of this section and section 81-1255, visitor attraction shall mean a defined location open to the public, which location is of educational, cultural, historical, artistic, or recreational significance or provides entertainment or in which are exhibits, displays, or performances of educational, cultural, historic, artistic, or entertainment value.

Sec. 6. That original section 81-1254, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1245, 81-1251, 81-1255, and 81-1258, Revised Statutes Supplement, 1988, are repealed.