

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 685

Introduced by Schilz, 47.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Visitors Development Act; to
2 amend sections 81-1255 and 81-1258, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 the use of funds and the members of committees; to
5 harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 81-1255, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1255 (1) The governing body of the county shall after
4 a public hearing adopt a resolution establishing a County Visitors
5 Promotion Fund and a visitors committee which shall serve as an
6 advisory committee to the county board in administering the proceeds
7 from the taxes provided to the county by the Nebraska Visitors
8 Development Act. The governing body of a county may also after a
9 public hearing adopt a resolution establishing a County Visitors
10 Improvement Fund. The proceeds of the County Visitors Promotion Fund
11 shall be used generally to promote, encourage, and attract visitors
12 to come to the county and use the travel and tourism facilities
13 within the county. The proceeds of the County Visitors Improvement
14 Fund shall be used to improve the visitor attractions and facilities
15 in the county, except that no proceeds shall be used to improve a
16 facility in which parimutuel wagering is conducted. If the visitors
17 committee determines that the visitor attractions in the county are
18 adequate and do not require improvement, the committee may use the
19 County Visitors Improvement Fund to promote, encourage, and attract
20 visitors to the county to use the county's travel and tourism
21 facilities.

22 (2)(a) In determining how to use the proceeds of the
23 County Visitors Promotion Fund and the County Visitors Improvement
24 Fund, the governing body of the county and the visitors committee
25 shall consider various factors, including, but not limited to:

1 (i) The type of organization applying for funds and such
2 organization's resources;

3 (ii) The scope of the project;

4 (iii) The impact of the project;

5 (iv) The expected duration of the project;

6 (v) The number of applications received; and

7 (vi) If a grant is involved, the amount requested.

8 (b) The governing body of the county and the visitors
9 committee shall also ensure that projects funded under the Nebraska
10 Visitors Development Act:

11 (i) Increase attendance at an event, activity, or
12 attraction;

13 (ii) Increase stays at hotels or the use of travel and
14 tourism facilities in the county;

15 (iii) Promote a county as a destination by emphasizing
16 lodging, dining, shopping, and attractions; or

17 (iv) Promote and enhance tourism in the county.

18 (3)(a) The committee for any county containing a city of
19 the metropolitan class shall consist of the following seven members
20 appointed by the governing body of the county:

21 (i) Two members of the governing body of such county;

22 (ii) Two representatives of a metropolitan hospitality
23 association;

24 (iii) One representative of a convention and visitors
25 bureau;

1 (iv) One representative of the largest tourism attraction
2 in such county, as determined by the governing body of such county;
3 and

4 (v) One representative of a metropolitan entertainment
5 and convention authority.

6 (b) The committee for any county that does not contain a
7 city of the metropolitan class shall consist of five or seven members
8 appointed by the governing body of the county. If the committee has
9 five members, at least one but no more than two members of the
10 committee shall be in the hotel industry, and one member shall be
11 either a representative of a convention and visitors bureau or a
12 representative from a local chamber of commerce and industry. If the
13 committee has seven members, at least two but no more than three
14 members of the committee shall be in the hotel industry, one member
15 shall be a representative of a convention and visitors bureau, and
16 one member shall be a representative from a local chamber of commerce
17 and industry.

18 (c) Such appointees shall serve without compensation,
19 except for reimbursement for necessary expenses. Committee members
20 shall serve for terms of four years, except that at least half of
21 those appointed shall be appointed for initial terms of two years.
22 Vacancies shall be filled in the same manner as the initial
23 appointments. The committee shall elect a chairperson and vice-
24 chairperson from among its members to serve for terms of two years.

25 Sec. 2. Section 81-1258, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-1258 (1)(a) The County Visitors Improvement Fund shall
3 be administered by the governing body of the county with the advice
4 of the visitors committee created in section 81-1255. The fund shall
5 be used to make grants for expanding and improving facilities at any
6 existing visitor attraction, acquiring or expanding exhibits for
7 existing visitor attractions, constructing visitor attractions, or
8 planning or developing such expansions, improvements, or
9 construction.

10 (b) Grants shall be available for any visitor attraction
11 in the county owned by the public or any nonprofit organization, the
12 primary purpose of which is to operate the visitor attraction, except
13 that grants shall not be available for any visitor attraction where
14 parimutuel wagering is conducted. In making grants under this
15 section, the governing body of the county and the committee shall
16 consider the factors described in subsection (2) of section 81-1255.

17 (c) Grants may be made for a specified annual amount not
18 to exceed the proceeds derived from a sales tax rate of one percent
19 imposed by a county for a County Visitors Improvement Fund for a term
20 of years not to exceed twenty years and may be pledged by the
21 recipient to secure bonds issued to finance expansion, improvement,
22 or construction of a visitor attraction. Any grant made for a term of
23 years shall be funded each year in accordance with any agreement
24 contained in the grant contract.

25 (d) No bonds issued by a grant recipient which pledges

1 grant funds shall constitute a debt, liability, or general obligation
2 of the county levying the tax or a pledge of the faith and credit of
3 the county levying the tax but shall be payable solely from grant
4 funds. Each bond issued by any grant recipient which pledges grant
5 funds shall contain on the face thereof a statement that neither the
6 faith and credit nor the taxing power of the county levying the tax
7 is pledged to the payment of the principal of or the interest on such
8 bond.

9 (2) For purposes of this section and section 81-1255,
10 visitor attraction means a defined location open to the public, which
11 location is of educational, cultural, historical, artistic, or
12 recreational significance or provides entertainment or in which are
13 exhibits, displays, or performances of educational, cultural,
14 historic, artistic, or entertainment value.

15 Sec. 3. Original sections 81-1255 and 81-1258, Reissue
16 Revised Statutes of Nebraska, are repealed.