

**NEBRASKA TOURISM COMMISSION &
LODGING TAX STATE STATUTES**
(as of October 2013)

81-3710. Nebraska Tourism Commission; created; members; terms.

(1) The Nebraska Tourism Commission is created. The members of the Travel and Tourism Division Advisory Committee, as such committee existed immediately prior to July 1, 2012, shall be the initial members of the commission and may be reappointed as provided in this section. The terms of initial members of the commission representing entities designated by subdivisions (2)(b), (d), (f), and (h) of this section shall be two years, beginning on July 1, 2012. The terms of initial members representing entities designated by subdivisions (2)(a), (c), (e), (g), and (i) of this section shall be four years, beginning on July 1, 2012. Each successive member shall be appointed by the Governor with the approval of a majority of the members of the Legislature for terms of four years and may be reappointed.

(2) The commission shall consist of the following members:

(a) One representative from the Game and Parks Commission;

(b) One representative from the Nebraska Travel Association;

(c) One representative from the Nebraska Hotel and Motel Association;

(d) One representative from a tourism attraction that records at least two thousand out-of-state visitors per year;

(e) One representative from the Nebraska Association of Convention and Visitors Bureaus;

(f) One representative from the Western Nebraska Tourism Coalition;

(g) One representative who resides in eastern Nebraska and is employed by a business that derives a majority of its revenue from out-of-state visitors;

(h) One representative from the Central Nebraska Tourism Partnership; and

(i) One representative of a business that derives a majority of its revenue from out-of-state visitors.

81-3711. Commission; duties.

The commission shall:

(1) Administer the Nebraska Visitors Development Act;

(2) Prepare and approve a budget;

- (3) Elect a chairperson and vice-chairperson;
- (4) Procure and evaluate data and information necessary for the proper administration of the act;
- (5) Appoint an executive director to conduct the day-to-day operations of the commission;
- (6) Employ personnel and contract for services which are necessary for the proper operation of the commission;
- (7) Establish a means by which any interested person has the opportunity at least annually to offer his or her ideas and suggestions relative to the commission's duties for the upcoming year;
- (8) Authorize the expenditure of funds and contracting of expenditures to carry out the act;
- (9) Keep minutes of its meetings and other books and records which clearly reflect all of the actions and transactions of the commission and keep such records open to examination during normal business hours; and
- (10) Prohibit any funds appropriated to the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state or federal legislation.

81-3712. Travel and Tourism Division of Department of Economic Development; transition of employees, property, rules, regulations, and orders; suit, action, or proceeding; how treated.

- (1) For purposes of transition, employees of the Travel and Tourism Division of the Department of Economic Development shall be considered employees of the commission and shall retain their rights under the state personnel system or pertinent bargaining agreement, and their service shall be deemed continuous. This section does not grant employees any new rights or benefits not otherwise provided by law or bargaining agreement or preclude the commission from exercising any of the prerogatives of management set forth in section [81-1311](#) or as otherwise provided by law. This section is not an amendment to or substitute for the provisions of any existing bargaining agreements.
- (2) All items of property, real and personal, including office furniture and fixtures, books, documents, and records of the Travel and Tourism Division of the Department of Economic Development shall become the property of the commission.
- (3) Whenever the Travel and Tourism Division of the Department of Economic Development is referred to or designated by any contract or other document, such reference or designation shall apply to the commission. All contracts entered into by the division prior to July 1, 2012, are hereby recognized, with the commission succeeding to all rights and obligations under such contracts. Any cash funds, custodial funds, gifts, trusts, grants, and any appropriations of funds from prior fiscal years available to satisfy obligations incurred under such contracts shall be

transferred and appropriated to the commission for the payment of such obligations. All licenses, certificates, registrations, permits, seals, or other forms of approval issued by the division shall remain valid as issued unless revoked or their effectiveness is otherwise terminated as provided by law. All documents and records transferred, or copies of such documents and records, may be authenticated or certified by the commission for all legal purposes.

(4) All rules, regulations, and orders of the Department of Economic Development adopted prior to July 1, 2012, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

(5) No suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to July 1, 2012, or which could have been commenced prior to that date, by or against the division or any employee thereof in his or her official capacity or in relation to the discharge of his or her official duties, shall abate by reason of the transfer of duties and functions from the division to the commission.

(6) On and after July 1, 2012, unless otherwise specified, whenever any provision of law refers to the division, the law shall be construed as referring to the commission.

81-3713. Commission; duties; awarding of contracts.

(1) The commission shall develop a program to provide promotional services and technical assistance to local governments and industry members and to ensure the protection and development of Nebraska's attraction resources.

(2) The commission shall develop a statewide strategic plan to cultivate and promote tourism in Nebraska. The commission shall adopt policy criteria to be used in the development of the plan. The plan shall include:

(a) A review of the existing and potential sources of funding for tourism at the state and local levels;

(b) A comprehensive inventory of local tourism boards, the structure of such boards, and their funding;

(c) Criteria for local tourism boards in terms of appointments to such boards and for awarding grants by such boards at the local level to ensure local resources are used to achieve the greatest return;

(d) An examination of other states' funding models for tourism;

(e) Marketing strategies for promoting tourism;

(f) A proposal for creating new or expanding existing tourism capacity which may include encouraging regional cooperation, collaboration, or privatization; and

(g) Recommended legislation or funding requirements.

(3) All advertising contracts awarded by the commission concerning travel and tourism shall be based on competitive bids. Contracts shall be awarded to the lowest responsible bidder, taking into consideration the best interests of the state, the quality of performance of the services rendered, the conformity with specifications, the purposes for which required, and the time of completion. In determining the lowest responsible bidder, in addition to price, the commission shall consider: (a) The ability, capacity, creativity, and skill of the bidder to perform the contract required; (b) the character, integrity, reputation, judgment, experience, and efficiency of the bidder; (c) whether the bidder can perform the contract within the time specified; (d) the quality of performance of previous contracts; (e) the previous and existing compliance by the bidder with laws relating to the contract; and (f) such other information as may be secured having a bearing on the decision to award the contract. The commission shall advertise for bids for the awarding of contracts concerning travel and tourism pursuant to sections [73-101](#) to [73-105](#). At least thirty working days shall elapse between the time formal bids are advertised for and the time of their opening. Contracts shall be awarded within sixty working days after the bidding has been closed. Each person submitting a bid shall be notified by certified mail as to whom the contract was awarded.

81-3714. State Visitors Promotion Cash Fund; created; uses; investment.

The State Visitors Promotion Cash Fund is created. The commission shall use the proceeds of the fund to generally promote, encourage, and attract visitors to and within the State of Nebraska and enhance the use of travel and tourism facilities within the state. The proceeds of the fund shall be in addition to funds appropriated to the commission from the General Fund. Any money in the State Visitors Promotion Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

81-3715. Hotel; occupancy; sales tax.

There is hereby imposed an additional sales tax of one percent upon the total consideration charged for occupancy of any space furnished by any hotel in this state. The proceeds from such tax shall be paid to the State Visitors Promotion Cash Fund.

81-3716. Hotel; occupancy; county; impose sales tax; when.

(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 [81-3717](#). The proceeds from such tax shall be paid to the County Visitors Promotion Fund.

(2) 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

Improvement Fund and a visitors committee pursuant to section [81-3717](#). The proceeds from such tax shall be paid to the County Visitors Improvement Fund.

(3) The taxes authorized by this section shall be in addition to the tax authorized in section [81-3715](#) or any other sales tax imposed or authorized.

81-3717. County Visitors Promotion Fund; County Visitors Improvement Fund; visitors committee; establishment; purpose.

(1) 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 governing body in administering the proceeds from the taxes provided to the county by the Nebraska Visitors Development Act. The governing body of a county may also after a public hearing adopt a resolution establishing a County Visitors Improvement Fund. The 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 governing body of the county, with the advice of 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 or seven members appointed by the governing body of the county. If the committee has five members, at least one but no more than two members of the committee shall be in the hotel industry. If the committee has seven members, at least two but no more than three members of the committee shall be in the hotel industry.

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

81-3718. Visitors committee; budget.

The governing body of the county shall annually set the budget, if any, under which the committee shall operate.

81-3719. County board; contracts authorized.

The county board may contract with any person, firm, association, or corporation to carry out its powers and duties under the Nebraska Visitors Development Act.

81-3720. County Visitors Improvement Fund; use; visitor attraction, defined.

(1)(a) The County Visitors Improvement Fund shall be administered by the governing body of the county with the advice of the visitors committee created pursuant to section [81-3717](#). 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, constructing visitor attractions, or planning or developing such expansions, improvements, or construction.

(b) 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.

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

(d) No bonds issued by a grant recipient which pledges grant funds shall constitute a debt, liability, or general obligation of the county levying the tax or a pledge of the faith and credit of the county levying the tax but shall be payable solely from grant funds. Each bond issued by any grant recipient which pledges grant funds shall contain on the face thereof a statement that neither the faith and credit nor the taxing power of the county levying the tax is pledged to the payment of the principal of or the interest on such bond.

(2) For purposes of this section and section [81-3717](#), visitor attraction means 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.

81-3721. Commission; cooperation; contracts authorized.

The commission shall cooperate with other departments and agencies of the state and may contract with other persons, including private agencies, to carry out any of the functions and purposes of the Nebraska Visitors Development Act.

81-3722. Lodging sales tax; collection; enforcement.

Unless otherwise specifically provided, any sales tax on transient lodging imposed under the Nebraska Visitors Development Act is in addition to that sales tax imposed under the provisions of Chapter 77, article 27, and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of such article. Any sales tax on transient lodging imposed under the Nebraska Visitors Development Act shall be due and payable to the Tax Commissioner monthly on or before the twenty-fifth day of the month next succeeding each monthly period.

81-3723. County Visitors Promotion Fund; collection; administrative fee.

The amount the Tax Commissioner shall remit, as taxes collected for a County Visitors Promotion Fund, shall be reduced by three percent as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident to such collection.

81-3724. Commission and Tax Commissioner; adopt rules and regulations.

The commission and the Tax Commissioner shall adopt and promulgate rules and regulations to carry out the Nebraska Visitors Development Act.