

LEGISLATIVE BILL 1063

Approved by the Governor March 17, 2010

Introduced by Nelson, 6.

FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009; to authorize an art maintenance fund and change inspection provisions for works of art; to change intent relating to transfers to the Nebraska Cultural Preservation Endowment Fund; and to repeal the original sections.

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

Section 1. Section 82-326, Reissue Revised Statutes of Nebraska, is amended to read:

82-326 The amount of money made available from any appropriations under the provisions of sections 82-317 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 shall be used, in addition to the cost of the works of art, to provide for the administration by the contracting agency, the architect, and the Nebraska Arts Council, and for all costs of installation of the works of art. The Nebraska Arts Council may set aside up to ten percent of the amount appropriated for administration for an art maintenance fund which shall be used to repair or restore all works of art acquired under such sections.

Sec. 2. Section 82-329, Reissue Revised Statutes of Nebraska, is amended to read:

82-329 The Nebraska Arts Council shall maintain an inventory of all works of art purchased under sections 82-317 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 and shall inspect each work of art ~~at least once each calendar year~~ on a regular schedule to determine its condition. The Nebraska Arts Council may recommend procedures for regular maintenance, preservation, and security and for the repair of any damaged work of art.

Sec. 3. Section 82-331, Revised Statutes Supplement, 2009, is amended to read:

82-331 (1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature, and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) Except as provided in subsection (4) of this section, it is the intent of the Legislature that the State Treasurer shall transfer (a) an amount not to exceed five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2009 and 2010 and (b) an amount not to exceed ~~one million~~ five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2011, and 2012, 2013, 2014, 2015, and 2016.

(4) Prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money, up to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer of state funds up to the amount specified by the Legislature, but only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match. Funds not transferred shall be carried forward to the succeeding year and be added to the funds authorized for a dollar-for-dollar match during that year.

(5) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 82-330 to 82-333, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

(6) Any money in the Nebraska Cultural Preservation Endowment 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.

(7) All investment earnings from the Nebraska Cultural Preservation

Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

Sec. 4. Original sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009, are repealed.