

E AND R AMENDMENTS TO LB 780

Introduced by Slama, 1, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 82-312, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 82-312 The duties of the council shall be:

6 (1) To stimulate and encourage throughout the state the study and
7 presentation of the performing and fine arts and public interest and
8 participation therein;

9 (2) To make such surveys as may be deemed advisable of public and
10 private institutions within the state engaged in artistic and cultural
11 activities, including, but not limited to, music, theatre, dance,
12 painting, sculpture, architecture, and allied arts and crafts, and to
13 make recommendations concerning appropriate methods to encourage
14 participation in and appreciation of the arts to meet the legitimate
15 needs and aspirations of persons in all parts of the state;

16 (3) To take such steps as may be necessary and appropriate to
17 encourage public interest in the cultural heritage of our state and to
18 expand the state's cultural resources;~~and~~

19 (4) To encourage and assist freedom of artistic expression essential
20 for the well-being of the arts; and -

21 (5) To recommend to the Legislature a plan to divide the state into
22 creative districts and certify them based on geographically contiguous
23 area, artistic or cultural activities or facilities, promotion and
24 preservation of artistic or cultural sites or events, educational uses of
25 artistic or cultural activities or sites, and unique or niche areas,
26 activities, events, facilities, or sites.

27 Sec. 2. Section 82-313, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 82-313 (1) The Nebraska Arts Council may:

3 (a) Hold ~~(1) hold~~ public and private hearings; τ

4 (b) Enter ~~(2) enter~~ into contracts, within the limit of funds
5 available therefor, with individuals, organizations, and institutions for
6 services furthering the educational objectives of the council's
7 programs; τ

8 (c) Enter ~~(3) enter~~ into contracts, within the limit of funds
9 available therefor, with local and regional associations for cooperative
10 endeavors furthering the educational objectives of the council's
11 programs; τ

12 (d) Accept ~~(4) accept~~ gifts, contributions, and bequests of
13 unrestricted funds from individuals, foundations, corporations, and other
14 organizations or institutions for the purpose of furthering the
15 educational objectives of the council's programs; τ

16 (e) Distribute ~~(5) distribute~~ funds appropriated by the Legislature
17 to any organization which has been designated as the state affiliate of
18 the National Endowment for the Humanities for the period covered by the
19 appropriation; τ

20 (f) Make ~~(6) make~~ and sign any agreements and do and perform any
21 acts that may be necessary to carry out the purposes of sections 82-309
22 to 82-316; τ

23 (g) Enter ~~(7) enter~~ into contracts, make and sign any agreements,
24 and perform any acts that may be necessary to stabilize funding for the
25 arts and humanities and to carry out the intent of sections 82-330 to
26 82-333; τ

27 (h) Prepare a plan that would permit, to the extent that funds are
28 available, the establishment of a competitive grant program to award a
29 grant to any creative district that is certified pursuant to the plan
30 adopted by the Legislature under subdivision (5) of section 82-312 and
31 that meets the criteria for the competitive grant, including eligibility

1 criteria, application and appeal processes, conditions on receipt of a
2 grant, and consequences of failure to meet the conditions; and

3 (i) Adopt and ~~(8) adopt~~ and promulgate rules and regulations to
4 carry out its powers and duties.

5 (2) The council may request from any department, division, board,
6 bureau, commission, or agency of the state such assistance and data as
7 will enable it properly to carry out its powers and duties.

8 Sec. 3. Section 82-332, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 82-332 (1) The Nebraska Arts and Humanities Cash Fund is created.
11 The fund shall consist of all funds credited from the Nebraska Cultural
12 Preservation Endowment Fund pursuant to section 82-331. The Nebraska Arts
13 Council shall administer and distribute the Nebraska Arts and Humanities
14 Cash Fund. The Nebraska Arts Council and may, through the end of fiscal
15 year 2019-20, use up to thirty thousand dollars annually to defray costs
16 directly related to the administration of sections 82-330 to 82-333.
17 Beginning in fiscal year 2020-21 and each fiscal year thereafter, the
18 Nebraska Arts Council may use from the Nebraska Arts and Humanities Cash
19 Fund an amount equivalent to one-half of one percent of the balance of
20 the Nebraska Cultural Preservation Endowment Fund to defray costs
21 directly related to the administration of sections 82-330 to 82-333. The
22 annual calculation of the administrative-costs limit shall be carried out
23 in conjunction with the budget division of the Department of
24 Administrative Services. The calculation shall be carried out no later
25 than September 10 of each fiscal year and shall be based upon the balance
26 of the Nebraska Cultural Preservation Endowment Fund as it existed on
27 June 30 of the previous year. Expenditures designated as administrative
28 costs shall not be subject to the private matching fund requirements set
29 forth in subsection (2) of this section.

30 (2) All disbursements from the Nebraska Arts and Humanities Cash
31 Fund that are to support arts and humanities projects, endowments, or

1 programs shall be matched dollar-for-dollar by sources other than state
2 funds. The match funds shall be new money generated for endowments
3 established by the Nebraska Arts Council or Nebraska Humanities Council
4 or qualified endowments of their constituent organizations, new money
5 generated as a result of seed grants to recipients, or new money
6 generated by the Nebraska Arts Council or Nebraska Humanities Council for
7 arts or humanities education. Matching funds shall also include earnings
8 generated by qualified private endowments formed in accordance with this
9 section. For purposes of this section, new money means a contribution to
10 a qualified endowment generated after July 1, 2011. Contributions not
11 fully matched by state funds shall be carried forward to succeeding years
12 and remain available to provide a dollar-for-dollar match for state
13 funds. For an endowment to be a qualified endowment (a) the endowment
14 must meet the standards set by the Nebraska Arts Council or Nebraska
15 Humanities Council, (b) the endowment must be intended for long-term
16 stabilization of the organization, and (c) the funds of the endowment
17 must be endowed and only the earnings thereon expended. An organization
18 is a constituent organization if it receives funding from the Nebraska
19 Arts Council or Nebraska Humanities Council and is tax exempt under
20 section 501 of the Internal Revenue Code. The match funds required by
21 this section shall not include in-kind contributions. The budget division
22 of the Department of Administrative Services shall approve allotment and
23 disbursement of funds from the Nebraska Arts and Humanities Cash Fund
24 that are governed by this subsection only to the extent the Nebraska Arts
25 Council has provided documentation of the dollar-for-dollar match
26 required by this section. Funds from the Nebraska Arts and Humanities
27 Cash Fund may be used for the purpose of obtaining challenge grants from
28 the National Endowment for the Humanities or the National Endowment for
29 the Arts.

30 (3) Rules and regulations of the Nebraska Arts Council shall provide
31 that the ultimate use of disbursements from the Nebraska Arts and

1 Humanities Cash Fund authorized under subsection (2) of this section
2 shall be in a ratio of seventy percent to projects, endowments, or
3 programs designated by the Nebraska Arts Council and thirty percent to
4 projects, endowments, or programs designated by the Nebraska Humanities
5 Council.

6 (4) Any money in the fund available for investment shall be invested
7 by the state investment officer pursuant to the Nebraska Capital
8 Expansion Act and the Nebraska State Funds Investment Act.

9 Sec. 4. Sections 1, 2, and 5 of this act become operative three
10 calendar months after the adjournment of this legislative session. The
11 other sections of this act become operative on their effective date.

12 Sec. 5. Original sections 82-312 and 82-313, Reissue Revised
13 Statutes of Nebraska, are repealed.

14 Sec. 6. Original section 82-332, Reissue Revised Statutes of
15 Nebraska, is repealed.

16 Sec. 7. Since an emergency exists, this act takes effect when
17 passed and approved according to law.

18 2. On page 1, strike beginning with "section" in line 1 through
19 "section" in line 4 and insert "sections 82-312, 82-313, and 82-332,
20 Reissue Revised Statutes of Nebraska; to provide powers and duties
21 relating to establishment and certification of creative districts and
22 funding competitive grants; to change provisions relating to expenditures
23 for administrative costs for cultural preservation activities; to
24 harmonize provisions; to provide operative dates; to repeal the original
25 sections".