

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1063**  
FINAL READING

Introduced by Nelson, 6.

Read first time January 21, 2010

Committee: Appropriations

A BILL

1 FOR AN ACT relating to the Nebraska Arts Council; to amend sections  
2 82-326 and 82-329, Reissue Revised Statutes of Nebraska,  
3 and section 82-331, Revised Statutes Supplement, 2009; to  
4 authorize an art maintenance fund and change inspection  
5 provisions for works of art; to change intent relating to  
6 transfers to the Nebraska Cultural Preservation Endowment  
7 Fund; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

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

3           82-326 The amount of money made available from any  
4 appropriations under the provisions of sections 82-317 to 82-329,  
5 85-106 to 85-106.03, and 85-304 to 85-304.03 shall be used, in  
6 addition to the cost of the works of art, to provide for the  
7 administration by the contracting agency, the architect, and the  
8 Nebraska Arts Council, and for all costs of installation of the  
9 works of art. The Nebraska Arts Council may set aside up to ten  
10 percent of the amount appropriated for administration for an art  
11 maintenance fund which shall be used to repair or restore all works  
12 of art acquired under such sections.

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

15           82-329 The Nebraska Arts Council shall maintain an  
16 inventory of all works of art purchased under sections 82-317  
17 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 and  
18 shall inspect each work of art ~~at least once each calendar year~~  
19 on a regular schedule to determine its condition. The Nebraska  
20 Arts Council may recommend procedures for regular maintenance,  
21 preservation, and security and for the repair of any damaged work  
22 of art.

23           Sec. 3. Section 82-331, Revised Statutes Supplement,  
24 2009, is amended to read:

25           82-331 (1) There is hereby established in the state

1 treasury a trust fund to be known as the Nebraska Cultural  
2 Preservation Endowment Fund. The fund shall consist of funds  
3 appropriated or transferred by the Legislature, and only the  
4 earnings of the fund may be used as provided in this section.

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

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

16 (4) Prior to the transfer of funds from any state  
17 account into the Nebraska Cultural Preservation Endowment Fund,  
18 the Nebraska Arts Council shall provide documentation to the  
19 budget division of the Department of Administrative Services that  
20 qualified endowments have generated a dollar-for-dollar match  
21 of new money, up to the amount of state funds authorized  
22 by the Legislature to be transferred to the Nebraska Cultural  
23 Preservation Endowment Fund. The budget division of the Department  
24 of Administrative Services shall notify the State Treasurer to  
25 execute a transfer of state funds up to the amount specified by the

1 Legislature, but only to the extent that the Nebraska Arts Council  
2 has provided documentation of a dollar-for-dollar match. Funds not  
3 transferred shall be carried forward to the succeeding year and be  
4 added to the funds authorized for a dollar-for-dollar match during  
5 that year.

6 (5) The Legislature shall not appropriate or transfer  
7 money from the Nebraska Cultural Preservation Endowment Fund for  
8 any purpose other than the purposes stated in sections 82-330 to  
9 82-333, except that the Legislature may appropriate or transfer  
10 money from the fund upon a finding that the purposes of such  
11 sections are not being accomplished by the fund.

12 (6) Any money in the Nebraska Cultural Preservation  
13 Endowment Fund available for investment shall be invested by the  
14 state investment officer pursuant to the Nebraska Capital Expansion  
15 Act and the Nebraska State Funds Investment Act.

16 (7) All investment earnings from the Nebraska Cultural  
17 Preservation Endowment Fund shall be credited to the Nebraska Arts  
18 and Humanities Cash Fund.

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