

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 943

Introduced by Hunt, 8.

Read first time January 13, 2020

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend
2 sections 82-312, 82-313, and 82-332, Reissue Revised Statutes of
3 Nebraska; to provide powers and duties related to establishment and
4 certification of creative districts and funding competitive grants;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

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

3 82-312 The duties of the council shall be:

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

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

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

17 (4) To encourage and assist freedom of artistic expression essential
18 for the well-being of the arts; and ~~and~~

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

25 Sec. 2. Section 82-313, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 82-313 (1) The Nebraska Arts Council may:

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

29 (b) Enter ~~(2) enter~~ into contracts, within the limit of funds
30 available therefor, with individuals, organizations, and institutions for
31 services furthering the educational objectives of the council's

1 programs; ~~τ~~

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

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

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

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

17 (g) Enter ~~(7) enter~~ into contracts, make and sign any agreements,
18 and perform any acts that may be necessary to stabilize funding for the
19 arts and humanities and to carry out the intent of sections 82-330 to
20 82-333; ~~τ~~

21 (h) Prepare a plan to establish a competitive grant program to be
22 funded from the Nebraska Arts and Humanities Cash Fund providing a grant
23 to any creative district that is certified pursuant to the plan adopted
24 by the Legislature under subdivision (5) of section 82-312 and that meets
25 the criteria for the competitive grant, including eligibility criteria,
26 application and appeal processes, conditions on receipt of a grant, and
27 consequences of failure to meet the conditions; and

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

30 (2) The council may request from any department, division, board,
31 bureau, commission, or agency of the state such assistance and data as

1 will enable it properly to carry out its powers and duties.

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

4 82-332 (1) The Nebraska Arts and Humanities Cash Fund is created.
5 The fund shall consist of all funds credited from the Nebraska Cultural
6 Preservation Endowment Fund pursuant to section 82-331. The Nebraska Arts
7 Council shall administer and distribute the Nebraska Arts and Humanities
8 Cash Fund and may use up to thirty thousand dollars annually to defray
9 costs directly related to the administration of sections 82-330 to
10 82-333. Expenditures designated as administrative costs shall not be
11 subject to the private matching fund requirements set forth in subsection
12 (2) of this section.

13 (2) Except as otherwise provided in subsection (4) of this section,
14 all ~~All~~ disbursements from the Nebraska Arts and Humanities Cash Fund
15 that are to support arts and humanities projects, endowments, or programs
16 shall be matched dollar-for-dollar by sources other than state funds. The
17 match funds shall be new money generated for endowments established by
18 the Nebraska Arts Council or Nebraska Humanities Council or qualified
19 endowments of their constituent organizations, new money generated as a
20 result of seed grants to recipients, or new money generated by the
21 Nebraska Arts Council or Nebraska Humanities Council for arts or
22 humanities education. Matching funds shall also include earnings
23 generated by qualified private endowments formed in accordance with this
24 section. For purposes of this section, new money means a contribution to
25 a qualified endowment generated after July 1, 2011. Contributions not
26 fully matched by state funds shall be carried forward to succeeding years
27 and remain available to provide a dollar-for-dollar match for state
28 funds. For an endowment to be a qualified endowment (a) the endowment
29 must meet the standards set by the Nebraska Arts Council or Nebraska
30 Humanities Council, (b) the endowment must be intended for long-term
31 stabilization of the organization, and (c) the funds of the endowment

1 must be endowed and only the earnings thereon expended. An organization
2 is a constituent organization if it receives funding from the Nebraska
3 Arts Council or Nebraska Humanities Council and is tax exempt under
4 section 501 of the Internal Revenue Code. The match funds required by
5 this section shall not include in-kind contributions. The budget division
6 of the Department of Administrative Services shall approve allotment and
7 disbursement of funds from the Nebraska Arts and Humanities Cash Fund
8 that are governed by this subsection only to the extent the Nebraska Arts
9 Council has provided documentation of the dollar-for-dollar match
10 required by this section. Funds from the Nebraska Arts and Humanities
11 Cash Fund may be used for the purpose of obtaining challenge grants from
12 the National Endowment for the Humanities or the National Endowment for
13 the Arts.

14 (3) Rules and regulations of the Nebraska Arts Council shall provide
15 that the ultimate use of disbursements from the Nebraska Arts and
16 Humanities Cash Fund authorized under subsection (2) of this section
17 shall be in a ratio of seventy percent to projects, endowments, or
18 programs designated by the Nebraska Arts Council and thirty percent to
19 projects, endowments, or programs designated by the Nebraska Humanities
20 Council.

21 (4) The Nebraska Arts Council may use the Nebraska Arts and
22 Humanities Cash Fund to provide competitive grants to creative districts
23 certified pursuant to the plan recommended by the council and adopted by
24 the Legislature under section 82-312.

25 (5) ~~(4)~~ Any money in the fund available for investment shall be
26 invested by the state investment officer pursuant to the Nebraska Capital
27 Expansion Act and the Nebraska State Funds Investment Act.

28 Sec. 4. Original sections 82-312, 82-313, and 82-332, Reissue
29 Revised Statutes of Nebraska, are repealed.