

LEGISLATIVE BILL 1169

Approved by the Governor April 16, 2024

Introduced by Erdman, 47; Albrecht, 17; Brewer, 43; Clements, 2; Halloran, 33; Holdcroft, 36; Lippincott, 34; Lowe, 37; McDonnell, 5; Murman, 38; von Gillern, 4; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend sections 81-1108.26, 82-101, 82-101.02, 82-102, 82-105, 82-106, 82-107, and 82-108, Reissue Revised Statutes of Nebraska, and section 82-101.01, Revised Statutes Cumulative Supplement, 2022; to provide, change, and eliminate provisions relating to the Nebraska State Historical Society; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 81-1108.26, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.26 The heat and power plant of the University of Nebraska, together with tunnels and conduits appurtenant thereto, shall be operated and maintained under the immediate control of the Board of Regents of the University of Nebraska. Such plant shall supply heat, light, and power for use at the University of Nebraska, the State Capitol, including the executive mansion, and the Nebraska State Historical Society. At the sole discretion of the Director of Administrative Services, in consultation with the Board of Regents, alternative sources of heat, power, and light may be utilized, and in such event, adequate notice of any change shall be given to the Board of Regents. Cost of operation and maintenance of the plant and its appurtenances shall in the first instance be borne by the Board of Regents. The cost of operation, repairs, and maintenance shall be apportioned between the University of Nebraska, the State Capitol, including the executive mansion, and the Nebraska State Historical Society, upon the percentage of heat, light, and power received by each. At the end of each month, the Board of Regents shall forward to the administrator a bill for the share of the cost of operation for such month chargeable to the State Capitol, including the executive mansion, and to the ~~Director superintendent~~ of the Nebraska State Historical Society for the share of the cost of operation for such month chargeable to the Nebraska State Historical Society. The Board of Regents shall forward annually to the administrator a statement for the share of the cost of repairs and maintenance chargeable to the State Capitol, including the executive mansion, and to the ~~Director superintendent~~ of the Nebraska State Historical Society for the share of the cost of repairs and maintenance chargeable to the Nebraska State Historical Society. If no objection in writing is made by the administrator or the ~~Director superintendent~~ of the Nebraska State Historical Society within ten days after the receipt of such statements, they shall constitute valid obligations to be paid in the manner prescribed by law for payment of operating expenses of the State Capitol and by the Nebraska State Historical Society from funds appropriated for that purpose by the Legislature. In case objection shall be made, the Board of Regents and the administrator or the ~~Director superintendent~~ of the Nebraska State Historical Society, whichever shall object, shall endeavor to arrive at a proper charge and, in case of inability to do so, shall submit the matter to arbitration, one arbitrator to be named by each party and the third to be chosen by those so named. The amount fixed by the arbitrators shall constitute a valid obligation to be paid in the manner indicated above.

Sec. 2. Section 82-101, Reissue Revised Statutes of Nebraska, is amended to read:

82-101 The Nebraska State Historical Society, operated in the public interest since 1878, is hereby declared to be and does hereby consent to be a state agency on and after July 16, 1994. The society shall hold, in trust for the people of the State of Nebraska, all of the society's present and future collections of property. The Governor shall appoint the Director of the Nebraska State Historical Society subject to approval by the Legislature. The Director of the Nebraska State Historical Society shall serve at the pleasure of the Governor. The agency shall be under the direction of such director. A board of trustees, who shall be elected in part by the members of the society and in part appointed by the Governor as provided in section 82-101.01, shall advise the director and perform other duties specified in statute. Membership in the society shall be open to all persons interested in the accomplishment of the purposes of the society. In addition to all other objects and purposes provided by law, the object of the society shall be to promote historical knowledge and research, awaken public interest, and popularize historical study throughout the state in a nonpolitical manner. The society's headquarters and museum in Lincoln shall be used by the society for the preservation, care, research, and exhibition of and research into documents, books, newspapers, weapons, tools, pictures, relics, scientific specimens, farm and factory products, and all other collections pertaining to the history of the world, particularly to that of Nebraska and the West. The society shall have the power to accept gifts and to own, control, and dispose of property, real and

personal. It shall, either alone or in cooperation with other agencies, operate historical sites and museums as agreed to with appropriate state agencies or as directed by the Governor and the Legislature.

Sec. 3. Section 82-101.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

82-101.01 (1) The initial board of trustees shall be comprised of the ~~current~~ members of the society's board of directors at the time the society became an agency. As their terms expire under the society's ~~presently existing bylaws at the time the society became an agency~~, their successors shall be selected. Those outgoing board members who were elected shall be replaced by trustees elected by the society's membership as provided in this section. Those outgoing board members who were gubernatorial appointments shall be replaced by trustees appointed by the Governor. The trustees who are elected shall be elected for three-year terms from the same congressional district as the trustees whose terms have expired. The trustees selected by the Governor shall be appointed for three-year terms from the same congressional district as the trustees whose terms have expired.

(2) A nominating committee comprised of society members, one from each of the congressional districts, shall be appointed each year by the president of the board of trustees with the approval of the board of trustees. Such appointments shall be made at least one hundred twenty days prior to the date of the annual meeting of the members. The nominating committee shall file, in writing, its slate of nominees for trustee with the Director of the Nebraska State Historical Society ~~secretary of the society~~ not later than ninety days prior to the date of the annual meeting. Thereafter, additional nominations may be made for trustee by written petition filed by not less than twenty-five active members of the society, which petition shall be filed with the Director of the Nebraska State Historical Society ~~secretary of the society~~ not later than sixty days prior to the annual meeting. Candidates nominated by the nominating committee shall file a similar petition. Not later than thirty days prior to the date of the annual meeting, the Director of the Nebraska State Historical Society ~~secretary of the society~~ shall deliver a ballot listing the names of the nominees to the active members of the society eligible to vote, to be marked by the members and returned to the Director of the Nebraska State Historical Society ~~secretary~~. The ballot shall be mailed or sent electronically. All returned ballots, whether sent electronically or by mail, must be received by the Director of the Nebraska State Historical Society ~~secretary~~ at least ten days prior to the date of the annual meeting in order to be counted. The board of trustees shall adopt a system of ballot certification insuring a secret ballot and that the person submitting the ballot is a society member entitled to vote. The returned ballots shall be counted by the Director of the Nebraska State Historical Society ~~secretary of the society~~, and the names of the successful candidates shall be announced at the annual meeting. The ballots and other records of the election shall be retained for one year following the election and shall be available for inspection. All members of the nominating committee, all members signing a nominating petition, and all members who are entitled to cast a ballot must be active members of the society who are in good standing. A member shall be considered in good standing when the member has fulfilled all requirements for membership. All general and other specified classes of members shall be eligible to vote for election or to be chosen as an officer or trustee or to serve as a member of the nominating committee. Only nominees named on the ballot shall be eligible for election. The candidate for a particular trustee post receiving the highest number of votes shall be declared elected even though such votes do not constitute a majority of the votes cast for such post. When two trustees are elected from a congressional district for a certain term, those declared elected shall be the two receiving the highest number of votes cast for such term, even though one or both fail to receive a majority of the votes cast for such term.

(3) The term of each trustee shall begin on January 1 of the year following the year of his or her election or appointment and shall end on December 31 of the final year of the term to which the member was elected or appointed.

(4) No trustee shall be eligible to serve for more than two full consecutive three-year terms but may be eligible for election or appointment to the board of trustees after having not served for at least a period of three years.

(5) In the event a vacancy occurs on the board of trustees, the board of trustees shall fill the position of an elected trustee for the remainder of the unexpired term and the Governor shall fill the position of an appointed trustee for the remainder of the unexpired term.

(6) In the event the boundaries of the congressional districts are altered or increase or decrease in number, the trustees shall continue to serve the term for which they were elected or appointed. Thereafter, the board of trustees shall be adjusted so as to be in accordance with the boundaries and number of congressional districts.

(7) Members of the board of trustees shall serve without pay. The trustees shall receive remuneration for travel and expenses incurred while engaged in the business of the society.

Sec. 4. Section 82-101.02, Reissue Revised Statutes of Nebraska, is amended to read:

82-101.02 In accordance with applicable law, the powers and duties of the board of trustees shall be as follows:

(1) ~~To establish a date, time, and location for an annual meeting of the~~

~~society and promulgate same and to elect annually from among their number a president, a first vice president, and a second vice president, and a treasurer;~~

~~(2) To operate adopt bylaws not inconsistent with state statutes for their own governance and to administer the society in the interests of preserving the rich heritage of this state and its people as required by any statute or as prescribed by any rule or regulation adopted and promulgated by the Director of the Nebraska State Historical Society;~~

~~(3) To select a director or chief executive officer who shall also serve as secretary to the board of trustees, and to prescribe the director's duties and responsibilities;~~

~~(3) (4) To create a general membership class which shall be open to all persons interested in the accomplishment of the purposes of the society, and the active members of such class shall be eligible to vote and shall not be required to pay membership dues;~~

~~(4) (5) To create such other classes of membership in the society as the board deems desirable and to determine the qualifications for such classes of membership, and to set the fees to be paid for such memberships;~~

~~(5) (6) To create such committees as the board deems advisable and delegate to the committees those functions which aid in the efficient administration of the affairs of the society; and~~

~~(6) To advise the Director of the Nebraska State Historical Society regarding the administration of the society.~~

~~(7) To, according to appropriate museum and archival standards, collect, assemble, preserve, classify, and exhibit, where appropriate, all books, pamphlets, maps, manuscripts, newspapers, photographs, business records, personal papers, diaries, architectural records, works of art, films, videotapes, machine-readable records, museum, archaeological, and ethnographic specimens, and all other objects regardless of physical form that serve to illustrate the history of Nebraska and the Great Plains in particular, or of western America in general;~~

~~(8) To ensure that the collections and properties of the society are maintained in good order and repair;~~

~~(9) To accept, receive, and administer in the name of the society any gifts, donations, properties, securities, bequests, and legacies that may be made to the society. Notwithstanding any provisions to the contrary, the Nebraska State Historical Society may accept a gift of any property other than real estate without prior permission of any other governmental entity, including the Governor;~~

~~(10) To contract and enter into agreements necessary to effectuate the objects and purposes of the society;~~

~~(11) To sell, exchange, or otherwise dispose of books, museum objects, or other property in the society's collections that are surplus, duplicate, outside the scope of the society's mission, or which lack research, educational, or exhibit value on account of damage or insufficient documentation. Such sums as are derived from the sale or disposition of property that is surplus, duplicate, outside the scope of the society's mission, or which lacks research, educational, or exhibit value on account of damage or insufficient documentation shall be remitted to the State Treasurer for credit to the Nebraska State Historical Society Collections Trust Fund, which fund is hereby established. The fund shall be administered by the society. The fund shall be used, in accordance with appropriate museum and archival standards, exclusively for the acquisition, preservation, or restoration of the society collections;~~

~~(12) To disseminate and interpret the results of the society's research through publications, exhibitions, reports, public programs, and all other appropriate methods which will promote the study, understanding, and appreciation of Nebraska history; and~~

~~(13) To adopt and promulgate all policies, rules, and regulations, not inconsistent with law, that are necessary to implement the objects and purposes of the society.~~

Sec. 5. Section 82-102, Reissue Revised Statutes of Nebraska, is amended to read:

82-102 The Director ~~president and secretary~~ of the Nebraska State Historical Society shall deliver a ~~make~~ biennial report ~~reports~~ to the Governor of its transactions. Each such The report shall include the transactions and expenditures of the society, together with all historical addresses that ~~which~~ have been read before the society during the preceding two years, or that ~~which~~ furnish historical matter on data of the state and adjacent western regions.

Sec. 6. Section 82-105, Reissue Revised Statutes of Nebraska, is amended to read:

82-105 The Nebraska State Historical Society shall obtain possession of the historical material mentioned in section 82-104 whenever it is not in active use in any department, institution, or building, or whenever it is liable to damage and destruction because of a lack of proper means to care for, or safe and adequate place to preserve it. The officer or board having the care and management of the department, institution, or building shall consent in writing to the custody of the documents, records, and materials by the society. The society shall prepare invoices and receipts in triplicate for the material turned over to the society, and shall deliver one copy to the Secretary of State and one ~~one~~ copy to the officer or board turning over the material, and one copy shall be retained by the Director of the Nebraska State Historical Society ~~secretary of the society~~.

Sec. 7. Section 82-106, Reissue Revised Statutes of Nebraska, is amended to read:

82-106 Every officer or board having control or management of any state department, institution, or building shall notify the Director secretary of the Nebraska State Historical Society if whenever any of the historical material mentioned in sections 82-104 and 82-105 needs to be in the possession of the society shall be in his or their care.

Sec. 8. Section 82-107, Reissue Revised Statutes of Nebraska, is amended to read:

82-107 Whenever the Director secretary of the Nebraska State Historical Society receives ~~has received~~ notice as described ~~provided~~ for in section 82-106, the society shall, by its officers or employees, examine the material and remove and receipt for whatever material the society may deem to be of historic value. The society shall transport the material at its own cost to its museum, and shall catalog, arrange, and display the material for the free use of the public.

Sec. 9. Section 82-108, Reissue Revised Statutes of Nebraska, is amended to read:

82-108 The Director secretary ~~or curator~~ of the Nebraska State Historical Society shall prepare certified copies of any record, document, or other material, of which the society is the custodian, whenever application shall be made to the society. Such certified copies shall be received in courts and elsewhere as being of the same legal validity as similar copies prepared by the original custodian of the record, document, or other material. The Director of the Nebraska State Historical Society is secretary or curator of the society shall be entitled to the same fees as the original custodian for making such certified copies as the original custodian would be.

Sec. 10. The Director of the Nebraska State Historical Society:

(1) Shall establish a date, time, and location for an annual meeting of the society and promulgate such information;

(2) Shall set the fee for each class of membership in the society other than the general membership class;

(3) Shall collect, assemble, preserve, classify, and exhibit the following when appropriate and according to museum and archival standards: Any book; pamphlet; map; manuscript; newspaper; photograph; business record; personal paper; diary; architectural record; work of art; film; videotape; machine-readable record; museum, archaeological, or ethnographic specimens; and object regardless of physical form that serves to illustrate the history of Nebraska, the Great Plains, or western America;

(4) Shall ensure that the collections and properties of the society are maintained in good order and repair;

(5) Shall oversee gifts made to the society in the following manner:

(a) Any gift that is accepted by the Director of the Nebraska State Historical Society shall be accepted, received, and administered in the name of the society. For purposes of this subdivision (5), gift includes any donation, property, security, bequest, or legacy;

(b) The Director of the Nebraska State Historical Society may accept, receive, and administer any gift made to the society without the prior approval of the Governor if such gift:

(i) Has a monetary value of less than ten thousand dollars; and

(ii) Is not real property;

(c) The Director of the Nebraska State Historical Society shall not accept, receive, or administer any gift made to the society without the prior approval of the Governor if such gift:

(i) Has a monetary value of ten thousand dollars or more; or

(ii) Is real property; and

(d) The Director of the Nebraska State Historical Society shall electronically submit a report to the Governor and the Clerk of the Legislature on or before January 15 of each year. Such report shall include:

(i) For each gift described in subdivision (5)(b) of this section that was made to the society, a description of the gift, if the gift was accepted by the director, and the monetary value of the gift; and

(ii) For each gift described in subdivision (5)(c) of this section that was made to the society, a description of the gift, if the Governor approved the acceptance of the gift, if the gift was accepted by the director, and the monetary value of the gift;

(6) May enter into any contract necessary to effectuate any purpose of the society;

(7) May sell, exchange, or otherwise dispose of books, museum objects, or other property in the society's collections that are surplus, duplicate, or outside the scope of the society's mission or that lack research, educational, or exhibit value on account of damage or insufficient documentation. Any money received pursuant to this subdivision shall be remitted to the State Treasurer for credit to the Nebraska State Historical Society Collections Trust Fund;

(8) Shall interpret and disseminate the results of any research conducted by the society. Such dissemination methods may include any method that will promote the study, understanding, and appreciation of Nebraska history;

(9) Shall adopt and promulgate rules and regulations to carry out the purposes of the society;

(10) May employ any personnel necessary to aid the Director of the Nebraska State Historical Society in carrying out the purposes of the society; and

(11) Shall ensure that the study, assemblage, maintenance, and

presentation of exhibits, objects, manuscripts, and other items of historical materials are performed in such a manner that stimulates, encourages, and protects the freedom of expression and academic freedom essential for the appreciation and understanding of the history of Nebraska.

Sec. 11. The Director of the Nebraska State Historical Society shall not be a board member of or serve in an advisory capacity for any charitable organization that provides money or other support to the Nebraska State Historical Society.

Sec. 12. The Nebraska State Historical Society Collections Trust Fund is created. The fund shall be administered by the Director of the Nebraska State Historical Society in accordance with appropriate museum and archival standards, exclusively for the acquisition, preservation, or restoration of the society collections. The fund may consist of money from the sale or other disposition of property owned by the society. Such money shall be remitted to the State Treasurer for credit to the fund. Any money in the 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.

Sec. 13. Original sections 81-1108.26, 82-101, 82-101.02, 82-102, 82-105, 82-106, 82-107, and 82-108, Reissue Revised Statutes of Nebraska, and section 82-101.01, Revised Statutes Cumulative Supplement, 2022, are repealed.