

LEGISLATIVE BILL 1236

Approved by the Governor April 18, 1994

Introduced by Schimek, 27

AN ACT relating to the Nebraska State Historical Society; to amend section 82-101, Reissue Revised Statutes of Nebraska, 1943; to state intent; to recognize the Nebraska State Historical Society as a state agency; to require that all present and future collections of property be held in trust; to provide for the manner of governance; to provide powers and duties; to provide the selection method for the board of trustees; to change and eliminate provisions relating to sale or disposition of material in the society's collections; and to repeal the original section, and also section 82-108.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 82-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-101. The Nebraska State Historical Society shall be a state institution. Its headquarters building 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 the effective date of this act. 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 agency shall be under the direction of 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 2 of this act. 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 as a museum and library building 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, with the consent of the Legislature.~~ 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. 2. (1) The initial board of trustees shall be comprised of the current members of the society's board of directors. As their terms expire under the society's presently existing bylaws, 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 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 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 secretary of the society shall mail 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 secretary. Such returned ballots must be received by the 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 secretary of the society, and the names of the successful candidates shall be announced at the annual meeting. The ballots shall be retained until after the annual meeting and shall be available for inspection by any member prior to the annual meeting. 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. 3. 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, a second vice-president, and a treasurer;

(2) To 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;

(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;

(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;

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

(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;

(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, archeological, 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. 4. That original section 82-101, Reissue Revised Statutes of Nebraska, 1943, and also section 82-108.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.