

LEGISLATIVE BILL 664

Approved by the Governor March 16, 1978

Introduced by Newell, 13

AN ACT relating to public buildings; to provide that a portion of appropriations be used for the acquisition of art works; to provide for committees; to amend sections 85-106 and 85-304, Revised Statutes Supplement, 1977; to provide duties on the Nebraska Arts Council, the Board of Regents of the University of Nebraska, and the Board of Trustees of Nebraska State Colleges; and to repeal the original sections.

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

Section 1. The Legislature recognizes the responsibility of the state to foster culture and the arts and its interest in the viable development of its artists. The legislature declares it to be the policy of this state that a portion of all appropriations made after January 1, 1979, for capital expenditures be set aside for the acquisition of art works to be used in public buildings.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Appropriation shall mean the amount of money set by the Legislature in excess of five hundred thousand dollars for new construction or in excess of two hundred fifty thousand dollars for remodeling for the particular project which is not limited by law, rule, or regulation less the amount of money spent for planning, land acquisition, and site work;

(2) Art shall mean the conscious use of skill, taste, and creative imagination in the production of aesthetic objects;

(3) Original construction shall mean the erection of a new building or facility and does not include remodeling if the cost is two hundred fifty thousand dollars or less or expansion of existing structures; and

(4) Public building shall mean buildings and facilities used by or open to the public as guests or business invitees and shall exclude repair shops, garages, warehouses, and buildings of a similar nature.

Sec. 3. All boards, agencies, commissions, or departments of state government shall, after January 1, 1979, spend at least one per cent of any appropriation for the original construction of any state building for the acquisition of works of art. The works of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or may be exhibited by the board, agency, commission, or department in other public facilities.

Sec. 4. The Nebraska Arts Council shall determine the amount of money to be made available for the purchase of art for each project subject to section 3 of this act. The selection of, commissioning of artists for, reviewing of design, execution and placement of, and the acceptance of works of art for each project shall be the responsibility of the Nebraska Arts Council in consultation with the committee established pursuant to section 5 of this act.

Sec. 5. A committee shall be established for each construction project which comes under this act. The committee shall consist of the architect, three members from the board, agency, commission, or department for which the building is being constructed, and three members of the Nebraska Arts Council or three members chosen by the council. The committee shall consult with the Nebraska Arts Council in carrying out the provisions of this act.

Sec. 6. The Nebraska Arts Council shall promulgate rules and regulations, as necessary, to carry out the provisions of this act.

Sec. 7. The Nebraska Arts Council shall give a preference to regional artists in its selection of and commissioning of artists for projects under this act.

Sec. 8. The Nebraska Arts Council shall inform the Director of Administrative Services that this act has been complied with for each project subject to section 3 of this act before a warrant may be issued for payment.

Sec. 9. That section 85-106, Revised Statutes Supplement, 1977, be amended to read as follows:

85-106. The Board of Regents shall have power (1) to enact laws for the government of the university; (2) to elect a president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors, professors, associate professors, assistant professors, instructors, other members of the faculty

staff, and employees generally of the university, and to provide for academic tenure for professors, associate professors, and assistant professors; (3) to prescribe the duties of such persons, not inconsistent with section 85-1,105; (4) to fix their compensation; (5) to provide, in its discretion, retirement benefits for present and future employees of the university, subject to the following: (a) The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the university budget in the same way as any other operating expense, (b) the maximum university contribution under any such retirement plan shall not exceed the sum of (i) six per cent of each university employee's salary or wage earnings for any calendar year before any agreement for reduction of salary or wage earnings, and (ii) pursuant to an agreement for reduction of salary or wage earnings, the amount of the reduction of salary or wage earnings, (c) each employee's contribution shall at least equal the university's contribution under subdivision (5) (b) (i) of this section to any such retirement fund; Provided, that in lieu of making such contribution, each such employee may enter into an agreement for reduction of salary or wages for the purchase by the Board of Regents of an annuity contract for such employee, under the provisions of the Technical Amendments Act of 1958 to the Internal Revenue Code, as amended, but the amount of the reduction of salary or wages allowable under this subdivision may not include credit for service prior to March 29, 1972, (d) the retirement benefits of any employee for service prior to September 1, 1961 shall be those provided under the retirement plan then in force which benefits shall not be abridged; Provided, that such retirement benefits shall become fully vested in the event of an employee's termination of employment, if such an employee shall have at least ten years of service at the date of termination, and (e) the investment of retirement funds shall be pursuant to sections 72-1237 to 72-1259, but no change in the type of investment of such funds shall be made without the prior approval of the Board of Regents; (6) to equalize and provide for uniform benefits for all present and future employees, including group life insurance, group hospital-medical insurance, group long-term disability income insurance and retirement benefits; (7) to provide, through the University Extension Division, for the holding of classes at various localities throughout the state avoiding unnecessary duplication of courses offered by other educational institutions in such localities; (8) to remove the president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors,

professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally, when the interests of the university shall require it; and (9) to pay expenses for recruitment of academic, administrative, professional, and managerial personnel; and (10) shall have the duty to institute a continuing program of preventive maintenance and a program of deferred maintenance consistent with the provisions of sections 81-173 to 81-190; and (11) shall have the duty to consult with the Nebraska Arts Council and acquire works of art for the original construction of any public building under its supervision consistent with this act.

Sec. 10. After January 1, 1979, at least one per cent of any appropriation for the original construction of any public building under the supervision of the Board of Regents of the University of Nebraska shall be spent for the acquisition of works of art. The works of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or may be exhibited by the Board of Regents of the University of Nebraska in other public facilities.

Sec. 11. The Board of Regents of the University of Nebraska, in consultation with the Nebraska Arts Council, shall determine the amount of money to be made available for the purchases of art for each project under its supervision. The selection of, commissioning of artists for, reviewing of design, execution and placement of, and the acceptance of works of art for each project shall be the responsibility of the Board of Regents in consultation with the Nebraska Arts Council.

Sec. 12. The Board of Regents shall inform the Director of Administrative Services that this act has been complied with for projects under its supervision before a warrant may be issued for payment.

Sec. 13. That section 85-304, Revised Statutes Supplement, 1977, be amended to read as follows:

85-304. The board shall have the power:

(1) To appoint a president and such other persons as may be required for each school;

(2) To fix their compensation and prescribe their duties;

(3) To remove all persons appointed, but the affirmative votes of four members of the board shall be

necessary to remove a president or an assistant during the time for which such persons were appointed;

(4) Through an extension division to provide for holding of classes at various localities throughout the state, avoiding unnecessary duplication of courses offered by other educational institutions in such localities;

(5) To acquire real and personal property and dispose of the same whenever any of the state colleges will be benefited thereby, but no grounds upon which any buildings of any of the state colleges are located shall be disposed of without the consent of the Legislature;

(6) To pay expenses for recruitment of academic, administrative, professional, and managerial personnel; and

(7) To provide benefits for all present and future employees, including group life insurance, group hospital-medical insurance, and group long-term disability income insurance; and

(8) Shall have the duty to institute a continuing program of preventive maintenance and a program of deferred maintenance consistent with the provisions of sections 81-173 to 81-190; and

(9) Shall have the duty to consult with the Nebraska Arts Council and acquire works of art for the original construction of any public building under its supervision consistent with this act.

Sec. 14. After January 1, 1979, at least one per cent of any appropriation for the original construction of any public building under the supervision of the Board of Trustees of the Nebraska State Colleges shall be spent for the acquisition of works of art. The works of art may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or may be exhibited by the Board of Trustees of the Nebraska State Colleges in other public facilities.

Sec. 15. The Board of Trustees of the Nebraska State Colleges, in consultation with the Nebraska Arts Council, shall determine the amount of money to be made available for the purchases of art for each project under its supervision. The selection of, commissioning of artists for, reviewing of design, execution and placement of, and the acceptance of works of art for each project shall be the responsibility of the Board of Trustees of

the Nebraska State Colleges in consultation with the Nebraska Arts Council.

Sec. 16. The Board of Trustees of the Nebraska State Colleges shall inform the Director of Administrative Services that this act has been complied with for projects under its supervision before a warrant may be issued for payment.

Sec. 17. Expenditures for works of art shall be contracted for separately from all other items in the original construction of any public building.

Sec. 18. The amount of money made available from any appropriations under the provisions of this act shall be used, in addition to the cost of the works of art, to provide for the administration by the contracting agency, the architect, and the Nebraska Arts Council, and for all costs of installation of the works of art.

Sec. 19. The works of art acquired pursuant to the provisions of this act shall be displayed in areas of the buildings open to the public.

Sec. 20. All works of art acquired under this act shall become the property of the State of Nebraska. The artist shall retain no ownership, control, or authority of any kind over the work of art or its future disposition. In the event the state makes a net profit through the sale of reproductions of the work of art it may pay a portion of that profit to the artist.

Sec. 21. The Nebraska Arts Council shall maintain an inventory of all works of art purchased under this act and shall inspect each work of art at least once each calendar year to determine its condition. The Nebraska Arts Council may recommend procedures for regular maintenance, preservation, and security and for the repair of any damaged work of art.

Sec. 22. That original sections 85-106 and 85-304, Revised Statutes Supplement, 1977, are repealed.