

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 946

Final Reading

Introduced by Adams, 24.

Read first time January 11, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to universities and colleges; to amend sections
2 48-621, 85-1501.01, 85-1520, 85-1521, 85-1539, and
3 85-1540, Reissue Revised Statutes of Nebraska, sections
4 85-1402 and 85-1511, Revised Statutes Cumulative
5 Supplement, 2010, and sections 13-518, 77-3442,
6 81-1201.21, 85-1412, 85-1418, 85-1503, 85-1517, 85-1535,
7 and 90-517, Revised Statutes Supplement, 2011; to adopt
8 the Community College Aid Act; to rename and eliminate
9 funds; to rename a committee; to change provisions
10 relating to state aid, tax levies, fees, grants, and
11 revenue bonds; to provide and change powers and duties;
12 to eliminate obsolete provisions; to eliminate the
13 Community College Foundation and Equalization Aid Act; to
14 harmonize provisions; to repeal the original sections; to
15 outright repeal sections 85-2201, 85-2202, 85-2203,
16 85-2204, 85-2205, 85-2206, 85-2207, 85-2208, 85-2209,

1 85-2210, 85-2211, 85-2212, 85-2213, 85-2215, 85-2216,
2 85-2217, 85-2218, 85-2220, 85-2221, 85-2222, 85-2223,
3 85-2224, 85-2225, 85-2227, 85-2228, and 85-2229, Reissue
4 Revised Statutes of Nebraska, and section 85-2230,
5 Revised Statutes Cumulative Supplement, 2010; and to
6 declare an emergency.

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

1 Section 1. Sections 1 to 7 of this act shall be known and
2 may be cited as the Community College Aid Act.

3 Sec. 2. For purposes of the Community College Aid Act,
4 the definitions in section 85-1503 apply.

5 Sec. 3. (1)(a) The Legislature recognizes that education,
6 as an investment in human resources, is fundamental to the quality of
7 life and the economic prosperity of Nebraskans and that aid to the
8 community colleges furthers these goals.

9 (b) It is the intent of the Legislature that such
10 appropriations reflect the commitment of the Legislature to join with
11 local governing bodies in a strong and continuing partnership to
12 further advance the quality, responsiveness, access, and equity of
13 Nebraska's community colleges and to foster high standards of
14 performance and service so that every citizen, community, and
15 business will have the opportunity to receive quality educational
16 programs and services regardless of the size, wealth, or geographic
17 location of the community college area or tribally controlled
18 community college by which that citizen, community, or business is
19 served.

20 (c) In order to promote quality postsecondary education
21 and to avoid excessive and disproportionate taxation upon the taxable
22 property of each community college area, the Legislature may
23 appropriate each biennium from such funds as may be available an
24 amount for aid and assistance to the community colleges. Such funds
25 so appropriated by the Legislature shall be allocated, adjusted, and

1 distributed to the community college boards of governors as provided
2 in the Community College Aid Act.

3 (2) The Coordinating Commission for Postsecondary
4 Education shall certify aid amounts attributable to the allocations
5 pursuant to subdivisions (1) and (3) of section 4 of this act and
6 report such amounts to the Department of Administrative Services. The
7 commission shall certify such aid amounts on or before September 1 of
8 the fiscal year for which aid is being certified. The department
9 shall distribute the total of such appropriated and allocated funds
10 to the boards in ten as nearly as possible equal monthly payments
11 between the fifth and twentieth day of each month beginning in
12 September of each year. Any amount transferred to the Nebraska
13 Community College Student Performance and Occupational Education
14 Grant Fund pursuant to subdivision (2) of section 4 of this act for a
15 fiscal year shall be certified and distributed in accordance with
16 sections 85-1539 and 85-1540.

17 (3) The department shall reduce the amount of the
18 distribution to a board by the amount of funds used by the community
19 college area to provide a program or capital construction project as
20 defined in section 85-1402 which has not been approved or has been
21 disapproved by the Coordinating Commission for Postsecondary
22 Education pursuant to the Coordinating Commission for Postsecondary
23 Education Act.

24 Sec. 4. Aid appropriated pursuant to the Community
25 College Aid Act for fiscal year 2013-14 and each fiscal year

1 thereafter shall be allocated among community college areas and
2 tribally controlled community colleges as follows:

3 (1) The initial \$87,870,147 appropriated pursuant to the
4 act shall be allocated to community college areas based on the
5 proportionate share of aid received by each community college area
6 for fiscal year 2012-13. If the amount appropriated for such fiscal
7 year exceeds \$87,870,147, the excess amount shall be allocated as
8 provided in subdivisions (2) and (3) of this section. If the amount
9 appropriated for such fiscal year is less than or equal to
10 \$87,870,147, the amount appropriated shall be allocated to community
11 college areas based on the proportionate share of aid received by
12 each community college area for fiscal year 2012-13;

13 (2) Of any amount remaining after the allocation of aid
14 pursuant to subdivision (1) of this section, the next amount, up to
15 but not to exceed \$500,000, shall be transferred to the Nebraska
16 Community College Student Performance and Occupational Education
17 Grant Fund provided for in section 85-1540; and

18 (3) Any amount remaining after the allocations provided
19 for in subdivisions (1) and (2) of this section shall be allocated
20 among the community college areas on the following basis:

21 (a) Twenty-five percent of such amount shall be divided
22 equally based on the number of community college areas designated
23 pursuant to section 85-1504;

24 (b) Forty-five percent of such amount shall be divided
25 based on each community college area's proportionate share of three-

1 year average full-time equivalent student enrollment. A community
2 college area's proportionate share of three-year average full-time
3 equivalent student enrollment shall equal the sum of a community
4 college area's full-time equivalent student enrollment total for the
5 three fiscal years immediately preceding the fiscal year for which
6 aid is being calculated divided by three, with such quotient divided
7 by the quotient resulting from the sum of the full-time equivalent
8 student enrollment total of all community college areas for the three
9 fiscal years immediately preceding the fiscal year for which aid is
10 being calculated divided by three; and

11 (c) Thirty percent of such amount shall be divided based
12 on each community college area's proportionate share of three-year
13 average reimbursable educational units. A community college area's
14 proportionate share of three-year average reimbursable educational
15 units shall equal the sum of a community college area's reimbursable
16 educational unit total for the three fiscal years immediately
17 preceding the fiscal year for which aid is being calculated divided
18 by three, with such quotient divided by the quotient resulting from
19 the sum of the reimbursable educational unit total of all community
20 college areas for the three fiscal years immediately preceding the
21 fiscal year for which aid is being calculated divided by three.

22 Sec. 5. The Community College Aid Fund is created. The
23 fund shall be used to provide state aid to community college areas
24 pursuant to the Community College Aid Act. Any money in the fund
25 available for investment shall be invested by the state investment

1 officer pursuant to the Nebraska Capital Expansion Act and the
2 Nebraska State Funds Investment Act.

3 Sec. 6. Each community college area shall annually report
4 such data as necessary to carry out the Community College Aid Act to
5 the Coordinating Commission for Postsecondary Education.

6 Sec. 7. The Coordinating Commission for Postsecondary
7 Education may adopt and promulgate rules and regulations to carry out
8 the Community College Aid Act.

9 Sec. 8. Section 13-518, Revised Statutes Supplement,
10 2011, is amended to read:

11 13-518 For purposes of sections 13-518 to 13-522:

12 (1) Allowable growth means (a) for governmental units
13 other than community colleges, the percentage increase in taxable
14 valuation in excess of the base limitation established under section
15 77-3446, if any, due to improvements to real property as a result of
16 new construction, additions to existing buildings, any improvements
17 to real property which increase the value of such property, and any
18 increase in valuation due to annexation and any personal property
19 valuation over the prior year and (b) for community colleges, ~~(i) for~~
20 ~~fiscal years prior to fiscal year 2003-04, for fiscal years after~~
21 ~~fiscal year 2004-05 until fiscal year 2007-08, and for fiscal year~~
22 ~~2010-11 and each fiscal year thereafter,~~ the percentage increase in
23 excess of the base limitation, if any, in full-time equivalent
24 students from the second year to the first year preceding the year
25 for which the budget is being determined; ~~, (ii) for fiscal year~~

1 ~~2003-04 and fiscal year 2004-05, the percentage increase in full-time~~
2 ~~equivalent students from the second year to the first year preceding~~
3 ~~the year for which the budget is being determined, and (iii) for~~
4 ~~fiscal year 2007-08 through fiscal year 2009-10, community college~~
5 ~~areas may exceed the base limitation to equal base revenue need~~
6 ~~calculated pursuant to section 85-2223;~~

7 (2) Capital improvements means (a) acquisition of real
8 property or (b) acquisition, construction, or extension of any
9 improvements on real property;

10 (3) Governing body has the same meaning as in section
11 13-503;

12 (4) Governmental unit means every political subdivision
13 which has authority to levy a property tax or authority to request
14 levy authority under section 77-3443 except sanitary and improvement
15 districts which have been in existence for five years or less and
16 school districts;

17 (5) Qualified sinking fund means a fund or funds
18 maintained separately from the general fund to pay for acquisition or
19 replacement of tangible personal property with a useful life of five
20 years or more which is to be undertaken in the future but is to be
21 paid for in part or in total in advance using periodic payments into
22 the fund. The term includes sinking funds under subdivision (13) of
23 section 35-508 for firefighting and rescue equipment or apparatus;

24 (6) Restricted funds means (a) property tax, excluding
25 any amounts refunded to taxpayers, (b) payments in lieu of property

1 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)
2 state aid, (f) transfers of surpluses from any user fee, permit fee,
3 or regulatory fee if the fee surplus is transferred to fund a service
4 or function not directly related to the fee and the costs of the
5 activity funded from the fee, (g) any funds excluded from restricted
6 funds for the prior year because they were budgeted for capital
7 improvements but which were not spent and are not expected to be
8 spent for capital improvements, (h) the tax provided in sections
9 77-27,223 to 77-27,227 beginning in the second fiscal year in which
10 the county will receive a full year of receipts, and (i) any excess
11 tax collections returned to the county under section 77-1776. Funds
12 received pursuant to the nameplate capacity tax levied under section
13 77-6203 for the first five years after a wind energy generation
14 facility has been commissioned are nonrestricted funds; and

15 (7) State aid means:

16 (a) For all governmental units, state aid paid pursuant
17 to sections 60-3,202 and 77-3523;

18 (b) For municipalities, state aid to municipalities paid
19 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190, and
20 77-27,139.04 and insurance premium tax paid to municipalities;

21 (c) For counties, state aid to counties paid pursuant to
22 sections 39-2501 to 39-2520 and 60-3,184 to 60-3,190, insurance
23 premium tax paid to counties, and reimbursements to counties from
24 funds appropriated pursuant to section 29-3933;

25 (d) For community colleges, (i) ~~for fiscal years prior to~~

1 ~~fiscal year 2010-11, state aid to community colleges paid pursuant to~~
2 ~~the Community College Foundation and Equalization Aid Act and (ii)~~
3 for fiscal years 2010-11, 2011-12, and 2012-13, state aid to
4 community colleges paid pursuant to section 90-517 and (ii) for
5 fiscal year 2013-14 and each fiscal year thereafter, state aid to
6 community colleges paid pursuant to the Community College Aid Act;

7 (e) For educational service units, state aid appropriated
8 under sections 79-1241.01 ~~to~~ and 79-1241.03; and

9 (f) For local public health departments as defined in
10 section 71-1626, state aid as distributed under section 71-1628.08.

11 Sec. 9. Section 48-621, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-621 (1) The administrative fund shall consist of the
14 Employment Security Administration Fund and the Employment Security
15 Special Contingent Fund. Each fund shall be maintained as a separate
16 and distinct account in all respects, as follows:

17 (a) There is hereby created in the state treasury a
18 special fund to be known as the Employment Security Administration
19 Fund. All money credited to this fund is hereby appropriated and made
20 available to the Commissioner of Labor. All money in this fund shall
21 be expended solely for the purposes and in the amounts found
22 necessary as defined by the specific federal programs, state
23 statutes, and contract obligations for the proper and efficient
24 administration of all programs of the Department of Labor. The fund
25 shall consist of all money appropriated by this state and all money

1 received from the United States of America or any agency thereof,
2 including the Department of Labor and the Railroad Retirement Board,
3 or from any other source for such purpose. Money received from any
4 agency of the United States or any other state as compensation for
5 services or facilities supplied to such agency, any amounts received
6 pursuant to any surety bond or insurance policy for losses sustained
7 by the Employment Security Administration Fund or by reason of damage
8 to equipment or supplies purchased from money in such fund, and any
9 proceeds realized from the sale or disposition of any equipment or
10 supplies which may no longer be necessary for the proper
11 administration of such programs shall also be credited to this fund.
12 All money in this fund shall be deposited, administered, and
13 disbursed in the same manner and under the same conditions and
14 requirements as is provided by law for other special funds in the
15 state treasury. Any balances in this fund, except balances of money
16 therein appropriated from the General Fund of this state, shall not
17 lapse at any time but shall be continuously available to the
18 commissioner for expenditure consistent with the Employment Security
19 Law. Any money in the Employment Security Administration Fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act; and

23 (b) There is hereby created in the state treasury a
24 special fund to be known as the Employment Security Special
25 Contingent Fund. Any money in the Employment Security Special

1 Contingent Fund available for investment shall be invested by the
2 state investment officer pursuant to the Nebraska Capital Expansion
3 Act and the Nebraska State Funds Investment Act. All money collected
4 under section 48-655 as interest on delinquent contributions, less
5 refunds, shall be credited to this fund from the clearing account of
6 the Unemployment Compensation Fund at the end of each calendar
7 quarter. Such money shall not be expended or available for
8 expenditure in any manner which would permit its substitution for or
9 a corresponding reduction in federal funds which would in the absence
10 of such money be available to finance expenditures for the
11 administration of the unemployment insurance law, but nothing in this
12 section shall prevent the money from being used as a revolving fund
13 to cover expenditures necessary and proper under the law for which
14 federal funds have been duly requested but not yet received, subject
15 to the charging of such expenditures against such federal funds when
16 received. The money in this fund may be used by the Commissioner of
17 Labor only as follows:

18 (i) To replace within a reasonable time any money
19 received by this state pursuant to section 302 of the federal Social
20 Security Act, as amended, and required to be paid under section
21 48-622;

22 (ii) To meet special extraordinary and contingent
23 expenses which are deemed essential for good administration but which
24 are not provided in grants from the Secretary of Labor of the United
25 States and, for this purpose, no expenditures shall be made from this

1 fund except on written authorization by the Governor at the request
2 of the Commissioner of Labor; and

3 ~~(iii) To be transferred to the Nebraska Community College~~
4 ~~Aid Cash Fund; and~~

5 ~~(iv)~~ (iii) To be transferred to the Job Training Cash
6 Fund.

7 (2)(a) Money credited to the account of this state in the
8 Unemployment Trust Fund by the United States Secretary of the
9 Treasury pursuant to section 903 of the Social Security Act may not
10 be requisitioned from this state's account or used except for the
11 payment of benefits and for the payment of expenses incurred for the
12 administration of the Employment Security Law and public employment
13 offices. Such money may be requisitioned pursuant to section 48-619
14 for the payment of benefits. Such money may also be requisitioned and
15 used for the payment of expenses incurred for the administration of
16 the Employment Security Law and public employment offices but only
17 pursuant to a specific appropriation by the Legislature and only if
18 the expenses are incurred and the money is requisitioned after the
19 date of enactment of an appropriation law which specifies the
20 purposes for which such money is appropriated and the amounts
21 appropriated therefor. Such appropriation is subject to the following
22 conditions:

23 (i) The period within which such money may be obligated
24 is limited to a period ending not more than two years after the
25 effective date of the appropriation law; and

1 (ii) The amount which may be obligated is limited to an
2 amount which does not exceed the amount by which the aggregate of the
3 amounts transferred to the account of this state pursuant to section
4 903 of the Social Security Act exceeds the aggregate of the amounts
5 used by this state pursuant to the Employment Security Law and
6 charged against the amounts transferred to the account of this state.

7 (b) For purposes of subdivision (2)(a)(ii) of this
8 section, the amounts obligated under an appropriation for the
9 administrative purposes described in such subdivision shall be
10 charged against transferred amounts at the exact time the obligation
11 is entered into.

12 (c) The appropriation, obligation, and expenditure or
13 other disposition of money appropriated under this subsection shall
14 be accounted for in accordance with standards established by the
15 United States Secretary of Labor.

16 (d) Money appropriated as provided in this subsection for
17 the payment of expenses of administration shall be requisitioned as
18 needed for the payment of obligations incurred under such
19 appropriation and, upon requisition, shall be credited to the
20 Employment Security Administration Fund from which such payments
21 shall be made. Money so credited shall, until expended, remain a part
22 of the Employment Security Administration Fund and, if it will not be
23 immediately expended, shall be returned promptly to the account of
24 this state in the Unemployment Trust Fund.

25 (e) Notwithstanding subdivision (2)(a) of this section,

1 money credited with respect to federal fiscal years 1999, 2000, and
2 2001 shall be used solely for the administration of the unemployment
3 compensation program and are not subject to appropriation by the
4 Legislature.

5 (3) There is hereby appropriated out of the funds made
6 available to this state in federal fiscal year 2002 under section
7 903(d) of the federal Social Security Act, as amended, the sum of
8 \$6,800,484, or so much thereof as may be necessary, to be used, under
9 the direction of the Department of Labor, for the administration of
10 the Employment Security Law and public employment offices. The
11 expenditure or other disposition of money appropriated under this
12 subsection shall be accounted for in accordance with standards
13 established by the United States Secretary of Labor. Reed Act
14 distributions appropriated pursuant to this subsection may be
15 amortized with federal grant funds provided pursuant to Title III of
16 the federal Social Security Act and the federal Wagner-Peyser Act for
17 the purpose of administering the state unemployment compensation and
18 employment service programs to the extent allowed under such acts and
19 the regulations adopted pursuant thereto. Except as specifically
20 provided in this subsection, all provisions of subsection (2) of this
21 section, except subdivision (2)(a)(i) of this section, shall apply to
22 this appropriation. The commissioner shall submit an annual report to
23 the Governor, the Speaker of the Legislature, and the chairpersons of
24 the Appropriations Committee and the Business and Labor Committee of
25 the Legislature describing expenditures made pursuant to this

1 subsection.

2 Sec. 10. Section 77-3442, Revised Statutes Supplement,
3 2011, is amended to read:

4 77-3442 (1) Property tax levies for the support of local
5 governments for fiscal years beginning on or after July 1, 1998,
6 shall be limited to the amounts set forth in this section except as
7 provided in section 77-3444.

8 (2)(a) Except as provided in subdivision (2)(e) of this
9 section, school districts and multiple-district school systems,
10 except learning communities and school districts that are members of
11 learning communities, may levy a maximum levy of one dollar and five
12 cents per one hundred dollars of taxable valuation of property
13 subject to the levy.

14 (b) For each fiscal year, learning communities may levy a
15 maximum levy for the general fund budgets of member school districts
16 of ninety-five cents per one hundred dollars of taxable valuation of
17 property subject to the levy. The proceeds from the levy pursuant to
18 this subdivision shall be distributed pursuant to section 79-1073.

19 (c) Except as provided in subdivision (2)(e) of this
20 section, for each fiscal year, school districts that are members of
21 learning communities may levy for purposes of such districts' general
22 fund budget and special building funds a maximum combined levy of the
23 difference of one dollar and five cents on each one hundred dollars
24 of taxable property subject to the levy minus the learning community
25 levies pursuant to subdivisions (2)(b) and (2)(g) of this section for

1 such learning community.

2 (d) Excluded from the limitations in subdivisions (2)(a)
3 and (2)(c) of this section are amounts levied to pay for sums agreed
4 to be paid by a school district to certificated employees in exchange
5 for a voluntary termination of employment and amounts levied to pay
6 for special building funds and sinking funds established for projects
7 commenced prior to April 1, 1996, for construction, expansion, or
8 alteration of school district buildings. For purposes of this
9 subsection, commenced means any action taken by the school board on
10 the record which commits the board to expend district funds in
11 planning, constructing, or carrying out the project.

12 (e) Federal aid school districts may exceed the maximum
13 levy prescribed by subdivision (2)(a) or (2)(c) of this section only
14 to the extent necessary to qualify to receive federal aid pursuant to
15 Title VIII of Public Law 103-382, as such title existed on September
16 1, 2001. For purposes of this subdivision, federal aid school
17 district means any school district which receives ten percent or more
18 of the revenue for its general fund budget from federal government
19 sources pursuant to Title VIII of Public Law 103-382, as such title
20 existed on September 1, 2001.

21 (f) For school fiscal year 2002-03 through school fiscal
22 year 2007-08, school districts and multiple-district school systems
23 may, upon a three-fourths majority vote of the school board of the
24 school district, the board of the unified system, or the school board
25 of the high school district of the multiple-district school system

1 that is not a unified system, exceed the maximum levy prescribed by
2 subdivision (2)(a) of this section in an amount equal to the net
3 difference between the amount of state aid that would have been
4 provided under the Tax Equity and Educational Opportunities Support
5 Act without the temporary aid adjustment factor as defined in section
6 79-1003 for the ensuing school fiscal year for the school district or
7 multiple-district school system and the amount provided with the
8 temporary aid adjustment factor. The State Department of Education
9 shall certify to the school districts and multiple-district school
10 systems the amount by which the maximum levy may be exceeded for the
11 next school fiscal year pursuant to this subdivision (f) of this
12 subsection on or before February 15 for school fiscal years 2004-05
13 through 2007-08.

14 (g) For each fiscal year, learning communities may levy a
15 maximum levy of two cents on each one hundred dollars of taxable
16 property subject to the levy for special building funds for member
17 school districts. The proceeds from the levy pursuant to this
18 subdivision shall be distributed pursuant to section 79-1073.01.

19 (h) For each fiscal year, learning communities may levy a
20 maximum levy of two cents on each one hundred dollars of taxable
21 property subject to the levy for elementary learning center facility
22 leases, for remodeling of leased elementary learning center
23 facilities, and for up to fifty percent of the estimated cost for
24 focus school or program capital projects approved by the learning
25 community coordinating council pursuant to section 79-2111.

1 (i) For each fiscal year, learning communities may levy a
2 maximum levy of one cent on each one hundred dollars of taxable
3 property subject to the levy for elementary learning center
4 employees, for contracts with other entities or individuals who are
5 not employees of the learning community for elementary learning
6 center programs and services, and for pilot projects, except that no
7 more than ten percent of such levy may be used for elementary
8 learning center employees.

9 ~~(3)(a) For fiscal years prior to fiscal year 2010-11,~~
10 ~~community colleges may levy a maximum levy calculated pursuant to the~~
11 ~~Community College Foundation and Equalization Aid Act on each one~~
12 ~~hundred dollars of taxable property subject to the levy. (b) For~~
13 ~~fiscal year 2010-11, in lieu of the calculation of a maximum levy for~~
14 ~~operating expenditures pursuant to the Community College Foundation~~
15 ~~and Equalization Aid Act, and for fiscal year 2011-12 and each fiscal~~
16 ~~year thereafter, community colleges 2011-12 and 2012-13, community~~
17 college areas may levy a maximum of ten and one-quarter cents per one
18 hundred dollars of taxable valuation of property subject to the levy
19 for operating expenditures and may also levy the additional levies
20 provided in ~~subsections (2) and (3) subdivisions (1)(b) and (c) of~~
21 section 85-1517.

22 (b) For fiscal year 2013-14 and each fiscal year
23 thereafter, community college areas may levy a maximum levy of eleven
24 and one-quarter cents per one hundred dollars of taxable valuation of
25 property subject to the levy, inclusive of levies for both

1 operational and capital improvement purposes, subject to the
2 provisions of subsection (2) of section 85-1517. A community college
3 area may exceed such maximum aggregate levy by the amount necessary
4 to retire general obligation bonds assumed by the community college
5 area or issued pursuant to section 85-1515 according to the terms of
6 such bonds or for any obligation pursuant to section 85-1535 entered
7 into prior to January 1, 1997.

8 (4)(a) Natural resources districts may levy a maximum
9 levy of four and one-half cents per one hundred dollars of taxable
10 valuation of property subject to the levy.

11 (b) Natural resources districts shall also have the power
12 and authority to levy a tax equal to the dollar amount by which their
13 restricted funds budgeted to administer and implement ground water
14 management activities and integrated management activities under the
15 Nebraska Ground Water Management and Protection Act exceed their
16 restricted funds budgeted to administer and implement ground water
17 management activities and integrated management activities for
18 FY2003-04, not to exceed one cent on each one hundred dollars of
19 taxable valuation annually on all of the taxable property within the
20 district.

21 (c) In addition, natural resources districts located in a
22 river basin, subbasin, or reach that has been determined to be fully
23 appropriated pursuant to section 46-714 or designated as
24 overappropriated pursuant to section 46-713 by the Department of
25 Natural Resources shall also have the power and authority to levy a

1 tax equal to the dollar amount by which their restricted funds
2 budgeted to administer and implement ground water management
3 activities and integrated management activities under the Nebraska
4 Ground Water Management and Protection Act exceed their restricted
5 funds budgeted to administer and implement ground water management
6 activities and integrated management activities for FY2005-06, not to
7 exceed three cents on each one hundred dollars of taxable valuation
8 on all of the taxable property within the district for fiscal year
9 2006-07 and each fiscal year thereafter through fiscal year 2017-18.

10 (5) Any educational service unit authorized to levy a
11 property tax pursuant to section 79-1225 may levy a maximum levy of
12 one and one-half cents per one hundred dollars of taxable valuation
13 of property subject to the levy.

14 (6)(a) Incorporated cities and villages which are not
15 within the boundaries of a municipal county may levy a maximum levy
16 of forty-five cents per one hundred dollars of taxable valuation of
17 property subject to the levy plus an additional five cents per one
18 hundred dollars of taxable valuation to provide financing for the
19 municipality's share of revenue required under an agreement or
20 agreements executed pursuant to the Interlocal Cooperation Act or the
21 Joint Public Agency Act. The maximum levy shall include amounts
22 levied to pay for sums to support a library pursuant to section
23 51-201, museum pursuant to section 51-501, visiting community nurse,
24 home health nurse, or home health agency pursuant to section 71-1637,
25 or statue, memorial, or monument pursuant to section 80-202.

1 (b) Incorporated cities and villages which are within the
2 boundaries of a municipal county may levy a maximum levy of ninety
3 cents per one hundred dollars of taxable valuation of property
4 subject to the levy. The maximum levy shall include amounts paid to a
5 municipal county for county services, amounts levied to pay for sums
6 to support a library pursuant to section 51-201, a museum pursuant to
7 section 51-501, a visiting community nurse, home health nurse, or
8 home health agency pursuant to section 71-1637, or a statue,
9 memorial, or monument pursuant to section 80-202.

10 (7) Sanitary and improvement districts which have been in
11 existence for more than five years may levy a maximum levy of forty
12 cents per one hundred dollars of taxable valuation of property
13 subject to the levy, and sanitary and improvement districts which
14 have been in existence for five years or less shall not have a
15 maximum levy. Unconsolidated sanitary and improvement districts which
16 have been in existence for more than five years and are located in a
17 municipal county may levy a maximum of eighty-five cents per hundred
18 dollars of taxable valuation of property subject to the levy.

19 (8) Counties may levy or authorize a maximum levy of
20 fifty cents per one hundred dollars of taxable valuation of property
21 subject to the levy, except that five cents per one hundred dollars
22 of taxable valuation of property subject to the levy may only be
23 levied to provide financing for the county's share of revenue
24 required under an agreement or agreements executed pursuant to the
25 Interlocal Cooperation Act or the Joint Public Agency Act. The

1 maximum levy shall include amounts levied to pay for sums to support
2 a library pursuant to section 51-201 or museum pursuant to section
3 51-501. The county may allocate up to fifteen cents of its authority
4 to other political subdivisions subject to allocation of property tax
5 authority under subsection (1) of section 77-3443 and not
6 specifically covered in this section to levy taxes as authorized by
7 law which do not collectively exceed fifteen cents per one hundred
8 dollars of taxable valuation on any parcel or item of taxable
9 property. The county may allocate to one or more other political
10 subdivisions subject to allocation of property tax authority by the
11 county under subsection (1) of section 77-3443 some or all of the
12 county's five cents per one hundred dollars of valuation authorized
13 for support of an agreement or agreements to be levied by the
14 political subdivision for the purpose of supporting that political
15 subdivision's share of revenue required under an agreement or
16 agreements executed pursuant to the Interlocal Cooperation Act or the
17 Joint Public Agency Act. If an allocation by a county would cause
18 another county to exceed its levy authority under this section, the
19 second county may exceed the levy authority in order to levy the
20 amount allocated. Property tax levies for costs of reassumption of
21 the assessment function pursuant to section 77-1340 or 77-1340.04 are
22 not included in the levy limits established in this subsection for
23 fiscal years 2010-11 through 2013-14.

24 (9) Municipal counties may levy or authorize a maximum
25 levy of one dollar per one hundred dollars of taxable valuation of

1 property subject to the levy. The municipal county may allocate levy
2 authority to any political subdivision or entity subject to
3 allocation under section 77-3443.

4 (10) Property tax levies (a) for judgments, except
5 judgments or orders from the Commission of Industrial Relations,
6 obtained against a political subdivision which require or obligate a
7 political subdivision to pay such judgment, to the extent such
8 judgment is not paid by liability insurance coverage of a political
9 subdivision, (b) for preexisting lease-purchase contracts approved
10 prior to July 1, 1998, (c) for bonds as defined in section 10-134
11 approved according to law and secured by a levy on property except as
12 provided in section 44-4317 for bonded indebtedness issued by
13 educational service units and school districts, and (d) for payments
14 by a public airport to retire interest-free loans from the Department
15 of Aeronautics in lieu of bonded indebtedness at a lower cost to the
16 public airport are not included in the levy limits established by
17 this section.

18 (11) The limitations on tax levies provided in this
19 section are to include all other general or special levies provided
20 by law. Notwithstanding other provisions of law, the only exceptions
21 to the limits in this section are those provided by or authorized by
22 sections 77-3442 to 77-3444.

23 (12) Tax levies in excess of the limitations in this
24 section shall be considered unauthorized levies under section 77-1606
25 unless approved under section 77-3444.

1 (13) For purposes of sections 77-3442 to 77-3444,
2 political subdivision means a political subdivision of this state and
3 a county agricultural society.

4 (14) For school districts that file a binding resolution
5 on or before May 9, 2008, with the county assessors, county clerks,
6 and county treasurers for all counties in which the school district
7 has territory pursuant to subsection (7) of section 79-458, if the
8 combined levies, except levies for bonded indebtedness approved by
9 the voters of the school district and levies for the refinancing of
10 such bonded indebtedness, are in excess of the greater of (a) one
11 dollar and twenty cents per one hundred dollars of taxable valuation
12 of property subject to the levy or (b) the maximum levy authorized by
13 a vote pursuant to section 77-3444, all school district levies,
14 except levies for bonded indebtedness approved by the voters of the
15 school district and levies for the refinancing of such bonded
16 indebtedness, shall be considered unauthorized levies under section
17 77-1606.

18 Sec. 11. Section 81-1201.21, Revised Statutes Supplement,
19 2011, is amended to read:

20 81-1201.21 (1) There is hereby created the Job Training
21 Cash Fund. The fund shall be under the direction of the Department of
22 Economic Development. Money may be transferred to the fund pursuant
23 to subdivision ~~(1)(b)(iv)~~ (1)(b)(iii) of section 48-621 and from the
24 Cash Reserve Fund at the direction of the Legislature. The department
25 shall establish a subaccount for all money transferred from the Cash

1 Reserve Fund to the Job Training Cash Fund on or after July 1, 2005.

2 (2) The department shall use the Job Training Cash Fund
3 or the subaccount established in subsection (1) of this section (a)
4 to provide reimbursements for job training activities, including
5 employee assessment, preemployment training, on-the-job training,
6 training equipment costs, and other reasonable costs related to
7 helping industry and business locate or expand in Nebraska, (b) to
8 provide upgrade skills training of the existing labor force necessary
9 to adapt to new technology or the introduction of new product lines,
10 or (c) to provide job training grants pursuant to section 81-1210.02.

11 (3) The department shall establish a subaccount within
12 the fund to provide training grants for training employees and
13 potential employees of businesses that (a) employ twenty-five or
14 fewer employees on the application date, (b) employ, or train for
15 potential employment, residents of rural areas of Nebraska, or (c)
16 are located in or employ, or train for potential employment,
17 residents of high-poverty areas as defined in section 81-1203. The
18 department shall calculate the amount of prior year investment income
19 earnings accruing to the fund and allocate such amount to the
20 subaccount for training grants under this subsection. The subaccount
21 shall also be used as provided in the Teleworker Job Creation Act.

22 (4) Any money in the fund available for investment shall
23 be invested by the state investment officer pursuant to the Nebraska
24 Capital Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 12. Section 85-1402, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 85-1402 For purposes of the Coordinating Commission for
3 Postsecondary Education Act:

4 (1)(a) Capital construction project shall mean a project
5 which utilizes tax funds designated by the Legislature and shall be:
6 Any proposed new capital structure; any proposed addition to,
7 renovation of, or remodeling of a capital structure; any proposed
8 acquisition of a capital structure by gift, purchase, lease-purchase,
9 or other means of construction or acquisition that (i) will be
10 directly financed in whole or in part with tax funds designated by
11 the Legislature totaling at least the minimum capital expenditure for
12 purposes of this subdivision or (ii) is likely, as determined by the
13 institution, to result in an incremental increase in appropriation or
14 expenditure of tax funds designated by the Legislature of at least
15 the minimum capital expenditure for the facility's operations and
16 maintenance costs in any one fiscal year within a period of ten years
17 from the date of substantial completion or acquisition of the
18 project. No tax funds designated by the Legislature shall be
19 appropriated or expended for any incremental increase of more than
20 the minimum capital expenditure for the costs of the operations and
21 utilities of any facility which is not included in the definition of
22 capital construction project and thus is not subject to commission
23 approval pursuant to the Coordinating Commission for Postsecondary
24 Education Act. No institution shall include a request for funding
25 such an increase in its budget request for tax funds designated by

1 the Legislature nor shall any institution utilize any such funds for
2 such an increase. The Governor shall not include in his or her budget
3 recommendations, and the Legislature shall not appropriate, such
4 funds for such increase.

5 (b) For purposes of this subdivision:

6 (i) Directly financed shall mean funded by:

7 (A) Appropriation of tax funds designated by the
8 Legislature for the specific capital construction project;

9 (B) Property tax levies authorized pursuant to
10 subdivision (1)(b) of section 85-1517 for fiscal years prior to
11 fiscal year 2013-14 and subdivision (2)(b) of section 85-1517 for
12 fiscal year 2013-14 and each fiscal year thereafter used to establish
13 a capital improvement and bond sinking fund pursuant to as provided
14 in section 85-1515; or

15 (C) That portion of tax funds designated by the
16 Legislature and appropriated by the Legislature for the general
17 operation of the public institution and utilized to fund the capital
18 project;

19 (ii) Incremental increase shall mean an increase in
20 appropriation or expenditure of tax funds designated by the
21 Legislature of at least the minimum capital expenditure for a
22 facility's operations and maintenance costs, beyond any increase due
23 to inflation, to pay for a capital structure's operations and
24 maintenance costs that are a direct result of a capital construction
25 project; and

1 (iii) Minimum capital expenditure shall mean:

2 (A) For purposes of subdivision (a)(i) of this
3 subdivision, a base amount of two million dollars; and

4 (B) For the facility's operations and maintenance costs
5 pursuant to subdivision (a)(ii) of this subdivision, a base amount of
6 eighty-five thousand dollars for any one fiscal year.

7 The base amount for the facility's operations and
8 maintenance costs shall be subject to any inflationary or market
9 adjustments made by the commission pursuant to this subdivision. The
10 commission shall adjust the base amount on a biennial basis beginning
11 January 1, 2010. The adjustments shall be based on percentage changes
12 in a construction cost index and any other published index relevant
13 to operations and utilities costs, both as selected by the commission
14 in cooperation with the public institutions. The index or indices
15 shall reflect inflationary or market trends for the applicable
16 operations and maintenance or construction costs;

17 (2) Commission shall mean the Coordinating Commission for
18 Postsecondary Education;

19 (3) Coordination shall mean:

20 (a) Authority to adopt, and revise as needed, a
21 comprehensive statewide plan for postsecondary education which shall
22 include (i) definitions of the role and mission of each public
23 postsecondary educational institution within any general assignments
24 of role and mission as may be prescribed by the Legislature and (ii)
25 plans for facilities which utilize tax funds designated by the

1 Legislature;

2 (b) Authority to review, monitor, and approve or
3 disapprove each public postsecondary educational institution's
4 programs and capital construction projects which utilize tax funds
5 designated by the Legislature in order to provide compliance and
6 consistency with the comprehensive plan and to prevent unnecessary
7 duplication; and

8 (c) Authority to review and modify, if needed to promote
9 compliance and consistency with the comprehensive statewide plan and
10 prevent unnecessary duplication, the budget requests of the governing
11 boards or any other governing board for any other public
12 postsecondary educational institution which may be established by the
13 Legislature;

14 (4) Education center shall mean an off-campus branch of a
15 public institution or cooperative of either public or public and
16 private postsecondary educational institutions which offers
17 instructional programs to students;

18 (5) Governing board shall mean the Board of Regents of
19 the University of Nebraska, the Board of Trustees of the Nebraska
20 State Colleges, or the board of governors for each community college
21 area;

22 (6) Program shall mean any program of instruction which
23 leads directly to a degree, diploma, or certificate and, for purposes
24 of section 85-1414, shall include public service programs and all
25 off-campus instructional programs, whether or not such programs lead

1 directly to a degree, diploma, or certificate. Program shall also
2 include the establishment of any new college, school, major division,
3 education center, or institute but shall not include reasonable and
4 moderate extensions of existing curricula which have a direct
5 relationship to existing programs;

6 (7) Public institution shall mean each campus of a public
7 postsecondary educational institution which is or may be established
8 by the Legislature, which is under the direction of a governing
9 board, and which is administered as a separate unit by the board; and

10 (8) Tax funds designated by the Legislature shall mean
11 all state tax revenue and all property tax revenue.

12 Sec. 13. Section 85-1412, Revised Statutes Supplement,
13 2011, is amended to read:

14 85-1412 The commission shall have the following
15 additional powers and duties:

16 (1) Conduct surveys and studies as may be necessary to
17 undertake the coordination function of the commission pursuant to
18 section 85-1403 and request information from governing boards and
19 appropriate administrators of public institutions and other
20 governmental agencies for research projects. All public institutions
21 and governmental agencies receiving state funds shall comply with
22 reasonable requests for information under this subdivision. Public
23 institutions may comply with such requests pursuant to section
24 85-1417;

25 (2) Recommend to the Legislature and the Governor

1 legislation it deems necessary or appropriate to improve
2 postsecondary education in Nebraska and any other legislation it
3 deems appropriate to change the role and mission provisions in
4 sections 85-917 to 85-966.01;

5 (3) Establish any advisory committees as may be necessary
6 to undertake the coordination function of the commission pursuant to
7 section 85-1403 or to solicit input from affected parties such as
8 students, faculty, governing boards, administrators of the public
9 institutions, administrators of the private nonprofit institutions of
10 postsecondary education and proprietary institutions in the state,
11 and community and business leaders regarding the coordination
12 function of the commission;

13 (4) Participate in or designate an employee or employees
14 to participate in any committee which may be created to prepare a
15 coordinated plan for the delivery of educational programs and
16 services in Nebraska through the telecommunications system;

17 (5) Seek a close liaison with the State Board of
18 Education and the State Department of Education in recognition of the
19 need for close coordination of activities between elementary and
20 secondary education and postsecondary education;

21 (6) Administer the Integrated Postsecondary Education
22 Data System or other information system or systems to provide the
23 commission with timely, comprehensive, and meaningful information
24 pertinent to the exercise of its duties. The information system shall
25 be designed to provide comparable data on each public institution.

1 The commission shall also administer the uniform information system
2 prescribed in sections 85-1421 to 85-1427 known as the Nebraska
3 Educational Data System. Public institutions shall supply the
4 appropriate data for the information system or systems required by
5 the commission;

6 (7) Administer the Access College Early Scholarship
7 Program Act, the Community College Aid Act, the Nebraska Opportunity
8 Grant Act, and the Postsecondary Institution Act;

9 (8) Accept and administer loans, grants, and programs
10 from the federal or state government and from other sources, public
11 and private, for carrying out any of its functions, including the
12 administration of privately endowed scholarship programs. Such loans
13 and grants shall not be expended for any other purposes than those
14 for which the loans and grants were provided. The commission shall
15 determine eligibility for such loans, grants, and programs, and such
16 loans and grants shall not be expended unless approved by the
17 Governor;

18 (9) On or before December 1 of each even-numbered year,
19 submit to the Legislature and the Governor a report of its objectives
20 and activities and any new private colleges in Nebraska and the
21 implementation of any recommendations of the commission for the
22 preceding two calendar years;

23 (10) Provide staff support for interstate compacts on
24 postsecondary education; and

25 (11) Request inclusion of the commission in any existing

1 grant review process and information system. ; and

2 ~~(12) In collaboration with the State Department of~~
3 ~~Education, public and private postsecondary educational institutions,~~
4 ~~private, denominational, or parochial secondary schools, educational~~
5 ~~service units, and school districts, conduct a study regarding the~~
6 ~~need for uniform policies and practices for dual enrollment courses~~
7 ~~and career academies in Nebraska, including transferability of dual-~~
8 ~~enrollment courses and consistency of administration of career~~
9 ~~academies. The study shall also include a review of any program that~~
10 ~~provides Nebraska high school students with the opportunity to earn~~
11 ~~college credit or advanced placement through participation in courses~~
12 ~~and examinations administered by a not for profit organization and of~~
13 ~~the need for uniform policies and practices related to the acceptance~~
14 ~~and transferability of such courses and the college credit or~~
15 ~~advanced placement earned as a result of a student's performance on~~
16 ~~such examinations. The commission shall report the findings of such~~
17 ~~study and its recommendations, including recommendations for possible~~
18 ~~legislation, to the Legislature on or before December 15, 2011. For~~
19 ~~purposes of this subdivision, dual enrollment course has the same~~
20 ~~definition as provided in section 79-1201.01.~~

21 Sec. 14. Section 85-1418, Revised Statutes Supplement,
22 2011, is amended to read:

23 85-1418 (1) No state warrant shall be issued by the
24 Department of Administrative Services or used by any public
25 institution for the purpose of funding any program or capital

1 construction project which has not been approved or which has been
2 disapproved by the commission pursuant to the Coordinating Commission
3 for Postsecondary Education Act. If state funding for any such
4 program or project cannot be or is not divided into warrants separate
5 from other programs or projects, the department shall reduce a
6 warrant to the public institution which includes funding for the
7 program or project by the amount of tax funds designated by the
8 Legislature which are budgeted in that fiscal year by the public
9 institution for use for the program or project.

10 (2) The department may reduce the amount of state aid
11 distributed to a community college area pursuant to the Community
12 College ~~Foundation and Equalization~~ Aid Act, or for fiscal years
13 2010-11, 2011-12, and 2012-13 pursuant to section 90-517, by the
14 amount of funds used by the area to provide a program or capital
15 construction project which has not been approved or which has been
16 disapproved by the commission.

17 (3) The district court of Lancaster County shall have
18 jurisdiction to enforce an order or decision of the commission
19 entered pursuant to the Coordinating Commission for Postsecondary
20 Education Act and to enforce this section.

21 (4) Any person or public institution aggrieved by a final
22 order of the commission entered pursuant to section 85-1413, 85-1414,
23 85-1415, or 85-1416 shall be entitled to judicial review of the
24 order. Proceedings for review shall be instituted by filing a
25 petition in the district court of Lancaster County within thirty days

1 after public notice of the final decision by the commission is given.
2 The filing of the petition or the service of summons upon the
3 commission shall not stay enforcement of such order. The review shall
4 be conducted by the court without a jury on the record of the
5 commission. The court shall have jurisdiction to enjoin enforcement
6 of any order of the commission which is (a) in violation of
7 constitutional provisions, (b) in excess of the constitutional or
8 statutory authority of the commission, (c) made upon unlawful
9 procedure, or (d) affected by other error of law.

10 (5) A party may secure a review of any final judgment of
11 the district court by appeal to the Court of Appeals. Such appeal
12 shall be taken in the manner provided by law for appeals in civil
13 cases and shall be heard de novo on the record.

14 Sec. 15. Section 85-1501.01, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 85-1501.01 The Legislature recognizes the need for and
17 importance of a strong partnership with the community colleges to
18 assure the continued economic growth of the state. In recognition of
19 that partnership, the Legislature affirms that community colleges
20 should be financed through a funding partnership from property tax,
21 state aid, tuition and fees, and other sources of revenue.

22 Sec. 16. Section 85-1503, Revised Statutes Supplement,
23 2011, is amended to read:

24 85-1503 For purposes of sections 85-1501 to 85-1540,
25 unless the context otherwise requires:

1 (1) Community college means an educational institution
2 operating and offering programs pursuant to such sections;

3 (2) Community college area means an area established by
4 section 85-1504;

5 (3) Board means the Community College Board of Governors
6 for each community college area;

7 (4) Full-time equivalent student means, in the aggregate,
8 the equivalent of a registered student who in a twelve-month period
9 is enrolled in (a) thirty semester credit hours or forty-five quarter
10 credit hours of classroom, laboratory, clinical, practicum, or
11 independent study course work or cooperative work experience or (b)
12 nine hundred contact hours of classroom or laboratory course work for
13 which credit hours are not offered or awarded. Avocational and
14 recreational community service programs or courses are not included
15 in determining full-time equivalent students or student enrollment.
16 The number of credit and contact hours to be counted by any community
17 college area in which a tribally controlled community college is
18 located shall include credit and contact hours awarded by such
19 tribally controlled community college to students for which such
20 institution received no federal reimbursement pursuant to the federal
21 Tribally Controlled College or University Assistance Act of 1978, 25
22 U.S.C. 1801;

23 (5) Contact hour means an educational activity consisting
24 of sixty minutes minus break time and required time to change
25 classes;

1 (6) Credit hour means the unit used to ascertain the
2 educational value of course work offered by the institution to
3 students enrolling for such course work, earned by such students upon
4 successful completion of such course work, and for which tuition is
5 charged. A credit hour may be offered and earned in any of several
6 instructional delivery systems, including, but not limited to,
7 classroom hours, laboratory hours, clinical hours, practicum hours,
8 cooperative work experience, and independent study. A credit hour
9 shall consist of a minimum of: (a) Ten quarter or fifteen semester
10 classroom contact hours per term of enrollment; (b) twenty quarter or
11 thirty semester academic transfer and academic support laboratory
12 hours per term of enrollment; (c) thirty quarter or forty-five
13 semester vocational laboratory hours per term of enrollment; (d)
14 thirty quarter or forty-five semester clinical or practicum contact
15 hours per term of enrollment; or (e) forty quarter or sixty semester
16 cooperative work experience contact hours per term of enrollment. An
17 institution may include in a credit hour more classroom, laboratory,
18 clinical, practicum, or cooperative work experience hours than the
19 minimum required in this subdivision. The institution shall publish
20 in its catalog, or otherwise make known to the student in writing
21 prior to the student enrolling or paying tuition for any courses, the
22 number of credit or contact hours offered in each such course. Such
23 published credit or contact hour offerings shall be used to determine
24 whether a student is a full-time equivalent student pursuant to
25 subdivision (4) of this section;

1 (7) Classroom hour means a minimum of fifty minutes of
2 formalized instruction on campus or off campus in which a qualified
3 instructor applying any combination of instructional methods such as
4 lecture, directed discussion, demonstration, or the presentation of
5 audiovisual materials is responsible for providing an educational
6 experience to students;

7 (8) Laboratory hour means a minimum of fifty minutes of
8 educational activity on campus or off campus in which students
9 conduct experiments, perfect skills, or practice procedures under the
10 direction of a qualified instructor;

11 (9) Clinical hour means a minimum of fifty minutes of
12 educational activity on campus or off campus during which the student
13 is assigned practical experience under constant supervision at a
14 health-related agency, receives individual instruction in the
15 performance of a particular function, and is observed and critiqued
16 in the repeat performance of such function. Adjunct professional
17 personnel, who may or may not be paid by the college, may be used for
18 the directed supervision of students and for the delivery of part of
19 the didactic phase of the experience;

20 (10) Practicum hour means a minimum of fifty minutes of
21 educational activity on campus or off campus during which the student
22 is assigned practical experiences, receives individual instruction in
23 the performance of a particular function, and is observed and
24 critiqued by an instructor in the repeat performance of such
25 function. Adjunct professional personnel, who may or may not be paid

1 by the college, may be used for the directed supervision of the
2 students;

3 (11) Cooperative work experience means an internship or
4 on-the-job training, designed to provide specialized skills and
5 educational experiences, which is coordinated, supervised, observed,
6 and evaluated by qualified college staff or faculty and may be
7 completed on campus or off campus, depending on the nature of the
8 arrangement;

9 (12) Independent study means an arrangement between an
10 instructor and a student in which the instructor is responsible for
11 assigning work activity or skill objectives to the student,
12 personally providing needed instruction, assessing the student's
13 progress, and assigning a final grade. Credit hours shall be assigned
14 according to the practice of assigning credits in similar courses;

15 (13) Full-time equivalent student enrollment total means
16 the total of full-time equivalent students enrolled in a community
17 college in any fiscal year;

18 (14) General academic transfer course means a course
19 offering in a one-year or two-year degree-credit program, at the
20 associate degree level or below, intended by the offering institution
21 for transfer into a baccalaureate program. The completion of the
22 specified courses in a general academic transfer program may include
23 the award of a formal degree;

24 (15) Applied technology or occupational course means a
25 course offering in an instructional program, at the associate degree

1 level or below, intended to prepare individuals for immediate entry
2 into a specific occupation or career. The primary intent of the
3 institutions offering an applied technology or occupational program
4 shall be that such program is for immediate job entry. The completion
5 of the specified courses in an applied technology or occupational
6 program may include the award of a formal degree, diploma, or
7 certificate;

8 (16) Academic support course means a general education
9 academic course offering which may be necessary to support an applied
10 technology or occupational program;

11 (17) Class 1 course means an applied technology or
12 occupational course offering which requires the use of equipment,
13 facilities, or instructional methods easily adaptable for use in a
14 general academic transfer program classroom or laboratory;

15 (18) Class 2 course means an applied technology or
16 occupational course offering which requires the use of specialized
17 equipment, facilities, or instructional methods not easily adaptable
18 for use in a general academic transfer program classroom or
19 laboratory;

20 ~~(19) Full-time equivalent student means a full-time~~
21 ~~equivalent student subject to the following limitation: The number of~~
22 ~~credit and contact hours which shall be counted by any community~~
23 ~~college area in which a tribally controlled community college is~~
24 ~~located shall include credit and contact hours awarded by such~~
25 ~~tribally controlled community college to students for which such~~

1 ~~institution received no federal reimbursement pursuant to the~~
2 ~~Tribally Controlled Community College Assistance Act, 25 U.S.C. 1801;~~

3 ~~(20) Full-time equivalent total means the total of all~~
4 ~~full-time equivalents accumulated in a community college area in any~~
5 ~~fiscal year;~~

6 ~~(21)-(19)~~ Reimbursable educational unit means a full-time
7 equivalent student multiplied by (a) for a general academic transfer
8 course or an academic support course, a factor of one, (b) for a
9 Class 1 course, a factor of one and fifty-hundredths, (c) for a Class
10 2 course, a factor of two, (d) for a tribally controlled community
11 college general academic transfer course or academic support course,
12 a factor of two, (e) for a tribally controlled community college
13 Class 1 course, a factor of three, and (f) for a tribally controlled
14 community college Class 2 course, a factor of four;

15 ~~(22)-(20)~~ Reimbursable educational unit total means the
16 total of all reimbursable educational units accumulated in a
17 community college area in any fiscal year;

18 ~~(23)-(21)~~ Special instructional term means any term which
19 is less than fifteen weeks for community colleges using semesters or
20 ten weeks for community colleges using quarters;

21 ~~(24)-(22)~~ Statewide reimbursable full-time equivalent
22 total means the total of all reimbursable full-time equivalents
23 accumulated statewide for the community college in any fiscal year;

24 ~~(25)-(23)~~ Tribally controlled community college means an
25 educational institution operating and offering programs pursuant to

1 the federal Tribally Controlled Community College Assistance Act,
2 College or University Assistance Act of 1978, 25 U.S.C. 1801; and

3 ~~(26)-(24)~~ Tribally controlled community college state aid
4 amount means:

5 (a) ~~For fiscal years before fiscal year 2010-11, the~~
6 ~~quotient of the amount of state aid to be distributed pursuant to the~~
7 ~~Community College Foundation and Equalization Aid Act for the current~~
8 ~~fiscal year to a community college area in which a tribally~~
9 ~~controlled community college is located divided by the reimbursable~~
10 ~~educational unit total for such community college area for the~~
11 ~~immediately preceding fiscal year, with such quotient then multiplied~~
12 ~~by the average reimbursable educational units derived pursuant to~~
13 ~~subdivision (19) of this section for the immediately preceding fiscal~~
14 ~~year; and~~

15 ~~(b)-(a)~~ For fiscal years 2010-11, 2011-12, and 2012-13,
16 the amount of state aid provided to a tribally controlled community
17 college pursuant to section 90-517; and -

18 (b) For fiscal year 2013-14 and each fiscal year
19 thereafter, the quotient of the amount of state aid to be distributed
20 pursuant to the Community College Aid Act, excluding any amounts
21 received from the Nebraska Community College Student Performance and
22 Occupational Education Grant Fund, for such fiscal year to a
23 community college area in which a tribally controlled community
24 college is located divided by the reimbursable educational unit total
25 for such community college area for the fiscal year immediately

1 preceding the fiscal year for which aid is being calculated, with
2 such quotient then multiplied by the reimbursable educational units
3 derived from credit and contact hours awarded by a tribally
4 controlled community college to students for which such institution
5 received no federal reimbursement pursuant to the federal Tribally
6 Controlled College or University Assistance Act of 1978, 25 U.S.C.
7 1801, for the fiscal year immediately preceding the fiscal year for
8 which aid is being calculated.

9 Sec. 17. Section 85-1511, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

11 85-1511 In addition to any other powers and duties
12 imposed upon the community college system or its areas, campuses, or
13 boards by the Community College ~~Foundation and Equalization Aid Act,~~
14 sections 85-917 to 85-966 and 85-1501 to 85-1540, and any other
15 provision of law, each board shall:

16 (1) Have general supervision, control, and operation of
17 each community college within its jurisdiction;

18 (2) Subject to coordination by the Coordinating
19 Commission for Postsecondary Education as prescribed in the
20 Coordinating Commission for Postsecondary Education Act, develop and
21 offer programs of applied technology education, academic transfer
22 programs, academic support courses, and such other programs and
23 courses as the needs of the community college area served may
24 require. The board shall avoid unnecessary duplication of existing
25 programs and courses in meeting the needs of the students and the

1 community college area;

2 (3) Employ, for a period to be fixed by the board,
3 executive officers, members of the faculty, and such other
4 administrative officers and employees as may be necessary or
5 appropriate and fix their salaries and duties;

6 (4) Subject to coordination by the Coordinating
7 Commission for Postsecondary Education as prescribed in the
8 Coordinating Commission for Postsecondary Education Act, construct,
9 lease, purchase, purchase on contract, operate, equip, and maintain
10 facilities;

11 (5) Contract for services connected with the operation of
12 the community college area as needs and interest demand;

13 (6)(a) ~~Cause an examination and a comprehensive audit of~~
14 ~~the books, accounts, records, and affairs, including full-time~~
15 ~~equivalent student enrollment totals, full-time equivalent totals,~~
16 ~~and reimbursable educational unit totals as defined in section~~
17 ~~85-1503, to be made annually covering the most recently completed~~
18 ~~fiscal year. The audit of each area shall include the full-time~~
19 ~~equivalent student enrollment totals, full-time equivalent totals,~~
20 ~~and reimbursable educational unit totals for the three most recently~~
21 ~~completed fiscal years which shall be used for calculation of aid to~~
22 ~~the community college areas for fiscal years prior to fiscal year~~
23 ~~2010-11 as prescribed in the Community College Foundation and~~
24 ~~Equalization Aid Act. The audit shall also include the county-~~
25 ~~certified property valuations for the community college area for the~~

1 ~~three most recently completed fiscal years which shall be used for~~
2 ~~calculation of aid to such community college areas for fiscal years~~
3 ~~prior to fiscal year 2010-11. Such examination and~~ The audit of each
4 area shall include all sources of revenue used to finance operating
5 expenditures and capital improvements and the county-certified
6 property valuation for the community college for the fiscal year for
7 which such audit is being performed. Such audit of the books,
8 accounts, records, and affairs shall be completed and filed with the
9 Auditor of Public Accounts, the commission, and the Department of
10 Administrative Services on or before October 15 of each year; and -

11 (b) Cause a comprehensive audit of the full-time
12 equivalent student enrollment totals and reimbursable educational
13 unit totals to be made annually covering the most recently completed
14 fiscal year. The audit of each area shall include a report of full-
15 time equivalent student enrollment totals and reimbursable
16 educational unit totals verified by such audits for the three most
17 recently completed fiscal years which shall be used for calculation
18 of aid to the community college areas for fiscal year 2013-14 and
19 each fiscal year thereafter pursuant to subdivisions (3)(b) and (c)
20 of section 4 of this act. The examination and audit of the full-time
21 equivalent student enrollment totals, full-time equivalent totals,
22 and reimbursable educational unit totals shall be completed and filed
23 with the Auditor of Public Accounts, the commission, and the
24 Department of Administrative Services on or before August 15 of each
25 year;

1 (7) Establish fees and charges for the facilities
2 authorized by sections 85-1501 to 85-1540. Such fees and charges
3 shall be identified as facility fees at the time they are assessed.
4 The revenue from such fees and charges, other than revenue pledged to
5 retire bonds issued pursuant to sections 85-1515 and 85-1520 to
6 85-1527 and deposited in a separate bond sinking fund, shall be
7 deposited in the capital improvement and bond sinking fund provided
8 for in section 85-1515. Each board may enter into agreements with
9 owners of facilities to be used for housing regarding the management,
10 operation, and government of such facilities and may employ necessary
11 employees to govern, manage, and operate such facilities;

12 (8) Receive such gifts, grants, conveyances, and bequests
13 of real and personal property from public or private sources as may
14 be made from time to time, in trust or otherwise, whenever the terms
15 and conditions thereof will aid in carrying out the community college
16 programs as specified by law. Each board may sell, lease, exchange,
17 invest, or expend such gifts, grants, conveyances, and bequests or
18 the proceeds, rents, profits, and income therefrom according to the
19 terms and conditions thereof and adopt and promulgate rules and
20 regulations governing the receipt and expenditure of such proceeds,
21 rents, profits, and income, except that acceptance of such gifts,
22 grants, or conveyances shall not be conditioned on matching state or
23 local funds;

24 (9) Prescribe the courses of study for any community
25 college under its control and publish such catalogs and bulletins as

1 may be necessary;

2 (10) Grant to every student upon graduation or completion
3 of a course of study a suitable diploma, associate degree, or
4 certificate;

5 (11) Adopt and promulgate such rules and regulations and
6 perform all other acts as the board may deem necessary or appropriate
7 to the administration of the community college area. Such rules and
8 regulations shall include, but not be limited to, rules and
9 regulations relating to facilities, housing, scholarships,
10 discipline, and pedestrian and vehicular traffic on property owned,
11 operated, or maintained by the community college area;

12 (12) Employ, for a period to be fixed by the board, an
13 executive officer for the community college area and, by written
14 order filed in its office, delegate to such executive officer any of
15 the powers and duties vested in or imposed upon it by sections
16 85-1501 to 85-1540. Such delegated powers and duties may be exercised
17 in the name of the board;

18 (13) Acquire real property by eminent domain pursuant to
19 sections 76-701 to 76-724;

20 (14) Acquire real and personal property and sell, convey,
21 or lease such property whenever the community college area will be
22 benefited thereby. The sale, conveyance, or lease of any real estate
23 owned by a community college area shall be effective only when
24 authorized by an affirmative vote of at least two-thirds of all the
25 members of the board;

1 (15) Enter into agreements for services, facilities, or
2 equipment and for the presentation of courses for students when such
3 agreements are deemed to be in the best interests of the education of
4 the students involved;

5 (16) Transfer tribally controlled community college state
6 aid amounts to a tribally controlled community college located within
7 its community college area;

8 (17) Invest, after proper consideration of the
9 requirements for the availability of money, funds of the community
10 college in securities the nature of which individuals of prudence,
11 discretion, and intelligence acquire or retain in dealing with the
12 property of another;

13 (18) Establish tuition rates for courses of instruction
14 offered by each community college within its community college area.
15 Separate tuition rates shall be established for students who are
16 nonresidents of the State of Nebraska. Each board may also establish
17 fees to support the operating expenditures of the community college
18 area if such fees are accounted for separately from the fees and
19 charges established for facilities pursuant to subdivision (7) of
20 this section and are identified as operating fees at the time they
21 are assessed;

22 (19) Establish a fiscal year for the community college
23 area which conforms to the fiscal year of the state;

24 (20) Enter into a memorandum of understanding with the
25 State Board of Education to adopt a policy to share student data. At

1 a minimum, the policy shall ensure that the exchange of information
2 is conducted in conformance with the requirements of the federal
3 Family Educational Rights and Privacy Act of 1974, as amended, 20
4 U.S.C. 1232g, and all federal regulations and applicable guidelines
5 adopted in accordance with such act, as such act, regulations, and
6 guidelines existed on January 1, 2010; and

7 (21) Exercise any other powers, duties, and
8 responsibilities necessary to carry out sections 85-1501 to 85-1540.

9 Sec. 18. Section 85-1517, Revised Statutes Supplement,
10 2011, is amended to read:

11 85-1517 ~~(1)(a) For fiscal years prior to fiscal year~~
12 ~~2010-11, the board may certify to the county board of equalization of~~
13 ~~each county within the community college area a tax levy not to~~
14 ~~exceed the maximum levy calculated pursuant to the Community College~~
15 ~~Foundation and Equalization Aid Act on each one hundred dollars on~~
16 ~~the taxable valuation of all property subject to the levy within the~~
17 ~~community college area, uniform throughout such area, for the purpose~~
18 ~~of supporting operating expenditures of the community college area.~~

19 ~~(b) For fiscal year 2010-11 and each fiscal year~~
20 ~~thereafter, the (1) For fiscal years 2011-12 and 2012-13:~~

21 (a) The board may certify to the county board of
22 equalization of each county within the community college area a tax
23 levy not to exceed ten and one-quarter cents on each one hundred
24 dollars on the taxable valuation of all property subject to the levy
25 within the community college area, uniform throughout the area, for

1 the purpose of supporting operating expenditures of the community
2 college area; -

3 ~~(2)-(b)~~ In addition to the levies provided in ~~subsections~~
4 ~~(1) and (3)~~ subdivisions (1)(a) and (c) of this section, the board
5 may certify to the county board of equalization of each county within
6 the community college area a tax levy ~~of~~ not to exceed one cent on
7 each one hundred dollars on the taxable valuation of all property
8 within the community college area, uniform throughout such area, for
9 the ~~purpose of~~ purposes of paying off bonds issued under sections
10 85-1520 to 85-1527 and establishing a capital improvement fund ~~and~~
11 bond sinking fund as provided in section 85-1515. The levy provided
12 by this ~~subsection~~ subdivision may be exceeded by that amount
13 necessary to retire the general obligation bonds assumed by the
14 community college area or issued pursuant to section 85-1515
15 according to the terms of such bonds or for any obligation pursuant
16 to section 85-1535 entered into prior to January 1, 1997; and -

17 ~~(3)-(c)~~ In addition to the levies provided in ~~subsections~~
18 ~~(1) and (2)~~ subdivisions (1)(a) and (b) of this section, the board
19 may also certify to the county board of equalization of each county
20 within the community college area a tax levy on each one hundred
21 dollars on the taxable valuation of all property within the community
22 college area, uniform throughout such area, in the amount which will
23 produce funds only in the amount necessary to pay for funding
24 accessibility barrier elimination project costs and abatement of
25 environmental hazards as such terms are defined in section 79-10,110.

1 Such tax levy shall not be so certified unless approved by an
2 affirmative vote of a majority of the board taken at a public meeting
3 of the board following notice and a hearing. The board shall give at
4 least seven days' notice of such public hearing and shall publish
5 such notice once in a newspaper of general circulation in the area to
6 be affected by the increase. The proceeds of such tax levy shall be
7 deposited in the capital improvement and bond sinking fund provided
8 for in section 85-1515 for use in funding the projects authorized
9 pursuant to this subdivision.

10 (2) For fiscal year 2013-14 and each fiscal year
11 thereafter:

12 (a) The board may certify to the county board of
13 equalization of each county within the community college area a tax
14 levy not to exceed the difference between eleven and one-quarter
15 cents and the combined rate levied for such fiscal year pursuant to
16 subdivisions (b) and (c) of this subsection on each one hundred
17 dollars on the taxable valuation of all property subject to the levy
18 within the community college area, uniform throughout the area, for
19 the purpose of supporting operating expenditures of the community
20 college area. For purposes of calculating the amount of levy
21 authority available for operating expenditures pursuant to this
22 subdivision, the rate levied pursuant to subdivision (b) of this
23 subsection shall not include amounts to retire general obligation
24 bonds assumed by the community college area or issued pursuant to
25 section 85-1515 according to the terms of such bonds or for any

1 obligation pursuant to section 85-1535 entered into prior to January
2 1, 1997;

3 (b) In addition to the levies provided in subdivisions
4 (a) and (c) of this subsection, the board may certify to the county
5 board of equalization of each county within the community college
6 area a tax levy not to exceed two cents on each one hundred dollars
7 on the taxable valuation of all property within the community college
8 area, uniform throughout such area, for the purposes of paying off
9 bonds issued under sections 85-1520 to 85-1527 and establishing a
10 capital improvement and bond sinking fund as provided in section
11 85-1515. The levy provided by this subdivision may be exceeded by
12 that amount necessary to retire general obligation bonds assumed by
13 the community college area or issued pursuant to section 85-1515
14 according to the terms of such bonds or for any obligation pursuant
15 to section 85-1535 entered into prior to January 1, 1997; and

16 (c) In addition to the levies provided in subdivisions
17 (a) and (b) of this subsection, the board may certify to the county
18 board of equalization of each county within the community college
19 area a tax levy on each one hundred dollars on the taxable valuation
20 of all property within the community college area, uniform throughout
21 such area, in the amount which will produce funds only in the amount
22 necessary to pay for funding accessibility barrier elimination
23 project costs and abatement of environmental hazards as such terms
24 are defined in section 79-10,110. Such tax levy shall not be so
25 certified unless approved by an affirmative vote of a majority of the

1 board taken at a public meeting of the board following notice and a
2 hearing. The board shall give at least seven days' notice of such
3 public hearing and shall publish such notice once in a newspaper of
4 general circulation in the area to be affected by the increase. The
5 proceeds of such tax levy shall be deposited in the capital
6 improvement and bond sinking fund provided for in section 85-1515 for
7 use in funding accessibility barrier elimination project costs and
8 abatement of environmental hazards as such terms are defined in
9 section 79-10,110.

10 ~~(4)~~(3) The taxes provided by this section shall be
11 levied and assessed in the same manner as other property taxes and
12 entered on the books of the county treasurer. The proceeds of the
13 tax, as collected, shall be remitted to the treasurer of the board
14 not less frequently than once each month.

15 Sec. 19. Section 85-1520, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 85-1520 Each board may construct, purchase, or otherwise
18 acquire, remodel, repair, furnish, and equip dormitories, residence
19 halls, single-dwelling units, multiple-dwelling units, or other
20 facilities for (1) the housing or boarding of single or married
21 students, faculty, or other employees of the institution under its
22 control, (2) buildings and structures for student and faculty unions
23 or centers, and (3) the medical care and other activities of the
24 students of such institutions, on real estate owned or controlled by
25 such board or on real estate purchased, leased, or otherwise acquired

1 for such purpose and pay the cost thereof, including the cost of such
2 real estate, by issuing revenue bonds payable ~~solely~~ out of the
3 revenue from such buildings or facilities, the revenue from the tax
4 levy authorized pursuant to subdivision (1)(b) of section 85-1517 for
5 fiscal years prior to fiscal year 2013-14 and subdivision (2)(b) of
6 section 85-1517 for fiscal year 2013-14 and each fiscal year
7 thereafter, or a combination thereof. Any such buildings or
8 facilities shall be located on or adjacent to a campus or campuses
9 controlled by such board.

10 Sec. 20. Section 85-1521, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 85-1521 Each board may, by resolution or agreement,
13 pledge all or any part of the revenue and fees derived from the
14 operation of the dormitories, residence halls, single-dwelling units,
15 multiple-dwelling units, buildings, and other facilities for housing,
16 boarding, medical care, and other activities of students, faculty, or
17 employees of the institution under its control erected or acquired or
18 previously erected or acquired by any such board and contract as to
19 the care, insurance, management, and operation of such buildings and
20 facilities and the charges to be made and the rights of the holders
21 of the revenue bonds. When any board contracts that the operation of
22 any building or facility or part thereof shall be performed other
23 than by the board itself, such board shall at all times maintain
24 supervision of and control over the fees and charges imposed for the
25 use of such building, facility, or part. In issuing revenue bonds and

1 pledging revenue therefor, the board may pledge all or any part of
2 the revenue and fees from buildings and facilities other than the
3 building or facility to be constructed. Bonds issued under sections
4 85-1520 to 85-1527 shall not be an obligation of the State of
5 Nebraska, and no tax, except for the tax authorized under subdivision
6 (1)(b) of section 85-1517 for fiscal years prior to fiscal year
7 2013-14 and subdivision (2)(b) of section 85-1517 for fiscal year
8 2013-14 and each fiscal year thereafter, shall ever be levied to
9 raise funds for the payment thereof or interest thereon. The bonds
10 shall constitute limited obligations of the board issuing the same
11 and shall be paid ~~solely~~ out of revenue from the tax levy authorized
12 pursuant to subdivision (1)(b) of section 85-1517 for fiscal years
13 prior to fiscal year 2013-14 and subdivision (2)(b) of section
14 85-1517 for fiscal year 2013-14 and each fiscal year thereafter and
15 out of money derived from the revenue and earnings pledged as
16 provided in sections 85-1501 to 85-1540.

17 Sec. 21. Section 85-1535, Revised Statutes Supplement,
18 2011, is amended to read:

19 85-1535 (1) A board of a community college area with a
20 population of less than one hundred thousand according to the last
21 federal decennial census and a campus located on a former military
22 base may enter into contracts with any person, firm, or corporation
23 providing for the implementation of any project for the constructing
24 and improving of facilities to house applied technology educational
25 programs necessary to carry out sections 85-1501 to 85-1540 and

1 providing for the long-term payment of the cost of such project.

2 (2) In no case shall any such contract run for a period
3 longer than twenty years or shall the aggregate of existing contracts
4 exceed four million five hundred thousand dollars for each area
5 exclusive of administrative costs, credit enhancement costs,
6 financing costs, capitalized interest, and reserves dedicated to
7 secure payment of contracts.

8 (3) No contract shall be entered into pursuant to this
9 section without prior approval by a resolution of the board and the
10 approval of the Coordinating Commission for Postsecondary Education.

11 (4) The long-term payment of the cost of such project
12 shall be paid from revenue to be raised pursuant to ~~subsection (2) of~~
13 ~~section 85-1517.~~ (a) subdivision (1)(b) of section 85-1517 for fiscal
14 years prior to fiscal year 2013-14 and (b) subdivision (2)(b) of
15 section 85-1517 for fiscal year 2013-14 and each fiscal year
16 thereafter. Any board entering into such contract for the
17 construction and improvement of facilities from revenue to be raised
18 pursuant to such ~~subsection~~ subdivisions shall make annual
19 appropriations for amounts sufficient to pay annual obligations under
20 such contract for the duration of such contract.

21 (5) The board may also convey or lease and lease back all
22 or any part of the project and the land on which such project is
23 situated to such person, firm, or corporation as the board may
24 contract with pursuant to this section to facilitate the long-term
25 payment of the cost of such project. Any such conveyance or lease

1 shall provide that when the cost of such project has been paid,
2 together with interest and other costs thereon, such project and the
3 land on which such project is located shall become the property of
4 the community college area.

5 Sec. 22. Section 85-1539, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 85-1539 There is hereby created the Nebraska Community
8 College Aid, Grant, and Contract Review Student Performance and
9 Occupational Education Grant Committee. The committee ~~shall be~~
10 ~~selected by the Director of Administrative Services and shall consist~~
11 of (1) a representative of the ~~University of Nebraska who has~~
12 ~~expertise and experience in research and development, Coordinating~~
13 Commission for Postsecondary Education, (2) a representative of the
14 Department of Economic Development, (3) a representative of the
15 Department of Labor, (4) a representative of the State Department of
16 Education, and (5) a representative of the community colleges
17 affiliated with one of the two community college areas with the two
18 smallest full-time equivalent student enrollment totals for the most
19 recent fiscal year, (6) a representative affiliated with one of the
20 two community college areas with the two largest full-time equivalent
21 student enrollment totals for the most recent fiscal year, and (7) a
22 representative affiliated with one of the two community college areas
23 not included in the categories provided in subdivisions (5) and (6)
24 of this section. Each member shall be appointed by the agency or
25 community college areas being represented. The representatives

1 appointed pursuant to subdivisions (5) through (7) of this section
2 shall serve terms of two years and shall be succeeded by a
3 representative affiliated with the community college areas not
4 represented for the preceding term.

5 The committee shall develop guidelines ~~and submit~~
6 ~~recommendations to the Director of Administrative Services for the~~
7 ~~distribution for and annually determine the allocation of the~~
8 ~~Nebraska Community College Aid Cash~~ Student Performance and
9 Occupational Education Grant Fund and any other funds appropriated to
10 Program 99 in Agency 83, Aid to Community Colleges, pursuant to ~~any~~
11 ~~directives of the Governor or the Legislature. Recommendations made~~
12 ~~by the committee shall not exceed the amount appropriated to the~~
13 ~~fund.~~ this section and section 85-1540. The total amount allocated
14 for a fiscal year shall not exceed the amounts appropriated from the
15 fund and such other funds as may be appropriated by the Legislature
16 for such fiscal year. The commission shall certify the allocation
17 determined by the committee on or before September 10 of the fiscal
18 year for which such allocation is being certified and shall report
19 such allocation to the Department of Administrative Services. The
20 department shall distribute the total of such appropriated and
21 allocated funds to the selected community college board or boards in
22 a single payment between the fifth and twentieth day of October of
23 the fiscal year for which such allocation is certified.

24 Sec. 23. Section 85-1540, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 85-1540 (1) There is hereby created the Nebraska
2 Community College ~~Aid Cash~~ Student Performance and Occupational
3 Education Grant Fund. The fund shall be under the direction of the
4 Nebraska Community College ~~Aid, Grant, and Contract Review~~ Student
5 Performance and Occupational Education Grant Committee. The fund
6 shall contain any amount available for transfer pursuant to
7 subdivision (2) of section 4 of this act and such other amounts as
8 may be transferred or otherwise accrue to the fund. The fund ~~The~~
9 ~~Legislature may appropriate nongeneral funds and transfers pursuant~~
10 ~~to subdivision (1)(b)(iii) of section 48-621 to the fund. The fund~~
11 shall be used to provide aid, ~~grants, or contracts~~ or grants to the
12 community colleges for ~~the purposes of funding grants for (a) applied~~
13 ~~technology and occupational faculty training, instructional equipment~~
14 ~~upgrades, employee assessment, preemployment training, employment~~
15 ~~training, and dislocated worker programs benefiting the State of~~
16 Nebraska or (b) programs or activities to enhance (i) student
17 performance in the areas of degree, certificate, or diploma
18 completion, retention, or foundations education as defined in section
19 85-932.01 or (ii) the collection, reporting, analysis, and
20 utilization of student data. Any money in the fund available for
21 investment shall be invested by the state investment officer pursuant
22 to the Nebraska Capital Expansion Act and the Nebraska State Funds
23 Investment Act.

24 (2) Applications for aid or grants pursuant to this
25 section may be submitted by a community college area independently or

1 in collaboration with other community college areas.

2 Sec. 24. Section 90-517, Revised Statutes Supplement,
3 2011, is amended to read:

4 90-517 (1) Notwithstanding ~~the Community College~~
5 ~~Foundation and Equalization Aid Act~~ or any other provision of law,
6 state aid for each community college area for fiscal year 2010-11
7 shall equal:

8 (a) For the Central Community College Area, \$8,289,499;

9 (b) For the Metropolitan Community College Area,
10 \$18,389,499;

11 (c) For the Mid-Plains Community College Area,
12 \$8,251,373;

13 (d) For the Northeast Community College Area,
14 \$12,784,454, including \$38,815 for Nebraska Indian Community College
15 and \$13,120 for Little Priest Tribal College;

16 (e) For the Southeast Community College Area,
17 \$27,133,220; and

18 (f) For the Western Community College Area, \$11,909,980.

19 (2) Notwithstanding any other provision of law, state aid
20 for each community college area for fiscal years 2011-12 and 2012-13
21 shall equal the amount of state aid appropriated by the Legislature
22 for the respective fiscal year multiplied by the following percentage
23 for each community college area:

24 (a) For the Central Community College Area, eight and
25 eighty-six hundredths percent;

1 (b) For the Metropolitan Community College Area, twenty-
2 six and fifty-one hundredths percent;

3 (c) For the Mid-Plains Community College Area, nine and
4 five-hundredths percent;

5 (d) For the Northeast Community College Area, fourteen
6 and four-hundredths percent. Of such amount provided for the
7 Northeast Community College Area, one-tenth of one percent shall be
8 provided for Nebraska Indian Community College and two-tenths of one
9 percent for Little Priest Tribal College;

10 (e) For the Southeast Community College Area, twenty-
11 eight and twenty-seven hundredths percent; and

12 (f) For the Western Community College Area, thirteen and
13 twenty-seven hundredths percent.

14 (3) The Department of Administrative Services shall
15 distribute the amounts provided in subsection (1) or (2) of this
16 section for the respective fiscal year to each community college area
17 in ten as nearly as possible equal monthly payments between the fifth
18 and the twentieth day of each month beginning in September of each
19 year.

20 Sec. 25. Original sections 48-621, 85-1501.01, 85-1520,
21 85-1521, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska,
22 sections 85-1402 and 85-1511, Revised Statutes Cumulative Supplement,
23 2010, and sections 13-518, 77-3442, 81-1201.21, 85-1412, 85-1418,
24 85-1503, 85-1517, 85-1535, and 90-517, Revised Statutes Supplement,
25 2011, are repealed.

1 Sec. 26. The following sections are outright repealed:
2 Sections 85-2201, 85-2202, 85-2203, 85-2204, 85-2205, 85-2206,
3 85-2207, 85-2208, 85-2209, 85-2210, 85-2211, 85-2212, 85-2213,
4 85-2215, 85-2216, 85-2217, 85-2218, 85-2220, 85-2221, 85-2222,
5 85-2223, 85-2224, 85-2225, 85-2227, 85-2228, and 85-2229, Reissue
6 Revised Statutes of Nebraska, and section 85-2230, Revised Statutes
7 Cumulative Supplement, 2010.

8 Sec. 27. Since an emergency exists, this act takes effect
9 when passed and approved according to law.