

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 781
Final Reading

Introduced by Harms, 48.

Read first time January 10, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to community colleges; to amend section 85-1511,
2 Revised Statutes Cumulative Supplement, 2012; to change a
3 date relating to a comprehensive audit; and to repeal the
4 original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-1511, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 85-1511 In addition to any other powers and duties
4 imposed upon the community college system or its areas, campuses, or
5 boards by the Community College Aid Act, sections 85-917 to 85-966
6 and 85-1501 to 85-1540, and any other provision of law, each board
7 shall:

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

10 (2) Subject to coordination by the Coordinating
11 Commission for Postsecondary Education as prescribed in the
12 Coordinating Commission for Postsecondary Education Act, develop and
13 offer programs of applied technology education, academic transfer
14 programs, academic support courses, and such other programs and
15 courses as the needs of the community college area served may
16 require. The board shall avoid unnecessary duplication of existing
17 programs and courses in meeting the needs of the students and the
18 community college area;

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

23 (4) Subject to coordination by the Coordinating
24 Commission for Postsecondary Education as prescribed in the
25 Coordinating Commission for Postsecondary Education Act, construct,

1 lease, purchase, purchase on contract, operate, equip, and maintain
2 facilities;

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

5 (6)(a) Cause a comprehensive audit of the books,
6 accounts, records, and affairs to be made annually covering the most
7 recently completed fiscal year. The audit of each area shall include
8 all sources of revenue used to finance operating expenditures and
9 capital improvements and the county-certified property valuation for
10 the community college for the fiscal year for which such audit is
11 being performed. Such audit of the books, accounts, records, and
12 affairs shall be completed and filed with the Auditor of Public
13 Accounts, the commission, and the Department of Administrative
14 Services on or before ~~October~~ November 15 of each year; and

15 (b) Cause a comprehensive audit of the full-time
16 equivalent student enrollment totals and reimbursable educational
17 unit totals to be made annually covering the most recently completed
18 fiscal year. The audit of each area shall include a report of full-
19 time equivalent student enrollment totals and reimbursable
20 educational unit totals verified by such audits for the three most
21 recently completed fiscal years which shall be used for calculation
22 of aid to the community college areas for fiscal year 2013-14 and
23 each fiscal year thereafter pursuant to subdivisions (3)(b) and (c)
24 of section 85-2234. The audit of the full-time equivalent student
25 enrollment totals and reimbursable educational unit totals shall be

1 completed and filed with the Auditor of Public Accounts, the
2 commission, and the Department of Administrative Services on or
3 before August 15 of each year;

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

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

1 local funds;

2 (9) Prescribe the courses of study for any community
3 college under its control and publish such catalogs and bulletins as
4 may be necessary;

5 (10) Grant to every student upon graduation or completion
6 of a course of study a suitable diploma, associate degree, or
7 certificate;

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

15 (12) Employ, for a period to be fixed by the board, an
16 executive officer for the community college area and, by written
17 order filed in its office, delegate to such executive officer any of
18 the powers and duties vested in or imposed upon it by sections
19 85-1501 to 85-1540. Such delegated powers and duties may be exercised
20 in the name of the board;

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

23 (14) Acquire real and personal property and sell, convey,
24 or lease such property whenever the community college area will be
25 benefited thereby. The sale, conveyance, or lease of any real estate

1 owned by a community college area shall be effective only when
2 authorized by an affirmative vote of at least two-thirds of all the
3 members of the board;

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

8 (16) Transfer tribally controlled community college state
9 aid amounts to a tribally controlled community college located within
10 its community college area;

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

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

25 (19) Establish a fiscal year for the community college

1 area which conforms to the fiscal year of the state;

2 (20) Enter into a memorandum of understanding with the
3 State Board of Education to adopt a policy to share student data. At
4 a minimum, the policy shall ensure that the exchange of information
5 is conducted in conformance with the requirements of the federal
6 Family Educational Rights and Privacy Act of 1974, as amended, 20
7 U.S.C. 1232g, and all federal regulations and applicable guidelines
8 adopted in accordance with such act, as such act, regulations, and
9 guidelines existed on January 1, 2010; and

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

12 Sec. 2. Original section 85-1511, Revised Statutes
13 Cumulative Supplement, 2012, is repealed.