

## LEGISLATIVE BILL 239

Approved by the Governor June 10, 1993

Introduced by Hillman, 48; Baack, 47; Wickersham, 49

AN ACT relating to community colleges; to amend sections 79-4,155, 79-1254.09, 79-2638, 79-2639, 79-2641, 79-2643, 79-2646, 79-2646.01, 79-2650.03, 79-2650.06, 79-2650.08, 79-2650.10 to 79-2650.15, 79-2651.02, 79-2653, 85-605, 85-918, 85-926, 85-927, and 85-964, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,241, 79-1254.02, 79-1429, 79-2636 to 79-2637, 79-2640, 79-2644, 79-2647 to 79-2650, 79-2650.09, 79-2651, 79-2663, 79-2664, 85-121.03, 85-921, 85-935, 85-952, 85-960.01, 85-960.02, 85-962, 85-966, 85-1413, 85-1416, and 85-1418, Revised Statutes Supplement, 1992; to change provisions relating to community colleges; to define and redefine terms; to change instructional and service priorities; to transfer sections; to provide for reimbursement and indemnification; to provide for reduction-in-force procedures, probationary contracts, and contracts for facility improvements as prescribed; to eliminate obsolete provisions; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections, and also sections 79-2651.04 to 79-2651.06 and 79-2665, Revised Statutes Supplement, 1992.

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

Section 1. That section 79-4,155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,155. (1) ~~A school district shall have the right to indemnify as follows:~~ For purposes of this section, (a) school board shall have the definition found in section 79-101 and (b) school district shall have the definition found in section 79-101.

~~(a) (2) A school district shall have power to may~~ indemnify any person; who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in the right of the school district, by reason of the fact that ~~he or she~~ such person is or was a school board member; ~~or an~~ officer, employee, or agent of the school district, against expenses, including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding if ~~he or she~~ such person acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the school district; and, with respect to

any criminal action or proceeding, had no reasonable cause to believe that his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that ~~the~~ such person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the school district and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful. †

~~(b)~~ (3) A school district ~~shall have power to~~ may indemnify any person; who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or suit by or in the right of the school district to procure a judgment in its favor by reason of the fact that ~~he or she~~ such person is or was a school board member; ~~or an~~ officer, employee, or agent of the school district, against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if ~~he or she~~ such person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the school district, except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person ~~shall have been~~ was adjudged to be liable for negligence or misconduct in the performance of his or her duty to the school district unless and only to the extent that the court in which such action or suit was brought ~~shall determine~~ determines upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court ~~shall deem~~ deems proper. †

~~(e)~~ (4) To the extent that a school board member; ~~or an~~ officer, employee, or agent of a school district has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in ~~subdivisions (a) and (b) of this subsection;~~ subsections (2) and (3) of this section or in defense of any claim, issue, or matter ~~therein~~ in such action, suit, or proceeding, he or she shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection ~~therewith;~~ with such defense.

~~(d)~~ (5) Any indemnification under ~~subdivisions (a) and (b) of this subsection~~ such subsections, unless ordered by a court, shall be made by the school district only as authorized in the specific case upon a determination that indemnification of the school board member; ~~or the~~ officer, employee, or agent of the school district is proper in the circumstances because he or she has met the applicable standard of conduct set forth in ~~subdivisions (a) and (b) of this subsection~~ such subsections. Such determination shall be made by the school board members by a majority vote of a quorum consisting of school board members who were not parties to such action, suit, or proceeding or, if such a quorum is not obtainable or even if obtainable a quorum of disinterested board members so directs, by independent legal counsel in a written opinion. †

(e) ~~(6)~~ Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the school district in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in ~~subdivision (d) of this subsection~~ subsection (5) of this section upon receipt of an undertaking by or on behalf of the school board member; ~~or the officer, employee, or agent of the school district~~ to repay such amount unless it ~~shall ultimately be~~ is ultimately determined that he or she is entitled to be indemnified by the school district as authorized in this section; ;

~~(f)~~ (7) The indemnification provided by this section shall not be deemed exclusive of any other rights to which ~~these~~ the person indemnified may be entitled under any agreement, either as to action in his or her official capacity or as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a school board member; ~~or an~~ officer, employee, or agent of the school district and shall inure to the benefit of the heirs, executors, and administrators of such a person; ;and

~~(g)~~ (8) A school district ~~shall have power to~~ may purchase and maintain insurance on behalf of any person who is or was a school board member; ~~or an~~ officer, employee, or agent of the school district against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the school district would have the power to indemnify him or her against such liability under this ~~subsection~~ section.

~~(2) As used in this section, unless the context otherwise requires: (a) School district shall mean a school district as defined in section 79-101 and a community college area as defined in section 79-2637; and (b) school board shall mean a school board as defined in section 79-101 and the governing board of a community college area as provided in section 79-2640.~~

Sec. 2. That section 79-4,241, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,241. Except as provided in section 79-2203, all members of a school board, ~~or~~ board of education, or other governing board created pursuant to Chapter 79 shall not receive a per diem. Each such board may provide or reimburse members for their actual and necessary expenses incurred while carrying out their duties. Mileage expenses shall be computed at the rate provided in section 81-1176. Sections 81-1174, 81-1175, and 81-1177 shall serve as guidelines for such boards when determining allowable expenses and reimbursement for such expenses. For purposes of this section, governing board created pursuant to Chapter 79 shall not include a community college board of governors.

Sec. 3. That section 79-1254.02, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1254.02. The contracts of the teaching staff and school nurses employed by ~~the governing board of a community college~~, an educational program administered by the State Department of Education, the Department of Public Institutions, or a political subdivision of the

state, except a school district or an educational service unit, ~~those~~ the colleges governed by the Board of Trustees of the Nebraska State Colleges, and any university governed by the Board of Regents of the University of Nebraska shall require the sanction of a majority of the members of the governing board. Except as provided in section 79-1254.09, each such contract shall be deemed renewed and in force and effect until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract for just cause. The secretary of the board shall notify each teacher or school nurse in writing at least ninety days before the close of the contract period of any conditions of unsatisfactory performance or a reduction in teaching staff or nursing staff that the department or board considers may be just cause to either amend or terminate the contract for the ensuing year. Any teacher or school nurse so notified shall have the right to file within five days of receipt of such notice a written request with the board for a hearing before the department or board. Upon receipt of such request, the department or board shall order the hearing to be held within ten days and shall give written notice of the time and place of the hearing to the teacher or school nurse. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the teacher or school nurse shall be permitted to produce evidence related thereto. The department or board shall render the decision to amend or terminate a contract based on the evidence produced at the hearing.

Sec. 4. That section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254.09. ~~Any contract of employment entered into after July 1, 1980, between the teaching staff and a community college area, which applies to the first two years of the employment of such teaching staff, shall provide that the first two years of the employment of such teacher are a probationary period:~~ Any contract of employment entered into after July 1, 1984, between the teaching staff and the Department of Public Institutions, the Department of Correctional Services, or the Department of Social Services; which applies to the first two years of the employment of such teaching staff; shall provide that the first two years of the employment of such teacher are a probationary period. Any such contract may be terminated during the probationary period without cause.

Sec. 5. That section 79-1429, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1429. The State Board of Vocational Education shall (1) cooperate with the boards authorized by sections 79-1419 to 79-1434 to establish vocational schools, departments, or courses, (2) cooperate with the United States Department of Education in the administration of federal legislation relating to vocational education and the Nebraska State Plan for Vocational Education, (3) administer the funds provided by the federal government under such federal legislation, by the State of Nebraska, and by donations or contributions for the promotion of

vocational education in the public schools of Nebraska, (4) appoint staff members to administer such federal legislation and sections 79-1419 to 79-1434 for the State of Nebraska, (5) fix the compensation of such personnel and pay such compensation and other necessary expenses of administration from funds appropriated by the Legislature or available federal funds, (6) make studies and investigations relative to vocational education, (7) promote and aid in the establishment of vocational schools, departments, or courses in communities giving training in such subjects and cooperate with local boards in the maintenance of the same, (8) prescribe qualifications and provide for the certification of teachers and supervisors of vocational education and related subjects, (9) cooperate in the maintenance of courses supported and controlled by the public for the preparation of teachers and supervisors of vocational education and related subjects or maintain such courses under its own direction and control, (10) establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers, and (11) establish a training program for fire department personnel as provided in sections 79-1430 and 79-1431.

The State Board of Vocational Education shall not allow vocational education programs to be established under sections 79-1419 to 79-1429 if such programs are inconsistent with sections ~~79-2644 and 85-917 to 85-966~~ and sections 9 and 33 of this act.

Sec. 6. That section 85-121.03, Revised Statutes Supplement, 1992, be amended to read as follows:

85-121.03. (1) The Legislature shall appropriate from the General Fund the money necessary to carry out the duties and programs of the Nebraska College of Technical Agriculture at Curtis. The appropriation shall be made to the Board of Regents of the University of Nebraska for the sole purpose of maintaining the duties, programs, and facilities of such college.

(2) If the Coordinating Commission for Postsecondary Education changes the role and mission assignment of the college in the comprehensive statewide plan pursuant to sections 85-121.05 and 85-1413, the appropriation made pursuant to subsection (1) of this section shall be made to the Board of Governors of the Mid-Plains Community College Area. No property tax revenue collected pursuant to the levy authorized in section ~~79-2650~~ 39 of this act, no state aid received pursuant to section ~~79-2651~~ 58 of this act, and no tuition funds or fee funds received from students attending other community colleges shall be used to support the Nebraska College of Technical Agriculture at Curtis. Students enrolled at the college shall not be counted for purposes of determining reimbursable educational units as defined in section ~~79-2637~~ 25 of this act.

Sec. 7. That section 85-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-605. ~~As used in~~ For purposes of sections 85-601 to 85-605, (1) dismissal shall not include the failure to renew a probationary appointment of any faculty member or administrative staff member and

(2) public institution of higher education shall include the University of Nebraska, the state colleges, and the community colleges.

Sec. 8. That section 85-918, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-918. For purposes of ~~this act~~ sections 85-917 to 85-966 and section 9 of this act, unless the context otherwise requires, the definitions found in sections 85-919 to 85-932 and section 9 of this act shall be used.

Sec. 9. Foundations education shall mean education which includes remedial and developmental programs, adult basic education, general education development, English as a second language, compensatory education, and refresher courses.

Sec. 10. That section 85-921, Revised Statutes Supplement, 1992, be amended to read as follows:

85-921. Public service activities shall mean those programs established to make available to the public the particular resources of a system, area, or institution for the purpose of responding to a statewide, regional, or community need. Within this category may be included the following activities: (1) Direct patient care; (2) health care supportive services; (3) community services; (4) cooperative agricultural extension; (5) public broadcasting services; (6) cultural, ~~and~~ recreational, and personal development activities; ~~and~~ (7) economic development activities; and (8) continuing education for occupations and professions. Adult, basic, and continuing education programs or services shall not be included in the subcategory of community services.

Sec. 11. That section 85-926, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-926. General academic transfer programs shall mean those one-year ~~one-~~ or two-year degree-credit programs, at the associate degree level or below including liberal arts and sciences degrees or courses, intended by the offering institution for transfer into a baccalaureate program. Programs in this category may include the award of a formal degree upon completion of the program.

Sec. 12. That section 85-927, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-927. ~~Vocational-technical~~ programs Applied technology and occupational education shall mean those instructional programs; at the associate degree level or below; including associate of applied science degrees, diplomas, certificates, and course work intended to prepare individuals for immediate entry into a specific occupation or career, to upgrade skills, or to acquire new skills. ~~The primary intent of the institutions offering vocational technical programs shall be that such programs are terminal programs.~~ Programs in this category may include the award of a formal degree, diploma, or certificate upon completion of the program.

Sec. 13. That section 85-935, Revised Statutes Supplement, 1992, be amended to read as follows:

85-935. The role and mission assignments enumerated in

sections 85-936 to 85-948 shall apply to the University of Nebraska system and its campuses. Such assignments shall prohibit, limit, or restrict only those programs or services provided for under such sections. The Board of Regents of the University of Nebraska shall adopt and promulgate policies and procedures necessary to assure compliance with sections 85-917 to 85-966 and section 9 of this act.

Sec. 14. That section 85-952, Revised Statutes Supplement, 1992, be amended to read as follows:

85-952. The state colleges may continue to deliver academic transfer and preprofessional associate degree programs for which a degree may be awarded if approved by the Board of Trustees of the Nebraska State Colleges and the Coordinating Commission for Postsecondary Education pursuant to sections 85-1413 and 85-1414 upon demonstration of compelling need and unique capacity of the state colleges to offer such programs. The state colleges shall not independently award the associate degree, diploma, or certificate for ~~terminal vocational-technical~~ applied technology education programs.

Sec. 15. That section 85-960.01, Revised Statutes Supplement, 1992, be amended to read as follows:

85-960.01. ~~Research~~ Applied research activities of the community college areas shall be directly related to the enhancement of the instructional programs, student achievement, institutional effectiveness, public service activities, and ~~to~~ the professional development of the faculty.

Sec. 16. That section 85-960.02, Revised Statutes Supplement, 1992, be amended to read as follows:

85-960.02. The community college areas shall serve as the primary public postsecondary institutions for ~~remedial, developmental, or compensatory educational programs~~ foundations education.

Sec. 17. That section 85-962, Revised Statutes Supplement, 1992, be amended to read as follows:

85-962. It is the intent of the Legislature that the community colleges shall be student-centered, open-access institutions primarily devoted to quality instruction and public service, providing counseling and other student services intended to promote the success of a diverse student population, particularly those who have been traditionally underserved in other educational settings. The community college areas colleges, individually and collectively, shall have as their first instructional and service priority applied technology and occupational education and, when necessary, foundations education. The second instructional and service priority of the community colleges shall be transfer education, including general academic transfer programs, or applied technology and occupational programs which may be applicable to the first two years of a bachelor's degree program, and, when necessary, foundations education. The third instructional and service priority of the community colleges shall be public service, particularly adult continuing education for occupations and professions, economic and community development focused on customized occupational assessment and job training programs for

businesses and communities, and avocational and personal development courses. The fourth instructional and service priority of the community colleges shall be applied research. ~~provide the following instructional and service priorities:~~

~~(1) Vocational-technical programs and nondegree occupational education;~~

~~(2) General academic transfer degree programs; and~~

~~(3) Avocational and recreational courses.~~

Sec. 18. That section 85-964, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-964. The community colleges may provide such academic course instruction as may be necessary to support ~~vocational technical and occupational~~ applied technology education and academic transfer programs.

Sec. 19. That section 85-966, Revised Statutes Supplement, 1992, be amended to read as follows:

85-966. The Legislature acknowledges the provisions of Article VII, sections 10, 13, and 14, of the Constitution of Nebraska. The provisions of sections 85-917 to 85-966 and section 9 of this act reflect the philosophy of the State of Nebraska and shall be acknowledged as such and implemented by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, the board of governors of each community college area, and the Coordinating Commission for Postsecondary Education.

Sec. 20. That section 85-1413, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1413. (1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish and revise as needed a comprehensive statewide plan for postsecondary education which shall include (a) role and mission statements for each public institution within any general assignments of role prescribed in sections 85-121.05 and 85-917 to 85-966 and section 9 of this act and (b) a plan for facilities which use tax funds designated by the Legislature.

(2) Completion of the initial comprehensive statewide plan shall be the first priority of the commission, and the plan shall be completed by July 1, 1992. The planning process of the commission shall be policy-based and ongoing in order to achieve the best possible use of available state resources for high quality and accessible postsecondary educational services.

(3) In establishing the plan, the commission shall assess the postsecondary educational needs of the state in the following areas:

- (a) The basic and continuing needs of various age groups;
- (b) Business and industrial needs for a skilled work force;
- (c) Demographic, social, and economic trends;
- (d) The needs of the ethnic populations;
- (e) College attendance, retention, and dropout rates;



(f) The needs of recent high school graduates and place-bound adults;

(g) The needs of residents of all geographic regions; and

(h) Any other areas the commission may designate.

(4) The plan shall provide a structure or process which encourages and facilitates harmonious and cooperative relationships between public and private postsecondary educational institutions and shall recognize the role and relationship of elementary and secondary education and private postsecondary educational institutions in the state to postsecondary education.

(5) The commission shall incorporate into the plan provisions and policies to guide decisionmaking by the commission pursuant to this section and sections 85-1414 and 85-1415. The provisions and policies shall address issues which include, but are not limited to:

(a) The establishment and maintenance of a statewide transfer-of-credit policy. The public institutions shall provide support and staff resources as necessary to assist in developing and maintaining such a policy. The statewide transfer-of-credit policy shall be designed to facilitate the transfer of students among public institutions. The statewide transfer-of-credit policy shall not require nor encourage the standardization of course content and shall not prescribe course content or credit value assigned by any public institution to the courses;

(b) Admission standards. The commission shall establish policies which recognize selective and differentiated admission standards at public institutions and which are consistent with the role and mission of each public institution. It is the intent of the Legislature that changes in admission standards be implemented in conjunction with the role and mission statements established pursuant to this section and sections 85-121.05 and 85-917 to 85-966 and section 9 of this act and the adoption of statewide transfer-of-credit and remediation policies to assure that access to postsecondary education is not limited;

(c) Enrollment policies. The commission shall establish enrollment policies consistent with the role and mission of each public institution and shall make specific recommendations designed to increase minority enrollment and retention at public institutions;

(d) Tuition and fees. The commission shall develop guidelines for rational and equitable statewide tuition rates and fees for public institutions. The guidelines shall take into account the role and mission of each public institution and the need to maximize access to postsecondary education regardless of a student's financial circumstance;

(e) Remediation. In conjunction with and consistent with its policies on admission standards, the commission shall develop guidelines which place the primary emphasis at the community college level for postsecondary education remedial programs and reduce the role of the university in offering remedial programs. The commission shall collaborate with the Commissioner of Education to develop recommendations for secondary schools designed to reduce the need for remediation at the postsecondary level;

(f) Geographic and programmatic service areas. The commission shall define, after consultation with the governing boards, the geographic and programmatic service areas for each public institution consistent with role and mission assignments. Except as permitted by the commission pursuant to section 85-1414, after July 1, 1992, no public institution shall provide programs at any site outside its assigned geographic and programmatic service area unless approved by the commission;

(g) Institutional peer group. The commission shall, after consultation with the governing boards and experts from outside the State of Nebraska, establish a peer group or groups for each public institution for purposes of budget review;

(h) Telecommunications. The plan shall address and facilitate the appropriate use of telecommunications to aid in the delivery of instruction at the postsecondary level. In cooperation with the Nebraska Educational Telecommunications Commission, other state agencies, and, when appropriate, representatives of elementary and secondary public education, the commission shall guide the development of instructional delivery systems employing telecommunications. The commission, with the involvement of faculties, public institutions and private postsecondary educational institutions, and the telecommunications community, shall establish policies to ensure that the objectives of quality and efficiency are met in the delivery of telecommunications-aided instruction;

(i) Economic development. The commission shall, in cooperation with Nebraska businesses, governing boards, and the Department of Economic Development, develop strategies and plans for involvement of postsecondary education in the economic development of the state. The commission and the cooperating entities shall explore methods to improve the competitive quality of the work force and shall encourage enhanced communications and partnerships between public institutions and business and industry;

(j) Public service activities. The public institutions shall develop and provide to the commission a comprehensive inventory of public service programs and activities of public institutions; and

(k) Financial aid strategy. The commission shall develop a state strategy for state-supported student financial aid programs with the goal of assuring access to and choice in postsecondary education in Nebraska for Nebraska residents within the limits of available state resources.

(6) The commission shall develop a unified statewide facilities plan with the assistance of the public institutions and update the plan periodically.

Sec. 21. That section 85-1416, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1416. (1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall

review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the governing boards.

(2)(a) At least thirty days prior to submitting to the Governor ~~its~~ their biennial budget ~~request~~ requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission an outline of its proposed operating budget, with such necessary supporting information as may be required by the commission, to identify the major components necessary for the commission to determine the public institution's compliance and consistency with the comprehensive statewide plan and the existence of any unnecessary duplication.

(b) At least thirty days prior to submitting ~~its~~ their biennial budget ~~request~~ requests for state aid pursuant to sections ~~79-2651 and 79-2651.02~~ 58 and 59 of this act, the boards of governors of the community colleges or their designated representatives shall submit their requests for state aid to the commission.

(c) The commission shall analyze institutional budget priorities in light of the comprehensive statewide plan, role and mission assignments, and the goal of prevention of unnecessary duplication and shall submit to the Governor and Legislature by September 15 of each year recommendations for approval or modification of each budget request together with a rationale for each such recommendation. The commission shall also study and recommend to the Governor and the Appropriations Committee of the Legislature on or before October 1 of each even-numbered year after 1991 appropriate levels of student tuition for each public institution in the state consistent with the comprehensive statewide plan.

(3) At least thirty days prior to submitting to the Governor ~~its~~ their biennial budget ~~request~~ requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission information the commission deems necessary regarding each board's capital construction budget requests. The commission shall review the capital construction budget request information and may recommend to the Governor and the Legislature modification, approval, or disapproval of such requests consistent with the statewide facilities plan and any project approval determined pursuant to subsection (10) of section 85-1414 and to section 85-1415. The commission shall develop from a statewide perspective a unified prioritization of individual capital construction budget requests for which it has recommended approval and submit such prioritization to the Governor and the Legislature for their consideration.

(4) Nothing in this section shall be construed to affect other constitutional, statutory, or administrative requirements for the submission

of budget or state aid requests by the governing boards to the Governor and the Legislature.

Sec. 22. That section 85-1418, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1418. (1) No state warrant shall be issued by the Department of Administrative Services or used by any public institution for the purpose of funding any program or capital construction project which has not been approved or which has been disapproved by the commission pursuant to the Coordinating Commission for Postsecondary Education Act. If state funding for any such program or project cannot be or is not divided into warrants separate from other programs or projects, the department shall reduce a warrant to the public institution; which warrant includes funding for the program or project; by the amount of tax funds designated by the Legislature which are budgeted in that fiscal year by the public institution for use for the program or project.

(2) The department may reduce the amount of state aid distributed to a community college area pursuant to sections ~~79-2651 and 79-2651.02~~ 58 and 59 of this act by the amount of funds used by the area to provide a program or capital construction project which has not been approved or which has been disapproved by the commission.

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

(4) Any person or public institution aggrieved by a final order of the commission entered pursuant to section 85-1413, 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review of the order. Proceedings for review shall be instituted by filing a petition in the district court of Lancaster County within thirty days after public notice of the final decision by the commission is given. The filing of the petition or the service of summons upon the commission shall not stay enforcement of such order. The review shall be conducted by the court without a jury on the record of the commission. The court shall have jurisdiction to enjoin enforcement of any order of the commission which is (a) in violation of constitutional provisions, (b) in excess of the constitutional or statutory authority of the commission, (c) made upon unlawful procedure, or (d) affected by other error of law.

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

Sec. 23. That section 79-2636, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2636.~~ The Legislature hereby declares that for a community college to be truly responsible to the people it serves, primary control of such colleges shall be placed in the citizens within the local area so served subject to coordination by the Coordinating Commission for Postsecondary Education. It is the intent and purpose of sections

~~79-2636 to 79-2653~~ 23 to 62 of this act to create locally governed and locally supported community college areas with the major educational emphasis on occupational education. Each community college area is intended to be an independent, local, unique, and vital segment of postsecondary education separate from both the established elementary and secondary school system and from other institutions of postsecondary education and is not to be converted into a four-year, baccalaureate-degree-granting institution.

Sec. 24. That section 79-2636.01, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2636.01.~~ It is the intent of the Legislature that a clear distinction between area governance and statewide coordination for the community college areas be recognized and that such coordination is appropriate in order to provide the most cost-effective programs for residents of each community college area. It is further the intent of the Legislature that coordination of the community colleges by the Coordinating Commission for Postsecondary Education be conducted through an association of ~~community college area~~ the boards. All of the ~~community college area~~ boards shall be a part of and shall be represented by such association. Coordination services provided by such association shall include (1) preparation of a system strategic plan, (2) coordination of the budget request for the biennium, (3) facilitation of program-needs assessment and articulation, (4) recommendation and facilitation of the appointment of representatives to committees, boards, commissions, task forces, and any other state-level bodies requesting or requiring participation from the community college system, and (5) facilitation of responses to data and information requests for the system.

All activities conducted pursuant to this section by such association shall be conducted in accordance with sections 84-1408 to 84-1414.

Nothing in this section shall be construed to require or provide for state control of the operations of any community college area or to abridge the governance ability, rights, or responsibilities of any board. Nothing in this section shall be construed to limit the ability or authority of the commission to fulfill its responsibilities and duties regarding the individual community college areas and the individual community college area campuses.

Sec. 25. That section 79-2637, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2637.~~ For purposes of sections ~~79-2636 to 79-2653~~ 23 to 62 of this act, unless the context otherwise requires:

- (1) Community college shall mean an educational institution operating and offering programs pursuant to such sections;
- (2) Community college area shall mean an area established by section ~~79-2638~~ 26 of this act;
- (3) Board shall mean the Community College Board of Governors for each community college area;
- (4) Full-time equivalent student shall mean, in the

aggregate, the equivalent of a registered student who in a twelve-month period is enrolled in (a) thirty semester credit hours or forty-five quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or cooperative work experience or (b) nine hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses shall not be included in determining full-time equivalent students or student enrollment;

(5) Contact hour shall mean an educational activity consisting of sixty minutes minus break time and required time to change classes;

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

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

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

(9) Clinical hour shall mean a minimum of fifty minutes of educational activity on campus or off campus during which the student is assigned practical experience under constant supervision at a health-related agency, receives individual instruction in the performance of

a particular function, and is observed and critiqued in the repeat performance of such function. Adjunct professional personnel, who may or may not be paid by the college, may be used for the directed supervision of students and for the delivery of part of the didactic phase of the experience;

(10) Practicum hour shall mean a minimum of fifty minutes of educational activity on campus or off campus during which the student is assigned practical experiences, receives individual instruction in the performance of a particular function, and is observed and critiqued by an instructor in the repeat performance of such function. Adjunct professional personnel, who may or may not be paid by the college, may be used for the directed supervision of the students;

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

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

(13) Full-time equivalent student enrollment total shall mean the total of full-time equivalent students enrolled in a community college in any fiscal year;

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

(15) ~~Vocational-technical~~ Applied technology or occupational course shall mean a course offering in an instructional program, at the associate degree level or below, intended to prepare individuals for immediate entry into a specific occupation or career. The primary intent of the institutions offering ~~a vocational-technical~~ an applied technology or occupational program shall be that such program is for immediate job entry. The completion of the specified courses in ~~a vocational-technical~~ an applied technology or occupational program may include the award of a formal degree, diploma, or certificate;

(16) Academic support course shall mean a general education academic course offering which may be necessary to support ~~a vocational-technical~~ an applied technology or occupational program;

(17) Class I course shall mean ~~a vocational-technical~~ an applied technology or occupational course offering which requires the use of equipment, facilities, or instructional methods ~~which could be~~ easily adaptable adapted for use in a general academic transfer program

classroom or laboratory;

(18) Class 2 course shall mean a ~~non-technical~~ applied technology or occupational ~~an~~ course offering which requires the use of specialized equipment, facilities, or instructional methods not easily adaptable for use in a general academic transfer program classroom or laboratory;

(19) Reported aid equivalent student shall mean a full-time equivalent student subject to the following limitations:

(a) The number of credit hours which can be counted for each student per semester or quarter shall be limited to eighteen credit hours;

(b) For students enrolled for more than eighteen credit hours, credit hours for each course shall be prorated as the eighteen-credit-hour limit is to the student's total credit hours for the semester or quarter;

(c) The credit-hour limit for a special instructional term shall be prorated on the same ratio that a fifteen-week term is to eighteen semester credit hours or a ten-week term is to eighteen quarter credit hours; and

(d) The number of credit hours which shall be counted by any community college area in which a tribally controlled community college is located shall include credit hours awarded by such tribally controlled community college to students for which such institution received no federal reimbursement pursuant to the Tribally Controlled Community College Assistance Act, Public Law 95-471 as reauthorized by Public Law 99-428;

(20) Reported aid equivalent total shall mean the total of all reported aid equivalents accumulated in a community college area in any fiscal year;

(21) Reimbursable educational unit shall mean a reported aid equivalent student multiplied by (a) a factor of one for a general academic transfer course or an academic support course, (b) a factor of one and fifty-hundredths for a Class 1 course, (c) a factor of one and seventy-five hundredths for a Class 2 course, (d) a factor of two for a tribally controlled community college general academic transfer course or academic support course, (e) a factor of three for a tribally controlled community college Class 1 course, and (f) a factor of three and fifty-hundredths for a tribally controlled community college Class 2 course;

(22) Reimbursable educational unit total shall mean the total of all reimbursable educational units accumulated in a community college area in any fiscal year;

(23) Special instructional term shall mean any term which is less than fifteen weeks for community colleges using semesters or ten weeks for community colleges using quarters;

(24) Tribally controlled community college shall mean an educational institution operating and offering programs pursuant to the Tribally Controlled Community College Assistance Act, Public Law 95-471 as reauthorized by Public Law 99-428; and



(25) Tribally controlled community college state aid amount shall mean the quotient of the amount of state aid to be distributed pursuant to sections ~~79-2651 to 79-2651.06~~ 58 and 59 of this act for the current fiscal year to a community college area in which a tribally controlled community college is located divided by the average of the reimbursable educational unit totals for such community college area for the immediately preceding three fiscal years, with such quotient then multiplied by the average reimbursable educational units derived pursuant to subdivision (19)(d) of this section for the immediately preceding three fiscal years.

Sec. 26. That section 79-2638, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2638.~~ The state is hereby divided into six community college areas as follows:

(1) The Western Community College Area shall consist of the following counties: Sioux, Dawes, Sheridan, Box Butte, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, and Grant; and the voting districts of Merriam, Russell, King, Mother Lake, Cody, Barley, Gillaspie, Lackey, and Calf Creek of in Cherry County;

(2) The Mid-Plains Community College Area shall consist of the following counties: Cherry; except as provided in subdivision (1) of this section, Hooker, Thomas, Blaine, Loup, Arthur, McPherson, Logan, Custer, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow;

(3) The Northeast Community College Area shall consist of the following counties: Keya Paha, Brown, Rock, Boyd, Holt, Garfield, Wheeler, Knox, Cedar, Antelope, Pierce, Madison, Wayne, Stanton, Dixon, Dakota, Thurston, Burt, and Cuming; and the precincts of North Oakland, South Oakland, Ashland, North Branch, Shell Creek, and Midland precincts in Boone County;

(4) The Central Community College Area shall consist of the following counties: Valley, Greeley, Platte, Colfax, Sherman, Howard, Nance, Merrick, Polk, Butler, Dawson, Buffalo, Hall, Hamilton, Gosper, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckolls; and all of Boone County; except as provided in subdivision (3) of this section;

(5) The Southeast Community College Area shall consist of the following counties: Saunders, Cass, York, Seward, Lancaster, Otoe, Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson; and

(6) The Metropolitan Community College Area shall consist of the following counties: Dodge, Washington, Douglas, and Sarpy.

Sec. 27. That section 79-2639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2639.~~ Each community college area shall constitute a body corporate and as such may sue and be sued.

Sec. 28. That section 79-2640, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2640.~~ Each community college area shall be governed by a board composed of eleven members. The governing boards shall be known as the Community College Board of Governors for the specific community college area the board serves.

Sec. 29. That section 79-2641, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2641. Within thirty days after May 22, 1975, the various boards shall organize. At the organizational meeting, each~~ Each board shall annually elect from among its members a chairman and a vice-chairman chairperson and a vice-chairperson, each to serve for one year, ~~and annually thereafter shall elect such officers.~~ The board shall appoint a secretary and a treasurer, and one person may hold both such offices. A majority of the members of the board shall constitute a quorum, and no action shall be taken by less than a majority of the members present and voting.

Sec. 30. That section 79-2643, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2643.~~ The officers and employees of a community college area authorized to handle funds shall furnish and maintain a corporate surety bond in an amount, in a form, and with sureties approved by the board. A copy of such bond shall be filed with the Secretary of State. The premium on such bond shall be paid by the community college.

Sec. 31. Members of a board shall not receive a per diem. The board may reimburse members for their actual and necessary expenses incurred while carrying out their duties. Mileage expenses shall be computed at the rate provided in section 81-1176. Sections 81-1174, 81-1175, and 81-1177 shall serve as guidelines for the board when determining allowable expenses and reimbursement for such expenses.

Sec. 32. (1) A community college area may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in the right of the community college area, by reason of the fact that he or she is or was a board member or an officer, employee, or agent of the community college area, against expenses, including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding if such person acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the community college area and, with respect to any criminal action or proceeding, had no reasonable cause to believe that his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that such person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the community college area and, with respect to any criminal action or

proceeding, had reasonable cause to believe that his or her conduct was unlawful.

(2) A community college area may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or suit by or in the right of the community college area to procure a judgment in its favor by reason of the fact that he or she is or was a board member or an officer, employee, or agent of the community college area, against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if such person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the community college area, except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person was adjudged to be liable for negligence or misconduct in the performance of his or her duty to the community college area unless and only to the extent that the court in which such action or suit was brought determines upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court deems proper.

(3) To the extent that a board member or an officer, employee, or agent of a community college area has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in subsections (1) and (2) of this section or in defense of any claim, issue, or matter in such action, suit, or proceeding, such person shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection with such defense.

(4) Any indemnification under such subsections, unless ordered by a court, shall be made by the community college area only as authorized in the specific case upon a determination that indemnification of the board member or the officer, employee, or agent of the community college area is proper in the circumstances because he or she has met the applicable standard of conduct set forth in such subsections. Such determination shall be made by the board members by a majority vote of a quorum consisting of board members who were not parties to such action, suit, or proceeding or, if such a quorum is not obtainable or even if obtainable a quorum of disinterested board members so directs, by independent legal counsel in a written opinion.

(5) Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by a community college area in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in subsection (4) of this section upon receipt of an undertaking by or on behalf of the board member or officer, employee, or agent of the community college area to repay such amount unless it is ultimately determined that he or she is entitled to be indemnified by the community college area as authorized in this section.

(6) The indemnification provided by this section shall not be deemed exclusive of any other rights to which the person indemnified

may be entitled under any agreement, either as to action in his or her official capacity or as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a board member or an officer, employee, or agent of a community college area and shall inure to the benefit of the heirs, executors, and administrators of such person.

(7) A community college area may purchase and maintain insurance on behalf of any person who is or was a board member or an officer, employee, or agent of a community college area against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the community college area would have the power to indemnify him or her against such liability under this section.

Sec. 33. That section 79-2644, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2644:~~ In addition to any other powers and duties imposed upon the community college system or its areas, campuses, or boards by sections ~~79-2636 to 79-2653~~ and 85-917 to 85-966 and sections 9 and 23 to 62 of this act and any other provision of law, each board shall; ~~be charged with the following powers, duties, and responsibilities:~~

(1) ~~To have~~ Have general supervision, control, and operation of each community college within its jurisdiction;

(2) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, ~~to~~ develop and offer programs of ~~vocational and technical~~ applied technology education, academic transfer programs, academic support courses, ~~which are supportive of the vocational and technical programs,~~ and such other programs and courses as the needs of the community college area served may require. The board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and the community college area;

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

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

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

~~(5) To cause~~ (6) Cause an examination and comprehensive audit of the books, accounts, records, and affairs, including full-time equivalent student enrollment totals, reported aid equivalent totals, and reimbursable educational unit totals as defined in section

~~79-2637 25 of this act~~, to be made annually covering the most recently completed fiscal year. The audit of each area shall include the full-time equivalent student enrollment totals, reported aid equivalent totals, and reimbursable educational unit totals for the three most recently completed fiscal years which shall be used for calculation of aid to the community college areas as prescribed in section ~~79-2654 58 of this act~~. The audit shall also include the county-certified property valuations for the community college area for the three most recently completed fiscal years which shall be used for calculation of aid to such community college areas. Such examination and audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before October 15 of each year. The examination and audit of the full-time equivalent student enrollment totals, reported aid equivalent totals, and reimbursable educational unit totals shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before August 15 of each year;

~~(6) To establish~~ (7) Establish fees and charges for the facilities authorized by sections ~~79-2636 to 79-2653 23 to 62 of this act~~. Each board ~~of a community college area~~ may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities;

~~(7) To receive~~ (8) Receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law. Each board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof and adopt and promulgate rules and regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants, or conveyances shall not be conditioned on matching state or local funds;

~~(8) To prescribe~~ (9) Prescribe the courses of study for any community college under its control and publish such catalogs and bulletins as may be necessary;

~~(9) To grant~~ (10) Grant to every student upon graduation or completion of a course of study a suitable diploma, associate degree, or certificate;

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

~~(11) To employ~~ (12) Employ, for a period to be fixed by

the board, an executive officer for the community college area and, by written order filed in its office, delegate to such executive officer any of the powers and duties vested in or imposed upon it by sections ~~79-2636 to 79-2653~~ 23 to 62 of this act. Such delegated powers and duties may be exercised in the name of the board;

~~(12) To acquire~~ (13) Acquire real property by eminent domain pursuant to ~~Chapter 76, article 7 sections 76-701 to 76-724;~~

~~(13) To acquire~~ (14) Acquire real and personal property and sell, convey, or lease such property whenever the community college area will be benefited thereby. The sale, conveyance, or lease of any real estate owned by a community college area shall be effective only when authorized by an affirmative vote of at least two-thirds of all the members of the board;

~~(14) To enter~~ (15) Enter into agreements for services, facilities, or equipment and for the presentation of courses for students when such agreements are deemed to be in the best interests of the education of the students involved;

~~(15) To transfer~~ (16) Transfer tribally controlled community college state aid amounts to a tribally controlled community college located within its community college area;

~~(16) To invest~~ (17) Invest, after proper consideration of the requirements for the availability of money, funds of the community college in securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another;

~~(17) To establish~~ (18) Establish tuition rates for courses of instruction offered by each community college within its community college area. Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska;

~~(18) To establish~~ (19) Establish a fiscal year for the community college area which conforms to the fiscal year of the state; and

~~(19) To exercise~~ (20) Exercise any other powers, duties, and responsibilities necessary to carry out sections ~~79-2636 to 79-2653~~ 23 to 62 of this act.

Sec. 34. That section 79-2646, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2646.~~ Each board shall establish divide the community college area into five election districts as nearly equal in population as may be practicable ~~within the area~~ and shall transmit the appropriate information pertaining to such election districts to the Secretary of State and to the appropriate election officials within the area.

~~Thereafter, two~~ Two members of the board shall reside in and be elected from each election district, and one member shall be elected at large from the community college area. Board members shall be elected for four-year terms. ~~;~~ ~~except that at the first election of the board serving the Metropolitan Community College Area six members, including the member elected at large from the area, shall be elected for two years and five members for four years. The initial board for the Metropolitan Community College Area shall determine, at the time it establishes the~~

~~election districts, the length of term for each member to be elected at the first election.~~ Members shall be elected on a separate nonpolitical ballot as provided for in sections 32-535 and 32-537, and nominating papers shall be filed with the Secretary of State. No filing fee shall be required. No person shall be eligible to membership on a community college board of governors ~~the board~~ who is an elected or appointed member of any other board relating to education. Each member shall ~~have been~~ be a resident of the district for at least six months prior to such election.

Sec. 35. That section 79-2646.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2646.01.~~ (1) Within thirty days after the receipt of a statement from the county clerk or election commissioner following each primary and general election, each community college shall pay, to each county in which the name of one or more candidates appears upon the ballot, the expenses for electing its board members as follows: (a) in counties having a population of less than three thousand inhabitants, fifty dollars; (b) in counties having a population of three thousand but less than nine thousand inhabitants, one hundred dollars; (c) in counties having a population of nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; (d) in counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; (e) in counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; (f) in counties having a population of sixty thousand but less than one hundred thousand inhabitants, seven hundred fifty dollars; (g) in counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and (h) in counties having a population of two hundred thousand inhabitants or more, two thousand fifty dollars. Each community college shall also pay for having its official and sample ballots printed and for the publishing of the sample ballot. All payments received under this section shall be placed in the county general fund and shall be used to help defray the cost of the election.

(2) When the names of one or more candidates of a district appear on ballots in less than one-half of the precincts of the county, the cost to the community college shall be no more than fifty percent of the expense established by subsection (1) of this section.

(3) ~~The~~ For purposes of this section, the population of a county ~~for purposes of this section~~ shall be the population as determined by the most recent federal decennial census.

Sec. 36. That section 79-2647, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2647.~~ A vacancy on any board shall exist in the event of the death, disability, resignation, or removal from the community college area for board members elected at large or community college district for board members elected by district of any board member. After notice and hearing, a vacancy shall also exist when any board member is absent from more than three consecutive regular meetings of the board unless such absences are excused by a majority of the remaining board

members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the remaining board members for the balance of the unexpired term. Any person so named to fill a vacancy shall have the same qualifications as his or her immediate predecessor. Such appointment shall be made in writing and certified to the office of the Secretary of State. If, after an election, there shall ~~is~~ through any cause whatsoever be a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to section 32-537. An incumbent shall not be permitted to hold over the term, but such office shall automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term. If there are vacancies in the offices of a majority of the members of the board, ~~there shall be~~ the Secretary of State shall conduct a special election ~~conducted by the Secretary of State~~ to fill such vacancies.

Sec. 37. That section 79-2648, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2648:~~ Each board may issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets, including accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-4,207, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used (1) first for the retirement of bonds assumed by the board in accordance with the provisions of such bonds, (2) then for (a) renewal work and deferred maintenance as defined in section 81-173, (b) handicapped access and life safety improvements made to existing structures or grounds including accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-4,207, and (c) projects designed to prevent or correct a waste of energy including measures taken to utilize alternate energy sources, all in accordance with the capital facilities plan of the community college area, (3) then for the retirement of bonds issued pursuant to this section, and (4) then for the purchasing, purchasing on contract, constructing, and improving of facilities necessary to carry out sections ~~79-2636 to 79-2653~~ 23 to 62 of this act. Revenue bonds issued shall be subject to sections ~~79-2650.08 to 79-2650.15~~ 42 to 49 of this act. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the community college area voting in an election called for such purpose pursuant to section ~~79-2650.03~~ 40 of this act. No bonds issued under sections ~~79-2636 to 79-2653~~ 23 to 62 of this act shall be an obligation of the State of Nebraska, and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 38. That section 79-2649, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2649:~~ Each board may issue warrants in an amount



necessary to finance the operating expenses of the community college area until the proceeds of the tax levy as provided in section ~~79-2650~~ 39 of this act are received. The amount of such warrants plus interest shall not exceed the amount of the money to be received from the property tax levy. Whenever such warrants are issued, they shall be the general obligation of the community college area and the full faith and credit of the community college area shall be pledged to retire such warrants. In addition the board shall set aside from the proceeds of the property tax levied pursuant to sections ~~79-2636 to 79-2653~~ 23 to 62 of this act an amount sufficient to pay the warrants and the interest ~~thereon~~ on such warrants. Such warrants shall be subject to registration as provided in ~~Chapter 77, article 22 sections 77-2201 to 77-2215.~~

Sec. 39. That section 79-2650, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2650:~~ (1) On or before September 1 of each year, the board may certify to the county board of equalization of each county within the community college area a tax levy of not to exceed nine cents on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, for the purpose of supporting operating expenditures of the community college area.

(2)(a) In addition to the levy provided in subsection (1) of this section, the board may also certify to the county board of equalization of each county within the community college area a tax levy of not to exceed one and eight-tenths cents on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, for the purpose of establishing a capital improvement fund and bond sinking fund as provided in section ~~79-2648~~ 37 of this act.

(b) In addition to the levy provided in subdivision (a) of this subsection, the board may also certify to the county board of equalization of each county within the community college area a tax levy on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, in the amount which will produce funds only in the amount necessary to pay for funding accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-4.207. Such tax levy shall not be so certified unless approved by an affirmative vote of a majority of the board ~~of governors~~ taken at a public meeting of the board ~~of governors~~ following notice and a hearing as provided in section 77-3439.

(3) Except as provided by subsection (4) of this section, the levy provided in subsection (1) of this section shall not exceed nine cents on each one hundred dollars on the taxable valuation of all property within the community college area without prior approval by a majority vote of the qualified electors of the community college area voting in an election called for such purpose pursuant to section ~~79-2650.03~~ 40 of this act.

(4) The tax levy limit provided in subsection (1) of this section may be exceeded by a seventy-five percent vote of the ~~area board, of any area~~. The tax levy increase permitted under this subsection shall not exceed and shall be the lesser of an additional two and one-half cents on each one hundred dollars of the taxable valuation of all property within the community college area or an amount sufficient to fund the local tax receipt portion of the total budget increase permitted under any budget increase limitation which is imposed by law and which is applicable to such area. The changes made to this subsection by Laws 1990, LB 1050, are expressly intended to apply to all litigation concerning any vote taken pursuant to this subsection prior to July 10, 1990, including all litigation pending on such date.

(5) The levy provided by subdivision (2)(a) of this section may be exceeded by that amount necessary to retire the general obligation bonds assumed by the community college area or issued pursuant to section ~~79-2648~~ 37 of this act according to the terms of such bonds.

(6) Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.

Sec. 40. That section 79-2650.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.03.~~ (1) If ~~the a board in any community college area shall determine~~ determines that it is necessary for the proper management and operation of ~~such the community college~~ area to expend tax funds in a manner requiring a vote of the people, the board may by resolution place the proposition for such expenditure on the general or primary ballot or call for a special election in such area for the purpose of approving such expenditure. The proposition appearing on the ballot in any election shall state the purpose for which such tax funds will be spent and the amount of funds to be so expended. Such proposition shall be adopted if approved by a majority of those voting in such election.

(2) The resolution calling for the election and the election notice shall show the proposed purpose for which such tax funds will be expended and the amount of money sought.

(3) Notice of the election shall state the date ~~which~~ of the election ~~is to be held~~ and the hours the polls will be open. Such notice shall be published in a newspaper that is published in or of general circulation in such community college area at least twenty days prior to such election. If no newspaper is published in or of general circulation in the community college area, notice shall be posted at least twenty days prior to such election in at least two public places in each county in the community college area.

(4) If a special election is called, the board shall prescribe the form of the ballot to be used.

Sec. 41. That section 79-2650.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.06. The Community College Board of Governors for each community college area~~ Each board shall adopt plans and specifications in advance of letting bids for any capital construction project. Such plans and specifications shall be the basis upon which the bids are received.

Sec. 42. That section 79-2650.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.08.~~ Each board may construct, purchase, or otherwise acquire, remodel, repair, furnish, and equip dormitories, residence halls, ~~single- or single-dwelling units~~, multiple-dwelling units, or other facilities for (1) the housing or boarding of single or married students, faculty, or other employees of the institution under its control, (2) buildings and structures for student and faculty unions or centers, and (3) the medical care and other activities of the students of such institutions, on real estate ~~then~~ owned or controlled by such board or on real estate purchased, leased, or otherwise acquired for such purpose and pay the cost thereof, including the cost of such real estate, by issuing revenue bonds payable solely out of the revenue from such buildings or facilities. Any such buildings or facilities shall be located on or adjacent to a campus or campuses controlled by such board.

Sec. 43. That section 79-2650.09, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2650.09.~~ Each board may, by resolution or agreement, pledge all or any part of the revenue and fees derived from the operation of the dormitories, residence halls, single-dwelling units, multiple-dwelling units, buildings, and other facilities for housing, boarding, medical care, and other activities of students, faculty, or employees of the institution under its control erected or acquired or previously erected or acquired by any such board and contract as to the care, insurance, management, and operation of such buildings and facilities and the charges to be made and the rights of the holders of the revenue bonds. When any board contracts that the operation of any building or facility or part thereof shall be performed other than by the board itself, such board shall at all times maintain supervision of and control over the fees and charges imposed for the use ~~thereof~~ of such building, facility, or part. In issuing revenue bonds and pledging revenue therefor, the board may pledge all or any part of the revenue and fees from buildings and facilities other than the building or facility to be constructed. Bonds issued under sections ~~79-2650.08 to 79-2650.15~~ 42 to 49 of this act shall not be an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall constitute limited obligations of the board issuing the same and shall be paid solely out of money derived from the revenue and earnings pledged as provided in sections ~~79-2636 to 79-2653~~ 23 to 62 of this act.

Sec. 44. That section 79-2650.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.10.~~ All revenue bonds issued pursuant to

sections ~~79-2648 and 79-2650.08 to 79-2650.15~~ 37 and 42 to 49 of this act shall be registered in the office of the Auditor of Public Accounts, ~~of the State of Nebraska.~~ The revenue bonds may be payable at the office of the State Treasurer, at such bank or trust company, either within or without the State of Nebraska, or at such other place as may be determined by the board.

Sec. 45. That section 79-2650.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.11.~~ The proceeds of revenue bonds provided for in section ~~79-2648, 79-2650.08, or 79-2650.09~~ 37, 42, or 43 of this act shall be used solely for the purpose for which the bonds are issued and for the expenses of issuing such bonds. The board shall establish and maintain a schedule of rates, fees, or charges for the use of the facilities constructed or acquired by the issuance of revenue bonds and other facilities controlled by the board, the revenue of which, in whole or in part, is pledged to the holder of the bonds, which shall be in an amount at least sufficient, on the amortization plan, to pay the operating and maintenance charges of the facilities and the principal and interest representing the indebtedness against the income and revenue therefrom.

Sec. 46. That section 79-2650.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.12.~~ For the purpose of refunding any revenue bonds which may have been issued and are outstanding, the respective boards may issue revenue refunding bonds in the same manner as provided in sections ~~79-2650.08 to 79-2650.15~~ 42 to 49 of this act for the issuance of revenue bonds.

Sec. 47. That section 79-2650.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.13.~~ Each board may furnish heat, light, power, and other similar utilities to any facility or for any activities covered by sections ~~79-2648 and 79-2650.08 to 79-2650.15~~ 37 and 42 to 49 of this act without charging for the provision of such utilities against the revenue derived from such facility or activity.

Sec. 48. That section 79-2650.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.14.~~ In issuing revenue bonds pursuant to section 37 of this act ~~79-2648~~ or sections ~~79-2650.08 to 79-2650.15~~ 42 to 49 of this act, the board issuing such bonds shall be a governmental subdivision and instrumentality of the State of Nebraska; and all bonds issued under the authority of such sections, together with interest on such bonds, shall be wholly exempt from taxation.

Sec. 49. That section 79-2650.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2650.15.~~ Each board may do any and all things necessary and convenient to carry out the purposes and intent of sections ~~79-2648 and 79-2650.08 to 79-2650.15~~ 37 and 42 to 49 of this act.

Sec. 50. The contracts of the teaching staff and school nurses employed by a board of a community college shall require the

sanction of a majority of the members of the board. Except as provided in section 56 of this act, each such contract shall be deemed renewed and in force and effect until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract for just cause. The secretary of the board shall notify each teacher or school nurse in writing at least ninety days before the close of the contract period of any conditions of unsatisfactory performance or a reduction in teaching staff or nursing staff that the board considers may be just cause to either amend or terminate the contract for the ensuing year. Any teacher or school nurse so notified shall have the right to file within five days of receipt of such notice a written request with the board for a hearing before the board. Upon receipt of such request, the board shall order the hearing to be held within ten days and shall give written notice of the time and place of the hearing to the teacher or school nurse. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the teacher or school nurse shall be permitted to produce evidence related thereto. The board shall render the decision to amend or terminate a contract based on the evidence produced at the hearing.

Sec. 51. This section and section 50 of this act shall be construed as providing a minimum standard and not as repealing any rule, regulation, order, or other action of a board that provides for additional contract rights pertaining to the same subject matter.

Sec. 52. Each board shall adopt a reduction-in-force policy covering employees subject to such statutory provisions to carry out the intent of sections 52 to 55 of this act. No such policy shall allow the reduction of a permanent or tenured employee while a probationary employee is retained to render a service which such permanent employee is qualified by reason of certification and endorsement to perform or, if certification is not applicable, by reason of college credits in the teaching area. If employee evaluation is to be included as a criterion to be used for reduction in force, specific criteria, such as frequency of evaluation, evaluation forms, and number and length of classroom observations shall be included as part of the reduction-in-force policy.

Sec. 53. Before a reduction in force occurs, the board and administration shall present competent evidence demonstrating that a change in circumstances has occurred, necessitating a reduction in force. Any alleged change in circumstances shall be specifically related to the teacher or teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by section 50 of this act shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

Sec. 54. Any employee whose contract is terminated because of reduction in force shall be considered to have been dismissed with honor and shall upon request be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four months commencing at the end of the contract year of such

employee, and the employee shall be recalled on the basis of length of service to the community college area to any position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits which had accrued to such employee prior to termination, but such leave of absence shall not be considered as a year of employment by the area. An employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his or her right to subsequent recall.

Sec. 55. Notwithstanding sections 52 to 54 of this act, if the reduction of an employee based upon the provisions of such sections would place a community college area in noncompliance of any federal or state law or regulations requiring affirmative action employment practices, the area may vary from the provisions of such sections as necessary to comply with such laws or regulations.

Sec. 56. Any contract of employment entered into after the effective date of this act between the teaching staff and a board which applies to the first two years of the employment of such teaching staff shall provide that the first two years of the employment of such teacher are a probationary period. Any such contract may be terminated during the probationary period without cause.

Sec. 57. A board of a community college area with a population of less than one hundred thousand according to the last federal decennial census and a campus located on a former military base may enter into contracts with any person, firm, or corporation providing for the implementation of any project for the constructing and improving of facilities to house applied technology educational programs necessary to carry out sections 23 to 62 of this act and providing for the long-term payment of the cost of such project.

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

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

The long-term payment of the cost of such project shall be paid from revenue to be raised pursuant to subdivision (2)(a) of section 39 of this act. Any board entering into such contract for the construction and improvement of facilities from revenue to be raised pursuant to such subdivision shall make annual appropriations for amounts sufficient to pay annual obligations under such contract for the duration of such contract.

The board may also convey or lease and lease back all or any part of the project and the land on which such project is situated to such person, firm, or corporation as the board may contract with pursuant to this section to facilitate the long-term payment of the cost of such

project. Any such conveyance or lease shall provide that when the cost of such project has been paid, together with interest and other costs thereon, such project and the land on which such project is located shall become the property of the community college area.

Sec. 58. That section 79-2651, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2651-~~ (1) The Legislature, in an effort to promote quality postsecondary education and to avoid excessive and disproportionate taxation upon the taxable property of each community college area, may appropriate each biennium from such funds as may be available an amount for aid and assistance to the community colleges. The Legislature recognizes that education, as an investment in human resources, is fundamental to the quality of life and the economic prosperity of Nebraskans and that aid to the community colleges furthers these goals. It is the intent of the Legislature that such appropriations, in particular equalization aid provided in this section, reflect the commitment of the Legislature to join with local governing bodies in a strong and continuing partnership to further advance the quality, responsiveness, access, and equity of Nebraska's community colleges and to foster high standards of performance and service so that every citizen, community, and business will have the opportunity to receive quality educational programs and services regardless of the size, wealth, or geographic location of the community college area or tribally controlled community college by which that citizen, community, or business is served. Such funds so appropriated by the Legislature shall be allocated, adjusted, and distributed to the ~~area~~ boards by the Department of Administrative Services as follows:

(a) ~~For FY1991-92 only, fifty-eight percent of such funds appropriated by the Legislature for that fiscal year shall be allocated to the community college areas in the same proportion as the first one thousand seven hundred audited reimbursable educational units or portion thereof of the three year average for each area, calculated by taking the average of the audited reimbursable educational units for the three most recently completed fiscal years, for the immediately preceding fiscal year is to the first one thousand seven hundred audited reimbursable educational units or portion thereof of the three year average of all community college areas combined for such fiscal year;~~

(b) ~~For FY1991-92 only, the balance of such funds for that fiscal year shall be distributed to the areas in the same proportion as the three year average of all audited reimbursable educational units in excess of one thousand nine hundred for each area, calculated by taking the average of the audited reimbursable educational units for the three most recently completed fiscal years, for the immediately preceding fiscal year is to the audited reimbursable educational units in excess of one thousand nine hundred for all community college areas, calculated by taking the average of the audited reimbursable educational units for the three most recently completed fiscal years, combined for such fiscal year;~~

(c) ~~Beginning in FY1992-93 and each fiscal year thereafter,~~ fifty two Fifty-two percent of such funds appropriated by the Legislature

for each fiscal year shall be allocated to the community college areas in the same proportion as the first one thousand seven hundred audited reimbursable educational units or portion thereof of the three-year average for each community college area, calculated by taking the average of the audited reimbursable educational units for the three most recently completed fiscal years, is to the first one thousand seven hundred audited reimbursable educational units or portion thereof of the three-year average of all community college areas combined for such fiscal year;

~~(d) Beginning in FY1992-93 and each fiscal year thereafter, thirty eight~~ (b) Thirty-eight percent of such funds for each fiscal year shall be distributed to the community college areas in the same proportion as the three-year average of all audited reimbursable educational units in excess of one thousand nine hundred for each community college area, calculated by taking the average of the audited reimbursable educational units for the three most recently completed fiscal years, is to the audited reimbursable educational units in excess of one thousand nine hundred for all community college areas, calculated by taking the average of the audited reimbursable educational units for the three most recently completed fiscal years, combined for such fiscal year; and

~~(e) Beginning in FY1992-93 and each fiscal year thereafter, the~~ (c) The balance of such funds for each fiscal year shall be distributed to the community college areas in inverse proportion to the amount of the three-year area average valuation for taxable property in the community college area, calculated by taking the average of each community college area's three most recently completed fiscal years of county-certified property valuation, divided by the three-year average number of area reported aid equivalent students in the community college area, calculated by taking the average of each community college area's three most recently completed fiscal years of reported aid equivalent students.

(2) The Department of Administrative Services shall distribute the total of such appropriated and allocated funds to the area boards in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in September of each year.

(3) ~~On and after January 1, 1992, the~~ The Department of Administrative Services shall reduce the amount of the distribution to a board by the amount of funds used by the community college area to provide a program or capital construction project as such term is defined in section 85-1402 which has not been approved or has been disapproved by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

Sec. 59. That section 79-2651.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2651.02. For fiscal year 1982-83 and each fiscal year thereafter~~ For each fiscal year, the Legislature shall appropriate an additional two million one hundred eighty-seven thousand dollars for aid



to community colleges. Such amount shall be in addition to any other amounts appropriated for aid to community colleges and shall be distributed pursuant to sections ~~79-2651 and 79-2653~~ 58 and 60 of this act.

Sec. 60. That section 79-2653, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-2653.~~ The Director of Administrative Services shall, upon notification by the State Treasurer that sufficient funds are available for payment, draw warrants on vouchers presented by the budget division of the Department of Administrative Services against funds appropriated and deliver such warrants to the various community colleges.

Sec. 61. That section 79-2663, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2663.~~ There is hereby created the Nebraska Community College Aid, Grant, and Contract Review Committee. The committee shall be selected by the Director of Administrative Services and shall consist of (1) a representative of the University of Nebraska who has expertise and experience in research and development, (2) a representative of the Department of Economic Development, (3) a representative of the Department of Labor, (4) a representative of the State Department of Education, and (5) a representative of the community colleges.

The committee shall develop guidelines and submit recommendations to the Director of Administrative Services for the distribution of the Nebraska Community College Aid Cash Fund and any other funds appropriated to Program 99 in Agency 83, Aid to Community Colleges, pursuant to any directives of the Governor or the Legislature. Recommendations made by the committee shall not exceed the amount appropriated to the fund.

Sec. 62. That section 79-2664, Revised Statutes Supplement, 1992, be amended to read as follows:

~~79-2664.~~ There is hereby created the Nebraska Community College Aid Cash Fund. The fund shall be under the direction of the Nebraska Community College Aid, Grant, and Contract Review Committee. The Legislature may appropriate nongeneral funds and transfers pursuant to subdivision (b)(3) of section 48-621 to the fund. The fund shall be used to provide aid, grants, or contracts to the community colleges for the purposes of funding grants for ~~vocational-technical~~ applied technology and occupational faculty training, instructional equipment upgrades, employee assessment, preemployment training, employment training, and dislocated worker programs benefiting the State of Nebraska. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~Any money in the Nebraska Technical Community College Aid Cash Fund on June 30, 1991, shall be transferred to the Nebraska Community College Aid Cash Fund on such date.~~

Sec. 63. The Revisor of Statutes shall include sections 23 to 62 of this act within Chapter 85.

Sec. 64. That original sections 79-4,155, 79-1254.09,

79-2638, 79-2639, 79-2641, 79-2643, 79-2646, 79-2646.01, 79-2650.03, 79-2650.06, 79-2650.08, 79-2650.10 to 79-2650.15, 79-2651.02, 79-2653, 85-605, 85-918, 85-926, 85-927, and 85-964, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,241, 79-1254.02, 79-1429, 79-2636 to 79-2637, 79-2640, 79-2644, 79-2647 to 79-2650, 79-2650.09, 79-2651, 79-2663, 79-2664, 85-121.03, 85-921, 85-935, 85-952, 85-960.01, 85-960.02, 85-962, 85-966, 85-1413, 85-1416, and 85-1418, Revised Statutes Supplement, 1992, and also sections 79-2651.04 to 79-2651.06 and 79-2665, Revised Statutes Supplement, 1992, are repealed.