

LEGISLATIVE BILL 247

Approved by the Governor May 23, 1989

Introduced by Withem, 14; Barrett, 39; Scofield, 49;
Weihing, 48

AN ACT relating to postsecondary education; to amend sections 81-1273, 82-404, 82-407, 82-408, 84-1005, 85-102.01, 85-935, 85-940, 85-954, 85-955, 85-1001, 85-1003, 85-1004, and 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1373, 85-122, 85-301, and 85-948, Revised Statutes Supplement, 1988; to state intent; to create a committee; to require a study of public postsecondary education; to provide for an appropriation; to provide for the establishment of the University of Nebraska at Kearney; to provide procedure for the transfer of certain property, rights, and obligations to the Board of Regents of the University of Nebraska; to provide for the transfer of certain employees, pensions, rights, and privileges; to provide powers and duties; to create funds; to provide for a bargaining unit; to provide responsibilities for the University of Nebraska campuses; to provide for budget planning; to eliminate provisions relating to a joint advisory committee for master of business administration degree programs; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

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

Section 1. The Legislature finds that an effective system of public postsecondary education is critical to the human and economic growth of Nebraska and that there is a need to objectively consider reallocations and realignment of resources and institutions of the public postsecondary education system in order to achieve maximum effectiveness with finite resources. It is the intent of the Legislature to commission a study of public postsecondary education in Nebraska.

Sec. 2. There is hereby created within the Legislative Council a committee to direct and oversee a

study of public postsecondary education in Nebraska. The committee shall consist of thirteen members, including (1) five members of the Legislature who shall be appointed by the Executive Board of the Legislative Council and two of whom shall serve as co-chairpersons of the committee, (2) two members of the Nebraska Coordinating Commission for Postsecondary Education appointed to the commission pursuant to subdivision (2)(a) of section 85-902 who shall be appointed by such commission, (3) one member who shall be appointed by the Governor, and (4) five representatives of the public at large to be appointed by the Governor in a geographically representative manner.

All members shall be appointed within fifteen days after the operative date of this section to serve for the duration of the committee. Any vacancy shall be filled by the appointing body or official for the remainder of the term.

The committee shall establish and consult with a separate advisory body consisting of Nebraska experts in postsecondary education to assist it in directing the study and making recommendations thereon. The advisory body shall include, but not be limited to, one member of the Board of Regents of the University of Nebraska, one member of the Board of Trustees of the Nebraska State Colleges, and one member representing the six Technical Community College Boards of Governors. The committee may also utilize the staff of the Education Committee of the Legislature and the Legislative Fiscal Analyst to assist it in carrying out its duties under sections 1 to 5 of this act.

The committee and any advisory body it may create shall cease to exist on January 15, 1991.

Sec. 3. The committee created in section 2 of this act shall select and the Legislative Council shall contract with an individual, entity, or organization not based in Nebraska to conduct a study of public postsecondary education in Nebraska as provided in section 4 of this act. The committee shall attempt to complete the selection of the contractor within forty-five days after the operative date of this section. The study shall be completed in two phases, and the Nebraska Coordinating Commission for Postsecondary Education shall assist the committee in the search for and selection of the contractor.

Sec. 4. (1) The study conducted pursuant to sections 1 to 5 of this act shall address changes necessary or appropriate to promote quality postsecondary education and access to postsecondary

education in the most efficient and effective manner feasible given the demographic, geographic, economic, and social context of postsecondary education in Nebraska.

(2) Phase I of the study shall address and make recommendations on governance and structure issues and those issues for which a constitutional amendment may be needed to authorize or facilitate the implementation of any recommendation, including, but not limited to:

(a) The proposed transfer of Kearney State College to the University of Nebraska, including any needed realignment of the remaining state colleges and any needed revisions in the role and mission of the university and the state colleges impacted by such transfer;

(b) Other changes, if any, needed in the alignment of public postsecondary educational institutions under the current governance structure or any recommended modifications to the governance structure, including the alignment and governance of the other state colleges if Kearney State College becomes part of the University of Nebraska;

(c) Changes, if any, needed in the governance structure of public postsecondary educational institutions;

(d) Discussion of the potential financial impact of any recommended changes and detailed cost estimates of the short-term financial impacts;

(e) Specific recommendations for constitutional changes, if any, necessary to authorize or implement any recommendations made pursuant to this section and a list of priorities of recommendations and alternative recommendations; and

(f) Initiation of the strategic planning process to be completed in Phase II of the study.

After the submission of the report compiled by the contractor hired pursuant to section 3 of this act to the committee created in section 2 of this act, the committee shall review the report and forward it to the Legislature, the Governor, and all public postsecondary educational institutions in the state by December 15, 1989, along with any additional or different recommendations the committee may have.

(3) Phase II of the study shall address and make recommendations on any statutory or other changes needed to best implement or facilitate any legislative or electorate decisions made in 1990 in response to Phase I of the study, including, but not limited to:

(a) A specific review of the role and mission statutes for each postsecondary educational institution, with particular attention to the appropriate role of Kearney State College or its successor institution in the context of the assignment of graduate program responsibilities for all postsecondary education in the state;

(b) Coordination of programs and facilities among the institutions and sectors of postsecondary education, with particular attention to telecommunication and economic development programs and the appropriate role of the Nebraska Coordinating Commission for Postsecondary Education;

(c) Cost estimates of the financial impact of any recommended changes; and

(d) A strategic plan for the future of public postsecondary education in the state and the identification of an ongoing process for the development and implementation of such a plan.

After the submission of the report compiled by the contractor to the committee, the committee shall review the report and forward it to the Legislature, the Governor, and all public postsecondary educational institutions in the state by December 15, 1990, along with any additional or different recommendations the committee may have.

Sec. 5. Expenditures for expenses in support of the activities of the committee created in section 2 of this act, including employment of the contractor pursuant to section 3 of this act, shall be appropriated to the Legislative Council and accounted for by a separate subprogram within an appropriate program within the agency. The Legislature shall appropriate from the General Fund for fiscal years 1988-89, 1989-90, and 1990-91 a minimum of two hundred fifty thousand dollars for such purpose.

Such incidental expenses as deemed necessary for functions of the committee may also be appropriated to the Nebraska Coordinating Commission for Postsecondary Education and accounted for by a separate subprogram from the agency's operating expenses.

Sec. 6. On July 1, 1991, the existing institution at Kearney known as Kearney State College shall be established as a university and shall be known as the University of Nebraska at Kearney. The University of Nebraska at Kearney shall be under the control and management of and shall be administered by the Board of Regents of the University of Nebraska.

Sec. 7. (1) On July 1, 1991, all property

rights, titles, assets, contracts, obligations, and choses in action of any kind existing as of June 30, 1991, owned, held, or controlled by Kearney State College or the Board of Trustees of the Nebraska State Colleges for the benefit of Kearney State College shall be transferred to, assumed by, and carried out by the Board of Regents of the University of Nebraska for the operation and benefit of the University of Nebraska at Kearney subject, however, to the following:

(a)(i) Title to (A) facilities on the campus of Kearney State College and all or any portion of the revenue derived from such facilities which have been pledged to the payment of the principal of and interest on revenue bonds of the board of trustees or (B) facilities on the campus of Kearney State College which have been constructed, repaired, or renovated with the proceeds of revenue bonds payable from student fees shall remain vested in the board of trustees until the bonds outstanding with respect to such facilities have been discharged. Upon the discharge of the bonds outstanding with respect to any such facility, title to such facility shall be transferred to and vested in the Board of Regents without any further or additional action by the board of trustees or the Board of Regents.

(ii) All facilities specified in subdivision (a)(i) of this subsection shall be leased by the board of trustees to the Board of Regents as of July 1, 1991, upon such terms and conditions as the board of trustees and the Board of Regents shall determine, except that (A) payments from the Board of Regents to the board of trustees pursuant to such leases shall be sufficient to pay the principal of and interest on the bonds outstanding with respect to such facilities and shall include a reasonable fee set by and paid to the board of trustees to cover actual and necessary expenses incurred by the board of trustees for managing the bond program of the University of Nebraska at Kearney until all bonds which are outstanding as of July 1, 1991, and which were issued with respect to the leased facilities have matured and are retired, (B) the Board of Regents shall have the right to establish rents, charges, rates, and fees for the use of such facilities and to receive and collect all revenue, rents, fees, income, profits, and charges of whatever nature and howsoever derived from such facility, and (C) the Board of Regents shall keep, perform, satisfy, and comply with all terms, covenants, conditions, and agreements contained in the documents relating to the issuance of the bonds outstanding with respect to each such facility;

(b) The obligations for the payment of money of the board of trustees incurred pursuant to Laws 1983, LB 410, Laws 1987, LB 218, and Laws 1987, LB 784, shall remain the obligations of the board of trustees. All other obligations of the board of trustees incurred pursuant to such laws shall, upon July 1, 1991, be and become obligations of the Board of Regents. Unless title to the property acquired and the facilities constructed, repaired, remodeled, or renovated pursuant to such laws is required to remain vested with the board of trustees pursuant to subdivision (a)(i) of this subsection, title to such property and facilities shall vest in the Board of Regents on July 1, 1991; and

(c) Prior to July 1, 1991, the board of trustees and the Board of Regents shall enter into such agreements as they deem necessary and appropriate to carry out the provisions of sections 6 to 11 of this act for the conveyance and transfer of the properties, rights, and obligations provided under such sections, to make appropriate provisions with respect to existing debt obligations, including revenue bonds, of the board of trustees and the Nebraska State Colleges Facilities Corporation pertaining to Kearney State College, and to provide for an orderly transition and assumption by the Board of Regents of the activities and operations of Kearney State College. The board of trustees, acting as a corporation for the revenue bond program for Kearney State College or the Nebraska State College Facilities Corporation, and its officers and staff shall be reimbursed for any expenses incurred in carrying out any action modifying the revenue bond program pursuant to sections 6 to 11 of this act.

(2)(a) On July 1, 1991, all employees of Kearney State College shall be transferred to the University of Nebraska. The transferred employees shall retain all benefits and status of employment accrued through June 30, 1991, including retirement benefits not vested.

(b) On July 1, 1991, the transferred employees, except academic, faculty, and teaching employees who are included in a collective-bargaining unit and represented by a certified collective-bargaining agent, shall cease participation in the employee fringe benefit programs of Kearney State College and shall begin participation in the University of Nebraska systemwide fringe benefits program and be entitled to receive the same fringe benefits of employment made available to other employees of the University of Nebraska under such program.

(c) On July 1, 1990, the Board of Regents of the University of Nebraska shall have authority to enter into a collective-bargaining agreement with any certified collective-bargaining agent for academic, faculty, and teaching employees of Kearney State College who are represented by a certified collective-bargaining agent covering any period beginning on or after July 1, 1991. The Board of Regents shall bargain and negotiate in good faith with any such bargaining agent pursuant to the State Employees Collective Bargaining Act. On July 1, 1991, all academic, faculty, and teaching employees of the University of Nebraska at Kearney shall cease participation in the retirement program of Kearney State College and shall begin participation in the systemwide retirement program of the University of Nebraska on the same basis as other academic, faculty, and teaching employees of the University of Nebraska.

Sec. 8. The Board of Regents of the University of Nebraska shall have the power to prescribe the standards for the admission of students and to fix student fees, the curriculum, the degrees, and the certificate program for the University of Nebraska at Kearney.

Sec. 9. The chief administrative officer of the University of Nebraska at Kearney shall be appointed by the Board of Regents of the University of Nebraska, shall hold office at the pleasure of the board, and shall receive such compensation as the board may prescribe.

Sec. 10. The provisions of Chapter 85 relating to the Board of Regents of the University of Nebraska shall be applicable to the University of Nebraska at Kearney except as modified or limited.

Sec. 11. (1) There is hereby created the University of Nebraska at Kearney Cash Fund. The fund shall consist of all fees and other money collected from students at the University of Nebraska at Kearney by authority of the Board of Regents of the University of Nebraska for university purposes, all receipts from all university activities at the University of Nebraska at Kearney collected in connection with the operation of such university, and the money and funds received at the time the University of Nebraska at Kearney was established. A record shall be kept separating the money and funds into appropriate and convenient accounts. All money and funds accruing to the fund when appropriated by the Legislature shall be used for the maintenance and operation of the University of Nebraska at Kearney and shall at all times be subject to the

orders of the Board of Regents. No warrant shall be issued against the fund unless there is money sufficient to pay the same. There may be retained at the University of Nebraska at Kearney a sum not to exceed one hundred seventy-five thousand dollars out of the fund to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. The University of Nebraska at Kearney Cash Fund shall be in the custody of the State Treasurer.

(2) There is hereby created the University of Nebraska at Kearney Trust Fund, which fund shall consist of all property, real or personal, acquired as of July 1, 1991, or at any time thereafter by or for Kearney State College by donation or bequest to it, which property shall be held and applied in the manner and according with the provisions of the will, deed, or instrument making such donation or bequest. All future donations or bequests to the University of Nebraska at Kearney shall be a part of such fund. The fund shall be held and managed in such manner as the Board of Regents shall determine. The holdings and management shall be in strict accordance with all terms of the donation or bequest, except that in the absence of any investment instructions, the funds may be invested by or at the direction of the Board of Regents in such investments as are authorized for trustees, guardians, personal representatives, or administrators under the laws of Nebraska.

Sec. 12. That section 81-1273, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1273. The Legislature finds and declares:

(1) That the availability of business development services at various geographic locations throughout the state would result in the retention, expansion, and diversification of existing businesses and the creation of new businesses;

(2) That the Nebraska Business Development Center, a department of the University of Nebraska at Omaha, shall provide business development services through a network of small business development centers at Chadron State College, ~~Kearney State College~~, Peru State College, ~~the University of Nebraska at Kearney~~, ~~the University of Nebraska at Lincoln~~ Nebraska-Lincoln, ~~the University of Nebraska at Omaha~~, and Wayne State College;

(3) That business development services may be

augmented through specialized research and technical assistance services; and

(4) That the Small Business Division of the Department of Economic Development shall coordinate, administrate, and support the delivery of such services, and

~~(5) That there should be appropriated \$121,000 for fiscal year 1987-88 to the Small Business Division to carry out the Business Development Partnership Act-~~

Sec. 13. That section 81-1373, Revised Statutes Supplement, 1988, be amended to read as follows:

81-1373. (1) For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created twelve bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest. The bargaining units shall be:

(a) Maintenance, Trades, and Technical, which unit is composed of generally recognized blue collar and technical classes, including highway maintenance workers, carpenters, plumbers, electricians, print shop workers, auto mechanics, engineering aides and associates, and similar classes;

(b) Administrative Support, which unit is composed of clerical and administrative nonprofessional classes, including typists, secretaries, accounting clerks, computer operators, office service personnel, and similar classes;

(c) Health and Human Care Nonprofessional, which unit is composed of institutional care classes, including nursing aides, psychiatric aides, therapy aides, and similar classes;

(d) Social Services and Counseling, which unit is composed of generally professional-level workers providing services and benefits to eligible persons. Classes shall include job service personnel, income maintenance personnel, social workers, counselors, and similar classes;

(e) Administrative Professional, which unit is composed of professional employees with general business responsibilities, including accountants, buyers, personnel specialists, data processing personnel, and similar classes;

(f) Protective Service, which unit is composed of institutional security personnel, including

correctional officers, building security guards, and similar classes;

(g) Law Enforcement, which unit is composed of employees holding powers of arrest, including Nebraska State Patrol officers and sergeants, game wardens, fire marshal personnel, and similar classes. Sergeants, investigators, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest with each other and shall be included in this bargaining unit notwithstanding any other provision of law which may allow for the contrary;

(h) Health and Human Care Professional, which unit is composed of community health, nutrition, and health service professional employees, including nurses, doctors, psychologists, pharmacists, dietitians, licensed therapists, and similar classes;

(i) Examining, Inspection, and Licensing, which unit is composed of employees empowered to review certain public and business activities, including driver-licensing personnel, revenue agents, bank and insurance examiners, various public health and protection inspectors, and similar classes;

(j) Engineering, Science, and Resources, which unit is composed of specialized professional scientific occupations, including civil and other engineers, architects, chemists, geologists and surveyors, and similar classes;

(k) Teachers, which unit is composed of employees required to be licensed or certified as a teacher; and

(l) Supervisory, which unit is composed of employees who are supervisors as defined in section 48-801.

All employees who are excluded from bargaining units pursuant to the Industrial Relations Act and all employees of the Department of Personnel shall be excluded from any bargaining unit of state employees.

(2) Any employee organization, including one which represents other state employees, may be certified or recognized as provided in the Industrial Relations Act as the exclusive collective-bargaining agent for a supervisory unit, except that such unit shall not have full collective-bargaining rights but shall be afforded only meet-and-confer rights.

(3) It is the intent of the Legislature that professional and managerial employee classifications and office and service employee classifications be grouped in broad occupational units for the University of

Nebraska and the Nebraska state colleges established on a university-wide or college-system-wide basis, including all campuses within the system. Any unit entirely composed of supervisory employees of the University of Nebraska or the Nebraska state colleges shall be afforded only meet-and-confer rights. The Except as provided in subsection (4) of this section, the bargaining units for academic, faculty, and teaching employees of the University of Nebraska and the Nebraska state colleges shall continue as they exist on April 9, 1987, and any adjustments thereto or new units therefor shall continue to be determined pursuant to the Industrial Relations Act.

(4) Except as provided in subdivision (2)(c) of section 7 of this act, when the institution now known as Kearney State College is transferred to the control and management of the Board of Regents of the University of Nebraska, any academic, faculty, and teaching employees of Kearney State College who are included in a bargaining unit and represented by a certified or recognized collective-bargaining agent as of June 30, 1991, shall, on and after July 1, 1991, compose a separate bargaining unit of University of Nebraska employees, and such agent shall be entitled to certification by the commission for the new bargaining unit without the necessity of a representation election. Any adjustments to the unit or the representation thereof shall be determined pursuant to the Industrial Relations Act.

~~(4)~~ (5) Other constitutional offices shall continue to subscribe to the procedures for unit determination in the Industrial Relations Act, except that the commission is further directed to determine the bargaining units in such manner as to (a) reduce the effect of overfragmentation of bargaining units on the efficiency of administration and operations of the constitutional office and (b) be consistent with the administrative structure of the constitutional office. Any unit entirely composed of supervisory employees of a constitutional office shall be afforded only meet-and-confer rights.

Sec. 14. That section 82-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-404. The Board of Trustees of the Nebraska State Colleges Regents of the University of Nebraska may establish a Nebraska Art Collection program at Kearney State College the University of Nebraska at Kearney. The Nebraska Art Collection shall be administered by the

Board of Trustees of the Nebraska State Colleges and the president of Kearney State College Regents and the chief administrative officer of the University of Nebraska at Kearney. The Board of Trustees Regents shall designate a curator for the collection. The Board of Trustees Regents shall appoint any advisory committees it deems necessary to aid in the administration of the art collection.

Sec. 15. That section 82-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-407. The Board of Trustees of the Nebraska State Colleges and the president of Kearney State College Regents of the University of Nebraska and the chief administrative officer of the University of Nebraska at Kearney shall approve procedures for the acceptance of donations or loans of art that meet the criteria of sections 82-401 to 82-408 the Nebraska Art Collection Act.

Sec. 16. That section 82-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-408. The Board of Trustees of the Nebraska State Colleges and the president of Kearney State College Regents of the University of Nebraska and the chief administrative officer of the University of Nebraska at Kearney, through the curator, may apply for and receive aid or grants from state sources, private foundations, local art organizations, or the federal government.

Sec. 17. That section 84-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1005. The provisions of subsection Subsection (2) of section 84-1001 shall not apply to (1) employees of the University of Nebraska, the University of Nebraska at Omaha, the state colleges, the Nebraska Brand Committee, or the Nebraska Oil and Gas Conservation Commission, (2) the Superintendent of Law Enforcement and Public Safety, his or her deputies, and assistants, and members of the Nebraska State Patrol, or carrier enforcement officers designated under section 60-1303, or (3) the employees of the Division of Motor Fuels of the office of the Tax Commissioner who shall render service on such days and maintain such hours as the Governor may designate, except that when employees are required to work on any day designated as a paid holiday, the provisions of subsections (4) and (5) of section 84-1001 shall apply.

Sec. 18. That section 85-102.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-102.01. The University of Nebraska shall be composed of a chief governing administrative unit, four and three universities, which shall be the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska at Kearney, and the University of Nebraska Medical Center, and such other institutions and units as may be designated by the Legislature.

Sec. 19. (1) The University of Nebraska-Lincoln shall have responsibility for operating comprehensive programs of undergraduate instruction and primary responsibility, except in the health-related disciplines, for operating comprehensive programs of graduate, postgraduate, and professional instruction, research, and public service as authorized by the Board of Regents of the University of Nebraska consistent with the role and mission assignments provided in Chapter 85, article 9, and section 26 of this act.

(2) The University of Nebraska at Omaha shall have responsibility for operating general programs of undergraduate instruction and programs of graduate instruction, research, and public service as authorized by the Board of Regents consistent with the role and mission assignments provided in Chapter 85, article 9, and section 26 of this act.

(3) The University of Nebraska at Kearney shall have responsibility for operating general programs of undergraduate instruction and programs of graduate instruction, research, and public service as authorized by the Board of Regents consistent with and limited by the role and mission assignments provided in Chapter 85, article 9, and section 26 of this act.

(4) The University of Nebraska Medical Center shall have primary responsibility in the health-related disciplines for operating programs of undergraduate instruction and comprehensive programs of graduate, postgraduate, and professional instruction, research, and public service as authorized by the Board of Regents consistent with the role and mission assignments provided in Chapter 85, article 9, and section 26 of this act.

Sec. 20. That section 85-122, Revised Statutes Supplement, 1988, be amended to read as follows:

85-122. The several funds for the support of the university shall be constituted and designated as

follows: (1) The Permanent Endowment Fund; (2) the Temporary University Fund; (3) the University Cash Fund; (4) the United States Morrill Fund; (5) the United States Experiment Station Fund; (6) the University Trust Fund; (7) the United States Agricultural Extension Fund; (8) the Veterinary School Fund; (9) the University of Nebraska at Omaha Cash Fund; (10) the University of Nebraska at Omaha Trust Fund; (11) the University of Nebraska at Kearney Cash Fund; (12) the University of Nebraska at Kearney Trust Fund; (13) the Agricultural Field Laboratory Fund; ~~(12)~~ (14) the Animal Research and Diagnosis Revolving Fund; ~~(13)~~ (15) the University Buildings Renovation and Land Acquisition Fund; ~~(14)~~ (16) the University Facilities Construction Fund; and ~~(15)~~ (17) the University Facility Improvement Fund. No portion of the funds designated above derived from taxation shall be disbursed for mileage or other traveling expenses except as authorized by sections 81-1174 to 81-1177. No expenditures shall be made for or on behalf of the School of Veterinary Medicine and Surgery except from money appropriated to the Veterinary School Fund. Any money in the funds designated in this section available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276.

Sec. 21. In preparation for the incorporation of Kearney State College into the University of Nebraska system as the University of Nebraska at Kearney, the Board of Regents of the University of Nebraska shall incorporate the budget planning at Kearney State College for the 1991-93 biennium into the budget planning for the University of Nebraska system for the same period and shall include the appropriate administrative personnel at Kearney State College in any pertinent instructions and communications for its budget planning for such period.

Sec. 22. That section 85-301, Revised Statutes Supplement, 1988, be amended to read as follows:

85-301. The existing institutions known as the state colleges located at Chadron, Kearney, Peru, and Wayne shall hereafter be known and designated as Chadron State College, Kearney State College, Peru State College, and Wayne State College, respectively. The general government thereof shall be vested, under the direction of the Legislature, in a board of seven members, to be known as the Board of Trustees of the Nebraska State Colleges, six of whom shall be appointed by the Governor, with the advice and consent of the

Legislature, two each for terms of two, four, and six years and two each biennium thereafter for terms of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties but may be reimbursed their actual expenses incurred therein, except that members of the Board of Trustees of the Nebraska State Colleges shall not be entitled to reimbursement for mileage or other traveling expense as part of their actual expenses except on the basis provided for in sections 81-1174 to 81-1177.

Sec. 23. That section 85-935, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-935. The role and mission assignments enumerated in sections 85-936 to 85-948 and section 26 of this act 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 this act sections 85-917 to 85-967 and section 26 of this act.

Sec. 24. That section 85-940, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-940. To encourage the development and delivery of new cooperative graduate degree programs between the University of Nebraska and state college systems:

(1) When one or both boards perceive the need for a new cooperative graduate program which is not authorized under this act sections 85-308 and 85-917 to 85-967 and section 26 of this act, the boards shall advise one another of the need for a new graduate program;

(2) Utilizing existing resources, the boards may jointly authorize and carry out a needs assessment study for the new cooperative graduate program. Such study shall include: Manpower manpower and student demand needs justifying the program and multiple-year personnel, operating costs, and facility needs; and

(3) If the boards determine the new cooperative graduate program is needed, based on the assessment study, the boards may include in the budget request for their system for the next fiscal period a separate new program request for the proposed graduate

program_ 7 and

(4) The boards are directed to carry out the provisions of this section with respect to a cooperative graduate program in business administration at Kearney State College. The boards are authorized to submit their findings as a special budget request prior to November 15, 1978.

Sec. 25. That section 85-948, Revised Statutes Supplement, 1988, be amended to read as follows:

85-948. The University of Nebraska shall have sole responsibility for baccalaureate, first professional, master's, and doctoral programs in the health professions to include medicine, dentistry, pharmacy, nursing, and the allied health professions, with the exception of the baccalaureate nursing program at Kearney State College and baccalaureate programs in the allied health professions established at the state colleges prior to June 1, 1977.

A representative from the University of Nebraska, the technical community college areas, the state colleges, the independent colleges and universities, the Nebraska Coordinating Commission for Postsecondary Education, and the Department of Health shall establish a joint advisory committee to insure coordinated program development and delivery in nursing education. The committee shall develop a preliminary plan for nursing education by November 15, 1988, which shall include, but not be limited to: (1) The identification of current and future nursing education needs; (2) the identification of necessary procedures to better coordinate existing nursing programs and to coordinate new programs with existing programs; (3) the development of uniform procedures and formats for documenting program need, cost, impact on other programs, and availability of appropriate clinical experiences; and (4) the development of policies and procedures to promote maximum educational mobility and transfer of course credit between different levels of nursing education and licensure. A copy of the preliminary plan shall be delivered to the Nebraska Coordinating Commission for Postsecondary Education and the Board of Nursing by November 21, 1988. The commission and the board shall make comments regarding the plan and report such comments to the Education Committee and Appropriations Committee of the Legislature by January 16, 1989.

All new and existing nursing programs shall provide documentation concerning current and projected

program need, cost, impact on other programs, availability of appropriate clinical experiences, policies and procedures for transfer of credit and educational mobility, and any other data required by the plan for nursing education. Documentation for existing programs shall be completed by December 31, 1989, or by the program review date established with the Nebraska Coordinating Commission for Postsecondary Education, whichever is later. Documentation shall be submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education and integrated into the plan for nursing education when available. Documentation for new programs shall be completed and submitted to the appropriate institutional governing board and the Nebraska Coordinating Commission for Postsecondary Education before programs may be initiated. All documentation shall be made available to the public on request.

The joint advisory committee shall update the plan for nursing education as needed but not less often than biennially. Existing programs shall redocument program need every five years beginning on December 31, 1989.

Sec. 26. That section 85-955, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-955- Kearney State College The University of Nebraska at Kearney may maintain its existing the baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs; and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's central region- which Kearney State College maintained prior to July 1, 1991. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Kearney State College Regents of the University of Nebraska, the University of Nebraska at Kearney may independently award the master's degree in business administration.

Sec. 27. That section 85-954, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-954. The colleges are encouraged to develop master's level curriculum in educational technology and to explore innovative new areas for master's level instruction in the field of education. The state colleges may deliver, in consultation with the University of Nebraska, graduate courses in business to

meet regional needs.

The state colleges and the University of Nebraska shall establish a joint advisory committee to ensure coordinated program development and delivery in offering the master's degree in business administration. Such joint advisory committee shall meet not later than June 15, 1984.

The joint advisory committee shall be composed of the following individuals or their designees: Two members of the Board of Regents of the University of Nebraska; two members of the Board of Trustees of the Nebraska State Colleges; the presidents of the University of Nebraska, Kearney State College, Wayne State College, and Chadron State College; the chancellors of the University of Nebraska-Lincoln and the University of Nebraska at Omaha; and the dean or head of business colleges or business divisions of the University of Nebraska-Lincoln, the University of Nebraska at Omaha, Kearney State College, Wayne State College, and Chadron State College. The Nebraska Coordinating Commission for Postsecondary Education shall provide staff services and assistance to the advisory committee.

The joint advisory committee shall conduct a study of options available to the state in making master of business administration degree programs available on a statewide basis. The study shall address the following factors: (1) Access to master of business administration degree programs in all areas of the state; (2) the needs of all areas of the state for master of business administration degree programs; (3) the cost-effectiveness of different methods of making master of business administration programs available on a statewide basis, including any additional personnel and software costs; (4) the resources currently available at the University of Nebraska and the state colleges for providing the services necessary to offer master of business administration programs; and (5) any other factors relevant to the goal of ensuring coordinated program development and delivery of a master of business administration program or programs on a statewide basis.

The joint advisory committee shall prepare a report for delivery to a joint meeting of the Legislature's Education and Appropriations Committees to be held not later than September 15, 1984, stating the options considered and making a recommendation or recommendations for a system to deliver master of business administration programs on a statewide basis in

a coordinated and cost-efficient fashion:

On September 16, 1984, the membership of all members initially appointed to the joint advisory committee shall terminate. On or before September 20, 1984, the Board of Trustees of the Nebraska State Colleges and the Board of Regents of the University of Nebraska shall each appoint not more than four members to serve on the advisory committee.

Sec. 28. That section 85-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-1001. The Legislature finds and declares that there is a vital need for increased training and research activity in the fields of traffic safety, domestic safety, industrial safety, fire safety, and recreational safety, and that this activity can best be achieved by utilizing the facilities of an institution of higher education.

The Legislature further declares and assents to the establishment and administration of the Nebraska Safety Center at Kearney State College the University of Nebraska at Kearney.

Sec. 29. That section 85-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-1003. (1) The Board of Trustees of the Nebraska State Colleges Regents of the University of Nebraska may establish the Nebraska Safety Center at Kearney State College the University of Nebraska at Kearney.

(2) It is the intent of the Legislature that existing available land and facilities be utilized in the establishment and administration of the center.

Sec. 30. That section 85-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-1004. The Board of Trustees of the Nebraska State Colleges and the president of Kearney State College Regents of the University of Nebraska (1) may employ a director of the center who shall be responsible to the president of Kearney State College chief administrative officer at the University of Nebraska at Kearney and whose qualifications and salary shall be established by the board and the president, and (2) may employ or assign to the center such other professors, instructors, tutors, demonstrators, and other personnel as from time to time may be considered necessary for the administration of the center.

Sec. 31. That section 85-1005, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-1005. (1) ~~The Board of Trustees of the Nebraska State Colleges and the president of Kearney State College Regents of the University of Nebraska may accept and administer, in accordance with proper financial procedures at Kearney State College the University of Nebraska at Kearney, gifts, grants, tuition, and private funds to assist in the operation of the center.~~

(2) ~~The Legislature shall appropriate such money from the General Fund and authorize the acceptance and use of such federal funds as may be necessary to permit the center to operate efficiently and to promote the purposes of sections 85-1001 to 85-1013.~~

Sec. 32. It is the intent of the Legislature that if the recommendations of the contractor contained in the report to the Legislature required pursuant to subsection (2) of section 4 of this act are inconsistent with the implementation of Legislative Bill 247, Ninety-first Legislature, First Session, 1989, sections 6 to 31, the Ninety-first Legislature, Second Session, shall review and consider amending all or part of such sections in conformance with such recommendations.

Sec. 33. Sections 6, 8 to 12, 14 to 20, 22 to 31, and 35 of this act shall become operative on July 1, 1991. The other sections of this act shall become operative on their effective date.

Sec. 34. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 35. That original sections 81-1273, 82-404, 82-407, 82-408, 84-1005, 85-102.01, 85-935, 85-940, 85-954, 85-955, 85-1001, 85-1003, 85-1004, and 85-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 85-122, 85-301, and 85-948, Revised Statutes Supplement, 1988, are repealed.

Sec. 36. That original section 81-1373, Revised Statutes Supplement, 1988, is repealed.

Sec. 37. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.