

LEGISLATIVE BILL 68

Approved by the Governor February 3, 2003

Introduced by Raikes, 25

AN ACT relating to the University of Nebraska; to amend sections 85-105, 85-108, 85-112, 85-118, 85-131, 85-132, 85-194, and 85-1,119, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to and to provide for governance; to eliminate provisions relating to University Hospital and the College of Medicine; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-110, 85-112.01, 85-112.02, 85-113, 85-139, 85-172, 85-178, 85-184, 85-185, 85-190, 85-1,118, 85-1,120, 85-1,121, and 85-1,124, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 85-105, Reissue Revised Statutes of Nebraska, is amended to read:

85-105. The Board of Regents shall have full power to appoint its own presiding officer and secretary. It shall constitute a body corporate, to be known as the Board of Regents of the University of Nebraska, and as such may sue and be sued and may make and use a common seal and alter the same at pleasure. It may acquire real and personal property for the use of the university and may dispose of the same whenever the university can be benefited thereby, except that it shall never dispose of grounds upon which a building of the university having a market value in excess of ~~five hundred thousand~~ one million dollars is located without the consent of the Legislature.

Sec. 2. (1) The chief executive officer of the University of Nebraska shall be appointed by the Board of Regents, hold office at the pleasure of the board, and receive such compensation as the board may prescribe.

(2) The University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska at Kearney, the University of Nebraska Medical Center, and any other postsecondary educational institution designated by the Legislature to be a part of the University of Nebraska shall be governed by the Board of Regents, and each shall be managed and administered in the manner prescribed by the board. The chief administrative officer of each such postsecondary educational institution shall be appointed, hold office, and be compensated as prescribed by the Board of Regents.

Sec. 3. Section 85-108, Reissue Revised Statutes of Nebraska, is amended to read:

85-108. The immediate government of each college shall be by its own faculty, which shall consist of the professors therein, but ~~no course of study program of instruction shall be adopted or series of textbooks used without the approval of the program in the manner prescribed by the Board of Regents.~~

Sec. 4. Section 85-112, Reissue Revised Statutes of Nebraska, is amended to read:

85-112. ~~Students seeking admission to any college of the University of Nebraska postsecondary educational institution governed by the Board of Regents or to any college or school of any such institution shall, precedent to admission, complete such requirements as may be prescribed or authorized by the Board of Regents. and no applicant who shall fail to pass an examination in any part of such requirements shall be admitted. Applicants completing requirements in schools accredited by the university may be admitted without examination. Applicants for advanced standing may be admitted under rules prescribed in the discretion of the board.~~

Sec. 5. Section 85-118, Reissue Revised Statutes of Nebraska, is amended to read:

85-118. No superstructural work upon any building for the university shall be commenced until the designs and plans therefor shall have been ~~submitted to and adopted~~ approved in the manner prescribed by the Board of Regents.

Sec. 6. Section 85-131, Reissue Revised Statutes of Nebraska, is amended to read:

85-131. Disbursements from the university funds shall be made by the State Treasurer upon warrants drawn by the Director of Administrative Services, who shall issue warrants upon certificates issued as authorized by

the Board of Regents. ~~- signed by the secretary and president.~~

Sec. 7. Section 85-132, Reissue Revised Statutes of Nebraska, is amended to read:

85-132. The Board of Regents ~~of the state university~~ may accept gifts and bequests of property subject to a reservation of the income for a stated period or for the life of the donor or the life or lives of other persons designated. ~~It may also accept as a gift the purchase money of property condemned by the state university, under the power of eminent domain, subject to the condition that the rents of the property shall be reserved to the donors of the property for a stated period.~~

Sec. 8. Section 85-194, Reissue Revised Statutes of Nebraska, is amended to read:

85-194. Chapter 85, articles 1, 4, and 5, relating to the Board of Regents and the University of Nebraska shall be applicable to the University of Nebraska at Omaha except as modified or limited by ~~sections 85-184, 85-185, 85-190, and section~~ 85-192.

Sec. 9. Section 85-1,119, Reissue Revised Statutes of Nebraska, is amended to read:

85-1,119. (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 85-1,118 85-1,119~~ to 85-1,123 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 ~~85-1,118~~ 85-1,119 to 85-1,123.

(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. 10. Original sections 85-105, 85-108, 85-112, 85-118, 85-131, 85-132, 85-194, and 85-1,119, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 11. The following sections are outright repealed: Sections 85-110, 85-112.01, 85-112.02, 85-113, 85-139, 85-172, 85-178, 85-184, 85-185, 85-190, 85-1,118, 85-1,120, 85-1,121, and 85-1,124, Reissue Revised Statutes of Nebraska.