

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1072**

FINAL READING

Introduced by Adams, 24.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to community colleges; to amend sections  
2 77-3442, 85-1416, 85-1418, 85-1502, 85-1503, 85-1511,  
3 and 85-1517, Reissue Revised Statutes of Nebraska, and  
4 sections 13-518 and 13-519, Revised Statutes Supplement,  
5 2009; to redefine terms; to change provisions relating  
6 to state aid and tax levy authorization and limits for  
7 community colleges; to provide a termination date for  
8 membership provisions for the association of community  
9 college boards and the Community College Foundation and  
10 Equalization Aid Act; to harmonize provisions; to repeal  
11 the original sections; and to declare an emergency.  
12 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 13-518, Revised Statutes Supplement,  
2 2009, is amended to read:

3           13-518 For purposes of sections 13-518 to 13-522:

4           (1) Allowable growth means (a) for governmental units  
5 other than community colleges, the percentage increase in taxable  
6 valuation in excess of the base limitation established under  
7 section 77-3446, if any, due to improvements to real property as  
8 a result of new construction, additions to existing buildings,  
9 any improvements to real property which increase the value of  
10 such property, and any increase in valuation due to annexation  
11 and any personal property valuation over the prior year and (b)  
12 for community colleges, (i) for fiscal years prior to fiscal year  
13 2003-04, for fiscal years and after fiscal year 2004-05 until  
14 fiscal year 2007-08, and for fiscal year 2010-11 and each fiscal  
15 year thereafter, the percentage increase in excess of the base  
16 limitation, if any, in full-time equivalent students from the  
17 second year to the first year preceding the year for which the  
18 budget is being determined, (ii) for fiscal year 2003-04 and fiscal  
19 year 2004-05, the percentage increase in full-time equivalent  
20 students from the second year to the first year preceding the year  
21 for which the budget is being determined, and (iii) for fiscal  
22 year 2007-08 and ~~each fiscal year thereafter,~~ through fiscal year  
23 2009-10, community college areas may exceed the base limitation to  
24 equal base revenue need calculated pursuant to section 85-2223;

25           (2) Capital improvements means (a) acquisition of real

1 property or (b) acquisition, construction, or extension of any  
2 improvements on real property;

3 (3) Governing body has the same meaning as in section  
4 13-503;

5 (4) Governmental unit means every political subdivision  
6 which has authority to levy a property tax or authority to  
7 request levy authority under section 77-3443 except sanitary and  
8 improvement districts which have been in existence for five years  
9 or less and school districts;

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

18 (6) Restricted funds means (a) property tax, excluding  
19 any amounts refunded to taxpayers, (b) payments in lieu of property  
20 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)  
21 state aid, (f) transfers of surpluses from any user fee, permit  
22 fee, or regulatory fee if the fee surplus is transferred to fund a  
23 service or function not directly related to the fee and the costs  
24 of the activity funded from the fee, (g) any funds excluded from  
25 restricted funds for the prior year because they were budgeted for

1 capital improvements but which were not spent and are not expected  
2 to be spent for capital improvements, (h) the tax provided in  
3 sections 77-27,223 to 77-27,227 beginning in the second fiscal year  
4 in which the county will receive a full year of receipts, and (i)  
5 any excess tax collections returned to the county under section  
6 77-1776; and

7 (7) State aid means:

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

10 (b) For municipalities, state aid to municipalities  
11 paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190,  
12 77-27,136, and 77-27,139.04 and insurance premium tax paid to  
13 municipalities;

14 (c) For counties, (i) until July 1, 2011, state aid to  
15 counties paid pursuant to sections 39-2501 to 39-2520, 47-119.01,  
16 60-3,184 to 60-3,190, 77-27,136, and 77-3618, insurance premium  
17 tax paid to counties, and reimbursements to counties from funds  
18 appropriated pursuant to section 29-3933, and (ii) beginning on  
19 July 1, 2011, state aid to counties paid pursuant to sections  
20 39-2501 to 39-2520, 60-3,184 to 60-3,190, and 77-27,137.03,  
21 insurance premium tax paid to counties, and reimbursements to  
22 counties from funds appropriated pursuant to section 29-3933;

23 (d) For community colleges, state aid to community  
24 colleges paid ~~under~~ pursuant to the Community College Foundation  
25 and Equalization Aid Act or, for fiscal year 2010-11, pursuant to

1 section 10 of this act;

2 (e) For natural resources districts, state aid to natural  
3 resources districts paid pursuant to section 77-27,136;

4 (f) For educational service units, state aid appropriated  
5 under sections 79-1241.01 to 79-1241.03; and

6 (g) For local public health departments as defined in  
7 section 71-1626, state aid as distributed under section 71-1628.08.

8 Sec. 2. Section 13-519, Revised Statutes Supplement,  
9 2009, is amended to read:

10 13-519 (1) (a) Subject to ~~subdivisions~~ subdivision (1) (b)  
11 ~~and (e)~~ of this section, for all fiscal years beginning on or after  
12 July 1, 1998, no governmental unit shall adopt a budget containing  
13 a total of budgeted restricted funds more than the last prior  
14 year's total of budgeted restricted funds plus allowable growth  
15 plus the basic allowable growth percentage of the base limitation  
16 established under section 77-3446. For the second fiscal year in  
17 which a county will receive a full year of receipts from the tax  
18 imposed in sections 77-27,223 to 77-27,227, the prior year's total  
19 of restricted funds shall be the prior year's total of restricted  
20 funds plus the total receipts from the tax imposed in sections  
21 77-27,223 to 77-27,227 in the prior year. For fiscal years 2010-11  
22 through 2013-14 in which a county will reassume the assessment  
23 function pursuant to section 77-1340 or 77-1340.04, the prior  
24 year's total of restricted funds shall be the prior year's total  
25 of restricted funds plus the total budgeted for the reassumption

1 of the assessment function. If a governmental unit transfers the  
2 financial responsibility of providing a service financed in whole  
3 or in part with restricted funds to another governmental unit or  
4 the state, the amount of restricted funds associated with providing  
5 the service shall be subtracted from the last prior year's total  
6 of budgeted restricted funds for the previous provider and may  
7 be added to the last prior year's total of restricted funds for  
8 the new provider. For governmental units that have consolidated,  
9 the calculations made under this section for consolidating units  
10 shall be made based on the combined total of restricted funds,  
11 population, or full-time equivalent students of each governmental  
12 unit.

13 ~~(b) For all fiscal years beginning on or after July 1,~~  
14 ~~2005, the last prior year's total of budgeted restricted funds~~  
15 ~~shall be increased for a community college area by adding to such~~  
16 ~~area's fiscal year base-year revenue the amount of revenue to be~~  
17 ~~collected under subdivision (2)(c) of section 85-1517 that is in~~  
18 ~~excess of the amount budgeted under this subdivision in the prior~~  
19 ~~fiscal year.~~

20 ~~(e)~~ (b) For all fiscal years beginning on or after July  
21 1, 2008, educational service units may exceed the limitations  
22 of subdivision (1)(a) of this section to the extent that one  
23 hundred ten percent of the needs for the educational service unit  
24 calculated pursuant to section 79-1241.03 exceeds the budgeted  
25 restricted funds allowed pursuant to subdivision (1)(a) of this

1 section.

2 (2) A governmental unit may exceed the limit provided  
3 in ~~subdivisions (1)(a) and (b)~~ subdivision (1)(a) of this section  
4 for a fiscal year by up to an additional one percent upon the  
5 affirmative vote of at least seventy-five percent of the governing  
6 body.

7 (3) A governmental unit may exceed the applicable  
8 allowable growth percentage otherwise prescribed in this section  
9 by an amount approved by a majority of legal voters voting on  
10 the issue at a special election called for such purpose upon the  
11 recommendation of the governing body or upon the receipt by the  
12 county clerk or election commissioner of a petition requesting an  
13 election signed by at least five percent of the legal voters of  
14 the governmental unit. The recommendation of the governing body  
15 or the petition of the legal voters shall include the amount and  
16 percentage by which the governing body would increase its budgeted  
17 restricted funds for the ensuing year over and above the current  
18 year's budgeted restricted funds. The county clerk or election  
19 commissioner shall call for a special election on the issue within  
20 thirty days after the receipt of such governing body recommendation  
21 or legal voter petition. The election shall be held pursuant to the  
22 Election Act, and all costs shall be paid by the governing body.  
23 The issue may be approved on the same question as a vote to exceed  
24 the levy limits provided in section 77-3444.

25 (4) In lieu of the election procedures in subsection (3)

1 of this section, any governmental unit may exceed the allowable  
2 growth percentage otherwise prescribed in this section by an amount  
3 approved by a majority of legal voters voting at a meeting of  
4 the residents of the governmental unit, called after notice is  
5 published in a newspaper of general circulation in the governmental  
6 unit at least twenty days prior to the meeting. At least ten  
7 percent of the registered voters residing in the governmental unit  
8 shall constitute a quorum for purposes of taking action to exceed  
9 the allowable growth percentage. If a majority of the registered  
10 voters present at the meeting vote in favor of exceeding the  
11 allowable growth percentage, a copy of the record of that action  
12 shall be forwarded to the Auditor of Public Accounts along with  
13 the budget documents. The issue to exceed the allowable growth  
14 percentage may be approved at the same meeting as a vote to exceed  
15 the limits or final levy allocation provided in section 77-3444.

16           Sec. 3. Section 77-3442, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           77-3442 (1) Property tax levies for the support of local  
19 governments for fiscal years beginning on or after July 1, 1998,  
20 shall be limited to the amounts set forth in this section except as  
21 provided in section 77-3444.

22           (2)(a) Except as provided in subdivision (2)(e) of this  
23 section, school districts and multiple-district school systems,  
24 except learning communities and school districts that are members  
25 of learning communities, may levy a maximum levy of one dollar and

1 five cents per one hundred dollars of taxable valuation of property  
2 subject to the levy.

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

9 (c) Except as provided in subdivision (2)(e) of this  
10 section, for each fiscal year, school districts that are members  
11 of learning communities may levy for purposes of such districts'  
12 general fund budget and special building funds a maximum combined  
13 levy of the difference of one dollar and five cents on each one  
14 hundred dollars of taxable property subject to the levy minus  
15 the learning community levies pursuant to subdivisions (2)(b) and  
16 (2)(g) of this section for such learning community.

17 (d) Excluded from the limitations in subdivisions (2)(a)  
18 and (2)(c) of this section are amounts levied to pay for  
19 sums agreed to be paid by a school district to certificated  
20 employees in exchange for a voluntary termination of employment  
21 and amounts levied to pay for special building funds and sinking  
22 funds established for projects commenced prior to April 1, 1996,  
23 for construction, expansion, or alteration of school district  
24 buildings. For purposes of this subsection, commenced means any  
25 action taken by the school board on the record which commits

1 the board to expend district funds in planning, constructing, or  
2 carrying out the project.

3 (e) Federal aid school districts may exceed the maximum  
4 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
5 only to the extent necessary to qualify to receive federal aid  
6 pursuant to Title VIII of Public Law 103-382, as such title existed  
7 on September 1, 2001. For purposes of this subdivision, federal  
8 aid school district means any school district which receives ten  
9 percent or more of the revenue for its general fund budget from  
10 federal government sources pursuant to Title VIII of Public Law  
11 103-382, as such title existed on September 1, 2001.

12 (f) For school fiscal year 2002-03 through school fiscal  
13 year 2007-08, school districts and multiple-district school systems  
14 may, upon a three-fourths majority vote of the school board of  
15 the school district, the board of the unified system, or the  
16 school board of the high school district of the multiple-district  
17 school system that is not a unified system, exceed the maximum  
18 levy prescribed by subdivision (2)(a) of this section in an amount  
19 equal to the net difference between the amount of state aid that  
20 would have been provided under the Tax Equity and Educational  
21 Opportunities Support Act without the temporary aid adjustment  
22 factor as defined in section 79-1003 for the ensuing school fiscal  
23 year for the school district or multiple-district school system  
24 and the amount provided with the temporary aid adjustment factor.  
25 The State Department of Education shall certify to the school

1 districts and multiple-district school systems the amount by which  
2 the maximum levy may be exceeded for the next school fiscal year  
3 pursuant to this subdivision (f) of this subsection on or before  
4 February 15 for school fiscal years 2004-05 through 2007-08.

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

10 (h) For each fiscal year, learning communities may levy  
11 a maximum levy of five cents on each one hundred dollars of  
12 taxable property subject to the levy for elementary learning center  
13 facilities and for up to fifty percent of the estimated cost for  
14 capital projects approved by the learning community coordinating  
15 council pursuant to section 79-2111.

16 ~~(3) Community~~ (3)(a) For fiscal years prior to fiscal  
17 year 2010-11, community colleges may levy a maximum levy calculated  
18 pursuant to the Community College Foundation and Equalization Aid  
19 Act on each one hundred dollars of taxable property subject to the  
20 levy.

21 (b) For fiscal year 2010-11 and each fiscal year  
22 thereafter, in lieu of the calculation of a maximum levy  
23 for operating expenditures pursuant to the Community College  
24 Foundation and Equalization Aid Act, community colleges may levy a  
25 maximum of ten and one-quarter cents per one hundred dollars of

1 taxable valuation of property subject to the levy for operating  
2 expenditures and may also levy the additional levies provided in  
3 subsection (2) of section 85-1517.

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

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

17 (c) In addition, natural resources districts located in  
18 a river basin, subbasin, or reach that has been determined to  
19 be fully appropriated pursuant to section 46-714 or designated  
20 as overappropriated pursuant to section 46-713 by the Department  
21 of Natural Resources shall also have the power and authority to  
22 levy a tax equal to the dollar amount by which their restricted  
23 funds budgeted to administer and implement ground water management  
24 activities and integrated management activities under the Nebraska  
25 Ground Water Management and Protection Act exceed their restricted

1 funds budgeted to administer and implement ground water management  
2 activities and integrated management activities for FY2005-06, not  
3 to exceed three cents on each one hundred dollars of taxable  
4 valuation on all of the taxable property within the district for  
5 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
6 year 2011-12.

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

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

24 (b) Incorporated cities and villages which are within the  
25 boundaries of a municipal county may levy a maximum levy of ninety

1 cents per one hundred dollars of taxable valuation of property  
2 subject to the levy. The maximum levy shall include amounts paid  
3 to a municipal county for county services, amounts levied to pay  
4 for sums to support a library pursuant to section 51-201, a museum  
5 pursuant to section 51-501, a visiting community nurse, home health  
6 nurse, or home health agency pursuant to section 71-1637, or a  
7 statue, memorial, or monument pursuant to section 80-202.

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

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

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

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

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

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

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

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

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

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

18           Sec. 4. Section 85-1416, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           85-1416 (1) Pursuant to the authority granted in  
21 Article VII, section 14, of the Constitution of Nebraska and  
22 the Coordinating Commission for Postsecondary Education Act, the  
23 commission shall, in accordance with the coordination function of  
24 the commission pursuant to section 85-1403, review and modify, if  
25 needed to promote compliance and consistency with the comprehensive

1 statewide plan and prevent unnecessary duplication, the budget  
2 requests of the governing boards.

3 (2)(a) At least thirty days prior to submitting to  
4 the Governor their biennial budget requests pursuant to section  
5 81-1113 and any major deficit appropriation requests pursuant  
6 to instructions of the Department of Administrative Services,  
7 the Board of Regents of the University of Nebraska and the  
8 Board of Trustees of the Nebraska State Colleges shall each  
9 submit to the commission an outline of its proposed operating  
10 budget. The outline of its proposed operating budget or outline  
11 of proposed state aid request shall include those information  
12 summaries provided to the institution's governing board describing  
13 the respective institution's budget for the next fiscal year or  
14 biennium. The outline shall contain projections of funds necessary  
15 for (i) the retention of current programs and services at current  
16 funding levels, (ii) any inflationary costs necessary to maintain  
17 current programs and services at the current programmatic or  
18 service levels, and (iii) proposed new and expanded programs and  
19 services. In addition to the outline, the commission may request  
20 an institution to provide to the commission any other supporting  
21 information to assist the commission in its budget review process.  
22 An institution may comply with such requests pursuant to section  
23 85-1417.

24 (b) On September 15 of each biennial budget request  
25 year, the boards of governors of the community colleges or their

1 designated representatives shall submit to the commission outlines  
2 of their proposed state aid requests, ~~pursuant to the Community~~  
3 ~~College Foundation and Equalization Aid Act.~~

4 (c) The commission shall analyze institutional budget  
5 priorities in light of the comprehensive statewide plan, role and  
6 mission assignments, and the goal of prevention of unnecessary  
7 duplication. The commission shall submit to the Governor and  
8 Legislature by October 15 of each year recommendations for approval  
9 or modification of the budget requests together with a rationale  
10 for its recommendations. The analysis and recommendations by the  
11 commission shall focus on budget requests for new and expanded  
12 programs and services and major statewide funding issues or  
13 initiatives as identified in the comprehensive statewide plan.  
14 If an institution does not comply with the commission's request  
15 pursuant to subdivision (a) of this subsection for additional  
16 budget information, the commission may so note the refusal  
17 and its specific information request in its report of budget  
18 recommendations. The commission shall also provide to the Governor  
19 and the Appropriations Committee of the Legislature on or before  
20 October 1 of each even-numbered year a report identifying public  
21 policy issues relating to student tuition and fees, including  
22 the appropriate relative differentials of tuition and fee levels  
23 between the sectors of public postsecondary education in the state  
24 consistent with the comprehensive statewide plan.

25 (3) At least thirty days prior to submitting to the

1 Governor their biennial budget requests pursuant to section  
2 81-1113 and any major deficit appropriation requests pursuant to  
3 instructions of the Department of Administrative Services, the  
4 Board of Regents of the University of Nebraska and the Board of  
5 Trustees of the Nebraska State Colleges shall each submit to the  
6 commission information the commission deems necessary regarding  
7 each board's capital construction budget requests. The commission  
8 shall review the capital construction budget request information  
9 and may recommend to the Governor and the Legislature modification,  
10 approval, or disapproval of such requests consistent with the  
11 statewide facilities plan and any project approval determined  
12 pursuant to subsection (10) of section 85-1414 and to section  
13 85-1415. The commission shall develop from a statewide perspective  
14 a unified prioritization of individual capital construction budget  
15 requests for which it has recommended approval and submit such  
16 prioritization to the Governor and the Legislature for their  
17 consideration. In establishing its prioritized list, the commission  
18 may consider and respond to the priority order established by the  
19 Board of Regents or the Board of Trustees in their respective  
20 capital construction budget requests.

21 (4) Nothing in this section shall be construed to affect  
22 other constitutional, statutory, or administrative requirements for  
23 the submission of budget or state aid requests by the governing  
24 boards to the Governor and the Legislature.

25 Sec. 5. Section 85-1418, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           85-1418 (1) No state warrant shall be issued by the  
3 Department of Administrative Services or used by any public  
4 institution for the purpose of funding any program or capital  
5 construction project which has not been approved or which has  
6 been disapproved by the commission pursuant to the Coordinating  
7 Commission for Postsecondary Education Act. If state funding for  
8 any such program or project cannot be or is not divided into  
9 warrants separate from other programs or projects, the department  
10 shall reduce a warrant to the public institution which includes  
11 funding for the program or project by the amount of tax funds  
12 designated by the Legislature which are budgeted in that fiscal  
13 year by the public institution for use for the program or project.

14           (2) The department may reduce the amount of state aid  
15 distributed to a community college area pursuant to the Community  
16 College Foundation and Equalization Aid Act or for fiscal year  
17 2010-11, pursuant to section 10 of this act, by the amount of  
18 funds used by the area to provide a program or capital construction  
19 project which has not been approved or which has been disapproved  
20 by the commission.

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

25           (4) Any person or public institution aggrieved by a

1 final order of the commission entered pursuant to section 85-1413,  
2 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review  
3 of the order. Proceedings for review shall be instituted by filing  
4 a petition in the district court of Lancaster County within thirty  
5 days after public notice of the final decision by the commission  
6 is given. The filing of the petition or the service of summons  
7 upon the commission shall not stay enforcement of such order. The  
8 review shall be conducted by the court without a jury on the  
9 record of the commission. The court shall have jurisdiction to  
10 enjoin enforcement of any order of the commission which is (a)  
11 in violation of constitutional provisions, (b) in excess of the  
12 constitutional or statutory authority of the commission, (c) made  
13 upon unlawful procedure, or (d) affected by other error of law.

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

18 Sec. 6. Section 85-1502, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 85-1502 (1) It is the intent of the Legislature  
21 that a clear distinction between area governance and statewide  
22 coordination for the community college areas be recognized and  
23 that such coordination is appropriate in order to provide the most  
24 cost-effective programs for residents of each community college  
25 area. It is further the intent of the Legislature that coordination

1 of the community colleges by the Coordinating Commission for  
2 Postsecondary Education be conducted through an association of the  
3 boards.

4 (2) ~~All~~ Through June 30, 2011, all of the boards shall  
5 be a part of and shall be represented by such association.  
6 Coordination services provided by such association shall include  
7 (a) preparation of a system strategic plan, (b) coordination  
8 of the budget request for the biennium, (c) facilitation of  
9 program-needs assessment and articulation, (d) recommendation and  
10 facilitation of the appointment of representatives to committees,  
11 boards, commissions, task forces, and any other state-level bodies  
12 requesting or requiring participation from the community college  
13 system, and (e) facilitation of responses to data and information  
14 requests for the system.

15 (3) All activities conducted pursuant to this section by  
16 such association shall be conducted in accordance with the Open  
17 Meetings Act.

18 (4) Nothing in this section shall be construed to require  
19 or provide for state control of the operations of any community  
20 college area or to abridge the governance ability, rights, or  
21 responsibilities of any board. Nothing in this section shall be  
22 construed to limit the ability or authority of the commission to  
23 fulfill its responsibilities and duties regarding the individual  
24 community college areas and the individual community college area  
25 campuses.

1           Sec. 7. Section 85-1503, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           85-1503 For purposes of sections 85-1501 to 85-1540,  
4 unless the context otherwise requires:

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

7           (2) Community college area means an area established by  
8 section 85-1504;

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

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

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

24           (6) Credit hour means the unit used to ascertain the  
25 educational value of course work offered by the institution to

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

25 (7) Classroom hour means a minimum of fifty minutes

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

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

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

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

1 supervision of the students;

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

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

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

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

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

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

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

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

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

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

1 such institution received no federal reimbursement pursuant to the  
2 Tribally Controlled Community College Assistance Act, 25 U.S.C.  
3 1801;

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

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

17 (22) Reimbursable educational unit total means the total  
18 of all reimbursable educational units accumulated in a community  
19 college area in any fiscal year;

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

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

1           (25) Tribally controlled community college means an  
2 educational institution operating and offering programs pursuant  
3 to the Tribally Controlled Community College Assistance Act, 25  
4 U.S.C. 1801; and

5           (26) Tribally controlled community college state aid  
6 amount means:

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

17           (b) For fiscal year 2010-11, the amount of state aid  
18 provided to a tribally controlled community college pursuant to  
19 section 10 of this act.

20           Sec. 8. Section 85-1511, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           85-1511 In addition to any other powers and duties  
23 imposed upon the community college system or its areas, campuses,  
24 or boards by the Community College Foundation and Equalization Aid  
25 Act, sections 85-917 to 85-966 and 85-1501 to 85-1540, and any

1 other provision of law, each board shall:

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

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

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

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

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

24 (6) Cause an examination and comprehensive audit of  
25 the books, accounts, records, and affairs, including full-time

1 equivalent student enrollment totals, full-time equivalent totals,  
2 and reimbursable educational unit totals as defined in section  
3 85-1503, to be made annually covering the most recently completed  
4 fiscal year. The audit of each area shall include the full-time  
5 equivalent student enrollment totals, full-time equivalent totals,  
6 and reimbursable educational unit totals for the three most  
7 recently completed fiscal years which shall be used for calculation  
8 of aid to the community college areas for fiscal years prior  
9 to fiscal year 2010-11 as prescribed in the Community College  
10 Foundation and Equalization Aid Act. The audit shall also include  
11 the county-certified property valuations for the community college  
12 area for the three most recently completed fiscal years which shall  
13 be used for calculation of aid to such community college areas  
14 for fiscal years prior to fiscal year 2010-11. Such examination  
15 and audit of the books, accounts, records, and affairs shall  
16 be completed and filed with the Auditor of Public Accounts and  
17 the Department of Administrative Services on or before October  
18 15 of each year. The examination and audit of the full-time  
19 equivalent student enrollment totals, full-time equivalent totals,  
20 and reimbursable educational unit totals shall be completed and  
21 filed with the Auditor of Public Accounts and the Department of  
22 Administrative Services on or before August 15 of each year;

23 (7) Establish fees and charges for the facilities  
24 authorized by sections 85-1501 to 85-1540. Each board may enter  
25 into agreements with owners of facilities to be used for housing

1 regarding the management, operation, and government of such  
2 facilities and may employ necessary employees to govern, manage,  
3 and operate such facilities;

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

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

19 (10) Grant to every student upon graduation or completion  
20 of a course of study a suitable diploma, associate degree, or  
21 certificate;

22 (11) Adopt and promulgate such rules and regulations  
23 and perform all other acts as the board may deem necessary  
24 or appropriate to the administration of the community college  
25 area. Such rules and regulations shall include, but not be

1 limited to, rules and regulations relating to facilities, housing,  
2 scholarships, discipline, and pedestrian and vehicular traffic on  
3 property owned, operated, or maintained by the community college  
4 area;

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

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

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

19 (15) Enter into agreements for services, facilities, or  
20 equipment and for the presentation of courses for students when  
21 such agreements are deemed to be in the best interests of the  
22 education of the students involved;

23 (16) Transfer tribally controlled community college state  
24 aid amounts to a tribally controlled community college located  
25 within its community college area;

1           (17) Invest, after proper consideration of the  
2 requirements for the availability of money, funds of the community  
3 college in securities the nature of which individuals of prudence,  
4 discretion, and intelligence acquire or retain in dealing with the  
5 property of another;

6           (18) Establish tuition rates for courses of instruction  
7 offered by each community college within its community college  
8 area. Separate tuition rates shall be established for students who  
9 are nonresidents of the State of Nebraska;

10          (19) Establish a fiscal year for the community college  
11 area which conforms to the fiscal year of the state; and

12          (20) Exercise any other powers, duties, and  
13 responsibilities necessary to carry out sections 85-1501 to  
14 85-1540.

15          Sec. 9. Section 85-1517, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

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

1           (b) For fiscal year 2010-11 and each fiscal year  
2 thereafter, the board may certify to the county board of  
3 equalization of each county within the community college area a tax  
4 levy not to exceed ten and one-quarter cents on each one hundred  
5 dollars on the taxable valuation of all property subject to the  
6 levy within the community college area, uniform throughout the  
7 area, for the purpose of supporting operating expenditures of the  
8 community college area.

9           (2) (a) In addition to the levies provided in subsection  
10 (1) of this section and this subsection, the board may certify  
11 to the county board of equalization of each county within the  
12 community college area a tax levy of not to exceed one cent on each  
13 one hundred dollars on the taxable valuation of all property within  
14 the community college area, uniform throughout such area, for the  
15 purpose of establishing a capital improvement fund and bond sinking  
16 fund as provided in section 85-1515. The levy provided by this  
17 subdivision may be exceeded by that amount necessary to retire the  
18 general obligation bonds assumed by the community college area or  
19 issued pursuant to section 85-1515 according to the terms of such  
20 bonds or for any obligation pursuant to section 85-1535 entered  
21 into prior to January 1, 1997.

22           (b) In addition to the levies provided in ~~subsection (1)~~  
23 ~~of this section and this subsection,~~ subsections (1) and (2) of  
24 this section, the board may also certify to the county board of  
25 equalization of each county within the community college area a tax

1 levy on each one hundred dollars on the taxable valuation of all  
2 property within the community college area, uniform throughout such  
3 area, in the amount which will produce funds only in the amount  
4 necessary to pay for funding accessibility barrier elimination  
5 project costs and abatement of environmental hazards as such terms  
6 are defined in section 79-10,110. Such tax levy shall not be so  
7 certified unless approved by an affirmative vote of a majority of  
8 the board taken at a public meeting of the board following notice  
9 and a hearing. The board shall give at least seven days' notice  
10 of such public hearing and shall publish such notice once in a  
11 newspaper of general circulation in the area to be affected by the  
12 increase.

13 ~~(c) In addition to the levies provided in subsection (1)~~  
14 ~~of this section and this subsection, the board of any community~~  
15 ~~college area whose valuation per full-time equivalent student was~~  
16 ~~less than eighty-two percent of the statewide average of all~~  
17 ~~community colleges for fiscal year 1997-98 may also certify to the~~  
18 ~~county board of equalization of each county within the community~~  
19 ~~college area a tax levy up to an additional one-half cent for each~~  
20 ~~of fiscal years 2005-06 and 2006-07, on each one hundred dollars on~~  
21 ~~the taxable valuation of all property within the community college~~  
22 ~~area, uniform throughout such area. Such tax levy shall not be so~~  
23 ~~certified unless approved by an affirmative vote of three-fourths~~  
24 ~~of the board taken at a public meeting of the board following~~  
25 ~~notice and a hearing. The board shall give at least seven days'~~

1 notice of such public hearing and shall publish such notice once in  
2 a newspaper of general circulation in the area to be affected by  
3 the increase.

4 ~~(3) The levy provided by subdivision (2)(a) of this~~  
5 ~~section may be exceeded by that amount necessary to retire the~~  
6 ~~general obligation bonds assumed by the community college area or~~  
7 ~~issued pursuant to section 85-1515 according to the terms of such~~  
8 ~~bonds or for any obligation pursuant to section 85-1535 entered~~  
9 ~~into prior to January 1, 1997.~~

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

15 Sec. 10. (1) Notwithstanding the Community College  
16 Foundation and Equalization Aid Act or any other provision of law,  
17 state aid for each community college area for fiscal year 2010-11  
18 shall equal:

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

20 (b) For the Metropolitan Community College Area,  
21 \$18,389,499;

22 (c) For the Mid-Plains Community College Area,  
23 \$8,251,373;

24 (d) For the Northeast Community College Area,  
25 \$12,784,454, including \$38,815 for Nebraska Indian Community

1 College and \$13,120 for Little Priest Tribal College;

2 (e) For the Southeast Community College Area,  
3 \$27,133,220; and

4 (f) For the Western Community College Area, \$11,909,980;

5 (2) The Department of Administrative Services shall  
6 distribute the amounts provided in subsection (1) of this section  
7 to each community college area in ten as nearly as possible equal  
8 monthly payments between the fifth and the twentieth day of each  
9 month beginning in September 2010.

10 Sec. 11. The Community College Foundation and  
11 Equalization Aid Act terminates on June 30, 2011.

12 Sec. 12. Original sections 77-3442, 85-1416, 85-1418,  
13 85-1502, 85-1503, 85-1511, and 85-1517, Reissue Revised Statutes  
14 of Nebraska, and sections 13-518 and 13-519, Revised Statutes  
15 Supplement, 2009, are repealed.

16 Sec. 13. Since an emergency exists, this act takes effect  
17 when passed and approved according to law.