

LEGISLATIVE BILL 363

Approved by the Governor May 23, 1979

Introduced by Education Committee, Koch, 12, Chmn.;
Kahle, 37; Vickers, 38; Lamb, 43; Kremer, 34

AN ACT to amend sections 79-2637, 79-2644, 79-2650, 79-2650.03, and 79-2651, Revised Statutes Supplement, 1978, relating to the technical community colleges; to define terms; to change provisions relating to levies and the distributions of state funds; to change provisions relating to budget; to provide for severability; to provide an operative date; to repeal the original sections, and also section 79-2652, Revised Statutes Supplement, 1978; and to declare an emergency.

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

Section 1. That section 79-2637, Revised Statutes Supplement, 1978, be amended to read as follows:

79-2637. As used in sections 79-2636 to 79-2662, unless the context otherwise requires:

(1) Technical community college shall mean an educational institution operating and offering programs pursuant to the provisions of sections 79-2636 to 79-2662;

(2) Technical community college area shall mean an area established by section 79-2638;

(3) Board shall mean the Technical Community College Board of Governors for each technical community college area established by sections 79-2636 to 79-2662;

(4) A full-time equivalent student shall mean, in the aggregate, the equivalent of (a) a registered student who in a twelve-month period is enrolled in thirty semester credit hours or forty-five quarter credit hours of classroom or laboratory course work applicable to a degree, diploma, or certificate program, or (b) a registered undergraduate student who in a twelve-month period is enrolled in nine hundred contact hours of classroom or laboratory course work applicable to a degree, diploma, or certificate program. Avocational and recreational community service programs or courses shall not be included in determining full-time equivalent students or student enrollment; and

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

(6) General academic transfer program shall mean a one or two-year degree credit program, at the associate degree level or below, intended by the offering institution for transfer into a baccalaureate program. A program in this category may include the award of a formal degree upon completion of the program;

(7) Vocational-technical program shall mean an instructional program, at the associate degree level or below, intended to prepare individuals for immediate entry into a specific occupation or career. The primary intent of the institutions offering a vocational-technical program shall be that such program is for immediate job entry. A program in this category may include the award of a formal degree, diploma, or certificate upon completion of the program;

(8) Class 1 vocational-technical program shall mean a vocational-technical offering which requires the use of equipment, facilities, or instructional methods which could be easily adapted for use in a general academic transfer program;

(9) Class 2 vocational-technical program shall mean a vocational-technical offering which requires the use of specialized equipment, facilities, or instructional methods not easily adaptable for use in a general academic transfer program;

(10) Reimbursable educational unit shall mean a full-time equivalent student multiplied by (a) a factor of one for a general academic transfer program, (b) a factor of one and fifty hundredths for a Class 1 vocational-technical program, and (c) a factor of one and seventy-five hundredths for a Class 2 vocational-technical program; and

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

Sec. 2. That section 79-2650, Revised Statutes Supplement, 1978, be amended to read as follows:

79-2650. (1) On or before September 1 of each year, the board may certify to the county board of equalization of each county within the area a mill levy

of not to exceed two mills, uniform throughout such area, for the purpose of supporting operating expenditures of the technical community college area.

(2) In addition to the levy provided in subsection (1) of this section, the board may, subject to the provisions of sections 79-2650.01, 79-2650.02, and 79-2650.05, also certify to the county board of equalization of each county within the area a mill levy of not to exceed one mill, uniform throughout such area, for the purpose of establishing a capital improvement fund, a bond sinking fund, or for the retirement of general obligation bonds. The power to levy such tax under this subsection shall not exist after June 30, 1980.

(3) Beginning July 1, 1981, the ~~the~~ combined levy provided in subsections ~~subsection~~ (1) and ~~(2)~~ of this section shall not exceed two and one-half mills without prior approval by a majority vote of the qualified electors of the area voting in a primary, general, or special election called for such purpose, upon notice given by the members of the board at least twenty days prior to such election.

(4) For the period July 1, 1979, to June 30, 1981, the levy provided in subsection (1) of this section may be exceeded (a) with prior approval by a majority vote of the qualified electors of the area voting in an election called for such purpose pursuant to section 79-2650.03, Revised Statutes Supplement, 1978, or (b) by a two-thirds vote of the area board of any area in which the maximum allowable mill levy provided in subsection (1) of this section will not generate local tax receipts equal to seven per cent above the local tax receipts from such levy for the prior fiscal year. The mill levy increase permitted under subdivision (4) (b) of this section shall be limited to that number of mills of receipts from local tax sources permitted under the Political Subdivision Budget Limit Act of 1979.

(5) Except as provided by section 79-2650.03, Revised Statutes Supplement, 1978, and subsection (4) of this section, the combined levv provided in subsections (1) and (2) of this section shall not exceed two and one half mills.

~~(4)~~ (5) Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.

Sec. 3. That section 79-2650.03, Revised Statutes Supplement, 1978, be amended to read as follows:

79-2650.03. (1) If the board in any technical community college area shall determine that it is necessary for the proper management and operation of such area to expend tax funds in a manner requiring a vote of the people, ~~as prescribed in section 79-2650.02;~~ the board may by resolution place the proposition for such expenditure on the general or primary ballot or call for a special election in such area for the purpose of approving such expenditure. The proposition appearing on the ballot in any election shall state the purpose for which such tax funds will be spent and the amount of funds to be so expended. Such proposition shall be adopted if approved by a majority of those voting in such election.

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

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

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

Sec. 4. That section 79-2651, Revised Statutes Supplement, 1978, be amended to read as follows:

79-2651. The Legislature, in an effort to promote quality postsecondary education and to avoid excessive taxation upon the taxable property of each area, may appropriate each year from such funds as may be available an amount for the aid and assistance of the technical community colleges. Such funds so appropriated by the Legislature shall be distributed ~~by the Department of Administrative Services in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1976, through June, 1977, and to the area boards by the Department of Administrative Services~~ in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning September, 1977, and each

September thereafter. ~~Such funds shall be distributed to the technical community colleges in the same proportion as the full-time equivalent student enrollment total for each college for the immediately preceding fiscal year is to the full-time equivalent enrollment total of all technical community colleges combined for such fiscal year. Fifteen per cent of such funds shall be distributed in equal amounts to each of the six technical community college areas and the balance shall be distributed to the areas in the same proportion as the audited reimbursable educational unit total for each area for the immediately preceding fiscal year is to the audited reimbursable educational unit total of all technical community college areas combined for such fiscal year.~~

Sec. 5. That section 79-2644, Revised Statutes Supplement, 1978, be amended to read as follows:

79-2644. In addition to any other powers and duties imposed upon the board by sections 79-2636 to 79-2662, each board shall be charged with the following powers, duties, and responsibilities:

(1) To have general supervision, control, and operation of each technical community college within its jurisdiction to insure compliance with this act;

(2) To develop and offer programs of vocational and technical education, academic courses which are supportive of the vocational and technical programs, and such other programs and courses as the needs of the area served may require. The board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and area;

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

(4) To construct, lease, purchase, purchase on contract, operate, equip, and maintain facilities and contract for services connected with the operation of the technical community college area as needs and interest demand;

(5) To cause an examination and comprehensive audit of the books, accounts, records, and affairs, including full-time equivalent student enrollment total and reimbursable educational unit totals as defined in ~~sections 79-2636 to 79-2662~~ section 79-2637, to be made

annually covering the most recently completed fiscal year. Such examination and audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before October 15 of each year. The examination and audit of the full-time equivalent student enrollment total and reimbursable educational unit totals shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before August 15 of each year;

(6) To establish fees and charges for the facilities authorized by sections 79-2636 to 79-2662. Each board of a technical community college area may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities;

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

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

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

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

(11) To employ, for a period to be fixed by the board, an executive officer for the technical community college area and, by written order filed in its office, delegate to such executive officer any of the powers and duties vested in or imposed upon it by sections 79-2636 to 79-2662. Such delegated powers and duties may be exercised in the name of the board;

(12) To acquire real property by eminent domain pursuant to Chapter 76, article 7;

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

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

(15) To invest, after proper consideration of the requirements for the availability of money, funds of the college in those types of securities set forth in subdivisions (1) to (10) of section 72-1246;

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

(17) To establish a fiscal year for the area which conforms to the fiscal year of the state; and

(18) To exercise any other powers, duties, and responsibilities necessary to carry out the provisions of sections 79-2636 to 79-2662.

Sec. 6. 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. 7. This act shall become operative on July 1, 1979.

Sec. 8. That original sections 79-2637, 79-2644, 79-2650, 79-2650.03, and 79-2651, Revised

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Statutes Supplement, 1978, and also section 79-2652, Revised Statutes Supplement, 1978, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.