

## LEGISLATIVE BILL 802

Approved by the Governor February 10, 1988

Introduced by Labedz, 5, Chairperson, Executive Board

AN ACT relating to schools; to amend sections 10-127, 23-922, 51-411, 51-412, 51-417, 68-621, 68-625, 68-627, 72-1237.01, 77-1238, 77-2350, 77-2350.01, 77-2350.02, 77-2352, 79-321.01, 79-494, 79-499, 79-4,103, 79-4,105, 79-802, 79-1233, 79-1240, 79-1247.03, 79-1247.04, 79-1247.10, 79-1247.11, 79-1247.13, 79-2636, 79-2637, 79-2640, 79-2644, 79-2648, 79-2649, 79-2650.09, 85-184, 85-185, 85-190, 85-192, and 85-194, Reissue Revised Statutes of Nebraska, 1943, and section 77-2363, Revised Statutes Supplement, 1987; to change references to sections which have been repealed; to repeal an operative date; to repeal an effective date; to eliminate obsolete provisions relating to junior colleges, vocational technical schools, vocational technical colleges, technical community colleges, municipal universities, and the municipal University of Omaha; to repeal an obsolete provision governing the issuance of certain bonds; to harmonize provisions; and to repeal the original sections, and also sections 68-628, 79-1247.14, 79-2662, 85-182, 85-183, 85-186 to 85-189, 85-191, 85-193, and 85-403.02, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 10-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-127. The Nebraska Highway Bond Commission, any county, city, village, school district, drainage district, irrigation district, public power district, public power and irrigation district, metropolitan utilities district, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, ~~vocational~~ technical community colleges, sanitary and improvement districts, rural water districts, airport authorities, hospital authorities, or any other municipal corporation or

governmental subdivision of the state which has the power to issue bonds or other evidences of indebtedness ~~is hereby authorized, in its discretion, to~~ may issue bonds or other evidences of indebtedness of like date, tenor, amount, and maturity to replace mutilated, destroyed, stolen, or lost bonds or other evidences of indebtedness previously issued, and having attached thereto the same corresponding unmatured coupons, if any, as were attached to the mutilated, destroyed, stolen, or lost bonds or other evidences of indebtedness. Issuance of replacement bonds or other evidences of indebtedness of like date, tenor, amount, and maturity may be made (1) in exchange and in substitution for such mutilated bond or other evidence of indebtedness, and attached unmatured coupons, if any, upon surrender of such mutilated bond or other evidence of indebtedness, and attached unmatured coupons, if any, or (2) in lieu of and in substitution for the destroyed, stolen, or lost bond or other evidence of indebtedness, and attached unmatured coupons, ~~7 destroyed, stolen, or lost.~~ In the event such bond or other evidence of indebtedness, and attached unmatured coupons, if any, has have been destroyed, stolen, or lost, the holder thereof shall first file with the issuer evidence satisfactory to it that such bond or other evidence of indebtedness, and attached unmatured coupons, has have been destroyed, stolen, or lost and of its such holder's ownership thereof, and shall in any event furnish the issuer with indemnity satisfactory to it and shall comply with any statutory requirements and with such other requirements as the issuer may require. A charge, not exceeding the actual cost thereof, shall be imposed upon such owner to reimburse the issuer for the expenses for issuing each such new bond or evidence of indebtedness, which cost shall be paid before the delivery of the new bond or evidence of indebtedness. Instead of issuing a substituted bond or evidence of indebtedness, or instead of delivery of any coupon for a bond or evidence of indebtedness, as the case may be, which has matured or which is about to mature, and instead of issuing a substituted bond or other evidence of indebtedness for a bond or other evidence of indebtedness which has been called for redemption, the issuer, upon receiving evidence and being indemnified as ~~hereinbefore~~ provided in this section, at its option may pay the bond or other evidence of indebtedness or such coupon from any source lawfully available therefor, without the surrender thereof.

Sec. 2. That section 23-922, Reissue Revised



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

23-922. As used in this act the Nebraska Budget Act and sections 2-958, 3-504, 12-914, 16-702, 16-706, 16-718, 17-702, 17-703, 17-708, 17-711, 17-715, 17-718, 18-1006, 19-1302, 23-132, 23-343.19, 23-343.46, 23-904, 23-920, 31-513, 35-509, 39-1621, 39-1634, 46-543, 46-544, 51-316, 71-1611, 79-435, 79-1007.02, and 79-2210, unless the context otherwise requires:

(1) Governing body shall mean, in the case of a city, the council; in the case of a village, cemetery district, community hospital for two or more adjoining counties, ~~mesquite abatement district~~, road improvement district, sanitary and drainage district, or sanitary and improvement district, the board of trustees; in the case of a county, the county board; in the case of a township, the town board; in the case of a school district, the school board; in the case of a rural ~~and~~ or suburban fire protection district, reclamation district, natural resources district, or hospital district, the board of directors; in the case of a health district, the board of health; in the case of a regional library, the regional library commission; in the case of an educational service unit, the board; in the case of an area ~~veocational technical school~~, ~~the school district board of education or the governing board of the area veocational technical school~~ a technical community college, the Technical Community College Board of Governors for the area the board serves; in the case of an airport authority, the airport authority board; and in the case of a weed ~~eradication and control district~~ authority, the ~~district supervisors board~~;

(2) Levying board shall mean any governing body which has the power or duty to levy a tax;

(3) Fiscal year shall mean the twelve-month period used by each governing body in determining and carrying on its financial and taxing affairs;

(4) Tax shall mean any general or special tax levied against persons, property, or business, for public purposes, as provided by law, but shall not include any special assessment;

(5) Auditor shall mean the Auditor of Public Accounts;

(6) Cash reserve shall mean funds required for the period before revenue would become available for expenditure;

(7) Public funds shall mean all money, including nontax money, used in the operation and

functions of governing bodies; and

(8) Adopted budget statement shall mean a proposed budget statement which has been adopted or amended and adopted as provided in section 23-925. Such ~~7~~ and such term shall include additions, if any, to an adopted budget statement made by a supplemental budget which has been adopted as provided in section 23-929.

Sec. 3. That section 51-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-411. As used in this act sections 51-411 to 51-418, unless the context otherwise requires:

(1) Print shall include all forms of printing and duplicating, regardless of format or purpose, with the exception of correspondence and interoffice memoranda;

(2) State publications shall include any multiply produced publications printed or purchased for distribution, by the state, the Legislature, constitutional officers, any state department, or committee, or any other state agency supported wholly or in part by state funds;

(3) State agency shall include every state office, officer, department, division, bureau, board, commission, and agency of the state, and, where when applicable, all subdivisions of each, including state institutions of higher education, defined as all state-supported colleges, and universities, 7 junior colleges, and vocational technical colleges, and

(4) Governmental publications shall include any publications of associations, regional organizations, intergovernmental bodies, federal agencies, boards, and commissions, or other publishers that may contribute supplementary materials to support the work of the state Legislature and state agencies.

Sec. 4. That section 51-412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-412. There is hereby created, as a division of the Nebraska Library Commission, a Nebraska Publications Clearinghouse. The clearinghouse shall establish and operate a publications collection and depository system for the use of Nebraska citizens. To this end, the Nebraska Library Commission shall make adopt and promulgate such rules and regulations as shall be necessary to carry out the provisions of this act sections 51-411 to 51-418.

Sec. 5. That section 51-417, Reissue Revised Statutes of Nebraska, 1943, be amended to read as



follows:

51-417. The Nebraska Publications Clearinghouse shall not engage in general public distribution of either state publications or lists of publications. ~~This act Sections 51-411 to 51-418 shall not affect the distribution of state publications distributed by state agencies, except that the agencies must shall~~ deposit in the Nebraska Publications Clearinghouse the number of copies of each of their state publications certified by the clearinghouse.

Sec. 6. That section 68-621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-621. (1) A referendum group, as referred to in sections 68-621 to 68-630, shall consist of the employees of the state, ~~or of~~ a single political subdivision of this state, ~~or of~~ any instrumentality jointly created by this state and any other state or states, the employees of which are or may be members of a retirement system covering such employees, ~~except~~ ; ~~Provided,~~ that: (a) The employees of the University of Nebraska shall ~~be considered to~~ constitute a referendum group; (b) the employees of a Class V school district ~~of the fifth class shall be considered to~~ constitute a referendum group; (c) ~~the employees of a municipal university in a city of the metropolitan class shall be considered to constitute a referendum group;~~ (d) all employees of the State of Nebraska who are or may be members of the school retirement system of the state, including employees of institutions operated by the Board of Trustees of the Nebraska State Colleges, employees of institutions operated by the Department of Social Services, the Department of Correctional Services, and the Department of Public Institutions, ~~of the State of Nebraska,~~ and employees subordinate to the State Board of Education, shall ~~be considered to~~ constitute a referendum group; and (e) ~~(d)~~ all employees of school districts of the State of Nebraska, and county superintendents, who are or may be members of the school retirement system of the State of Nebraska, shall ~~be considered to~~ constitute a single referendum group.

(2) The managing authority of a political subdivision or educational institution shall be the board, committee, or council having general authority over a political subdivision, university, college, or school district whose employees constitute or are included in a referendum group; the managing authority of the state shall be the Governor; and insofar as ~~the provisions of~~ sections 68-601 to 68-619 68-618 and

sections 68-621 to 68-630 may be applicable to county superintendents, the term managing authority shall mean the board of county commissioners or county supervisors of the county in which the county superintendent was elected.

(3) Eligible employees as referred to in sections 68-621 to 68-630 shall mean those employees of the state or any political subdivision thereof who at or during the time of voting in a referendum as herein provided, are in positions covered by a retirement system, and are members of such retirement system, and were in such positions at the time of giving of the notice of such referendum, as herein required, except ; ~~PROVIDED~~, that no such employee shall be considered an eligible employee if at the time of such voting such employee is in a position to which the state agreement applies, or if such employee is in service in a ~~police officer's or fireman's~~ police officer or firefighter position.

(4) State agreement as referred to in sections 68-621 to 68-630 shall mean the agreement between the State of Nebraska and the designated officer of the United States of America, entered into pursuant to section 68-603.

Sec. 7. That section 68-625, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-625. If, upon such a referendum, a majority of the eligible employees, included in a referendum group which is defined in subdivisions (a) to (e) of subsection (i) of section 68-621, vote in favor of including service in positions included in such group under the state agreement, the state agency shall, within ninety days after the mailing of notice of the result of such referendum, prepare a plan for extending the benefits of Title II of the Social Security Act to such employees. Such plan shall ; ~~such plan~~ to meet the requirements of section 68-608, and shall inform the managing authority or authorities, whose employees are included in such group, of the provisions of such plan. Upon completion of such plan, the state agency shall apply for a modification of the state agreement to make it applicable to services performed by the employees of the state or of such political subdivision or educational institution, eligible for inclusion under such agreement. The state agency is hereby authorized ~~to may~~ prepare such applications for modification to cover one or more such plans as it deems advisable, except ; ~~PROVIDED~~, that the state agency shall not delay



application for such modification more than six months after the preparation of any plan as set forth in this section. The state agency ~~is hereby authorized and empowered to~~ may require any such managing authority to furnish any information necessary for the preparation of such plan by the state agency.

Sec. 8. That section 68-627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-627. The Governor, or some agency or individual designated by him or her, shall, at such time or times, and places, and in such manner, as the Governor or such agency or individual shall determine, conduct, and supervise referendums as provided by ~~the provisions of~~ sections 68-621 to 68-630 among the eligible employees included in the referendum groups referred to in ~~subdivisions (a), (b), (c), (d), and (e) of subsection (i) of~~ section 68-621.

Sec. 9. That section 72-1237.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1237.01. As used in ~~sections 72-1237 to 72-1259~~ the Nebraska State Funds Investment Act, this act shall mean and refer to sections 1-111, 2-115, 2-1503.01, ~~2-1506-11~~, 2-1547, 2-1808, 2-2317, 2-2501, 3-126, 8-1120, ~~19-2043, 19-2044~~, 24-704, 35-601, 37-206, 37-428, ~~39-7,136~~, 39-1323.01, 39-1390, 44-116, ~~44-333-02~~, 44-707.03, 45-127, ~~45-165~~, 45-603, 48-617, 48-620, 48-621, 54-112, 54-147, 54-150, 54-1173, 55-131, 57-919, 60-1409, ~~60-1704~~, 66-421, 68-301, 68-612, 70-1020, ~~71-1,132-23~~, 71-1,147.02, ~~71-1,210~~, 71-222.02, ~~71-332~~, 71-1336, 71-2016, 71-2201, ~~71-3808~~, ~~71-4206~~, ~~71-4210~~, 72-202, ~~72-716-01~~, 72-1005, 72-1237 to 72-1260, 79-1247.07, 79-1332, 79-1345, ~~79-1438-01~~, ~~79-1444~~, 79-1501, ~~79-1502~~, ~~79-1503~~, to 79-1503.01, 79-1545, 79-1556, 79-1557, 79-2107, 80-111, 80-301, 80-401, ~~81-263-67~~, ~~81-275-28~~, 81-528, ~~81-812-02~~, 81-815.30, ~~81-815-34~~, ~~81-815-39~~, 81-845, ~~81-880~~, 81-8,107, ~~81-8,112~~, 81-912, 81-1108.33, 81-1117, ~~81-1120-08~~, 81-1120.22, 81-2019, 81-2022, 82-108.02, 83-150, 83-169, 83-210.01, ~~83-304~~, ~~84-111~~, 84-1301, 84-1305, 84-1308, 84-1309, 85-106, 85-113, 85-122, 85-123.01, ~~85-161~~, 85-168, 85-170, ~~85-191~~, 85-192, 85-320, 85-403, and 85-606.01.

Sec. 10. That section 77-1238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1238. As used in sections 77-1239 to 77-1242.02, unless the context otherwise requires:

(1) Motor vehicle shall mean every motor vehicle and trailer subject to the payment of registration fees, permit fees, or ad valorem taxes under the laws of this state, and every cabin trailer, as defined in section 60-301, subject to taxation and registered for operation upon the highways of this state;

(2) Taxing unit shall mean counties, townships, cities, villages, school districts, ~~junior college districts, municipal universities,~~ and all other political subdivisions of the state and all governmental agencies, clothed with that have the power of levying or providing to levy or provide for the levy of general or special taxes;

(3) Registration period shall be that period from the date of registration to the first day of the month following one year from the date of issuance of such registration;

(4) Motor vehicle tax shall mean a tax imposed upon motor vehicles in lieu of an ad valorem tax; and

(5) Dealer's vehicles on hand shall mean such motor vehicles as are owned and held for resale by motor vehicle dealers.

Sec. 11. That section 77-2350, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2350. The treasurer, or ex officio treasurer, of any school district, ~~municipal university,~~ or township, shall deposit the funds received or held by him or her by virtue of his or her office in such bank or banks, situated within the boundaries of such district, ~~city maintaining such university,~~ or township, as shall have been and shall be from time to time designated by the governing body of such school district, ~~municipal university,~~ or township as official depositories for the such funds, belonging to such school district, municipal university, or township. Depository banks shall be such banks as shall be ~~from time to time~~ designated by the respective governing bodies by formal resolution duly recorded. Such designation may be withdrawn at any time by such governing body by formal resolution duly entered upon its records. If there is no bank within the boundaries of such school district, ~~city maintaining a municipal university,~~ or township, or if the bank within the district refuses or neglects to make application as a depository, then the governing body may designate any bank that is a state bank or national bank within the state.



Sec. 12. That section 77-2350.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2350.01. Where When more than one bank may have has been designated by the governing body of the school district, municipal university or township as depositories, the treasurer or ex officio treasurer shall not give a preference, but instead, shall prorate deposits in the manner required of county treasurers, as provided in section 77-2314. This section shall have no application to certificates of deposit.

Sec. 13. That section 77-2350.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2350.02. If the treasurer or ex officio treasurer of any school district, municipal university or township, shall willfully fail or refuse fails or refuses at any time to do or perform any act required of him or her by the provisions of sections 77-2350 to 77-2352, he or she shall be guilty of a Class IV misdemeanor.

Sec. 14. That section 77-2352, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2352. No deposit in excess of the amount insured by the Federal Deposit Insurance Corporation shall be made in any bank designated as a depository unless and until the treasurer, or ex officio treasurer, shall have has received from the bank as security for the prompt repayment by the bank, either a corporate surety bond in form and with sureties approved by formal resolution by the governing body of such district, or the deposit and pledge of (1) a pledge of bonds, notes, certificates of indebtedness, and treasury bills of the United States Government of any issue, (2) obligations fully and unconditionally guaranteed both as to principal and interest by the United States, (3) bonds of any county, city, village, or school district of this state which have been issued and registered as required by law, or (4) registered warrants of the county, or of any city, village, or school district in the county, where such school district, municipal university, or township is located. Bonds and securities so pledged shall be delivered to, and held by, some federal reserve bank or branch thereof or some other responsible bank or trust company within this state, other than the pledgor, with an appropriate joint custody and pledge agreement, but the depository bank pledging such bonds or securities shall have the right to substitute, from time

to time, other and different bonds or securities of equal amount, within the foregoing requirements, and to withdraw all or any part of such pledged bonds or securities upon repaying to such treasurer and reducing his or her deposit account by the amount of the bonds or securities so withdrawn. The amount of security so pledged shall be at all times at least equal to the amount of the deposit so secured, less any portion of such deposit that is insured by the Federal Deposit Insurance Corporation.

Sec. 15. That section 77-2363, Revised Statutes Supplement, 1987, be amended to read as follows:

77-2363. In all cases in which public money or funds belonging to the United States, an agency of the United States, the State of Nebraska, or any county, school district, educational service unit, technical community college, ~~municipal university in cities of the metropolitan class,~~ city, or municipality in this state have been deposited or loaned to any person or persons, corporation, bank, partnership, or other firm or association of persons, it shall be lawful for the officer or officers making such deposit or loan or his, her, or their successors in office to maintain an action or actions for the recovery of such money so deposited or loaned. All contracts made for the security or payment of any such money or public funds shall be held to be good and lawful contracts binding on all parties thereto.

Sec. 16. That section 79-321.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-321.01. The State Department of Education may accept, in trust, any gifts, devises, and bequests to be held and administered by the department for the purpose of making loans to worthy and needy students attending any college, university, ~~junior college or vocational technical school or technical community college~~ in this state. Such loans shall only be made to students whose parents are residents of Nebraska. Such loans shall be made on such terms and conditions as the State Board of Education shall prescribe or as may be imposed by the donor.

Sec. 17. That section 79-494, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-494. Subject to the conditions provided in sections 79-495 to ~~79-4,106~~ 79-4,106.05, four years of nonresident public high school education is secured to



all children of the State of Nebraska whose parents or guardians reside in a public school district which maintains less than a four-year high school course of study.

Sec. 18. That section 79-499, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-499. Every nonresident pupil attending any public high school under the provisions of sections 79-494 to 79-4,106 79-4,106.05 shall have the same rights and shall be subject to the same rules and restrictions which govern resident pupils attending such schools.

Sec. 19. That section 79-4,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,103. The secretary of any board of education of any school district located in any county to which sections 79-494 to 79-4,106 79-4,106.05 apply, or a district in another state which has reciprocal nonresident high school tuition relations with Nebraska, shall, on or before the second Monday in February, May, August, and November of each year, certify to the county superintendent the names and number of nonresident pupils enrolled in the high school of ~~said~~ such school district during the calendar quarter ending on or about the second Monday of February, May, August, and November, and the number of days those pupils were enrolled in the high school. The county superintendent thereupon shall certify the same to the county treasurer, who shall upon the order of the county superintendent, on or before March 1, June 1, September 1, and December 1 following, pay to the school district treasurers and to the treasurers of boards of education an amount sufficient to pay the high school tuition of ~~said~~ such pupils at a rate fixed by law. If the nonresident high school tuition fund ~~therein~~ provided for ~~shall not be~~ is not sufficient to pay the full amount of such tuition, then the fund shall be distributed pro rata among the districts entitled to such funds.

Sec. 20. That section 79-4,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,105. The parent or guardian of any pupil desiring to take advantage of the provisions of sections 79-494 to 79-4,106 79-4,106.05 for nonresident high school education shall make application, in writing, to the county superintendent of the proper county before

July 1 each year. Such application ~~must~~ shall show (1) the number of the public school district in which the parent or guardian maintains his or her legal residence, (2) the number of pupils for whom nonresident high school education is desired, and (3) the high school grade which each pupil is to enter.

Sec. 21. That section 79-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-802. All ~~schools organized within the limits of such cities~~ Class III school districts shall be under the direction and control of the boards of education authorized by section 79-803-~~79-803.07~~. Such schools ~~The schools of such school district~~ shall be free to all children between the ages of five and twenty-one years whose parents or guardians are legal residents of such school district, and all children of school age, nonresidents of the school district, who are or may be by law allowed to attend the schools without charge.

Sec. 22. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) No person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior technical community colleges, ~~organized as part of the public school system-~~

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 23. That section 79-1240, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1240. The school board shall be personally liable for all public money paid to teachers or



administrators who are not qualified under the provisions of sections 79-1247.03 to ~~79-1247-14~~ 79-1247.13. A teacher or administrator violating the provisions of said such sections shall not recover any money for services while teaching during the time that such contract and certificate are invalid. Any person having knowledge of the employment by a school district of an uncertified teacher or administrator may prefer charges against the school board.

Sec. 24. That section 79-1247.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.03. It is declared to be the purpose of sections 79-1247.03 to ~~79-1247-14~~ 79-1247.13 to provide more flexibility in the certification of qualified teachers for Nebraska schools and not to increase any requirements for certificates to teach.

Sec. 25. That section 79-1247.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.04. As used in sections 79-1247.03 to ~~79-1247-14~~ 79-1247.13, unless the context otherwise requires:

- (1) Board shall mean the State Board of Education;
- (2) Commissioner shall mean the Commissioner of Education; and
- (3) Standard institution of higher education shall mean any college or university, the whose teacher education programs of which are fully approved by the State Board of Education.

Sec. 26. That section 79-1247.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.10. The board may authorize the issuance of certificates or permits to applicants who hold a valid certificate or permit currently in force in a state other than Nebraska if the requirements for the certificate or permit held by the applicant are comparable and equivalent to those required for a similar type of certificate or permit issued under the provisions of sections 79-1247.03 to ~~79-1247-14~~ 79-1247.13.

Sec. 27. That section 79-1247.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.11. The board may limit the use of any certificate or permit issued under provisions of sections 79-1247.03 to ~~79-1247-14~~ 79-1247.13 and based

upon less than four years of college preparation for teaching to Class I school districts and grades kindergarten to six in Class II school districts, or any certificate or permit based upon four or more years of college preparation in all classes of school districts or schools to those grade levels, ~~or~~ subject fields, or areas of instruction for which the holder was specifically prepared to teach, counsel, supervise, or administer by a standard institution of higher education.

Sec. 28. That section 79-1247.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.13. Any regular Nebraska certificate, including any permanent or life certificate in force on January 1, 1964, shall remain in force for its regular term. Upon application by the holder of any such certificate, the board may authorize the conversion of such certificate to a similar certificate or permit issued by the commissioner under ~~the provisions of~~ sections 79-1247.03 to ~~79-1247-14~~ 79-1247.13.

Sec. 29. That section 79-2636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2636. The Legislature hereby declares that for a technical community college to be truly responsible to the people it serves, primary control of such colleges ~~must~~ shall be placed in the citizens within the local area so served. It is the intent and purpose of sections 79-2636 to ~~79-2662~~ 79-2653 to create locally governed and locally supported technical community college areas with the major educational emphasis on occupational education. Each technical community college area is intended to be an independent, local, unique, and vital segment of higher education separate from both the established elementary and secondary school system and from other institutions of higher education, and not to be converted into four-year baccalaureate degree-granting institutions.

Sec. 30. That section 79-2637, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2637. As used in sections 79-2636 to ~~79-2662~~ 79-2653, unless the context otherwise requires:

(1) Technical community college shall mean an educational institution operating and offering programs pursuant to sections 79-2636 to ~~79-2662~~ 79-2653;

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

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

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

(7) Classroom hour shall mean a minimum of fifty minutes of formalized instruction, conducted on or

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

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

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

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

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

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

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



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

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

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

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

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

(19) Reimbursable educational unit shall mean a full-time equivalent student multiplied by (a) a factor of one for a general academic transfer course or an academic support course, (b) a factor of one and fifty hundredths for a Class 1 course, and (c) a factor of one and seventy-five hundredths for a Class 2 course; and

(20) 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. 31. That section 79-2640, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2640. Each technical community college area shall be governed by a board composed of eleven members. The governing boards shall be known as the

Technical Community College Board of Governors for the specific area the board serves. The members of each technical community college area board existing prior to May 22, 1975, shall serve as members of the boards created by sections 79-2636 to 79-2662 until their successors are elected and qualified pursuant to section 79-2646.

Sec. 32. That section 79-2644, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2644. In addition to any other powers and duties imposed upon the technical community college system or its areas, campuses, or boards by sections 79-2636 to 79-2662 ~~79-2653~~ and 85-917 to 85-967 and any other provision of law, 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;

(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 and reimbursable educational unit totals as defined in 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 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~~ 79-2653. 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 and promulgate rules and regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants, or conveyances shall not be conditioned on matching state or local funds;

(8) To prescribe 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 adopt and promulgate such rules and regulations and perform all other acts as the board may deem necessary or appropriate to the administration of the 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~~ 79-2653. 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 securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another;

(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 ~~79-2653~~.

Sec. 33. That section 79-2648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2648. Each board shall have the power to may issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances and other facilities connected with the operation of the technical community colleges. Each board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used (1) first for the retirement of bonds assumed by the board in accordance with the provisions of such bonds, (2) then for renewal work and deferred maintenance, as defined in section 81-173, handicapped access and life safety improvements made to existing structures or grounds, and projects designed to prevent or correct a waste of energy, including measures taken to utilize alternate energy sources, all in accordance with the capital facilities plan of the area, (3) then



for the retirement of bonds issued pursuant to this section, and (4) then for the purchasing, purchasing on contract, constructing, and improving of facilities necessary to carry out sections 79-2636 to 79-2662 79-2653. Revenue bonds issued shall be subject to the provisions of sections 79-2650.08 to 79-2650.15. No general obligation bonds shall be issued without the 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. No bonds issued under sections 79-2636 to 79-2662 79-2653 shall be an obligation of the State of Nebraska, and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

Sec. 34. That section 79-2649, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2649. Each board may issue warrants in an amount necessary to finance the operating expenses of the technical community college area until the proceeds of the tax levy as provided in section 79-2650 are received. The amount of such warrants plus interest shall not exceed the amount of the money to be received from the property tax levy. Whenever such warrants are issued they shall be the general obligation of the technical community college area and the full faith and credit of the technical community college area shall be pledged to retire such warrants. In addition the board shall set aside from the proceeds of the property tax levied pursuant to sections 79-2636 to 79-2662 79-2653 an amount sufficient to pay the warrants and the interest thereon. Such warrants shall be subject to registration as provided in Chapter 77, article 22.

Sec. 35. That section 79-2650.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2650.09. Each board may, by resolution or agreement, pledge all or any part of the revenue and fees derived from the operation of the dormitories, residence halls, single or single-dwelling units, multiple-dwelling units, buildings, and other facilities for housing, boarding, medical care, and other activities of students, faculty, or employees of the institution under its control erected or acquired or previously erected or acquired by any such board and contract as to the care, insurance, management, and operation of such buildings and facilities and the charges to be made and the rights of the holders of the revenue bonds. When any board contracts that the

operation of any building or facility or part thereof shall be performed other than by the board itself, such board shall at all times maintain supervision of and control over the fees and charges imposed for the use thereof. In issuing revenue bonds and pledging revenue therefor, the board may pledge all or any part of the revenue and fees from buildings and facilities other than the building or facility to be constructed. Bonds issued under the provisions of sections 79-2650.08 to 79-2650.15 shall not be an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall constitute limited obligations of the board issuing the same and shall be paid solely out of money derived from the revenue and earnings pledged as provided in sections 79-2636 to 79-2662 79-2653.

Sec. 36. That section 85-184, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-184. If a majority of all the votes cast at the election provided for in section 85-183 shall be in favor of the proposition submitted there shall be established a university to be located in the city of Omaha to be known as the The University of Nebraska at Omaha; shall be under the control and management of, and to shall be administered by, the state board from and after July 17, 1968 the Board of Regents of the University of Nebraska.

Sec. 37. That section 85-185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-185. If such university is so established, the state board shall, from and after July 17, 1968, The Board of Regents shall have the power to prescribe the standards for admission of students and to fix student fees, the curriculum, the degrees, and certificate programs, and after such date, the existing university board shall exercise no powers or duties as such board with reference to the municipal for the University of Nebraska at Omaha.

Sec. 38. That section 85-190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-190. The chief administrative officer of the University of Nebraska at Omaha shall be appointed by the state board and Board of Regents, shall hold his office at the pleasure of such board, and shall receive such compensation as such board may prescribe.

Sec. 39. That section 85-192, Reissue Revised



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

85-192. There is hereby created a University of Nebraska at Omaha Cash Fund which shall consist of all fees and other money collected from students at the University of Nebraska at Omaha by authority of the state board Board of Regents for university purposes, all receipts from all university activities at the University of Nebraska at Omaha collected in connection with the operation of such university, and the money and funds referred to in section 85-189 received at the time the University of Nebraska at Omaha was established. A record shall be kept separating such money and funds into appropriate and convenient accounts. All money and funds accruing to the cash fund when appropriated by the Legislature shall be used for the maintenance and operation of the University of Nebraska at Omaha and shall at all times be subject to the orders of the Board of Regents. No state board accordingly; except that (1) no warrant shall be issued against such fund unless there is money sufficient to pay the same. There ; and (2) there may be retained at the University of Nebraska at Omaha a sum not to exceed one hundred seventy-five thousand dollars out of such money 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 Omaha Cash Fund shall be in the custody of the State Treasurer. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

There is also hereby created a University of Nebraska at Omaha Trust Fund which shall consist of all property, real or personal, now or hereafter acquired by or for the municipal University of Omaha 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 or for the University of Nebraska at Omaha shall be a part of such trust fund. Such trust fund shall be held and managed in such manner as the state board Board of Regents shall determine. Such holdings and management shall be in strict accordance with all terms of the donation or bequest, but in the absence of any investment instructions the funds may be invested by or at the direction of the state board Board of Regents in such investments as are authorized for trustees, guardians,

~~executors personal representatives~~, or administrators under the laws of Nebraska. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 40. That section 85-194, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-194. Chapter 85, articles 1, 4, and 5, relating to the ~~state board~~ Board of Regents and the University of Nebraska, shall be applicable to the University of Nebraska at Omaha except as modified or limited by ~~provisions of sections 85-182 to 85-194~~ 85-184, 85-185, 85-190, and 85-192.

Sec. 41. That original sections 10-127, 23-922, 51-411, 51-412, 51-417, 68-621, 68-625, 68-627, 72-1237.01, 77-1238, 77-2350, 77-2350.01, 77-2350.02, 77-2352, 79-321.01, 79-494, 79-499, 79-4,103, 79-4,105, 79-802, 79-1233, 79-1240, 79-1247.03, 79-1247.04, 79-1247.10, 79-1247.11, 79-1247.13, 79-2636, 79-2637, 79-2640, 79-2644, 79-2648, 79-2649, 79-2650.09, 85-184, 85-185, 85-190, 85-192, and 85-194, Reissue Revised Statutes of Nebraska, 1943, and section 77-2363, Revised Statutes Supplement, 1987, and also sections 68-628, 79-1247.14, 79-2662, 85-182, 85-183, 85-186 to 85-189, 85-191, 85-193, and 85-403.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.