

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 59

Introduced by Adams, 24.

Read first time January 06, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to community college funding; to amend sections
2 81-1118.02 and 85-1535, Reissue Revised Statutes of
3 Nebraska, and sections 13-518, 77-3442, 85-1418, 85-1503,
4 85-1517, and 90-517, Revised Statutes Cumulative
5 Supplement, 2010; to change provisions relating to aid to
6 community colleges; to eliminate an obsolete reference;
7 to harmonize provisions; to repeal the original sections;
8 and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-518, Revised Statutes Cumulative
2 Supplement, 2010, 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 section
7 77-3446, if any, due to improvements to real property as a result of
8 new construction, additions to existing buildings, any improvements
9 to real property which increase the value of such property, and any
10 increase in valuation due to annexation and any personal property
11 valuation over the prior year and (b) for community colleges, (i) for
12 fiscal years prior to fiscal year 2003-04, for fiscal years after
13 fiscal year 2004-05 until fiscal year 2007-08, and for fiscal year
14 2010-11 and each fiscal year thereafter, the percentage increase in
15 excess of the base limitation, if any, in full-time equivalent
16 students from the second year to the first year preceding the year
17 for which the budget is being determined, (ii) for fiscal year
18 2003-04 and fiscal year 2004-05, the percentage increase in full-time
19 equivalent students from the second year to the first year preceding
20 the year for which the budget is being determined, and (iii) for
21 fiscal year 2007-08 through fiscal year 2009-10, community college
22 areas may exceed the base limitation to equal base revenue need
23 calculated pursuant to section 85-2223;

24 (2) Capital improvements means (a) acquisition of real
25 property or (b) acquisition, construction, or extension of any

1 improvements on real property;

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

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

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

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

1 77-27,223 to 77-27,227 beginning in the second fiscal year in which
2 the county will receive a full year of receipts, and (i) any excess
3 tax collections returned to the county under section 77-1776. Funds
4 received pursuant to the nameplate capacity tax levied under section
5 77-6203 for the first five years after a wind energy generation
6 facility has been commissioned are nonrestricted funds; 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 paid
11 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 tax
17 paid to counties, and reimbursements to counties from funds
18 appropriated pursuant to section 29-3933, and (ii) beginning on July
19 1, 2011, state aid to counties paid pursuant to sections 39-2501 to
20 39-2520, 60-3,184 to 60-3,190, and 77-27,137.03, insurance premium
21 tax paid to counties, and reimbursements to counties from funds
22 appropriated pursuant to section 29-3933;

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

1 (ii) for fiscal year—years 2010-11, 2011-12, and 2012-13, state aid
2 to community colleges paid pursuant to section 90-517;

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

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

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

9 Sec. 2. Section 77-3442, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

11 77-3442 (1) Property tax levies for the support of local
12 governments for fiscal years beginning on or after July 1, 1998,
13 shall be limited to the amounts set forth in this section except as
14 provided in section 77-3444.

15 (2)(a) Except as provided in subdivision (2)(e) of this
16 section, school districts and multiple-district school systems,
17 except learning communities and school districts that are members of
18 learning communities, may levy a maximum levy of one dollar and five
19 cents per one hundred dollars of taxable valuation of property
20 subject to the levy.

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

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

9 (d) Excluded from the limitations in subdivisions (2)(a)
10 and (2)(c) of this section are amounts levied to pay for sums agreed
11 to be paid by a school district to certificated employees in exchange
12 for a voluntary termination of employment and amounts levied to pay
13 for special building funds and sinking funds established for projects
14 commenced prior to April 1, 1996, for construction, expansion, or
15 alteration of school district buildings. For purposes of this
16 subsection, commenced means any action taken by the school board on
17 the record which commits the board to expend district funds in
18 planning, constructing, or carrying out the project.

19 (e) Federal aid school districts may exceed the maximum
20 levy prescribed by subdivision (2)(a) or (2)(c) of this section only
21 to the extent necessary to qualify to receive federal aid pursuant to
22 Title VIII of Public Law 103-382, as such title existed on September
23 1, 2001. For purposes of this subdivision, federal aid school
24 district means any school district which receives ten percent or more
25 of the revenue for its general fund budget from federal government

1 sources pursuant to Title VIII of Public Law 103-382, as such title
2 existed on September 1, 2001.

3 (f) For school fiscal year 2002-03 through school fiscal
4 year 2007-08, school districts and multiple-district school systems
5 may, upon a three-fourths majority vote of the school board of the
6 school district, the board of the unified system, or the school board
7 of the high school district of the multiple-district school system
8 that is not a unified system, exceed the maximum levy prescribed by
9 subdivision (2)(a) of this section in an amount equal to the net
10 difference between the amount of state aid that would have been
11 provided under the Tax Equity and Educational Opportunities Support
12 Act without the temporary aid adjustment factor as defined in section
13 79-1003 for the ensuing school fiscal year for the school district or
14 multiple-district school system and the amount provided with the
15 temporary aid adjustment factor. The State Department of Education
16 shall certify to the school districts and multiple-district school
17 systems the amount by which the maximum levy may be exceeded for the
18 next school fiscal year pursuant to this subdivision (f) of this
19 subsection on or before February 15 for school fiscal years 2004-05
20 through 2007-08.

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

1 (h) For each fiscal year, learning communities may levy a
2 maximum levy of two cents on each one hundred dollars of taxable
3 property subject to the levy for elementary learning center facility
4 leases, for remodeling of leased elementary learning center
5 facilities, and for up to fifty percent of the estimated cost for
6 focus school or program capital projects approved by the learning
7 community coordinating council pursuant to section 79-2111.

8 (i) For each fiscal year, learning communities may levy a
9 maximum levy of one cent on each one hundred dollars of taxable
10 property subject to the levy for elementary learning center
11 employees, for contracts with other entities or individuals who are
12 not employees of the learning community for elementary learning
13 center programs and services, and for pilot projects, except that no
14 more than ten percent of such levy may be used for elementary
15 learning center employees.

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

20 (b) For fiscal year 2010-11, ~~and each fiscal year~~
21 ~~thereafter,~~ in lieu of the calculation of a maximum levy for
22 operating expenditures pursuant to the Community College Foundation
23 and Equalization Aid Act, and for fiscal year 2011-12 and each fiscal
24 year thereafter, community colleges may levy a maximum of ten and
25 one-quarter cents per one hundred dollars of taxable valuation of

1 property subject to the levy for operating expenditures and may also
2 levy the additional levies provided in ~~subsection (2)~~ subsections (2)
3 and (3) 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 their
9 restricted funds budgeted to administer and implement ground water
10 management activities and integrated management activities under the
11 Nebraska Ground Water Management and Protection Act exceed their
12 restricted funds budgeted to administer and implement ground water
13 management activities and integrated management activities for
14 FY2003-04, not to exceed one cent on each one hundred dollars of
15 taxable valuation annually on all of the taxable property within the
16 district.

17 (c) In addition, natural resources districts located in a
18 river basin, subbasin, or reach that has been determined to be fully
19 appropriated pursuant to section 46-714 or designated as
20 overappropriated pursuant to section 46-713 by the Department of
21 Natural Resources shall also have the power and authority to levy a
22 tax equal to the dollar amount by which their restricted funds
23 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 to
3 exceed three cents on each one hundred dollars of taxable valuation
4 on all of the taxable property within the district for fiscal year
5 2006-07 and each fiscal year thereafter through fiscal year 2011-12.

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

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

22 (b) Incorporated cities and villages which are within the
23 boundaries of a municipal county may levy a maximum levy of ninety
24 cents per one hundred dollars of taxable valuation of property
25 subject to the levy. The maximum levy shall include amounts paid to a

1 municipal county for county services, amounts levied to pay for sums
2 to support a library pursuant to section 51-201, a museum pursuant to
3 section 51-501, a visiting community nurse, home health nurse, or
4 home health agency pursuant to section 71-1637, or a statue,
5 memorial, or monument pursuant to section 80-202.

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

15 (8) Counties may levy or authorize a maximum levy of
16 fifty cents per one hundred dollars of taxable valuation of property
17 subject to the levy, except that five cents per one hundred dollars
18 of taxable valuation of property subject to the levy may only be
19 levied to provide financing for the county's share of revenue
20 required under an agreement or agreements executed pursuant to the
21 Interlocal Cooperation Act or the Joint Public Agency Act. The
22 maximum levy shall include amounts levied to pay for sums to support
23 a library pursuant to section 51-201 or museum pursuant to section
24 51-501. The county may allocate up to fifteen cents of its authority
25 to other political subdivisions subject to allocation of property tax

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

20 (9) Municipal counties may levy or authorize a maximum
21 levy of one dollar per one hundred dollars of taxable valuation of
22 property subject to the levy. The municipal county may allocate levy
23 authority to any political subdivision or entity subject to
24 allocation under section 77-3443.

25 (10) Property tax levies for judgments, except judgments

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

13 (11) The limitations on tax levies provided in this
14 section are to include all other general or special levies provided
15 by law. Notwithstanding other provisions of law, the only exceptions
16 to the limits in this section are those provided by or authorized by
17 sections 77-3442 to 77-3444.

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

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

24 (14) For school districts that file a binding resolution
25 on or before May 9, 2008, with the county assessors, county clerks,

1 and county treasurers for all counties in which the school district
2 has territory pursuant to subsection (7) of section 79-458, if the
3 combined levies, except levies for bonded indebtedness approved by
4 the voters of the school district and levies for the refinancing of
5 such bonded indebtedness, are in excess of the greater of (a) one
6 dollar and twenty cents per one hundred dollars of taxable valuation
7 of property subject to the levy or (b) the maximum levy authorized by
8 a vote pursuant to section 77-3444, all school district levies,
9 except levies for bonded indebtedness approved by the voters of the
10 school district and levies for the refinancing of such bonded
11 indebtedness, shall be considered unauthorized levies under section
12 77-1606.

13 Sec. 3. Section 81-1118.02, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-1118.02 (1) Each executive, department, commission, or
16 other state agency, including the Supreme Court, the Board of Regents
17 of the University of Nebraska, ~~the State Board of Community Colleges,~~
18 and the Board of Trustees of the Nebraska State Colleges, shall
19 annually make or cause to be made an inventory of all property,
20 including furniture and equipment, belonging to the State of Nebraska
21 and in the possession, custody, or control of any executive,
22 department, commission, or other state agency. The inventory shall
23 include property in the possession, custody, or control of each
24 executive, department, commission, or other state agency as of June
25 30 and shall be completed and filed with the materiel administrator

1 by August 31 of each year.

2 (2) If any of the property of the state, referred to in
3 subsection (1) of this section, is lost, destroyed, or unaccounted
4 for by the negligence or carelessness of the executive, department,
5 commission, or other state agency, the administrator shall, with the
6 advice of the Attorney General, take the proper steps to recover such
7 state property or the reasonable value thereof from the executive,
8 department, commission, or other state agency charged with the same
9 and from the person bonding such executive, department, commission,
10 or other state agency, if any.

11 (3) Each such executive, department, commission, or other
12 state agency shall indelibly tag, mark, or stamp all such property
13 belonging to the State of Nebraska, with the following: Property of
14 the State of Nebraska. In the inventory required by subsection (1) of
15 this section, each such executive, department, commission, or other
16 state agency shall state positively that each item of such property
17 has been so tagged, marked, or stamped.

18 Sec. 4. Section 85-1418, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 85-1418 (1) No state warrant shall be issued by the
21 Department of Administrative Services or used by any public
22 institution for the purpose of funding any program or capital
23 construction project which has not been approved or which has been
24 disapproved by the commission pursuant to the Coordinating Commission
25 for Postsecondary Education Act. If state funding for any such

1 program or project cannot be or is not divided into warrants separate
2 from other programs or projects, the department shall reduce a
3 warrant to the public institution which includes funding for the
4 program or project by the amount of tax funds designated by the
5 Legislature which are budgeted in that fiscal year by the public
6 institution for use for the program or project.

7 (2) The department may reduce the amount of state aid
8 distributed to a community college area pursuant to the Community
9 College Foundation and Equalization Aid Act, or for fiscal ~~year-years~~
10 2010-11, 2011-12, and 2012-13 pursuant to section 90-517, by the
11 amount of funds used by the area to provide a program or capital
12 construction project which has not been approved or which has been
13 disapproved by the commission.

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

18 (4) Any person or public institution aggrieved by a final
19 order of the commission entered pursuant to section 85-1413, 85-1414,
20 85-1415, or 85-1416 shall be entitled to judicial review of the
21 order. Proceedings for review shall be instituted by filing a
22 petition in the district court of Lancaster County within thirty days
23 after public notice of the final decision by the commission is given.
24 The filing of the petition or the service of summons upon the
25 commission shall not stay enforcement of such order. The review shall

1 be conducted by the court without a jury on the record of the
2 commission. The court shall have jurisdiction to enjoin enforcement
3 of any order of the commission which is (a) in violation of
4 constitutional provisions, (b) in excess of the constitutional or
5 statutory authority of the commission, (c) made upon unlawful
6 procedure, or (d) affected by other error of law.

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

11 Sec. 5. Section 85-1503, Revised Statutes Cumulative
12 Supplement, 2010, is amended to read:

13 85-1503 For purposes of sections 85-1501 to 85-1540,
14 unless the context otherwise requires:

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

17 (2) Community college area means an area established by
18 section 85-1504;

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

21 (4) Full-time equivalent student means, in the aggregate,
22 the equivalent of a registered student who in a twelve-month period
23 is enrolled in (a) thirty semester credit hours or forty-five quarter
24 credit hours of classroom, laboratory, clinical, practicum, or
25 independent study course work or cooperative work experience or (b)

1 nine hundred contact hours of classroom or laboratory course work for
2 which credit hours are not offered or awarded. Avocational and
3 recreational community service programs or courses are not included
4 in determining full-time equivalent students or student enrollment;

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

8 (6) Credit hour means the unit used to ascertain the
9 educational value of course work offered by the institution to
10 students enrolling for such course work, earned by such students upon
11 successful completion of such course work, and for which tuition is
12 charged. A credit hour may be offered and earned in any of several
13 instructional delivery systems, including, but not limited to,
14 classroom hours, laboratory hours, clinical hours, practicum hours,
15 cooperative work experience, and independent study. A credit hour
16 shall consist of a minimum of: (a) Ten quarter or fifteen semester
17 classroom contact hours per term of enrollment; (b) twenty quarter or
18 thirty semester academic transfer and academic support laboratory
19 hours per term of enrollment; (c) thirty quarter or forty-five
20 semester vocational laboratory hours per term of enrollment; (d)
21 thirty quarter or forty-five semester clinical or practicum contact
22 hours per term of enrollment; or (e) forty quarter or sixty semester
23 cooperative work experience contact hours per term of enrollment. An
24 institution may include in a credit hour more classroom, laboratory,
25 clinical, practicum, or cooperative work experience hours than the

1 minimum required in this subdivision. The institution shall publish
2 in its catalog, or otherwise make known to the student in writing
3 prior to the student enrolling or paying tuition for any courses, the
4 number of credit or contact hours offered in each such course. Such
5 published credit or contact hour offerings shall be used to determine
6 whether a student is a full-time equivalent student pursuant to
7 subdivision (4) of this section;

8 (7) Classroom hour means a minimum of fifty minutes of
9 formalized instruction on campus or off campus in which a qualified
10 instructor applying any combination of instructional methods such as
11 lecture, directed discussion, demonstration, or the presentation of
12 audiovisual materials is responsible for providing an educational
13 experience to students;

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

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

1 the didactic phase of the experience;

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

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

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

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

25 (14) General academic transfer course means a course

1 offering in a one-year or two-year degree-credit program, at the
2 associate degree level or below, intended by the offering institution
3 for transfer into a baccalaureate program. The completion of the
4 specified courses in a general academic transfer program may include
5 the award of a formal degree;

6 (15) Applied technology or occupational course means a
7 course offering in an instructional program, at the associate degree
8 level or below, intended to prepare individuals for immediate entry
9 into a specific occupation or career. The primary intent of the
10 institutions offering an applied technology or occupational program
11 shall be that such program is for immediate job entry. The completion
12 of the specified courses in an applied technology or occupational
13 program may include the award of a formal degree, diploma, or
14 certificate;

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

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

22 (18) Class 2 course means an applied technology or
23 occupational course offering which requires the use of specialized
24 equipment, facilities, or instructional methods not easily adaptable
25 for use in a general academic transfer program classroom or

1 laboratory;

2 (19) Full-time equivalent student means a full-time
3 equivalent student subject to the following limitation: The number of
4 credit and contact hours which shall be counted by any community
5 college area in which a tribally controlled community college is
6 located shall include credit and contact hours awarded by such
7 tribally controlled community college to students for which such
8 institution received no federal reimbursement pursuant to the
9 Tribally Controlled Community College Assistance Act, 25 U.S.C. 1801;

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

13 (21) Reimbursable educational unit means a full-time
14 equivalent student multiplied by (a) for a general academic transfer
15 course or an academic support course, a factor of one, (b) for a
16 Class 1 course, a factor of one and fifty-hundredths, (c) for a Class
17 2 course, a factor of two, (d) for a tribally controlled community
18 college general academic transfer course or academic support course,
19 a factor of two, (e) for a tribally controlled community college
20 Class 1 course, a factor of three, and (f) for a tribally controlled
21 community college Class 2 course, a factor of four;

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

25 (23) Special instructional term means any term which is

1 less than fifteen weeks for community colleges using semesters or ten
2 weeks for community colleges using quarters;

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

6 (25) Tribally controlled community college means an
7 educational institution operating and offering programs pursuant to
8 the Tribally Controlled Community College Assistance Act, 25 U.S.C.
9 1801; and

10 (26) Tribally controlled community college state aid
11 amount means:

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

22 (b) For fiscal ~~year~~years 2010-11, 2011-12, and 2012-13,
23 the amount of state aid provided to a tribally controlled community
24 college pursuant to section 90-517.

25 Sec. 6. Section 85-1517, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 85-1517 (1)(a) For fiscal years prior to fiscal year
3 2010-11, the board may certify to the county board of equalization of
4 each county within the community college area a tax levy not to
5 exceed the maximum levy calculated pursuant to the Community College
6 Foundation and Equalization Aid Act on each one hundred dollars on
7 the taxable valuation of all property subject to the levy within the
8 community college area, uniform throughout such area, for the purpose
9 of supporting operating expenditures of the community college area.

10 (b) For fiscal year 2010-11 and each fiscal year
11 thereafter, the board may certify to the county board of equalization
12 of each county within the community college area a tax levy not to
13 exceed ten and one-quarter cents on each one hundred dollars on the
14 taxable valuation of all property subject to the levy within the
15 community college area, uniform throughout the area, for the purpose
16 of supporting operating expenditures of the community college area.

17 ~~(2)(a)~~ (2) In addition to the levies provided in
18 ~~subsection (1) of this section and this subsection, subsections (1)~~
19 ~~and (3) of this section~~ the board may certify to the county board of
20 equalization of each county within the community college area a tax
21 levy of not to exceed one cent on each one hundred dollars on the
22 taxable valuation of all property within the community college area,
23 uniform throughout such area, for the purpose of establishing a
24 capital improvement fund and bond sinking fund as provided in section
25 85-1515. The levy provided by this ~~subdivision~~ subsection may be

1 exceeded by that amount necessary to retire the general obligation
2 bonds assumed by the community college area or issued pursuant to
3 section 85-1515 according to the terms of such bonds or for any
4 obligation pursuant to section 85-1535 entered into prior to January
5 1, 1997.

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

20 ~~(3)~~ (4) The taxes provided by this section shall be
21 levied and assessed in the same manner as other property taxes and
22 entered on the books of the county treasurer. The proceeds of the
23 tax, as collected, shall be remitted to the treasurer of the board
24 not less frequently than once each month.

25 Sec. 7. Section 85-1535, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 85-1535 A board of a community college area with a
3 population of less than one hundred thousand according to the last
4 federal decennial census and a campus located on a former military
5 base may enter into contracts with any person, firm, or corporation
6 providing for the implementation of any project for the constructing
7 and improving of facilities to house applied technology educational
8 programs necessary to carry out sections 85-1501 to 85-1540 and
9 providing for the long-term payment of the cost of such project.

10 In no case shall any such contract run for a period
11 longer than twenty years or shall the aggregate of existing contracts
12 exceed four million five hundred thousand dollars for each area
13 exclusive of administrative costs, credit enhancement costs,
14 financing costs, capitalized interest, and reserves dedicated to
15 secure payment of contracts.

16 No contract shall be entered into pursuant to this
17 section without prior approval by a resolution of the board and the
18 approval of the Coordinating Commission for Postsecondary Education.

19 The long-term payment of the cost of such project shall
20 be paid from revenue to be raised pursuant to ~~subdivision (2)(a)~~
21 subsection (2) of section 85-1517. Any board entering into such
22 contract for the construction and improvement of facilities from
23 revenue to be raised pursuant to such subdivision shall make annual
24 appropriations for amounts sufficient to pay annual obligations under
25 such contract for the duration of such contract.

1 The board may also convey or lease and lease back all or
2 any part of the project and the land on which such project is
3 situated to such person, firm, or corporation as the board may
4 contract with pursuant to this section to facilitate the long-term
5 payment of the cost of such project. Any such conveyance or lease
6 shall provide that when the cost of such project has been paid,
7 together with interest and other costs thereon, such project and the
8 land on which such project is located shall become the property of
9 the community college area.

10 Sec. 8. Section 90-517, Revised Statutes Cumulative
11 Supplement, 2010, is amended to read:

12 90-517 (1) Notwithstanding the Community College
13 Foundation and Equalization Aid Act or any other provision of law,
14 state aid for each community college area for fiscal year 2010-11
15 shall equal:

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

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

19 (c) For the Mid-Plains Community College Area,
20 \$8,251,373;

21 (d) For the Northeast Community College Area,
22 \$12,784,454, including \$38,815 for Nebraska Indian Community College
23 and \$13,120 for Little Priest Tribal College;

24 (e) For the Southeast Community College Area,
25 \$27,133,220; and

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

2 (2) Notwithstanding any other provision of law, state aid

3 for each community college area for fiscal years 2011-12 and 2012-13

4 shall equal the amount of state aid appropriated by the Legislature

5 for the respective fiscal year multiplied by the following percentage

6 for each community college area:

7 (a) For the Central Community College Area, eight and

8 eighty-six hundredths percent;

9 (b) For the Metropolitan Community College Area, twenty-

10 six and fifty-one hundredths percent;

11 (c) For the Mid-Plains Community College Area, nine and

12 five hundredths percent;

13 (d) For the Northeast Community College Area, fourteen

14 and four hundredths percent. Of such amount provided for the

15 Northeast Community College Area, one-tenth of one percent shall be

16 provided for Nebraska Indian Community College and two-tenths of one

17 percent for Little Priest Tribal College;

18 (e) For the Southeast Community College Area, twenty-

19 eight and twenty-seven hundredths percent; and

20 (f) For the Western Community College Area, thirteen and

21 twenty-seven hundredths percent;

22 ~~(2)~~(3) The Department of Administrative Services shall

23 distribute the amounts provided in subsection (1) or (2) of this

24 section for the respective fiscal year to each community college area

25 in ten as nearly as possible equal monthly payments between the fifth

1 and the twentieth day of each month beginning in September 2010. of
2 each year.

3 Sec. 9. Original sections 81-1118.02 and 85-1535, Reissue
4 Revised Statutes of Nebraska, and sections 13-518, 77-3442, 85-1418,
5 85-1503, 85-1517, and 90-517, Revised Statutes Cumulative Supplement,
6 2010, are repealed.

7 Sec. 10. Since an emergency exists, this act takes effect
8 when passed and approved according to law.