

LEGISLATIVE BILL 459

Passed over the Governor's veto April 19, 1977

Introduced by Special Interim Study Committee, Warner, 25, Chmn.; Dworak, 22; Stoney, 4; Savage, 10; Marvel, 33; F. Lewis, 45; Murphy, 17

AN ACT relating to postsecondary education; to provide legislative intent; to create the Nebraska Postsecondary Education Advisory Committee as prescribed; to provide powers, duties, and responsibilities of such committee; to provide duties of postsecondary institutions and the Nebraska Coordinating Commission for Postsecondary Education; to eliminate the Nebraska Coordinating Commission for Technical Community Colleges; to amend sections 79-2637, 79-2644, 79-2651, 79-2652, and 85-910, Revised Statutes Supplement, 1976; to provide severability; to repeal the original sections, and also sections 79-2642 and 79-2654 to 79-2661, Revised Statutes Supplement, 1976; and to declare an emergency.

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

Section 1. The Legislature hereby declares that it is the intent and purpose of this act to provide:

(1) Statewide programs and planning in the delivery of quality postsecondary educational services;

(2) Budget analysis in order to recognize statewide impact and resource limitations;

(3) Program evaluation, review, and approval in an effort to achieve coordination, efficiency, and improvement in the postsecondary educational system; and

(4) Definition and direction to the roles and missions of the various systems and institutions of postsecondary education.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Board shall mean the Executive Board of the Legislative Council;

(2) Committee shall mean the Nebraska Postsecondary Education Advisory Committee created by section 3 of this act; and

(3) Postsecondary education shall mean an institution offering vocational technical education, two-year, four-year, or graduate academic educational training, or service programs.

Sec. 3. The Executive Board of the Legislative Council shall, within ten days after the effective date of this act, appoint six members of the Legislature to serve, together with the chairperson of the Committee on Education and the chairperson of the Committee on Appropriations, who shall serve as cochairpersons, on a committee to be known as the Nebraska Postsecondary Education Advisory Committee. The board shall appoint two members of the Legislature from each of the congressional districts of this state.

Sec. 4. The committee shall serve until July 1, 1978, at which time it shall cease to exist. Any vacancy on such committee shall be filled by appointment from among the members of the Legislature in the same manner as original appointments were made, and any person named to fill a vacancy shall have the same qualifications as his immediate predecessor.

Sec. 5. The committee shall hold at least four meetings once each calendar quarter at a time and place fixed by the committee. Special meetings may be called by the cochairpersons. Such special meetings shall be called by the cochairpersons upon receipt of a written request signed by three or more members of the committee. The majority of the members of the committee shall constitute a quorum.

Sec. 6. The committee shall:

(1) Study existing laws and practices affecting any public postsecondary educational institution or system; and

(2) Maintain a continuous study to evaluate postsecondary education needs of the state and its political subdivisions.

Sec. 7. In addition to any other powers and duties imposed upon the committee by this act, the committee shall:

(1) Redefine the roles and missions of Nebraska's institutions and systems of public postsecondary education. In redefining the roles and missions of Nebraska's institutions and systems of public postsecondary education, the committee shall not consider any new or expanded sequences of instruction, academic

programs, or services established through any fund source after September 1, 1976, as a part of the historical role and mission of a particular public institution or system of postsecondary education;

(2) Receive the recommendations of the Nebraska Coordinating Commission for Postsecondary Education for developing a uniform data system before September 1, 1977, and conduct a public hearing on such recommendations on or before December 1, 1977; and

(3) Present to the Legislature on or before January 1, 1978, the committee's recommendations for the development and implementation of resource allocation and uniform data systems which are necessary to provide multiple year budget and program planning and which are consistent with and acceptable to the needs of the Legislature.

Sec. 8. In performing its duties, the committee shall:

(1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for postsecondary education services;

(2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.

Sec. 9. Each public postsecondary institution in the state shall submit with its annual budget request on or before October 15, 1977 and each year thereafter, three copies of an annual report on the receipt and expenditure of all funds received from private, nongovernmental sources to include private enterprises, foundations, and any other nongovernmental fund source excluding student fees, when such funds are used for the purpose of supporting existing or establishing new programs within the institution. The form of such reports shall be prescribed by the Department of Administrative Services, Budget Division. It is the purpose of this section to provide for full disclosure of all financial activities dealing with program support by postsecondary institutions, but this section shall not be interpreted to require the disclosure of the names of private donors or be used to interfere with the internal operation or management of institutionally related foundations.

Sec. 10. That section 79-2637, Revised Statutes Supplement, 1976, be amended to read as follows:

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

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

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

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

~~(4) --- Commission --- shall --- mean --- the --- Nebraska Coordinating Commission for Technical Community Colleges;~~

~~(5) (4)~~ A full-time equivalent student shall mean (a) a registered student who in a twelve-month period is enrolled in thirty semester credit hours or forty-five quarter credit hours of classroom or laboratory course work applicable to a degree, diploma, or certificate program, or (b) a registered undergraduate student who in a twelve-month period is enrolled in nine hundred contact hours of classroom or laboratory course work applicable to a degree, diploma, or certificate program. Vocational and recreational community service programs or courses shall not be included in determining full-time equivalent students or student enrollment; and

~~(6) (5)~~ 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.

Sec. 11. That section 79-2644, Revised Statutes Supplement, 1976, be amended to read as follows:

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

(1) To have general supervision, control, and operation of each technical community college within its jurisdiction;

(2) To develop and offer programs of vocational and technical education, academic courses which are

supportive of the vocational and technical programs, and such other programs and courses as the needs of the area served may require. The board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and area;

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

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

(5) To cause an examination and comprehensive audit of the books, accounts, records and affairs, including full-time equivalent student enrollment total as defined in sections 79-2636 to 79-2662, 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;~~ ~~and the commission~~ on or before August October 15 of each year. The examination and audit of the full-time equivalent student enrollment total shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before August 15 of each year;

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

(7) To receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the technical community college programs as specified by law. Each board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof and adopt regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants,

or conveyances shall not be conditioned on matching state or local funds;

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

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

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

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

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

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

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

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

(16) To establish tuition rates for courses of instruction offered by each college within its area.

Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska;

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

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

Sec. 12. That section 79-2651, Revised Statutes Supplement, 1976, be amended to read as follows:

79-2651. The Legislature, in an effort to promote quality postsecondary education and to avoid excessive taxation upon the taxable property of each area, may appropriate each year from such funds as may be available an amount for the aid and assistance of the technical community colleges. Such funds so appropriated by the Legislature shall be distributed by the Department of Administrative Services in ~~twelve~~ ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning ~~July, 1976~~ September, 1977, and each September thereafter. Such funds shall be distributed to the technical community colleges in the same proportion as the full-time equivalent student enrollment total for each college for the immediately preceding fiscal year is to the full-time equivalent enrollment total of all technical community colleges combined for such fiscal year.

Sec. 13. That section 79-2652, Revised Statutes Supplement, 1976, be amended to read as follows:

79-2652. A technical community college may estimate its full-time equivalent student enrollment total for the 1975-76 fiscal year and certify such estimate to the Auditor of Public Accounts, and the Department of Administrative Services, ~~and the commission~~ on or before August 15, 1975. Such certified estimate shall be used for the purpose of determining the ratio for distribution of funds to the technical community colleges set forth in section 79-2651. Any college which has estimated its full-time equivalent student enrollment total shall, on or before May 1, 1976, certify to the Auditor of Public Accounts, and the Department of Administrative Services, ~~and the commission~~ its actual full-time equivalent student enrollment total for July 1, 1975 to April 15, 1976. If such certification discloses that the estimated full-time equivalent student enrollment total exceeds the actual full-time equivalent student enrollment total by more than five per cent, the Department of Administrative Services shall redetermine

the original distribution of funds ratio set forth in section 79-2651 based on the actual full-time equivalent student enrollment total. The Department of Administrative Services shall then make the necessary adjustment in the June 1, 1976 payment to cause each technical community college to receive a total distribution of funds for the 1975-76 fiscal year based upon the readjusted ratio.

Sec. 14. That section 85-910, Revised Statutes Supplement, 1976, be amended to read as follows:

85-910. The commission shall have and may exercise the following powers and duties:

(1) To exercise exclusive general supervision of the administration and enforcement of this section and all rules and regulations adopted thereunder;

~~(2) To develop and implement a statewide information system for education in this state. The commission shall establish uniform data definition and collection techniques to ensure comparability among Nebraska educational institutions and agencies. In so doing, recognition shall be given national developments in data definition and collection so interstate comparisons may be fostered. The information system shall include: (a) Demographic characteristics of students and faculty; (b) an inventory of curriculum and degree offerings, and descriptive characteristics and historic fiscal data for on and off campus instruction, extension, adult and continuing education, research, and public service; and (c) an inventory of and utilization data for the physical facilities on each campus;~~

(3) (2) To facilitate communication and coordination for the mutual exchange of ideas and information between educational institutions in such areas as:

(a) The sharing of resources, expertise, and facilities among institutions or agencies; and

(b) The establishing of plans, practices, procedures, and policies on matters which affect more than one institution or agency, specifically to address the issue of transferability of credit;

(4) (3) To advise, consult, and cooperate with other agencies of this state, the federal government, other states, affected institutions or groups, and political subdivisions to further the purposes of this section;

{5} [4] To accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, which loans and grants shall not be expended for any other than the purposes for which provided, and to determine institutional eligibility for such loans, grants, and programs when such determination is to be made by the administering state agency, which loans and grants shall not be expended unless approved and appropriated by the Legislature;

{6} [5] To encourage, participate in, and conduct studies, investigations, and research related to the purposes for which the commission was created;

{7} [6] Effective January 1, 1977, to undertake the task of running the Enrollment Projection Model developed by the Higher Education Facilities Commission. Duties shall include the collection of the input data, operation of the model, and a report of the findings;

{8} [7] To make recommendations (a) to the postsecondary education institutions of this state concerning methods which may benefit the services they provide to include the short-range goal of identifying those areas of responsibility pertaining to the private and proprietary institutions as services they should provide and not to be duplicated by public institutions; (b) to the Governor and the Legislature concerning legislation which may be beneficial to the postsecondary education services in this state and which would effect the purpose of sections 85-901 to 85-911; and

{9} [8] To establish close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary-secondary education and postsecondary education. The coordination effort shall include the following short-range goals:

(a) The ultimate removal of remedial courses at the postsecondary education level; and

(b) The clear identification of adult and continuing education responsibilities between the elementary-secondary education level and postsecondary education level to prevent duplication of effort.

Sec. 15. [1] In addition to any other powers and duties imposed upon the Nebraska Coordinating Commission for Postsecondary Education under sections 85-901 to 85-911, the commission shall develop studies to:

(a) Develop proposals providing for the transferability of program credits among systems of postsecondary education;

(b) Determine the extent of student attrition in the three postsecondary systems and recommend approaches for the reduction of attrition rates; and

(c) Develop proposals for an integrated delivery system for the provision of adult and continuing education services.

(2) A report of each proposal resulting from studies conducted pursuant to subsection (1) of this section shall be filed with the committee not later than January 1, 1978.

Sec. 16. (1) The commission shall develop and present to the committee by September 1, 1977, a plan to provide for a uniform data system for postsecondary education which is acceptable to and compatible with the needs of the Legislature. The plan shall include recommendations as to uniform data definitions and collection techniques to insure comparability among Nebraska's public educational institutions. In developing such plan, recognition shall be given both to state level informational needs and national developments in data definition and collection so that intrastate and interstate comparison may be fostered. The information system proposed shall address: (a) Demographic characteristics of students and faculty; (b) the inventorying of curriculum and degree offerings, and descriptive characteristics and historical fiscal data for on-campus and off-campus instruction, extension, adult and continuing education, research, and public service, and (c) an inventory of and utilization data for the physical facilities on each campus.

(2) Upon receipt of the plan and recommendations of the commission, the committee shall conduct a public hearing on the plan on or before December 1, 1977. Subsequent to reviewing the plan and conducting the public hearing, the committee shall submit recommendations on or before January 1, 1978, for the implementation of a uniform data system.

Sec. 17. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 18. That original sections 79-2637, 79-2644, 79-2651, 79-2652, and 85-910, Revised Statutes Supplement, 1976, and also sections 79-2642 and 79-2654 to 79-2661, Revised Statutes Supplement, 1976, are repealed.

Sec. 19. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.