

LEGISLATIVE BILL 329

Approved by the Governor April 14, 1987

Introduced by Education Committee, Withem, 14,
Chairperson; Dierks, 40; Nelson, 35;
Peterson, 21; McFarland, 28; Chizek, 31;
V. Johnson, 8; Baack, 47

AN ACT relating to technical community colleges; to amend section 79-2648, Reissue Revised Statutes of Nebraska, 1943, and section 79-2637, Revised Statutes Supplement, 1986; to authorize the issuance of bonds; to provide for the use of revenue from such bonds; to provide procedures; to exempt such bonds from taxation; to provide additional powers; to eliminate certain bond provisions; to harmonize provisions; and to repeal the original sections, and also sections 79-1438.04 and 79-1438.06 to 79-1438.12, Reissue Revised Statutes of Nebraska, 1943, and section 79-1438.05, Revised Statutes Supplement, 1986.

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

Section 1. That section 79-2637, Revised Statutes Supplement, 1986, be amended to read as follows:

79-2637. As used in sections 79-2636 to 79-2662 and sections 3 to 10 of this act, 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 and sections 3 to 10 of this act;

(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 and sections 3 to 10 of this act;

(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 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 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. 2. 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 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 the provisions of sections 79-2636 to 79-2653 and 79-2662. Revenue bonds issued shall be subject to all applicable the provisions of sections 79-1438-04 to 79-1438-12 3 to 10 of this act. 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 the provisions of sections 79-2636 to 79-2653, and 79-2662 and sections 3 to 10 of this act 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. 3. Each board may construct, purchase, or otherwise acquire, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple-dwelling units, or other facilities for (1) the housing or boarding of single or married students, faculty, or other employees of the institution under its control, (2) buildings and structures for student and faculty unions or centers, and (3) the medical care and other activities of the students of such institutions, on real estate then owned or controlled by such board or on real estate purchased, leased, or otherwise acquired for such purpose and pay the cost thereof, including the cost of such real estate, by issuing revenue bonds payable solely out of the revenue from such buildings or facilities. Any such buildings or facilities shall be located on or adjacent to a campus or campuses controlled by such board.

Sec. 4. 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 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 3 to 10 of this act 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 and sections 3 to 10 of this act.

Sec. 5. All revenue bonds issued pursuant to section 79-2648 and sections 3 to 10 of this act shall be registered in the office of the Auditor of Public Accounts of the State of Nebraska. The revenue bonds may be payable at the office of the State Treasurer, at such bank or trust company, either within or without the State of Nebraska, or at such other place as may be determined by the board.

Sec. 6. The proceeds of revenue bonds provided for in section 79-2648 or in sections 3 and 4 of this act shall be used solely for the purpose for which the bonds are issued and for the expenses of issuing such bonds. The board shall establish and maintain a schedule of rates, fees, or charges for the use of the facilities constructed or acquired by the issuance of revenue bonds and other facilities controlled by the board, the revenue of which, in whole or in part, is pledged to the holder of the bonds, which shall be in an amount at least sufficient, on the amortization plan, to pay the operating and maintenance charges of the facilities and the principal and interest representing the indebtedness against the income and revenue therefrom.

Sec. 7. For the purpose of refunding any revenue bonds which may have been issued and are outstanding, the respective boards may issue revenue refunding bonds in the same manner as provided in sections 3 to 10 of this act for the issuance of revenue bonds.

Sec. 8. Each board may furnish heat, light, power, and other similar utilities to any facility or

for any activities covered by section 79-2648 and sections 3 to 10 of this act without charging for the provision of such utilities against the revenue derived from such facility or activity.

Sec. 9. In issuing revenue bonds pursuant to section 79-2648 or sections 3 to 10 of this act, the board issuing such bonds shall be a governmental subdivision and instrumentality of the State of Nebraska, and all bonds issued under the authority of such sections, together with interest on such bonds, shall be wholly exempt from taxation.

Sec. 10. Each board may do any and all things necessary and convenient to carry out the purposes and intent of section 79-2648 and sections 3 to 10 of this act.

Sec. 11. That original section 79-2648, Reissue Revised Statutes of Nebraska, 1943, and section 79-2637, Revised Statutes Supplement, 1986, and also sections 79-1438.04 and 79-1438.06 to 79-1438.12, Reissue Revised Statutes of Nebraska, 1943, and section 79-1438.05, Revised Statutes Supplement, 1986, are repealed.