

AMENDMENTS TO LB 440

(Amendments to Final Reading copy)

Introduced by Council, 11.

1 1. Insert the following new section:

2 Sec. 3. Section 85-1402, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-1402 For purposes of the Coordinating Commission for
5 Postsecondary Education Act:

6 (1)(a) Capital construction project shall mean a project
7 which utilizes tax funds designated by the Legislature and shall
8 be: Any proposed new capital structure; any proposed addition
9 to, renovation of, or remodeling of a capital structure; any
10 proposed acquisition of a capital structure by gift, purchase,
11 lease-purchase, or other means of construction or acquisition that
12 (i) will be directly financed in whole or in part with tax funds
13 designated by the Legislature totaling at least the minimum capital
14 expenditure for purposes of this subdivision or (ii) is likely,
15 as determined by the institution, to result in an incremental
16 increase in appropriation or expenditure of tax funds designated
17 by the Legislature of at least the minimum capital expenditure for
18 the facility's operations and maintenance costs in any one fiscal
19 year within a period of ten years from the date of substantial
20 completion or acquisition of the project. No tax funds designated
21 by the Legislature shall be appropriated or expended for any
22 incremental increase of more than the minimum capital expenditure

1 for the costs of the operations and utilities of any facility
2 which is not included in the definition of capital construction
3 project and thus is not subject to commission approval pursuant
4 to the Coordinating Commission for Postsecondary Education Act. No
5 institution shall include a request for funding such an increase
6 in its budget request for tax funds designated by the Legislature
7 nor shall any institution utilize any such funds for such an
8 increase. The Governor shall not include in his or her budget
9 recommendations, and the Legislature shall not appropriate, such
10 funds for such increase.

11 (b) For purposes of this subdivision:

12 (i) Directly financed shall mean funded by:

13 (A) Appropriation of tax funds designated by the
14 Legislature for the specific capital construction project;

15 (B) Property tax levies used to establish a capital
16 improvement and bond sinking fund pursuant to section 85-1515; or

17 (C) That portion of tax funds designated by the
18 Legislature and appropriated by the Legislature for the general
19 operation of the public institution and utilized to fund the
20 capital project;

21 (ii) Incremental increase shall mean an increase in
22 appropriation or expenditure of tax funds designated by the
23 Legislature of at least the minimum capital expenditure for a
24 facility's operations and maintenance costs, beyond any increase
25 due to inflation, to pay for a capital structure's operations
26 and maintenance costs that are a direct result of a capital
27 construction project; and

1 (iii) Minimum capital expenditure shall mean:

2 (A) For purposes of subdivision (a)(i) of this
3 subdivision, a base amount of ~~five hundred thousand~~ two million
4 dollars; and

5 (B) For the facility's operations and maintenance costs
6 pursuant to subdivision (a)(ii) of this subdivision, a base amount
7 of ~~seventy-five~~ eighty-five thousand dollars for any one fiscal
8 year.

9 ~~Both base amounts~~ The base amount for the facility's
10 operations and maintenance costs shall be subject to any
11 inflationary or market adjustments made by the commission pursuant
12 to this subdivision. The commission shall adjust the base ~~amounts~~
13 amount on a biennial basis beginning January 1, ~~2008-~~ 2010. The
14 adjustments shall be based on percentage changes in a construction
15 cost index and any other published index relevant to operations and
16 utilities costs, both as selected by the commission in cooperation
17 with the public institutions. The index or indices shall reflect
18 inflationary or market trends for the applicable operations and
19 maintenance or construction costs;

20 (2) Commission shall mean the Coordinating Commission for
21 Postsecondary Education;

22 (3) Coordination shall mean:

23 (a) Authority to adopt, and revise as needed, a
24 comprehensive statewide plan for postsecondary education which
25 shall include (i) definitions of the role and mission of each
26 public postsecondary educational institution within any general
27 assignments of role and mission as may be prescribed by the

1 Legislature and (ii) plans for facilities which utilize tax funds
2 designated by the Legislature;

3 (b) Authority to review, monitor, and approve or
4 disapprove each public postsecondary educational institution's
5 programs and capital construction projects which utilize tax funds
6 designated by the Legislature in order to provide compliance and
7 consistency with the comprehensive plan and to prevent unnecessary
8 duplication; and

9 (c) Authority to review and modify, if needed to promote
10 compliance and consistency with the comprehensive statewide plan
11 and prevent unnecessary duplication, the budget requests of the
12 governing boards or any other governing board for any other public
13 postsecondary educational institution which may be established by
14 the Legislature;

15 (4) Education center shall mean an off-campus branch of
16 a public institution or cooperative of either public or public
17 and private postsecondary educational institutions which offers
18 instructional programs to students;

19 (5) Governing board shall mean the Board of Regents of
20 the University of Nebraska, the Board of Trustees of the Nebraska
21 State Colleges, or the board of governors for each community
22 college area;

23 (6) Program shall mean any program of instruction which
24 leads directly to a degree, diploma, or certificate and, for
25 purposes of section 85-1414, shall include public service programs
26 and all off-campus instructional programs, whether or not such
27 programs lead directly to a degree, diploma, or certificate.

1 Program shall also include the establishment of any new college,
2 school, major division, education center, or institute but
3 shall not include reasonable and moderate extensions of existing
4 curricula which have a direct relationship to existing programs;

5 (7) Public institution shall mean each campus of a
6 public postsecondary educational institution which is or may be
7 established by the Legislature, which is under the direction of a
8 governing board, and which is administered as a separate unit by
9 the board; and

10 (8) Tax funds designated by the Legislature shall mean
11 all state tax revenue and all property tax revenue.

12 2. On page 1, strike beginning with "the" in line 1
13 through line 5 and insert "postsecondary educational institutions;
14 to amend sections 85-9,178, 85-9,182, and 85-1402, Reissue Revised
15 Statutes of Nebraska; to change the diversity criteria under the
16 Student Diversity Scholarship Program Act; to change provisions
17 relating to capital and facility expenditures; and to repeal the
18 original sections."

19 3. Correct the repealer and renumber the remaining
20 section accordingly.