

AMENDMENTS TO LB 1104

Introduced by Adams

1 1. Insert the following new sections:

2 Sec. 17. Section 85-2409, Revised Statutes Supplement,
3 2011, is amended to read:

4 85-2409 No postsecondary institution ~~authorized~~ with an
5 authorization to operate under the Postsecondary Institution Act
6 shall charge tuition or fees for more than one academic term or
7 require a student to sign loan documents for more than one academic
8 year.

9 Sec. 24. Section 85-2418, Revised Statutes Supplement,
10 2011, is amended to read:

11 85-2418 (1) Any person claiming damage or loss as a
12 result of any act or practice by a postsecondary institution
13 which is a violation of the Postsecondary Institution Act, of the
14 rules and regulations adopted and promulgated under the act, or
15 of standards established pursuant to section 85-2406 may file with
16 the commission a complaint against such institution. The complaint
17 shall set forth the alleged violation and shall contain such other
18 information as may be required by the commission. A complaint may
19 also be filed with the commission by the executive director or the
20 Attorney General.

21 (2) If efforts by the commission to resolve the complaint
22 are not successful and if the commission deems it appropriate,
23 the commission may hold a hearing on such complaint after ten

1 days' written notice by certified mail, return receipt requested,
2 to such institution, giving notice of a time and place for the
3 hearing on such complaint. Such hearing shall be conducted in
4 accordance with the Administrative Procedure Act. If, upon all
5 evidence at the hearing, the commission finds that a postsecondary
6 institution has engaged in or is engaging in any act or practice
7 which violates the Postsecondary Institution Act, the rules and
8 regulations adopted and promulgated under the act, or the standards
9 established pursuant to section 85-2406, the commission shall issue
10 and cause to be served upon such institution an order requiring
11 such institution to cease and desist from such act or practice. The
12 commission may also, as appropriate, based on its own investigation
13 or the evidence adduced at such hearing or both, commence an
14 action:

15 (a) To revoke an institution's recurrent authorization to
16 operate; ~~or if the institution does not have an authorization to~~
17 ~~operate on a continuing basis; or~~

18 (b) To refer the complaint and all related evidence to
19 the Attorney General.

20 2. In the Standing Committee amendments, AM2077:

21 a. On page 15, line 4, after "the" insert "Nebraska
22 educational savings plan" and strike line 27 and show the old
23 matter as stricken;

24 b. On page 16, strike lines 1 through 4 and show as
25 stricken; in line 5 strike "(8)" and insert "(7)" and after "to"
26 insert "(a)"; in line 7 after "or" insert "(b)"; in line 8 after
27 "Code" insert "where the funds are transferred to a qualified

1 tuition program sponsored by another state or entity"; in line 9
2 strike "(9)", show as stricken, and insert "(8)"; in line 15 strike
3 "(10)", show as stricken, and insert "(9)"; in line 18 strike
4 "(11)", show as stricken, and insert "(10)"; and in line 24 strike
5 "(12)" and insert "(11)";

6 c. On page 17, line 15, strike "(13)", show as stricken,
7 and insert "(12)"; and in line 19 strike "(14)", show as stricken,
8 and insert "(13)";

9 d. On page 20, line 18, strike "require", show as
10 stricken, and insert "authorize"; and strike beginning with "agree"
11 in line 19 through "benefit" in line 20, show as stricken, and
12 insert "make contributions to an account which is established for
13 the purpose of meeting the qualified higher education expenses";

14 e. On page 22, line 27, after "(2)" insert "The College
15 Savings Plan Program Fund is created.";

16 f. On page 23, line 10, after the underscored period
17 insert "Any money in the program fund shall be invested by the
18 state investment officer pursuant to the Nebraska Capital Expansion
19 Act and the Nebraska State Funds Investment Act."; and strike
20 beginning with "The" in line 20 through the period in line 23 and
21 show as stricken;

22 g. On page 24, strike beginning with the "The" in line 13
23 through the period in line 15 and show as stricken;

24 h. On page 28, line 22, strike "titles" and insert
25 "title"; and

26 i. On page 29, line 3, strike "can" and insert "may".

27 3. On page 2, line 5, reinstate the stricken matter

1 beginning with "(1)" through "means" and after the reinstated
2 "means" insert "either an authorization to operate on a continuing
3 basis or a recurrent authorization to operate;"; and in lines 7,
4 10, and 12 strike the new matter and reinstate the stricken matter.

5 4. On page 3, lines 17, 19, and 23; and page 4, lines 3
6 and 7, strike the new matter and reinstate the stricken matter.

7 5. On page 4, line 11, strike "(9)" and insert "(10)";
8 and in line 18 strike "of authorization", show as stricken, and
9 insert "for recurrent authorizations".

10 6. On page 5, line 3, strike "authorized", show as
11 stricken, and insert "which has an authorization"; in line 5
12 strike "authorized", show as stricken, and insert "which have
13 authorization"; and in lines 6 and 7 strike "an authorized
14 postsecondary institution", show as stricken, and insert "a
15 postsecondary institution which has an authorization to operate".

16 7. On page 7, line 14, before "authorization" insert
17 "an".

18 8. On page 9, line 1, after "on" insert "the level
19 of compliance with"; and strike line 13 and insert "recurrent
20 authorization to operate shall replace the existing recurrent
21 authorization to operate and".

22 9. On page 13, line 17, after the first comma insert
23 "85-2409," and strike "and 85-2417" and insert "85-2417, and
24 85-2418".

25 10. Renumber the remaining sections accordingly.