

AMENDMENTS TO LB 211

Introduced by Education

1 1. Strike original sections 2 and 3 and insert the
2 following new sections:

3 Section 1. Section 85-1412, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 85-1412 The commission shall have the following
6 additional powers and duties:

7 (1) Conduct surveys and studies as may be necessary to
8 undertake the coordination function of the commission pursuant
9 to section 85-1403 and request information from governing
10 boards and appropriate administrators of public institutions and
11 other governmental agencies for research projects. All public
12 institutions and governmental agencies receiving state funds
13 shall comply with reasonable requests for information under this
14 subdivision. Public institutions may comply with such requests
15 pursuant to section 85-1417;

16 (2) Recommend to the Legislature and the Governor
17 legislation it deems necessary or appropriate to improve
18 postsecondary education in Nebraska and any other legislation it
19 deems appropriate to change the role and mission provisions in
20 sections 85-917 to 85-966.01. The recommendations submitted to the
21 Legislature shall be submitted electronically;

22 (3) Establish any advisory committees as may be necessary
23 to undertake the coordination function of the commission pursuant

1 to section 85-1403 or to solicit input from affected parties
2 such as students, faculty, governing boards, administrators
3 of the public institutions, administrators of the private
4 nonprofit institutions of postsecondary education and proprietary
5 institutions in the state, and community and business leaders
6 regarding the coordination function of the commission;

7 (4) Participate in or designate an employee or employees
8 to participate in any committee which may be created to prepare
9 a coordinated plan for the delivery of educational programs and
10 services in Nebraska through the telecommunications system;

11 (5) Seek a close liaison with the State Board of
12 Education and the State Department of Education in recognition
13 of the need for close coordination of activities between elementary
14 and secondary education and postsecondary education;

15 (6) Administer the Integrated Postsecondary Education
16 Data System or other information system or systems to provide the
17 commission with timely, comprehensive, and meaningful information
18 pertinent to the exercise of its duties. The information system
19 shall be designed to provide comparable data on each public
20 institution. The commission shall also administer the uniform
21 information system prescribed in sections 85-1421 to 85-1427 known
22 as the Nebraska Educational Data System. Public institutions shall
23 supply the appropriate data for the information system or systems
24 required by the commission;

25 (7) Administer (a) the Access College Early Scholarship
26 Program Act, (b) the Community College Aid Act, (c) the Nebraska
27 Community College Student Performance and Occupational Education

1 Grant Fund under the direction of the Nebraska Community College
2 Student Performance and Occupational Education Grant Committee,
3 (d) the Nebraska Opportunity Grant Act, and (e) the Postsecondary
4 Institution Act;

5 (8) Accept and administer loans, grants, and programs
6 from the federal or state government and from other sources, public
7 and private, for carrying out any of its functions, including
8 the administration of privately endowed scholarship programs. Such
9 loans and grants shall not be expended for any other purposes than
10 those for which the loans and grants were provided. The commission
11 shall determine eligibility for such loans, grants, and programs,
12 and such loans and grants shall not be expended unless approved by
13 the Governor;

14 (9) On or before December 1 of each even-numbered year,
15 submit to the Legislature and the Governor a report of its
16 objectives and activities and any new private colleges in Nebraska
17 and the implementation of any recommendations of the commission
18 for the preceding two calendar years. The report submitted to the
19 Legislature shall be submitted electronically;

20 (10) Provide staff support for interstate compacts on
21 postsecondary education; and

22 (11) Request inclusion of the commission in any existing
23 grant review process and information system.

24 Sec. 2. Section 85-1418, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 85-1418 (1) No state warrant shall be issued by the
27 Department of Administrative Services or used by any public

1 institution for the purpose of funding any program or capital
2 construction project which has not been approved or which has
3 been disapproved by the commission pursuant to the Coordinating
4 Commission for Postsecondary Education Act. If state funding for
5 any such program or project cannot be or is not divided into
6 warrants separate from other programs or projects, the department
7 shall reduce a warrant to the public institution which includes
8 funding for the program or project by the amount of tax funds
9 designated by the Legislature which are budgeted in that fiscal
10 year by the public institution for use for the program or project.

11 (2) The Until July 1, 2013, the department may reduce
12 the amount of state aid distributed to a community college area
13 pursuant to the Community College Aid Act, or for fiscal years
14 2010-11, 2011-12, and 2012-13 pursuant to section 90-517, by the
15 amount of funds used by the area to provide a program or capital
16 construction project which has not been approved or which has been
17 disapproved by the commission.

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

22 (4) Any person or public institution aggrieved by a
23 final order of the commission entered pursuant to section 85-1413,
24 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review
25 of the order. Proceedings for review shall be instituted by filing
26 a petition in the district court of Lancaster County within thirty
27 days after public notice of the final decision by the commission

1 is given. The filing of the petition or the service of summons
2 upon the commission shall not stay enforcement of such order. The
3 review shall be conducted by the court without a jury on the
4 record of the commission. The court shall have jurisdiction to
5 enjoin enforcement of any order of the commission which is (a)
6 in violation of constitutional provisions, (b) in excess of the
7 constitutional or statutory authority of the commission, (c) made
8 upon unlawful procedure, or (d) affected by other error of law.

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

13 Sec. 4. Section 85-1539, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 85-1539 (1) There is hereby created the Nebraska
16 Community College Student Performance and Occupational Education
17 Grant Committee. The committee shall consist of ~~(1)~~ (a) a
18 representative of the Coordinating Commission for Postsecondary
19 Education who shall serve as chairperson of the committee, ~~(2)~~
20 (b) a representative of the Department of Economic Development,
21 ~~(3)~~ (c) a representative of the Department of Labor, ~~(4)~~ (d) a
22 representative of the State Department of Education, ~~(5)~~ (e) a
23 representative affiliated with one of the two community college
24 areas with the two smallest full-time equivalent student enrollment
25 totals for the most recent fiscal year, ~~(6)~~ (f) a representative
26 affiliated with one of the two community college areas with the
27 two largest full-time equivalent student enrollment totals for the

1 most recent fiscal year, and ~~(7)~~ (g) a representative affiliated
2 with one of the two community college areas not included in
3 the categories provided in subdivisions ~~(5)~~ (e) and ~~(6)~~ (f) of
4 this section. Each member shall be appointed by the agency or
5 community college areas being represented. The representatives
6 appointed pursuant to subdivisions ~~(5)~~ (e) through ~~(7)~~ (g) of this
7 section shall serve terms of two years and shall be succeeded by
8 a representative affiliated with the community college areas not
9 represented for the preceding term.

10 (2) The committee shall develop guidelines for and
11 annually determine the allocation of the Nebraska Community
12 College Student Performance and Occupational Education Grant
13 Fund and any other funds appropriated to Program 99 in Agency
14 ~~83, Aid to Community Colleges,~~ pursuant to this section and
15 ~~section 85-1540.~~ aid or grants to the community colleges for (a)
16 applied technology and occupational faculty training, instructional
17 equipment upgrades, employee assessment, preemployment training,
18 employment training, and dislocated worker programs benefiting
19 the State of Nebraska or (b) programs or activities to enhance
20 (i) student performance in the areas of degree, certificate, or
21 diploma completion, retention, or foundations education as defined
22 in section 85-932.01 or (ii) the collection, reporting, analysis,
23 and utilization of student data. The total amount allocated for a
24 fiscal year shall not exceed the amounts appropriated from the ~~fund~~
25 Nebraska Community College Student Performance and Occupational
26 Education Grant Fund and such other funds as may be appropriated
27 by the Legislature for purposes of this section for such fiscal

1 year. The commission shall certify the allocation determined by the
2 committee on or before September 10 of the fiscal year for which
3 such allocation is being certified and shall report such allocation
4 to the Department of Administrative Services. The ~~department~~
5 commission shall distribute the total of such appropriated and
6 allocated funds to the selected community college board or boards
7 in a single payment between the fifth and twentieth day of October
8 of the fiscal year for which such allocation is certified, each
9 year.

10 (3) Applications for aid or grants pursuant to this
11 section may be submitted by a community college area independently
12 or in collaboration with other community college areas.

13 Sec. 5. Section 85-1540, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 85-1540 ~~(1)~~ There is hereby created the Nebraska
16 Community College Student Performance and Occupational Education
17 Grant Fund. The fund shall be under the direction of the Nebraska
18 Community College Student Performance and Occupational Education
19 Grant Committee and shall be administered by the Coordinating
20 Commission for Postsecondary Education. The fund shall consist of
21 money received by the state in the form of grants or gifts from
22 nonfederal sources, such other amounts as may be transferred or
23 otherwise accrue to the fund, and any investment income earned
24 on the fund. The fund shall contain any amount available for
25 transfer pursuant to subdivision (2) of section 85-2234 and such
26 other amounts as may be transferred or otherwise accrue to the
27 fund. The fund shall be used to provide aid or grants to the

1 community colleges for ~~(a) applied technology and occupational~~
2 ~~faculty training, instructional equipment upgrades, employee~~
3 ~~assessment, preemployment training, employment training, and~~
4 ~~dislocated worker programs benefiting the State of Nebraska or (b)~~
5 ~~programs or activities to enhance (i) student performance in the~~
6 ~~areas of degree, certificate, or diploma completion, retention,~~
7 ~~or foundations education as defined in section 85-932.01 or (ii)~~
8 ~~the collection, reporting, analysis, and utilization of student~~
9 ~~data, pursuant to section 85-1539. Any money in the fund available~~
10 for investment shall be invested by the state investment officer
11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 ~~(2) Applications for aid or grants pursuant to this~~
14 ~~section may be submitted by a community college area independently~~
15 ~~or in collaboration with other community college areas.~~

16 Sec. 6. Section 85-2233, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 85-2233 (1) (a) The Legislature recognizes that education,
19 as an investment in human resources, is fundamental to the quality
20 of life and the economic prosperity of Nebraskans and that aid to
21 the community colleges furthers these goals.

22 (b) It is the intent of the Legislature that such
23 appropriations reflect the commitment of the Legislature to join
24 with local governing bodies in a strong and continuing partnership
25 to further advance the quality, responsiveness, access, and equity
26 of Nebraska's community colleges and to foster high standards
27 of performance and service so that every citizen, community, and

1 business will have the opportunity to receive quality educational
2 programs and services regardless of the size, wealth, or geographic
3 location of the community college area or tribally controlled
4 community college by which that citizen, community, or business is
5 served.

6 (c) In order to promote quality postsecondary education
7 and to avoid excessive and disproportionate taxation upon the
8 taxable property of each community college area, the Legislature
9 may appropriate each biennium from such funds as may be available
10 an amount for aid and assistance to the community colleges. Such
11 funds so appropriated by the Legislature shall be allocated,
12 adjusted, and distributed to the community college boards of
13 governors as provided in the Community College Aid Act.

14 (2) The Coordinating Commission for Postsecondary
15 Education shall certify aid amounts attributable to the allocations
16 pursuant to subdivisions (1) and (3) of section 85-2234 and report
17 such amounts to the Department of Administrative Services. The
18 commission shall certify such aid amounts on or before September
19 1 of the fiscal year for which aid is being certified. ~~The~~
20 ~~department~~ and shall distribute the total of such appropriated and
21 allocated funds to the boards in ten as nearly as possible equal
22 monthly payments between the fifth and twentieth day of each month
23 beginning in September of each year. ~~Any amount transferred to the~~
24 ~~Nebraska Community College Student Performance and Occupational~~
25 ~~Education Grant Fund pursuant to subdivision (2) of section 85-2234~~
26 ~~for a fiscal year shall be certified and distributed in accordance~~
27 ~~with sections 85-1539 and 85-1540.~~

1 (3) ~~The department~~ Beginning July 1, 2013, the commission
2 shall reduce the amount of the distribution to a board by the
3 amount of funds used by the community college area to provide
4 a program or capital construction project as defined in section
5 85-1402 which has not been approved or has been disapproved by the
6 Coordinating Commission for Postsecondary Education pursuant to the
7 Coordinating Commission for Postsecondary Education Act.

8 Sec. 7. Section 85-2234, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 85-2234 Aid appropriated pursuant to the Community
11 College Aid Act for fiscal year 2013-14 and each fiscal year
12 thereafter shall be allocated among community college areas and
13 tribally controlled community colleges as follows:

14 (1) The initial \$87,870,147 appropriated pursuant to the
15 act shall be allocated to community college areas based on the
16 proportionate share of aid received by each community college area
17 for fiscal year 2012-13. If the amount appropriated for such fiscal
18 year exceeds \$87,870,147, the excess amount shall be allocated
19 as provided in subdivisions (2) and (3) of this section. If the
20 amount appropriated for such fiscal year is less than or equal
21 to \$87,870,147, the amount appropriated shall be allocated to
22 community college areas based on the proportionate share of aid
23 received by each community college area for fiscal year 2012-13;

24 (2) Of any amount remaining after the allocation of aid
25 pursuant to subdivision (1) of this section, the next amount, up to
26 but not to exceed \$500,000, shall be ~~transferred to the Nebraska~~
27 ~~Community College Student Performance and Occupational Education~~

1 ~~Grant Fund provided for in section 85-1540;~~ allocated as state aid
2 pursuant to section 85-1539; and

3 (3) Any amount remaining after the allocations provided
4 for in subdivisions (1) and (2) of this section shall be allocated
5 among the community college areas on the following basis:

6 (a) Twenty-five percent of such amount shall be divided
7 equally based on the number of community college areas designated
8 pursuant to section 85-1504;

9 (b) Forty-five percent of such amount shall be divided
10 based on each community college area's proportionate share of
11 three-year average full-time equivalent student enrollment. A
12 community college area's proportionate share of three-year average
13 full-time equivalent student enrollment shall equal the sum of a
14 community college area's full-time equivalent student enrollment
15 total for the three fiscal years immediately preceding the fiscal
16 year for which aid is being calculated divided by three, with
17 such quotient divided by the quotient resulting from the sum of
18 the full-time equivalent student enrollment total of all community
19 college areas for the three fiscal years immediately preceding the
20 fiscal year for which aid is being calculated divided by three; and

21 (c) Thirty percent of such amount shall be divided based
22 on each community college area's proportionate share of three-year
23 average reimbursable educational units. A community college
24 area's proportionate share of three-year average reimbursable
25 educational units shall equal the sum of a community college
26 area's reimbursable educational unit total for the three fiscal
27 years immediately preceding the fiscal year for which aid is being

1 calculated divided by three, with such quotient divided by the
2 quotient resulting from the sum of the reimbursable educational
3 unit total of all community college areas for the three fiscal
4 years immediately preceding the fiscal year for which aid is being
5 calculated divided by three.

6 Sec. 8. This act becomes operative on July 1, 2013.

7 Sec. 9. Original sections 85-1412, 85-1418, 85-1502,
8 85-1539, 85-1540, 85-2233, and 85-2234, Revised Statutes Cumulative
9 Supplement, 2012, are repealed.

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

12 2. Renumber the remaining section accordingly.