

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 781**

Introduced by Harms, 48.

Read first time January 10, 2014

Committee: Education

A BILL

- 1 FOR AN ACT relating to community colleges; to amend section 85-1511,
- 2 Revised Statutes Cumulative Supplement, 2012; to change a
- 3 date relating to a comprehensive audit; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 85-1511, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   85-1511 In addition to any other powers and duties  
4 imposed upon the community college system or its areas, campuses, or  
5 boards by the Community College Aid Act, sections 85-917 to 85-966  
6 and 85-1501 to 85-1540, and any other provision of law, each board  
7 shall:

8                   (1) Have general supervision, control, and operation of  
9 each community college within its jurisdiction;

10                  (2) Subject to coordination by the Coordinating  
11 Commission for Postsecondary Education as prescribed in the  
12 Coordinating Commission for Postsecondary Education Act, develop and  
13 offer programs of applied technology education, academic transfer  
14 programs, academic support courses, and such other programs and  
15 courses as the needs of the community college area served may  
16 require. The board shall avoid unnecessary duplication of existing  
17 programs and courses in meeting the needs of the students and the  
18 community college area;

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

23                  (4) Subject to coordination by the Coordinating  
24 Commission for Postsecondary Education as prescribed in the  
25 Coordinating Commission for Postsecondary Education Act, construct,

1 lease, purchase, purchase on contract, operate, equip, and maintain  
2 facilities;

3 (5) Contract for services connected with the operation of  
4 the community college area as needs and interest demand;

5 (6)(a) Cause a comprehensive audit of the books,  
6 accounts, records, and affairs to be made annually covering the most  
7 recently completed fiscal year. The audit of each area shall include  
8 all sources of revenue used to finance operating expenditures and  
9 capital improvements and the county-certified property valuation for  
10 the community college for the fiscal year for which such audit is  
11 being performed. Such audit of the books, accounts, records, and  
12 affairs shall be completed and filed with the Auditor of Public  
13 Accounts, the commission, and the Department of Administrative  
14 Services on or before ~~October~~ November 15 of each year; and

15 (b) Cause a comprehensive audit of the full-time  
16 equivalent student enrollment totals and reimbursable educational  
17 unit totals to be made annually covering the most recently completed  
18 fiscal year. The audit of each area shall include a report of full-  
19 time equivalent student enrollment totals and reimbursable  
20 educational unit totals verified by such audits for the three most  
21 recently completed fiscal years which shall be used for calculation  
22 of aid to the community college areas for fiscal year 2013-14 and  
23 each fiscal year thereafter pursuant to subdivisions (3)(b) and (c)  
24 of section 85-2234. The audit of the full-time equivalent student  
25 enrollment totals and reimbursable educational unit totals shall be

1 completed and filed with the Auditor of Public Accounts, the  
2 commission, and the Department of Administrative Services on or  
3 before August 15 of each year;

4 (7) Establish fees and charges for the facilities  
5 authorized by sections 85-1501 to 85-1540. Such fees and charges  
6 shall be identified as facility fees at the time they are assessed.  
7 The revenue from such fees and charges, other than revenue pledged to  
8 retire bonds issued pursuant to sections 85-1515 and 85-1520 to  
9 85-1527 and deposited in a separate bond sinking fund, shall be  
10 deposited in the capital improvement and bond sinking fund provided  
11 for in section 85-1515. Each board may enter into agreements with  
12 owners of facilities to be used for housing regarding the management,  
13 operation, and government of such facilities and may employ necessary  
14 employees to govern, manage, and operate such facilities;

15 (8) Receive such gifts, grants, conveyances, and bequests  
16 of real and personal property from public or private sources as may  
17 be made from time to time, in trust or otherwise, whenever the terms  
18 and conditions thereof will aid in carrying out the community college  
19 programs as specified by law. Each board may sell, lease, exchange,  
20 invest, or expend such gifts, grants, conveyances, and bequests or  
21 the proceeds, rents, profits, and income therefrom according to the  
22 terms and conditions thereof and adopt and promulgate rules and  
23 regulations governing the receipt and expenditure of such proceeds,  
24 rents, profits, and income, except that acceptance of such gifts,  
25 grants, or conveyances shall not be conditioned on matching state or

1 local funds;

2 (9) Prescribe the courses of study for any community  
3 college under its control and publish such catalogs and bulletins as  
4 may be necessary;

5 (10) Grant to every student upon graduation or completion  
6 of a course of study a suitable diploma, associate degree, or  
7 certificate;

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

15 (12) Employ, for a period to be fixed by the board, an  
16 executive officer for the community college area and, by written  
17 order filed in its office, delegate to such executive officer any of  
18 the powers and duties vested in or imposed upon it by sections  
19 85-1501 to 85-1540. Such delegated powers and duties may be exercised  
20 in the name of the board;

21 (13) Acquire real property by eminent domain pursuant to  
22 sections 76-701 to 76-724;

23 (14) Acquire real and personal property and sell, convey,  
24 or lease such property whenever the community college area will be  
25 benefited thereby. The sale, conveyance, or lease of any real estate

1 owned by a community college area shall be effective only when  
2 authorized by an affirmative vote of at least two-thirds of all the  
3 members of the board;

4 (15) Enter into agreements for services, facilities, or  
5 equipment and for the presentation of courses for students when such  
6 agreements are deemed to be in the best interests of the education of  
7 the students involved;

8 (16) Transfer tribally controlled community college state  
9 aid amounts to a tribally controlled community college located within  
10 its community college area;

11 (17) Invest, after proper consideration of the  
12 requirements for the availability of money, funds of the community  
13 college in securities the nature of which individuals of prudence,  
14 discretion, and intelligence acquire or retain in dealing with the  
15 property of another;

16 (18) Establish tuition rates for courses of instruction  
17 offered by each community college within its community college area.  
18 Separate tuition rates shall be established for students who are  
19 nonresidents of the State of Nebraska. Each board may also establish  
20 fees to support the operating expenditures of the community college  
21 area if such fees are accounted for separately from the fees and  
22 charges established for facilities pursuant to subdivision (7) of  
23 this section and are identified as operating fees at the time they  
24 are assessed;

25 (19) Establish a fiscal year for the community college

1 area which conforms to the fiscal year of the state;

2           (20) Enter into a memorandum of understanding with the  
3 State Board of Education to adopt a policy to share student data. At  
4 a minimum, the policy shall ensure that the exchange of information  
5 is conducted in conformance with the requirements of the federal  
6 Family Educational Rights and Privacy Act of 1974, as amended, 20  
7 U.S.C. 1232g, and all federal regulations and applicable guidelines  
8 adopted in accordance with such act, as such act, regulations, and  
9 guidelines existed on January 1, 2010; and

10           (21) Exercise any other powers, duties, and  
11 responsibilities necessary to carry out sections 85-1501 to 85-1540.

12           Sec. 2. Original section 85-1511, Revised Statutes  
13 Cumulative Supplement, 2012, is repealed.