

V F (O.V.) ~~Legislation~~

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ENABLING ACT

The original enabling act providing for the establishment of municipal universities in metropolitan cities in the state of Nebraska was passed April 29, 1929, and became effective July 24, 1929 (Compiled Statutes of Nebraska for 1929, pp. 229-231). This act was amended April 20, 1931, to be effective August 2, 1931 (Laws of Nebraska for 1931, pp. 103-106).

14-1301. **PETITION, SUBMISSION OF PROPOSITION.** When ten per cent of the registered voters of any city of the metropolitan class shall petition for the submission of the same then the governing body of such city shall submit the following question to the vote of the qualified electors of said city at the next regular or general city or state election. Shall this city establish and maintain a municipal university to include a four years' college course and such other departments as may be deemed expedient by the board of regents thereof? Whenever any city shall have established a municipal university under the provisions of this act, any change in population of said city thereafter occurring shall not affect such municipal university or any rights, powers or duties conferred by this act. (Session Laws Nebraska 1929, p. 689.)

14-1302. **AFFIRMATIVE, ELECTION, ESTABLISHMENT AUTHORIZED.** If a majority of the qualified electors voting on the above mentioned question shall vote in the affirmative, then the governing body of such city shall immediately establish such municipal university as hereinafter provided. (Session Laws Nebraska 1929, p. 689.)

14-1303. **MANAGEMENT AND CONTROL.** The ownership and title to all property, both real and personal, of said municipal university shall be vested in a corporation to be known as the municipal university of (filling out the blank with the name of the municipality) and the management and control of said municipal university shall be vested in a board to be known as the board of regents of the municipal university of (filling out the blank with the name of the municipality). (Laws of Nebraska 1931, p. 104)

14-1304. **BOARD OF REGENTS, APPOINTMENT.** The Board of Regents of said municipal university shall consist of nine members who shall be appointed by the Board of Education of said city. (Session Laws Nebraska 1929, p. 689.)

14-1305. **TERMS, VACANCIES.** The members of said board of regents shall hold office from the date of their appointment and qualification until the first day of July following and for the terms thereafter herein fixed, to-wit; three members to the first day of July following only; two members for one year; two for two years and two for three years and until their respective successors have been duly selected and qualified. Thereafter each year at the June meeting of said board of education, said board of education shall select Regents of the Municipal University to fill the place of such regents whose terms expire on the first of July next following, who are to serve for a full term of four years from the first day of July following and until their successors have been duly selected and qualified. The board of education shall fill any vacancies existing in the office of regent by the

appointment of a regent or regents to hold office for the unexpired term and until their successors have been selected and qualified. Resignations from said board of regents shall be made to the chairman of said board and by him reported to the respective bodies herein given the power of appointment. (Session Laws Nebraska 1929, p. 690.)

14-1306. QUALIFICATION OF REGENTS, NO COMPENSATION. Every such regent shall be a resident of the municipality from which he is chosen. Such regents shall serve without compensation and shall have all the powers and perform all the duties conferred or required by law in the government of such university and the execution of any trust with respect thereto imposed on the municipal corporation. (Session Laws Nebraska 1929, p. 690.)

14-1307. ORGANIZATION OF BOARD, OATH, ANNUAL SELECTION. Immediately after receiving notification of their selection the regents-elect shall meet at a time and place to be designated by the President of the Board of Education of said city, shall take oath to uphold the Constitution of the United States and the Constitution of Nebraska, and faithfully, honestly and impartially to discharge the duties of their office; shall proceed to organize, electing from their own number a president and such other officers as may be necessary for the full discharge of the duties imposed upon them, and thereafter such officers shall be elected or chosen at the June meeting of each year, to take office the first day of July, next following. (Laws of Nebraska 1931, p. 104.)

14-1308. POWERS AND DUTIES. The board of regents so constituted shall have power to prescribe such rules, by-laws and regulations as may be most expedient for the board and for the government of the municipal university, its faculty, instructors, other employees and all students attending the university, subject to the existing laws of the State and of the United States. Said board of regents shall also have power to fix reasonable tuition and other charges to be paid by students attending said university, and may, in its discretion, make additional charges to students who are not residents of such city. (Session Laws Nebraska, 1929, p. 691.)

14-1309. QUORUM. A majority of the qualified regents at any time shall constitute a quorum for the transaction of business. (Session Laws Nebraska, 1929, p. 691.)

14-1310. POWERS OF BOARD. Such board of regents shall be vested with all powers, authority and control belonging to or vested in said municipal corporation with respect to the management of the estate, property and funds given, transferred, covenanted or pledged to such municipal corporation in trust or otherwise for such municipal university. (Session Laws, Nebraska, 1929, p. 691.)

14-1311. BOARD TO SELECT FACULTY AND HAVE GENERAL CONTROL. The board of regents of said municipal university shall have power to employ a president of the municipal university, who shall be the chief executive officer of the board and of the municipal university; to employ all teachers,

administrative assistants and other employees necessary for the maintenance of said municipal university and the discharge of its functions; and to fix the salary or compensation of each; PROVIDED, That the employment of said assistants may be delegated to the president of the university or a committee of the board, subject to the approval of the board; to provide all such necessary buildings, books, apparatus, means and appliances as may be needful for the maintenance and furtherance of the university and its various colleges, departments and undertakings; to make all suitable by-laws delegating all matters concerning admission, government, management and control of students, courses of study, discipline and other internal affairs, of such university to the president or to the faculty, or both, as the board may see fit. (Session Laws Nebraska 1929, p. 691.)

14-1312. CONTROL OF PROPERTY. The board shall have power to receive, hold, purchase, sell, rent and lease property, real, personal or mixed, and may enter into any legal and necessary contract in the discharge of its functions as a fully incorporated body. For the further endowment, maintenance, or aid of such municipal university it may receive bequests; accept and take, as trustee, and in trust for the aforementioned purposes, any estate, property or fund which may have been or may lawfully be transferred to said board or to the municipal corporation for such use by any person, persons or body corporate having them, or any annuity or endowment in the nature of income which may be covenanted or pledged to said board or to the municipal corporation towards such use by any person, persons or body corporate. Any person, persons or body corporate having or holding any such estate, property or funds in trust or applicable for the promotion of education or the advancement of any of the arts and sciences may convey, assign and deliver these to such board of regents as trustee in his, their, or its place, or covenant or pledge its income or any part thereof to such board. Such estate, property, funds or income shall be held and applied by such board of regents in trust for the further endowment and maintenance and aid of such university, in accordance with the terms and true intent of any trust or condition upon which they were originally given or held or may be so given and accepted hereafter, and such board of regents and its successors shall become and are perpetually obliged and held to observe and execute such trust in all respects according to any and all terms lawfully agreed upon at the time of such transfer and acceptance. It shall have the same rights of securing land and other property by condemnation procedure as are vested in boards of education of cities of the same class. (Session Laws Nebraska, 1929, p. 692.)

14-1313. USE OF PROPERTY, RULES, REGULATIONS, COMPENSATION. The board of regents of said municipal university shall have power to prescribe rules, regulations, compensation and charges, if any, for the use; and to prescribe the intent, purpose and manner of use, by persons, associations and corporations of the lands or buildings of said university or any part thereof at such times as the same are not required for the use of said university and those attending thereat, and said board shall have power to prescribe what fees or charges, if any, such persons, associations or corporations may exact for attendance at or participation in the use so

permitted. All moneys, if any, so received shall be credited to the general fund of said university. (Session Laws Nebraska, 1929, p. 692.)

14-1314. **PROPERTY EXEMPT FROM TAXATION.** All property, real, personal or mixed, heretofore or hereafter so given to or purchased or otherwise received by the board of regents of such municipal university, the rents, issues, profits, and income of which are used exclusively for the endowment or support of said university, shall be exempt from all taxation except special taxation for municipal sewers and pavements so long as the rents, issues, profits or income thereof are used for and exclusively applied to the endowment or support of said university. (Session Laws, Nebraska 1929, p. 693.)

14-1315. **DETERMINATION OF COURSES OFFERED, DEGREES, DISCIPLINE, FEES.** The board of regents of said municipal university shall have the power to determine all questions of departments or schools to be established within said municipal university; all courses to be offered, degrees to be conferred, all questions of organization or discipline, and the fees or charges to be paid by those availing themselves of the privileges or opportunities of said university, and to delegate the execution of such details as said board may see fit to the duly authorized agents of said board. The board shall have the right, upon recommendation of the president and faculty to confer all honors, diplomas, certificates and degrees suitable to institutions of the same class. The board shall have the power upon such terms and conditions as it may prescribe, to furnish special courses and courses of study in vocational subjects and civic administration and other educational advantages, including the admission of non-matriculated students within the college building or elsewhere, and may grant suitable certificates and vocational diplomas and degrees to such students as shall have completed the course of study so prescribed. All moneys received, as provided by this section, shall be credited to the general fund of said university and all expenses incurred in pursuance of this section shall be met from said general funds, subject to the regulation of said board of regents. (Session Laws Nebraska 1929, p. 693.)

14-1316. **COOPERATION WITH CITY, STATE OR FEDERAL GOVERNMENT.** The board of regents of such municipal university is authorized to cooperate with the board of education and with all other agencies of the city, state or federal government, for the furtherance of education. The governing body of any such municipal corporation authorizing a municipal university may set apart or appropriate as a site for the buildings and grounds of such municipal university or any of its departments any public grounds of the city not especially appropriated or dedicated by ordinance to any other use, any other law to the contrary notwithstanding, and the board of education of any such municipal corporation may, for a like purpose, set apart, convey or lease for a term of years to and for the use of said municipal university any grounds or buildings owned or controlled by such board. (Session Laws Nebraska, 1929, p. 694.)

14-1317. LEVY OF TAX FOR ALL PURPOSES. Such board of regents shall, in the month of July of each year, certify a tax for the support of such municipal university, including the purchase of lands and construction of buildings, the purchase of equipment and repairs of the buildings and equipment of such municipal university and including such amount as shall be necessary for the annual operation of such municipal university for the fiscal year commencing on the first day of January following, not exceeding in any one year one mill on the dollar on all personal, mixed and real property within said city, which is taxable according to the laws of the state of Nebraska, which levy the president and secretary of such board of regents shall, on or before July 31, certify to the City Council, which is hereby authorized and required to cause the same to be levied and to be collected by the treasurer of the city as are other taxes, and paid over by him to the treasurer of such board of regents, subject to the order of said board of regents; PROVIDED, FURTHER, that if in any year the amount so certified and collected is not needed for the purposes of such university, the balance shall be credited to the sinking fund of such university to be used for additional buildings or other necessary permanent equipment; PROVIDED, FURTHER, that if said municipal university shall be established and begin operations before funds are available from such levy, it shall be lawful for the board of regents thereof to borrow money, not exceeding five thousand dollars per month and issue its warrants or other suitable evidence of indebtedness therefor, for the maintenance and operation of said university until the funds from said levy shall be available and said board may include in the levy of the subsequent year, the amount thus obtained; PROVIDED, FURTHER, that said levy shall at no time exceed the amount of one mill on the dollar of the assessed valuation of the above described property of said city.

The treasurer of the county in which said metropolitan city is located shall be ex officio treasurer of said board of regents. He shall prepare and submit to said board in writing, a monthly report of the state of its finances, receive and receipt for the money collected by the employees of said board and pay out the same, and all other funds of said board only on warrant signed as said board of regents shall, by resolution, direct. Said ex officio treasurer shall give a surety bond payable to said board of regents for the faithful performance of his duties in such amount as said board may deem necessary; said bond to be approved by said board, and the premium thereon paid by said municipal university. Such county shall receive as full compensation for the collection and disbursement of the funds of said municipal university and its board of regents the sum of two thousand dollars per annum, to be paid quarterly by the said municipal university: Provided, further, that the County Treasurer shall receive no additional compensation for the administration of the funds of the municipal university. (Laws of Nebraska, 1931, pp. 104-106.)

14-1318. POWERS AND PRIVILEGES TO BE LIBERALLY CONSTRUED. All other powers and privileges necessary for the discharge of the functions of said municipal university which are not herein prescribed or limited are hereby granted, providing they are not in conflict with other specific legislation.

The provisions of this act and all grants of power, authority or rights herein made to cities adopting the provisions of such act and to boards of regents created under the provisions of this act shall be liberally construed and all incidental powers necessary to carry into effect the provisions of this act, are hereby expressly granted to and conferred upon any city adopting the provisions of this act or any board of regents created pursuant to the adoption of its provisions. (Session Laws Nebraska 1929, p. 695.)

14-1319. REPORT OF FISCAL YEAR. The board of regents of such municipal university shall, prior to the end of the fiscal year of said city, make a written report to the governing body of said city and a copy thereof to the board of education of said city, which shall state fully the status and progress of said university, both educationally and financially, during the year immediately preceding, and such other information regarding said university as the governing body of said city may require. (Session Laws Nebraska 1929, p. 695.)

14-1320. VALIDITY. If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this act would have been passed by the legislature without such individual section or provision and the act as a whole shall not be declared invalid by reason of the fact that one or more sections or provisions may be found invalid by any court. (Session Laws Nebraska, 1929, p. 695.)

The Amendment

RELATING TO THE ESTABLISHMENT, MAINTENANCE AND OPERATION
OF MUNICIPAL UNIVERSITIES IN CITIES OF THE METROPOLITAN
CLASS

Senate File No. 293

AN ACT to amend Sections 14-1303, 14-1307 and 14-1317, Compiled Statutes of Nebraska for 1929, relating to the authorization of the establishment, maintenance and operation of a municipal university by cities of the metropolitan class, when authorized by the electors thereof, and providing for management and control by a board of regents and conferring powers and imposing duties thereon, and providing for the support thereof through a special tax to be levied annually, and to repeal said original sections. (Session Laws Nebraska 1931, p. 103.)

Be it Enacted by the People of the State of Nebraska:

Section 1. That Section 14-1303, Compiled Statutes of Nebraska for 1929, be amended to read as follows:

Section 14-1303. The ownership and title to all property, both real and personal, of said municipal university shall be vested in a corporation to be known as the municipal university of (filling out the blank with the name of the municipality) and the management and control of said municipal university shall be vested in a board to be known as the board of regents of the municipal university of (filling out the blank with the name of the municipality). (Laws of Nebraska 1931, p. 104.)

Section 2. That Section 14-1307, Compiled Statutes of Nebraska for 1929, be amended to read as follows:

Section 14-1307. Immediately after receiving notification of their selection the regents-elect shall meet at a time and place to be designated by the President of the Board of Education of said city, shall take oath to uphold the Constitution of the United States and the Constitution of Nebraska, and faithfully, honestly and impartially to discharge the duties of their office; shall proceed to organize, electing from their own number a president and such other officers as may be necessary for the full discharge of the duties imposed upon them, and thereafter such officers shall be elected or chosen at the June meeting of each year, to take office the first day of July, next following. (Laws of Nebraska 1931, p. 104.)

Section 3. That Section 14-1317, Compiled Statutes of Nebraska for 1929, be amended to read as follows:

Section 14-1317. Such board of regents shall, in the month of July of each year, certify a tax for the support of such municipal university, including the purchase of lands and construction of buildings, the purchase of equipment and repairs of the buildings and equipment of such municipal

university and including such amount as shall be necessary for the annual operation of such municipal university for the fiscal year commencing on the first day of January following, not exceeding in any one year one mill on the dollar on all personal, mixed and real property within said city, which is taxable according to the laws of the State of Nebraska, which levy the president and secretary of such board of regents shall, on or before July 31, certify to the City Council, which is hereby authorized and required to cause the same to be levied and to be collected by the treasurer of the city as are other taxes, and paid over by him to the treasurer of such board of regents, subject to the order of said board of regents; PROVIDED, FURTHER, that if in any year the amount so certified and collected is not needed for the purposes of such university, the balance shall be credited to the sinking fund of such university to be used for additional buildings or other necessary permanent equipment; PROVIDED, FURTHER, that if said municipal university shall be established and begin operations before funds are available from such levy, it shall be lawful for the board of regents thereof to borrow money, not exceeding five thousand dollars per month and issue its warrants or other suitable evidence of indebtedness therefor, for the maintenance and operation of said university until the funds from said levy shall be available and said board may include in the levy of the subsequent year, the amount thus obtained; PROVIDED, FURTHER, that said levy shall at no time exceed the amount of one mill on the dollar of the assessed valuation of the above described property of said city.

The treasurer of the county in which said metropolitan city is located shall be ex officio treasurer of said board of regents. He shall prepare and submit to said board in writing, a monthly report of the state of its finances, receive and receipt for the money collected by the employees of said board and pay out the same, and all other funds of said board only on warrant signed as said board of regents shall, by resolution, direct. Said ex officio treasurer shall give a surety bond payable to said board of regents for the faithful performance of his duties in such amount as said board may deem necessary; said bond to be approved by said board, and the premium thereon paid by said municipal university. Such county shall receive as full compensation for the collection and disbursement of the funds of said municipal university and its board of regents the sum of two thousand dollars per annum, to be paid quarterly by the said municipal university; Provided, further, that the County Treasurer shall receive no additional compensation for the administration of the funds of the municipal university. (Laws of Nebraska 1931, p. 104-106.)

Section 4. That said original Sections 14-1303, 14-1307 and 14-1317, Compiled Statutes of Nebraska for 1929, be, and the same hereby are repealed. (Laws of Nebraska 1931, p. 106.)

Approved April 20, 1931.
Effective August 2, 1931.