

1 **As Amended by House Committee**

2 *Session of 2002*

3  
4 **HOUSE BILL No. 2831**

5  
6 By Committee on Higher Education

7  
8 2-11  
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10 AN ACT concerning community colleges; relating to interlocal agree-  
11 ments; amending K.S.A. 2001 Supp. 71-201 and repealing the existing  
12 section.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2001 Supp. 71-201 is hereby amended to read as  
16 follows: 71-201. (a) The board of trustees, in accordance with the provi-  
17 sions of law and the rules and regulations of the state board of regents,  
18 shall have custody of and be responsible for the property of the com-  
19 munity college and shall be responsible for the operation, management  
20 and control of the college. The board of trustees shall hold at least one  
21 regular meeting each month at a time prescribed by the board. The board  
22 shall make an annual report in the manner prescribed by the state board  
23 of regents. Members of the board of trustees shall be paid subsistence  
24 allowances, mileage and other actual and necessary expenses incurred in  
25 the performance of their official duties.

26 (b) For effectuation of the purposes of this act, the board of trustees  
27 in addition to such other powers expressly granted to it by law and subject  
28 to the rules and regulations of the state board of regents is hereby granted  
29 the following powers:

30 (1) To select its own chairperson and such other officers as it may  
31 deem desirable, from among its own membership. The secretary may be  
32 chief administrative officer of the college.

33 (2) To sue and be sued.

34 (3) To determine the educational program of the college subject to  
35 prior approval thereof as provided in this act and to grant certificates of  
36 completion of courses or curriculum.

37 (4) To appoint and fix the compensation and term of office of a pres-  
38 ident or chief administrative officer of the college.

39 (5) To appoint upon nomination of the president or the chief admin-  
40 istrative officer members of the administrative and teaching staffs, to fix  
41 and determine within state adopted standards their specifications, define  
42 their duties, and to fix their compensation and terms of employment. No  
43 community college teacher shall be required to meet certification

1 requirements greater than those required in the state educational  
2 institutions.

3 (6) Upon recommendation of the chief administrative officer, to ap-  
4 point or employ such other officers of the college, agents and employees  
5 as may be required to carry out the provisions of law and to fix and  
6 determine within state adopted standards their qualifications, duties,  
7 compensation, terms of office or employment and all other items and  
8 conditions of employment.

9 (7) To enter into contracts.

10 (8) To accept from any government or governmental agency, or from  
11 any other public or private body, or from any other source, grants or  
12 contributions of money or property which the board may use for or in  
13 aid of any of its purposes.

14 (9) To acquire by gift, purchase, lease-purchase, condemnation or  
15 otherwise, and to own, lease, use and operate property, whether real,  
16 personal, or mixed, or any interest therein, which is necessary or desirable  
17 for community college purposes. Any lease-purchase agreement entered  
18 into under authority of this subsection shall be subject to the conditions  
19 set forth in K.S.A. 10-1116c, and amendments thereto. The term of any  
20 lease entered into under authority of this subsection may be for not to  
21 exceed 10 years. Such lease may provide for annual or other payment of  
22 rent or rental fees and may obligate the community college to payment  
23 of maintenance or other expenses. Any lease or lease-purchase agreement  
24 entered into under authority of this subsection shall be subject to change  
25 or termination at any time by the legislature. Any assignment of rights in  
26 any lease or lease-purchase made under this subsection shall contain a  
27 citation of this section and a recitation that the lease or lease-purchase  
28 agreement and assignment thereof are subject to change or termination  
29 by the legislature. To the extent that the provisions of the cash-basis and  
30 budget laws conflict with this subsection in such a manner as to prevent  
31 the intention of this subsection from being made effective, the provisions  
32 of this subsection shall control. This provision is subject to the provisions  
33 of subsection (d).

34 (10) To enter into lease agreements as lessor of any property, whether  
35 real, personal, or mixed, which is owned or controlled by the community  
36 college. Any such agreement may specify the purposes for which the  
37 property may be used, require that the property be maintained and op-  
38 erated by the lessee, and may contain such restrictions or limitations on  
39 the use of the property, be entered into for such period of time, and  
40 include such other terms and conditions as the board of trustees deter-  
41 mines to be necessary and proper. Every such agreement shall be subject  
42 to change or termination at any time by the legislature. Any assignment  
43 of rights under any such agreement shall be subject to approval by the

1 board of trustees and shall contain a citation of this section and a recitation  
2 that the lease agreement and assignment of rights thereunder are subject  
3 to change or termination by the legislature.

4 (11) To determine that any property owned by the college is no  
5 longer necessary for college purposes and to dispose of the same in such  
6 manner and upon such terms and conditions as provided by law.

7 (12) To exercise the right of eminent domain, pursuant to chapter 26  
8 of Kansas Statutes Annotated.

9 (13) To make and promulgate such rules and regulations, not inconsis-  
10 sistent with the provisions of law or with rules and regulations of the state  
11 board of regents, that are necessary and proper for the administration  
12 and operation of the community college, and for the conduct of the busi-  
13 ness of the board of trustees.

14 (14) To exercise all other powers not inconsistent with the provisions  
15 of law or with the rules and regulations of the state board of regents which  
16 may be reasonably necessary or incidental to the establishment, mainte-  
17 nance and operation of a community college.

18 (15) To appoint a member to fill any vacancy on the board of trustees  
19 for the balance of the unexpired term. When a vacancy occurs, the board  
20 shall publish a notice one time in a newspaper having general circulation  
21 in the community college district stating that the vacancy has occurred  
22 and that it will be filled by appointment by the board not sooner than 15  
23 days after such publication.

24 (16) To contract with one or more agencies, either public or private,  
25 whether located within or outside the community college district or  
26 whether located within or outside the state of Kansas for the conduct by  
27 any such agencies of academic or vocational education for students of the  
28 community college, and to provide for the payment to any such agencies  
29 for their contracted educational services from any funds or moneys of the  
30 community college, including funds or moneys received from student  
31 tuition and fees, funds received from the state of Kansas or the United  
32 States for academic or vocational education, or taxes collected under  
33 K.S.A. 71-204, and amendments thereto. Any contract made under this  
34 subsection with an institution of another state shall be subject to the  
35 provisions of K.S.A. 71-202, and amendments thereto.

36 (17) To authorize by resolution the establishment of a petty cash fund  
37 in an amount not to exceed \$1,000, and to designate in such resolution  
38 an employee to maintain such petty cash fund. The employee designated  
39 in any resolution provided for in this subsection receiving such funds shall  
40 keep a record of all receipts and expenditures from the fund, and shall  
41 from time to time, and at the end of the fiscal year, prepare a statement  
42 for the board showing all receipts, expenditures, and the balance in the  
43 petty cash fund. The board of trustees may authorize the employee des-

1 ignited to maintain any petty cash fund to make a claim for replenishment  
2 of the fund to its original amount in advance of approval by the board of  
3 trustees if, at any time during the period between regular monthly meet-  
4 ings of the board of trustees, the balance remaining in the fund is insuf-  
5 ficient to make needed expenditures for any purpose for which the petty  
6 cash fund is maintained. No petty cash fund may be replenished more  
7 than one time during each period between regular monthly meetings of  
8 the board of trustees. If a petty cash fund is replenished prior to the end  
9 of the fiscal year in accordance with the foregoing authorization, the em-  
10 ployee authorized to maintain the petty cash fund shall keep an accurate  
11 record of all expenditures made therefrom, and the purpose therefor, and  
12 shall submit the record to the board of trustees at the next regular  
13 monthly meeting thereof. The petty cash fund shall be replenished by  
14 payment from the appropriate funds of the community college to the  
15 petty cash fund upon proper claim. The fund shall be kept separate from  
16 all other funds and shall be used only for authorized expenditures and  
17 itemized receipts shall be taken for each expenditure. No part of such  
18 fund may be loaned or advanced against the salary of an employee. All  
19 employees entrusted with such funds under this subsection shall be  
20 bonded by the community college district.

21 *(18) To enter into interlocal cooperation agreements in the same man-*  
22 *ner as public agencies under the interlocal cooperation act, K.S.A. 12-*  
23 *2901 through 12-2907, and amendments thereto, including interlocal co-*  
24 *operation agreements authorizing the creation of a separate legal entity*  
25 *pursuant to K.S.A. 12-2904a, and amendments thereto. All interlocal co-*  
26 *operation agreements entered into by a board of trustees in accordance*  
27 *with the provisions of the interlocal cooperation act prior to the effective*  
28 *date of this act are hereby authorized and validated and shall be deemed*  
29 *to have been entered into under authority of law.*

30 (c) Subject to the provisions of subsection (d), the board of trustees  
31 may purchase or otherwise acquire land or land and improvements and  
32 may acquire, construct, reconstruct, repair or remodel improvements  
33 thereon or additions thereto, including furnishings, equipment, and ar-  
34 chitectural and incidental expense related thereto, and for such purposes  
35 the board of trustees is authorized to issue and sell general obligation  
36 bonds, the cumulative total not to exceed the following amounts: Where  
37 the community college district has a taxable tangible valuation of less than  
38 \$90,000,000 or is located in a county designated as urban under the pro-  
39 visions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of  
40 the taxable tangible property of the community college district, and where  
41 the community college district has a taxable tangible valuation of more  
42 than \$90,000,000 not to exceed 3% except as provided above for any  
43 community college district located in a county designated as urban under

1 the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable  
2 tangible property of the community college district. If any increase in the  
3 valuation of a community college district results in an outstanding bonded  
4 indebtedness in excess of that provided in this subsection, such increase  
5 shall not constitute a violation of this subsection. No such bonds shall be  
6 issued until the question of their issuance shall have been submitted to a  
7 vote of the electors of the community college district at a regular election  
8 or at a special election called for that purpose and the majority of the  
9 electors voting on the proposition in such community college district shall  
10 have voted in favor of the issuance of the bonds. Such election shall be  
11 called, noticed and held and the bonds issued, sold, delivered and retired  
12 in accordance with the provisions of the general bond law except as herein  
13 otherwise expressly provided.

14 (d) The board of trustees of a community college may not purchase  
15 or otherwise acquire land or land and improvements outside the com-  
16 munity college district. Nothing in this subsection shall be construed or  
17 operate in any manner to require a board of trustees to sell, convey or  
18 otherwise dispose of land or land and improvements located outside the  
19 community college district and owned or being acquired by the com-  
20 munity college on the effective date of this act, but no board of trustees  
21 may enter into a contract for the construction of improvements on any  
22 such land after the effective date of this act.

23 Sec. 2. K.S.A. 2001 Supp. 71-201 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the ~~statute book~~ **Kansas register**.

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