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Approved: March 23, 1998
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson David Adkins at 5:00 p.m. on March 4, 1998 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Alan Conroy, Legislative Research Department
Leah Robinson, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jim Wilson, Revisor of Statutes
Leona Fultz, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

The committee continued to discuss and refine the details for the new proposed Council on Higher Education. The Revisors of Statutes office distributed a draft of the **substitute for HB 2793** (Attachment 1), a draft of the concurrent resolution to amend certain sections of the constitution of the state of Kansas relating to education (Attachment 2) and a draft summary of major points in the proposal (Attachment 3).

Representative Garner moved to introduce a resolution to amend the state constitution. Representative McKechnie seconded the motion. The motion carried.

Jim Wilson and Avis Swartzman of the Revisor of Statutes office explained the draft of the bill. Representative Adkins thanked them for the herculean effort it has taken to get this effort into a working document. He also encouraged the committee members or anyone else in attendance to review the draft of the bill and offer any changes they would see that might need to be made on this draft.

Minutes were distributed from the February 19, 20 and 23 meetings. Representative Adkins stated they would stand to be approved unless any member noted any changes to be made and this should be done by notifying him.

The Committee meeting adjourned and the next meeting was scheduled for Thursday, March 5, 1998 at 5:00 p.m.

**SELECT COMMITTEE ON HIGHER EDUCATION
COMMITTEE GUEST LIST**

DATE: March 4, 1998

NAME	REPRESENTING
Marvin Burvis	KBOB
Ed Nicklaus	Garden City Community College
David A. Brenn	Garden City Community College
Marlin Rein	KU
Debra Prideaux	FHSU
Larry Sisson	Kearney Law office
Craig Grant	HNFA
McPomath	PSU
John Rossard	KU

DRAFT of SUBSTITUTE FOR HOUSE BILL NO. 2793

For Consideration by Select Committee on Higher Education

1 AN ACT concerning postsecondary education; establishing the
 2 Kansas council on higher education; educational coordinating
 3 commission; joint committee on postsecondary education;
 4 prescribing powers, duties, functions and guidelines;
 5 providing funding; establishing Washburn university as a
 6 state educational institution under the control and
 7 supervision of the council; making and concerning
 8 appropriations for the fiscal years ending June 30, 1999,
 9 June 30, 2000, June 30, 2001, and June 30, 2002; amending
 10 K.S.A. 12-16,102, 71-204, 71-501, 71-601, 71-604, 71-605,
 11 71-609a, 71-610, 71-613, 71-801, 71-1508, 71-1702, 79-5021,
 12 79-5022, 79-5024, 79-5025, 79-5026, 79-5028 and 79-5032 and
 13 K.S.A. 1997 Supp. 19-101a, 71-201, 71-301, 71-401, 71-602,
 14 71-607, 71-609, 71-611, and 71-613a and repealing the
 15 existing sections; also repealing K.S.A. 13-13a25, 13-13a26,
 16 13-13a27, 13-13a28, 13-13a29, 13-13a30, 13-13a31, 13-13a32,
 17 13-13a33, 13-13a34, 46-1208a, 46-1208b, 71-304, 71-305,
 18 71-306, 71-403 and 72-4424 and K.S.A. 1997 Supp. 71-619.

19 Be it enacted by the Legislature of the State of Kansas:

20 New Section 1. (a) This act shall be known and may be cited
 21 as the Kansas higher education governance and coordination act.

22 (b) The purpose of this act is to establish for
 23 postsecondary education in Kansas an agency and appropriate
 24 legislation to provide leadership, governance and coordination
 25 for postsecondary educational institutions so that Kansas may
 26 achieve enhanced accessibility, quality, excellence,
 27 accountability, research and service in the postsecondary
 28 educational system for Kansans through the efficient and
 29 effective utilization and concentration of all available
 30 resources and the elimination of costly and undesirable

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1 duplication in program and course offerings, faculties and
2 physical facilities at postsecondary educational institutions.

3 New Sec. 2. As used in sections 1 through 11 and amendments
4 thereto,

5 (a) "Council" means the Kansas council on higher education
6 provided for in the Kansas constitution and established by
7 section 3 and amendments thereto.

8 (b) "State board of regents" means the state board of
9 regents established by K.S.A. 74-3201 and amendments thereto.

10 (c) "State educational institution" means any state
11 educational institution, as defined by K.S.A. 76-711 and
12 amendments thereto, and Washburn university.

13 (d) "Community college" means any community college
14 established under the laws of this state.

15 (e) "Technical college" means any technical college
16 established under K.S.A. 72-4468 and amendments thereto.

17 (f) "Area vocational school" means any area vocational
18 school or area vocational-technical school established under the
19 laws of this state and approved and officially designated as such
20 by the state board of education.

21 (g) "Postsecondary educational institution" means any state
22 educational institution, community college, technical college,
23 and any area vocational school and includes any entity resulting
24 from the consolidation or affiliation of any two or more of such
25 postsecondary educational institutions.

26 New Sec. 3. (a) There is hereby established the Kansas
27 council on higher education. The council shall be composed of 11
28 members appointed by the governor, subject to confirmation by the
29 senate as provided in K.S.A. 75-4315b and amendments thereto.
30 Except as provided by K.S.A. 1997 Supp. 46-2601 and amendments
31 thereto, no person appointed to the council shall exercise any
32 power, duty or function as a member of the council until
33 confirmed by the senate. Each member shall hold office for a
34 term of six years, except as provided for the first members
35 appointed to the council, and until a successor is appointed and

1 confirmed. Terms of members shall expire on January 15. No
2 person shall serve more than two terms of office as a member of
3 the council, except that this limitation shall not include the
4 first term of office of any person appointed and qualified as a
5 member of the initial council in accordance with subsection
6 (b)(2).

7 (b) (1) One member of the council shall be a resident of
8 each congressional district with the remaining members appointed
9 from among all residents of Kansas, except that no two members
10 shall reside in the same county at the time of their appointment
11 unless each county in the congressional district has a member
12 residing in the county at the time of their appointment.
13 Subsequent redistricting of congressional districts shall not
14 disqualify any member of the council from service for the
15 remainder of the member's term of office. At no time shall more
16 than six members of the council be members of the same political
17 party.

18 (2) In addition to and subject to the other provisions of
19 this section, the first appointed members of the council shall be
20 appointed by the governor on or before February 1, 1999, in
21 accordance with the following:

22 (A) Five members shall be appointed by the governor from
23 among a list of nominations of not less than 10 nominees which
24 shall be submitted to the governor by the state board of regents
25 on or before January 1, 1999;

26 (B) two members shall be appointed by the governor from
27 among a list of nominations of not less than four nominees which
28 shall be submitted to the governor by the state board of
29 education on or before January 1, 1999;

30 (C) two members shall be appointed by the governor from
31 among a list of nominations of not less than four nominees which
32 shall be submitted to the governor by the Kansas association of
33 community college trustees on or before January 1, 1999;

34 (D) one member shall be appointed by the governor from among
35 a list of nominations of not less than two nominees which shall

1 be submitted to the governor by the Kansas association of area
2 vo-tech schools on or before January 1, 1999;

3 (E) one member shall be appointed by the governor from among
4 a list of nominations of not less than two nominees which shall
5 be submitted to the governor by the board of regents of Washburn
6 university on or before January 1, 1999; and

7 (F) six members of the initial council shall have a term of
8 office of six years and five members of the initial council shall
9 have a term of office of three years, as specified by the
10 governor.

11 (c) The members of the Kansas council on higher education
12 shall meet and organize annually by electing one member as
13 chairperson, except that the governor shall designate the first
14 chairperson of the council from among the first members appointed
15 to the council.

16 (d) Members of the Kansas council on higher education
17 attending meetings of such council, or attending a subcommittee
18 meeting thereof authorized by such council, shall be paid
19 compensation, subsistence allowances, mileage and other expenses
20 as provided in K.S.A. 75-3212 and amendments thereto for members
21 of the legislature.

22 New Sec. 4. The council shall meet at least quarterly each
23 year in Topeka on dates fixed by the council. Special meetings
24 may be held upon the call of the chairperson or upon the petition
25 to the commissioner of higher education by six members of the
26 council, the date and place of all special meetings to be
27 designated in the call. Six members of the council shall
28 constitute a quorum for the transaction of business but less than
29 six members may adjourn any regular or special meeting to a
30 definite time and place.

31 New Sec. 5. (a) In the exercise of its leadership role, the
32 Kansas council on higher education shall be an advocate for the
33 provision of adequate resources and sufficient authority for all
34 postsecondary educational institutions so that each postsecondary
35 educational institution can realize, within its prescribed role

1 and scope, its full potential to the benefit of the students who
2 attend such postsecondary educational institution and to the
3 benefit of all Kansans in terms of receiving the benefits of a
4 highly educated and vocationally trained populace.

5 (b) In addition to other duties and functions prescribed by
6 statute, the council shall advise and consult with the joint
7 committee on postsecondary education and shall prepare and
8 present an annual strategic planning report to the joint
9 committee on postsecondary education.

10 New Sec. 6. (a) There is hereby established the office of
11 commissioner of higher education. The council shall appoint the
12 commissioner of higher education who shall act as the executive
13 officer for the council. The commissioner of higher education
14 shall be in the unclassified service under the Kansas civil
15 service act, shall serve at the pleasure of the council and shall
16 receive a salary fixed by the council, subject to approval by the
17 governor. The commissioner of higher education shall attend all
18 meetings of the council, keep a full and correct record of its
19 proceedings as approved by the council and shall perform such
20 other duties and functions as the council may prescribe.

21 (b) There are hereby established the division of governance
22 and the division of coordination under the supervision of the
23 council. Each such division shall perform duties and functions
24 regarding governance and coordination of postsecondary
25 educational institutions, respectively, in accordance with the
26 provisions of this act. As authorized by the council, the
27 commissioner of higher education shall appoint assistant
28 commissioners and such other officers and employees as may be
29 required for such divisions and to assist in performing such
30 duties and functions.

31 New Sec. 7. (a) On and after July 1, 2000, the Kansas
32 council on higher education shall control and supervise the
33 operation and management of all state educational institutions in
34 accordance with the provisions of this act. In accordance with
35 the provisions of K.S.A. 75-3717 through 75-3717d and amendments

1 thereto, each state educational institution shall prepare and
2 submit budget estimates to the division of the budget for review
3 by the governor and legislature, after review and approval of the
4 budget estimate for the state educational institution by the
5 council.

6 (b) On and after July 1, 2000, the council shall have
7 authority to appoint the chief executive officers, establish
8 personnel policies, set fees and tuition and approve the missions
9 for each state educational institution.

10 New Sec. 8. (a) On and after July 1, 2000, the Kansas
11 council on higher education shall coordinate all postsecondary
12 education activities of all postsecondary educational
13 institutions, in accordance with the provisions of this act. On
14 and after July 1, 2000, all postsecondary education activities of
15 state educational institutions, community colleges, technical
16 colleges, and area vocational schools shall be subject to the
17 policies and approval of the Kansas council on higher education
18 that coordinate such activities in accordance with the provisions
19 of this act. On and after July 1, 2000, the board of trustees or
20 other governing board of each community college, technical
21 college or area vocational school, or of any entity resulting
22 from the consolidation of any two or more community colleges,
23 technical colleges or area vocational schools, shall continue to
24 govern each such community college, technical college, area
25 vocational school or such other entity as provided by statute.

26 (b) For the purposes of coordinating all postsecondary
27 education activities of all postsecondary educational
28 institutions on and after July 1, 2000, the council is hereby
29 authorized to and shall:

- 30 (1) Develop comprehensive long range plans;
- 31 (2) determine institutional roles and review institutional
32 missions;
- 33 (3) require the development of institutional master plans;
- 34 (4) develop measurable performance indicators;
- 35 (5) review and approve course offerings, course locations,

1 programs and degrees;

2 (6) conduct ongoing program review;

3 (7) encourage and oversee cooperative postsecondary programs
4 among postsecondary educational institutions;

5 (8) administer statewide student financial assistance
6 programs;

7 (9) develop and implement long range plans for the
8 utilization of distance learning technologies;

9 (10) collect and maintain a uniform postsecondary education
10 database; and

11 (11) recommend statewide postsecondary funding levels for
12 all postsecondary educational institutions to the governor and
13 the legislature.

14 New Sec. 9. The council may create advisory committees and
15 appoint the members thereof when the council determines that such
16 advisory committees are needed to assist the council in the
17 performance of its duties and functions. Each such advisory
18 committee shall advise and consult with and advise the council
19 with reference to the matters referred to the advisory committee.
20 Members of any advisory committee created under authority of this
21 section attending meetings of such committee or attending a
22 subcommittee meeting thereof authorized by such committee shall
23 be paid subsistence allowances, mileage and other expenses as
24 provided in K.S.A. 75-3223 and amendments thereto, but shall
25 receive no compensation for services as such members. The council
26 is authorized to make expenditures to provide space for holding
27 meetings of advisory committees created under this section,
28 including expenditures for official hospitality.

29 New Sec. 10. There is hereby established the educational
30 coordinating commission which shall serve as a liaison committee
31 between the council and the state board of education to ensure a
32 seamless system of education. The educational coordinating
33 commission shall be composed of three members of the state board
34 of education selected by that board and three members of the
35 council selected by the council. The commission members shall

1 serve two year terms and shall annually elect a chair of the
2 commission. The educational coordinating commission shall
3 establish its own rules and policies of operation and procedure.

4 New Sec. 11. (a) There is hereby created the joint committee
5 on postsecondary education which shall be composed of four
6 members of the senate and eight members of the house of
7 representatives. At least five members of the joint committee
8 shall be of the minority party, with at least two thereof from
9 each house. Members of the joint committee on postsecondary
10 education shall be appointed by the legislative coordinating
11 council. The joint committee shall be permanent with membership
12 changing from time to time as the legislative coordinating
13 council shall determine.

14 (b) A quorum of the joint committee on postsecondary
15 education shall be seven members. All actions of the joint
16 committee shall be taken by a majority of all of the members of
17 the joint committee. The joint committee on postsecondary
18 education may meet at any time and at any place within the state
19 on the call of the chairperson.

20 (c) The joint committee on postsecondary education is hereby
21 authorized to exercise the powers of compulsory process in
22 connection with any authorized subject of inquiry, study or
23 investigation in accordance with the provisions of K.S.A. 46-1001
24 through 46-1017 and amendments thereto and specifically including
25 the authority to exercise such powers of compulsory process with
26 respect to enforcing any request for information of the Kansas
27 council of higher education, the educational coordinating
28 commission, the department of education and any postsecondary
29 educational institution.

30 (d) The joint committee on postsecondary education shall
31 assist in the development and monitoring of performance measures
32 for postsecondary educational institutions to ensure the fiscal
33 and academic integrity of the postsecondary education system. The
34 joint committee shall receive and review reports from the
35 educational coordinating commission, and any advisory committees

1 created by the Kansas council on higher education and an annual
2 strategic planning report from the council. The joint committee
3 shall review the plans for public and private postsecondary
4 education in Kansas, including vocational and technical
5 education. The joint committee shall annually make a report and
6 recommendations to the legislature and the governor and may cause
7 the same to be published separately from other documents which
8 are required by law to be submitted to the legislative
9 coordinating council. The reports and recommendations of the
10 joint committee shall include a review of the schedule for
11 implementation of educational goals established by the Kansas
12 council on higher education. The joint committee shall prepare a
13 report to the legislature at the beginning of the regular session
14 in 1999 on the feasibility of a virtual campus to provide
15 educational access to programs offered by postsecondary
16 educational institution via technology.

17 (e) Upon request of the joint committee on postsecondary
18 education, the state board of regents, Kansas council on higher
19 education and the state board of education shall provide
20 consultants to provide assistance to the joint committee from the
21 faculties and staffs of institutions and agencies under the
22 respective control and jurisdiction thereof.

23 (f) The joint committee on postsecondary education may
24 introduce such legislation as it deems necessary in performing
25 its functions.

26 (g) The provisions of the acts contained in article 12 of
27 chapter 46 of the Kansas Statutes Annotated, and amendments
28 thereto, applicable to special committees shall apply to the
29 joint committee on postsecondary education to the extent that the
30 same do not conflict with the specific provisions of this act
31 applicable to the joint committee.

32 New Sec. 12. On the effective date of this act, the
33 following state agency and office shall be and hereby are
34 abolished:

35 (a) The state board of regents required to be provided for

1 by section 2 of article 6 of the constitution of this state prior
2 to adoption by the electors of this state of the proposition to
3 revise article 6 as provided in 1998 house concurrent resolution
4 no. 5048; and

5 (b) the office of executive officer of the state board of
6 regents provided to be appointed by K.S.A. 74-3203.

7 New Sec. 13. For the purpose of concluding operations, the
8 state board of regents and the office of executive officer of the
9 state board of regents abolished by this act shall continue in
10 existence until June 30, 2000. During such period of existence
11 and notwithstanding the abolition of the state board of regents
12 and the office of executive officer of the state board of
13 regents, such state agency and officer shall exercise all of the
14 powers, duties and functions that were vested therein prior to
15 abolition by this act. Upon the expiration of such period of
16 existence, the state board of regents and the chief executive
17 officer thereof shall cease all operations and shall have no
18 further authority to act.

19 New Sec. 14. (a) On July 1, 2000, all of the powers, duties,
20 functions, records and property of the state agency and office
21 abolished by this act, including the power to administer, expend
22 and distribute funds now or hereafter made available in
23 accordance with appropriation acts, shall be and hereby are
24 transferred to and conferred and imposed upon the state council
25 on higher education. The state council on higher education shall
26 be the successor in every way to the powers, duties and functions
27 of the abolished state agency and office, in which the same were
28 vested prior to July 1, 2000. The state council on higher
29 education shall be a continuation of the abolished state agency
30 and office, and every act performed under the authority of the
31 state council shall be deemed to have the same force and effect
32 as if performed by the respective agency or office in which the
33 authority to perform such act was vested prior to July 1, 2000.

34 (b) On and after July 1, 2000, whenever the state agency or
35 office abolished by this act are referred to or designated by a

1 statute, contract or other document, such reference or
2 designation shall be deemed to apply to the state council on
3 higher education.

4 (c) All rules and regulations of the state board of regents
5 in existence on June 30, 2000, shall continue to be effective and
6 shall be deemed to be duly adopted rules and regulations of the
7 state council on higher education until revised, amended, revoked
8 or nullified pursuant to law.

9 (d) All policies, orders and directives of the state board
10 of regents in existence on June 30, 2000, shall continue to be
11 effective and shall be deemed to be orders and directives of the
12 state council on higher education, until revised, amended or
13 nullified pursuant to law.

14 (e) On July 1, 2000, the state council on higher education
15 shall succeed to whatever right, title or interest the state
16 board of regents has acquired in any real property in this state,
17 and the state council shall hold the same for and in the name of
18 the state of Kansas. On and after July 1, 2000, whenever any
19 statute, contract, deed or other document concerns the power or
20 authority of the state board of regents to acquire, hold or
21 dispose of real property or any interest therein, the state
22 council on higher education shall succeed to such power or
23 authority.

24 (f) The state council on higher education shall be a
25 continuation of the state board of regents.

26 New Sec. 15. (a) The state council on higher education shall
27 provide that all officers and employees of the state board of
28 regents or the state board of education who are engaged in the
29 exercise and performance of the powers, duties, and functions
30 transferred by this act are transferred to the state council on
31 higher education if the state council deems that the transfer of
32 such officers and employees is necessary to the exercise and
33 performance of such powers, duties and functions.

34 (b) Officers and employees of the state board of regents or
35 the state board of education who are transferred to the state

1 council on higher education shall retain all retirement benefits
2 and leave rights which had accrued or vested prior to the date of
3 transfer. The service of each such officer and employee so
4 transferred shall be deemed to have been continuous. All
5 transfers, layoffs and abolition of classified service positions
6 under the Kansas civil service act which may result from
7 transfers of powers, duties and functions shall be made in
8 accordance with the civil service laws and any rules and
9 regulations adopted thereunder. Nothing in this act shall affect
10 the classified status of any transferred person employed by the
11 state board of regents or the state board of education prior to
12 the date of transfer. The state council on higher education
13 shall be responsible for administering any layoff that is a part
14 of the transfer. Notwithstanding the date of transfer of
15 personnel from the state board of regents or the state board of
16 education to the state council on higher education pursuant to
17 the provisions of this act, the date of such transfer shall be
18 effective at the start of a payroll period.

19 New Sec. 16. (a) When any conflict arises as to the
20 disposition of any power, function or duty or the unexpended
21 balance of any appropriation as a result of any abolition,
22 transfer or change effected by or under authority of this act,
23 such conflict shall be resolved by the governor, whose decision
24 shall be final.

25 (b) On July 1, 2000, the state council on higher education
26 shall succeed to all property and records which were used for or
27 pertain to the performance of the powers, duties and functions
28 transferred to the state council. Any conflict as to the proper
29 disposition of property or records arising under this section,
30 and resulting from any abolition or transfer of powers, duties
31 and functions effected by or under authority of this act, shall
32 be determined by the governor, whose decision shall be final.

33 New Sec. 17. (a) On and after July 1, 2000, the state
34 council on higher education shall have the legal custody of all
35 records, memoranda, writings, entries, prints, representations or

1 combinations thereof of any act, transaction, occurrence or event
2 of the state board of regents and the executive officer thereof.

3 (b) No suit, action or other proceeding, judicial or
4 administrative, lawfully commenced, or which could have been
5 commenced, by or against the state board of regents or the
6 executive officer thereof in the official capacity of such board
7 or officer or in relation to the discharge of official duties of
8 such board or officer, shall abate by reason of the governmental
9 reorganization effected under the provisions of this act. The
10 court may allow any such suit, action or other proceeding to be
11 maintained by or against the state council on higher education.

12 (c) No criminal action commenced or which could have been
13 commenced by the state shall abate by reason of the governmental
14 reorganization effected under the provisions of this act.

15 New Sec. 18. (a) On July 1, 2000, the balance of all funds
16 appropriated and reappropriated to the state board of regents is
17 hereby transferred to the state council on higher education and
18 shall be used only for the purpose for which the appropriation
19 was originally made.

20 (b) On July 1, 2000, the liability for all accrued
21 compensation or salaries of officers and employees who,
22 immediately prior to such date, were engaged in the performance
23 of powers, duties or functions of the state board of regents
24 shall be assumed and paid by the state council on higher
25 education.

26 New Sec. 19. (a) On July 1, 2000, the community colleges
27 established and existing under the laws of this state shall be
28 and hereby are transferred from the supervision of the state
29 board of education to coordination by the state council on higher
30 education. The community colleges shall continue to be operated,
31 managed and controlled by locally elected boards of trustees.
32 The state council on higher education shall exercise such
33 coordination of the operation, management and control of
34 community colleges as may be prescribed by law.

35 (b) On July 1, 2000, all of the powers, duties, functions,

1 records and property of the state board of education relating to
2 community college operations shall be and are hereby transferred
3 to and conferred and imposed upon the state council on higher
4 education.

5 (c) On and after July 1, 2000, the state council on higher
6 education shall be the successor in every way to the powers,
7 duties and functions of the state board of education relating to
8 community college operations in which the same were vested prior
9 to the effective date of this act. Every act performed by the
10 state council on higher education shall be deemed to have the
11 same force and effect as if performed by the state board of
12 education in which such functions were vested prior to July 1,
13 2000.

14 (d) On and after July 1, 2000, whenever the state board of
15 education, or words of like effect, is referred to or designated
16 by a statute, contract or other document relating to community
17 college operations, such reference or designation shall be deemed
18 to apply to the state council on higher education.

19 (e) The state plan for community colleges, prepared and
20 adopted by the state board of education pursuant to the
21 provisions of the Kansas community college act, which is in
22 existence on July 1, 2000, shall continue to be effective and
23 shall be deemed to be the duly adopted state plan of the state
24 council on higher education until revised, amended, revoked or
25 nullified pursuant to law.

26 (f) All rules and regulations, and all orders and directives
27 of the state board of education relating to community college
28 operations which are in existence on July 1, 2000, shall continue
29 to be effective and shall be deemed to be the duly adopted rules
30 and regulations or orders and directives of the state council on
31 higher education until revised, amended, revoked or nullified
32 pursuant to law.

33 (g) The unexpended balance of any appropriation for and any
34 funds available to the state board of education for purposes
35 relating to community college operations shall be transferred to

1 the state council on higher education on July 1, 2000.

2 (h) On and after July 1, 2000, all books, records and papers
3 of the board of trustees of each community college shall be open
4 and available, at all reasonable times, to the state council on
5 higher education and its designated officers, employees and
6 agents.

7 (i) Except as otherwise specifically provided in this act,
8 the transfer of supervision of the community colleges from the
9 state board of education to coordination by the state council on
10 higher education shall not be construed in any manner so as to
11 change or affect the operation, management and control of any
12 community college or to change or affect any existing power, duty
13 or function of a board of trustees with respect to such
14 operation, management and control.

15 New Sec. 20. (a) On July 1, 2000, the technical colleges,
16 area vocational schools and area vocational-technical schools
17 established and existing under the laws of this state shall be
18 and hereby are transferred from the supervision of the state
19 board of education to coordination by the state council on higher
20 education. The technical colleges, area vocational schools and
21 area vocational-technical schools shall continue to be operated,
22 managed and controlled by governing boards as provided for in
23 article 44 of chapter 72 of Kansas Statutes Annotated. The state
24 council on higher education shall exercise such coordination of
25 the operation, management and control of technical colleges, area
26 vocational schools and area vocational-technical schools as may
27 be prescribed by law.

28 (b) On July 1, 2000, all of the powers, duties, functions,
29 records and property of the state board of education relating to
30 operations of technical colleges, area vocational schools and
31 area vocational-technical schools shall be and are hereby
32 transferred to and conferred and imposed upon the state council
33 on higher education.

34 (c) On and after July 1, 2000, the state council on higher
35 education shall be the successor in every way to the powers,

1 duties and functions of the state board of education relating to
2 operations of technical colleges, area vocational schools and
3 area vocational-technical schools in which the same were vested
4 prior to July 1, 2000. Every act performed by the state council
5 on higher education shall be deemed to have the same force and
6 effect as if performed by the state board of education in which
7 such functions were vested prior to July 1, 2000.

8 (d) On and after July 1, 2000, whenever the state board of
9 education, or words of like effect, is referred to or designated
10 by a statute, contract or other document relating to operations
11 of technical colleges, area vocational schools or area
12 vocational-technical schools, such reference or designation shall
13 be deemed to apply to the state council on higher education.

14 (e) The state plan for vocational education, prepared and
15 adopted by the state board of education pursuant to the
16 provisions of the K.S.A. 72-4413, and amendments thereto, which
17 is in existence on July 1, 2000, shall continue to be effective
18 and shall be deemed to be the duly adopted state plan of the
19 state council on higher education until revised, amended, revoked
20 or nullified pursuant to law.

21 (f) All rules and regulations, and all orders and directives
22 of the state board of education relating to operations of
23 technical colleges, area vocational schools and area
24 vocational-technical schools which are in existence on July 1,
25 2000, shall continue to be effective and shall be deemed to be
26 the duly adopted rules and regulations or orders and directives
27 of the state council on higher education until revised, amended,
28 revoked or nullified pursuant to law.

29 (g) The unexpended balance of any appropriation for and any
30 funds available to the state board of education for purposes
31 relating to operations of technical colleges, area vocational
32 schools and area vocational-technical schools shall be
33 transferred to the state council on higher education on July 1,
34 2000.

35 (h) On and after July 1, 2000, all books, records and papers

1 of the governing boards of technical colleges, area vocational
2 schools and area vocational-technical schools shall be open and
3 available, at all reasonable times, to the state council on
4 higher education and its designated officers, employees and
5 agents.

6 (i) Except as otherwise specifically provided in this act,
7 the transfer of supervision of the technical colleges, area
8 vocational schools and area vocational-technical schools from the
9 state board of education to coordination by the state council on
10 higher education shall not be construed in any manner so as to
11 change or affect the operation, management and control of any
12 technical college, area vocational school or area
13 vocational-technical school or to change or affect any existing
14 power, duty or function of the governing board of any technical
15 college, area vocational school or area vocational-technical
16 school with respect to such operation, management and control.

17 Sec. 21. On July 1, 1999, K.S.A. 1997 Supp. 71-201 shall be
18 and is hereby amended to read as follows: 71-201. (a) The board
19 of trustees, in accordance with the provisions of law and the
20 rules and regulations of the state board of education, shall have
21 custody of and be responsible for the property of the community
22 college and shall be responsible for the operation, management
23 and control of the college. The board of trustees shall hold at
24 least one regular meeting each month at a time prescribed by the
25 board. The board shall make an annual report in the manner
26 prescribed by the state board of education. Members of the board
27 of trustees shall be paid subsistence allowances, mileage and
28 other actual and necessary expenses incurred in the performance
29 of their official duties.

30 (b) For effectuation of the purposes of this act, the board
31 of trustees in addition to such other powers expressly granted to
32 it by law and subject to the rules and regulations of the state
33 board of education is hereby granted the following powers:

34 (1) To select its own chairperson and such other officers as
35 it may deem desirable, from among its own membership. The

1 secretary may be chief administrative officer of the college.

2 (2) To sue and be sued.

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

6 (4) To appoint and fix the compensation and term of office
7 of a president or chief administrative officer of the college.

8 (5) To appoint upon nomination of the president or the chief
9 administrative officer members of the administrative and teaching
10 staffs, to fix and determine within state adopted standards their
11 specifications, define their duties, and to fix their
12 compensation and terms of employment. No community college
13 teacher shall be required to meet certification requirements
14 greater than those required in the state universities under the
15 control and supervision of the state board of regents.

16 (6) Upon recommendation of the chief administrative officer,
17 to appoint or employ such other officers of the college, agents
18 and employees as may be required to carry out the provisions of
19 law and to fix and determine within state adopted standards their
20 qualifications, duties, compensation, terms of office or
21 employment and all other items and conditions of employment.

22 (7) To enter into contracts.

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

27 (9) To acquire by gift, purchase, lease-purchase,
28 condemnation or otherwise, and to own, lease, use and operate
29 property, whether real, personal, or mixed, or any interest
30 therein, which is necessary or desirable for community college
31 purposes. Any lease-purchase agreement entered into under
32 authority of this subsection shall be subject to the conditions
33 set forth in K.S.A. 10-1116c, and amendments thereto. The term
34 of any lease entered into under authority of this subsection may
35 be for not to exceed 10 years. Such lease may provide for annual

1 or other payment of rent or rental fees and may obligate the
2 community college to payment of maintenance or other expenses.
3 Any lease or lease-purchase agreement entered into under
4 authority of this subsection shall be subject to change or
5 termination at any time by the legislature. Any assignment of
6 rights in any lease or lease-purchase made under this subsection
7 shall contain a citation of this section and a recitation that
8 the lease or lease-purchase agreement and assignment thereof are
9 subject to change or termination by the legislature. To the
10 extent that the provisions of the cash-basis and budget laws
11 conflict with this subsection in such a manner as to prevent the
12 intention of this subsection from being made effective, the
13 provisions of this subsection shall control. This provision is
14 subject to the provisions of subsection (d).

15 (10) To enter into lease agreements as lessor of any
16 property, whether real, personal, or mixed, which is owned or
17 controlled by the community college. Any such agreement may
18 specify the purposes for which the property may be used, require
19 that the property be maintained and operated by the lessee, and
20 may contain such restrictions or limitations on the use of the
21 property, be entered into for such period of time, and include
22 such other terms and conditions as the board of trustees
23 determines to be necessary and proper. Every such agreement
24 shall be subject to change or termination at any time by the
25 legislature. Any assignment of rights under any such agreement
26 shall be subject to approval by the board of trustees and shall
27 contain a citation of this section and a recitation that the
28 lease agreement and assignment of rights thereunder are subject
29 to change or termination by the legislature.

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

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

1 (13) To make and promulgate such rules and regulations, not
2 inconsistent with the provisions of law or with rules and
3 regulations of the state board of education, that are necessary
4 and proper for the administration and operation of the community
5 college, and for the conduct of the business of the board of
6 trustees.

7 (14) To exercise all other powers not inconsistent with the
8 provisions of law or with the rules and regulations of the state
9 board of education which may be reasonably necessary or
10 incidental to the establishment, maintenance and operation of a
11 community college.

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

19 (16) To contract with one or more agencies, either public or
20 private, whether located within or outside the community college
21 district or whether located within or outside the state of Kansas
22 for the conduct by any such agencies of academic or vocational
23 education for students of the community college, and to provide
24 for the payment to any such agencies for their contracted
25 educational services from any funds or moneys of the community
26 college, including funds or moneys received from student tuition,
27 ~~out-district-tuition,~~ and fees, funds received from the state of
28 Kansas or the United States for academic or vocational education,
29 or taxes collected under K.S.A. 71-204 ~~and--72-4424,~~ and
30 amendments thereto. Any contract made under this subsection with
31 an institution of another state shall be subject to the
32 provisions of K.S.A. 71-202, and amendments thereto.

33 (17) To authorize by resolution the establishment of a petty
34 cash fund in an amount not to exceed \$1,000, and to designate in
35 such resolution an employee to maintain such petty cash fund.

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

30 (c) Subject to the provisions of subsection (d), the board
31 of trustees may purchase or otherwise acquire land or land and
32 improvements and may acquire, construct, reconstruct, repair or
33 remodel improvements thereon or additions thereto, including
34 furnishings, equipment, and architectural and incidental expense
35 related thereto, and for such purposes the board of trustees is

1 authorized to issue and sell general obligation bonds, the
2 cumulative total not to exceed the following amounts: Where the
3 community college district has a taxable tangible valuation of
4 less than \$90,000,000 or is located in a county designated as
5 urban under the provisions of K.S.A. 19-3524, and amendments
6 thereto, not to exceed 5% of the taxable tangible property of the
7 community college district, and where the community college
8 district has a taxable tangible valuation of more than
9 \$90,000,000 not to exceed 3% except as provided above for any
10 community college district located in a county designated as
11 urban under the provisions of K.S.A. 19-3524, and amendments
12 thereto, of the taxable tangible property of the community
13 college district. If any increase in the valuation of a community
14 college district results in an outstanding bonded indebtedness in
15 excess of that provided in this subsection, such increase shall
16 not constitute a violation of this subsection. No such bonds
17 shall be issued until the question of their issuance shall have
18 been submitted to a vote of the electors of the community college
19 district at a regular election or at a special election called
20 for that purpose and the majority of the electors voting on the
21 proposition in such community college district shall have voted
22 in favor of the issuance of the bonds. Such election shall be
23 called, noticed and held and the bonds issued, sold, delivered
24 and retired in accordance with the provisions of the general bond
25 law except as herein otherwise expressly provided.

26 (d) The board of trustees of a community college may not
27 purchase or otherwise acquire land or land and improvements
28 outside the community college district. Nothing in this
29 subsection shall be construed or operate in any manner to require
30 a board of trustees to sell, convey or otherwise dispose of land
31 or land and improvements located outside the community college
32 district and owned or being acquired by the community college on
33 the effective date of this act, but no board of trustees may
34 enter into a contract for the construction of improvements on any
35 such land after the effective date of this act.

1 Sec. 22. On July 1, 1999, K.S.A. 71-204 shall be and is
2 hereby amended to read as follows: 71-204. (a) For ~~all~~ the
3 purpose of community college maintenance and operation ~~purposes,~~
4 the board of trustees is authorized to levy a tax on the taxable
5 tangible property of the community college district.

6 Subject to the provisions of subsections (b) and (c), such
7 tax ~~levy--shall~~ is authorized to be the amount determined by the
8 ~~board of trustees to be sufficient to finance that part of the~~
9 ~~budget of the community college which is not financed by either~~
10 ~~(a) anticipated state aid of any type, (b) anticipated student~~
11 ~~tuition, or (c) anticipated out-district tuition, or (d)~~
12 anticipated federal aid of any type levied at a rate not to
13 exceed 10 mills by any community college established by
14 consolidation under the statutory provisions contained in article
15 13 of chapter 71 of Kansas Statutes Annotated or by any community
16 college with which an area vocational school or area
17 vocational-technical school has been consolidated under the
18 statutory provisions contained in article 17 of chapter 71 of
19 Kansas Statutes Annotated and at a rate not to exceed 20 mills by
20 any community college not herein before specified. The budget of
21 the community college shall be prepared and adopted as provided
22 by law, and the tax levy therefor shall be certified to the
23 county clerk of every county all or a part of the territory of
24 which is in the community college district.

25 (b) If in any fiscal year preceding the current fiscal year
26 the tax authorized by subsection (a) to be levied by a community
27 college was levied at the maximum rate limited by subsection (a),
28 the tax may be levied at an increased rate. In no event shall
29 the increased rate of levy exceed the rate necessary to produce
30 102.5% of the amount that was produced in the preceding fiscal
31 year. If an increase in the assessed valuation of a community
32 college district in any fiscal year succeeding a fiscal year in
33 which the community college increased its rate of levy as
34 provided in this subsection would produce more than a 2.5%
35 increase in the amount produced by the levy in the preceding

1 fiscal year, the community college shall reduce its rate of levy
 2 by the millage equivalency of the amount in excess of 2.5% of the
 3 amount that was produced by the levy in the preceding fiscal
 4 year.

5 (c) Notwithstanding the foregoing provisions, the tax levy
 6 authorized by this section shall be reduced by an amount equal to
 7 1/2 the amount of the difference between the amount of state aid
 8 received by the community college in the preceding fiscal year
 9 and the amount of state aid to which the community college is
 10 entitled in the current fiscal year.

11 Sec. 23. On July 1, 1999, K.S.A. 1997 Supp. 71-301 shall be
 12 and is hereby amended to read as follows: 71-301. (a) The board
 13 of trustees shall charge to and collect from each student tuition
 14 at rates per credit hour enrolled which shall be established by
 15 the board of trustees.

16 ~~(b) The board of trustees, in accordance with rules and~~
 17 ~~regulations of the state board, shall determine an amount of~~
 18 ~~out-district tuition to be charged for each out-district student~~
 19 ~~attending the community college. The board of county~~
 20 ~~commissioners of any county charged with payment of out-district~~
 21 ~~tuition shall levy a tax on all of the taxable property of the~~
 22 ~~county sufficient to pay all out-district tuition charges~~
 23 ~~authorized by this act. The proceeds from the tax levied under~~
 24 ~~authority of this section shall be deposited in a special fund~~
 25 ~~for payment of out-district tuition. Upon receiving a statement~~
 26 ~~of charges for out-district tuition, the board of county~~
 27 ~~commissioners shall allow and pay the same from the special fund~~
 28 ~~within 45 days from the receipt of such statement. If there is~~
 29 ~~insufficient or no money in the special fund, out-district~~
 30 ~~tuition shall be paid from the county general fund or from the~~
 31 ~~proceeds of the sale of no-fund warrants issued for the purpose~~
 32 ~~of the payment of out-district tuition. If the board of county~~
 33 ~~commissioners fails to pay such amount at the time required under~~
 34 ~~this subsection, the board of trustees shall notify the state~~
 35 ~~board of such failure to pay and shall certify to the state board~~

1 the amount to be paid. Upon receipt by the state board of such
2 notification, the amount to be paid as certified to the state
3 board shall become an amount due and owing to the state board.
4 The state board shall notify the board of county commissioners
5 that this amount is now due and owing to the state board. If the
6 board of county commissioners fails to pay such amount to the
7 state board within 14 days of the receipt of such notification,
8 the state board shall initiate proceedings under K.S.A. 75-620 let
9 seq. for the collection of such money. Money paid to or collected
10 by the state board under this subsection shall be deposited in
11 the out-district tuition suspense account which is hereby created
12 in the state treasury. The state board shall pay moneys from this
13 account, in accordance with rules and regulations of the state
14 board, to the community colleges entitled to receive such money.

15 (c) The total out-district tuition charged by a community
16 college shall be an amount equal to the number of duly enrolled
17 out-district students times \$24 for each credit hour of each such
18 student.

19 (d) (1) Out-district tuition shall only be charged for
20 credit hours of out-district students if such students, as
21 determined by the state board, have not more than 64 credit hours
22 from any institution of postsecondary education or the students
23 have not more than 72 credit hours and are enrolled in terminal
24 type nursing courses or freshman sophomore level preengineering
25 courses.

26 (2) The credit hour limitations prescribed by provision (1)
27 of this subsection do not apply to credit hours of out-district
28 students if such students, as determined by the state board, are
29 enrolled in an approved vocational education program at a
30 community college for the purpose of receiving vocational or
31 technical training or retraining in preparation for gainful
32 employment.

33 (e) In May of each fiscal year, the board of trustees shall
34 notify the board of county commissioners of the approximate
35 amount of out-district tuition which will be charged to the

1 ~~county-in-the-succeeding-fiscal-year.~~

2 ~~(f)--Expenditures--for--out-district--tuition--shall--be--exempt~~
3 ~~from-the-budget-law-of-this-state-to-the-extent-of-such--payments~~
4 ~~not-anticipated-in-the-budget-of-the-county.~~

5 Sec. 24. On July 1, 1999, K.S.A. 1997 Supp. 71-401 shall be
6 and is hereby amended to read as follows: 71-401. (a) Persons
7 enrolling in a community college who, if adults, have not been,
8 or if minors, whose parents have not been residents of the county
9 in which is located the principal campus of the community college
10 for at least six months prior to enrollment for any term or
11 session are nonresidents of the community college district for
12 the purpose of determining ~~liability-of-counties-for--payment--of~~
13 ~~out-district tuition~~ state aid entitlement.

14 (b) The state board may adopt rules and regulations
15 prescribing criteria or guidelines for determination of residence
16 of students in community college districts and may make
17 conclusive determination of any residence matter.

18 Sec. 25. On July 1, 1999, K.S.A. 71-501 shall be and is
19 hereby amended to read as follows: 71-501. (a) The board of
20 trustees of any community college is authorized to make an annual
21 tax levy for a period of not to exceed five years of not to
22 exceed ~~two~~ three mills upon all taxable tangible property in the
23 ~~community college district~~ for the purpose of construction,
24 reconstruction, repair, remodeling, additions to, furnishing and
25 equipping of community college buildings, architectural expenses
26 incidental thereto, and the acquisition of real property for use
27 as building sites or for educational programs. No levy shall be
28 made under this section until a resolution authorizing the levy
29 is passed by the board of trustees and published once each week
30 for three consecutive weeks in a newspaper having general
31 circulation in the community college district. The resolution
32 shall specify the mill rate of the tax levy and the period of
33 time for which the tax levy shall be made under authority
34 thereof. After adoption of the resolution, the levy may be made
35 unless, within 60 days following the last publication of the

1 resolution, a petition in opposition to the levy, signed by not
2 less than 5% of the qualified electors of the community college
3 district, is filed with the county election officer of the county
4 in which the main campus of the community college is located. If
5 a petition is filed, the levy shall not be made without the
6 question of levying the same having been submitted to and
7 approved by a majority of the qualified electors of the district
8 voting at an election called for that purpose or at the next
9 general election. If a petition is filed and no election is
10 held, a new resolution authorizing a levy for the purposes
11 specified in this section may not be adopted for a period of one
12 year after the filing of the petition.

13 (b) Whenever an initial resolution has been adopted under
14 subsection (a) and the resolution specified a lesser mill rate
15 than ~~two~~ three mills, the board of trustees of the community
16 college may adopt a second resolution under the same procedure as
17 is provided in subsection (a) for the initial resolution and,
18 subject to the same conditions and for the same purposes as
19 provided in subsection (a), shall be authorized to make an
20 additional tax levy in an amount to be specified in the second
21 resolution for the remainder of the period of time specified in
22 the initial resolution for the making of the levy under authority
23 thereof. Any second resolution shall be limited in amount as
24 specified in subsection (a), less such amount as was authorized
25 in the initial resolution, and not to exceed an aggregate amount
26 of ~~two~~ three mills in any one year. If any such resolution is
27 adopted and the tax levy therein specified is authorized under
28 the conditions specified in subsection (a), the amount of bonds
29 which may be issued under K.S.A. 71-502, and amendments thereto,
30 may be increased accordingly.

31 (c) The board of trustees of any community college which has
32 made a tax levy under this section may initiate, at any time
33 after the final levy is certified to the county clerk under any
34 current authorization, procedures to renew its authority to make
35 a like annual tax levy in the amount, upon the conditions, and in

1 the manner specified in subsection (a).

2 (d) As used in this act, "unconditionally authorized to make
3 a tax levy under authority of article 5 of chapter 71 of Kansas
4 Statutes Annotated" means that the board of trustees of the
5 community college has adopted a resolution under this section,
6 has published the same, and either that such resolution was not
7 protested or that it was protested and an election was held by
8 which the tax levy of the community college was approved.

9 Sec. 26. On July 1, 1999, K.S.A. 71-601 shall be and is
10 hereby amended to read as follows: 71-601. "Credit hour" means
11 ~~one-hour-of-instruction-per-week-for-18-weeks-or--the--equivalent~~
12 ~~thereof~~ the basic unit of collegiate level instruction, as
13 determined by the state board, in a subject or course offered at
14 a level not higher than those subjects or courses normally
15 offered to freshmen and sophomores in four-year institutions of
16 postsecondary education which subject or course is approved by
17 the state board. Credit hour does not include within its meaning
18 ~~any-hour-of~~ instruction in a subject or course taken by a student
19 enrolled for audit or in any subject or course not approved by
20 the state board. The state board, in consultation with the state
21 board of regents, shall determine whether the subjects and
22 courses offered in the community colleges are at the level of
23 ~~freshmen and sophomore subjects and courses offered in the state~~
24 educational institutions ~~of-postsecondary-education~~ and shall not
25 approve any subject or course offered at a higher level.

26 Sec. 27. On July 1, 1999, K.S.A. 1997 Supp. 71-602 shall be
27 and is hereby amended to read as follows: 71-602. (a) Each
28 community college is entitled to receive credit hour state aid.
29 The basis for payments of credit hour state aid ~~for~~ to community
30 colleges for each credit hour of each duly enrolled student shall
31 be: (1) For each credit hour in any subject or course which is
32 not part of a vocational education program approved by the state
33 board under the statutory provisions ~~of~~ contained in article 44
34 of chapter 72 of Kansas Statutes Annotated, an amount which shall
35 be provided for by the legislature in acts making appropriations

1 for the credit hour state aid entitlement of community colleges;
 2 and (2) for each credit hour in any subject or course which is
 3 part of a vocational education program approved by the state
 4 board under the statutory provisions ~~ef~~ contained in article 44
 5 of chapter 72 of Kansas Statutes Annotated, an amount which shall
 6 be determined by the state board by multiplying by ~~1-1/2~~ two the
 7 amount provided for by the legislature under (1), ~~except that the~~
 8 ~~amount provided for by the legislature under (1) for each credit~~
 9 ~~hour of each student shall be multiplied by two if the credit~~
 10 ~~hour is in any subject or course which is part of an approved~~
 11 ~~vocational education program which is offered in a community~~
 12 ~~college which is also officially designated as an area vocational~~
 13 ~~school by the state board or if the credit hour is in any subject~~
 14 ~~or course which is part of an approved vocational education~~
 15 ~~program transferred to a community college in accordance with an~~
 16 ~~agreement made and entered into under authority of K.S.A.~~
 17 ~~71-1507, and amendments thereto.~~

18 (b) Credit hour state aid payments shall be made only for
 19 credit hours of duly enrolled students if such students, as
 20 determined by the state board, are residents of the state of
 21 Kansas or are considered residents of the state of Kansas
 22 pursuant to the provisions of K.S.A. 1997 Supp. 71-407, and
 23 amendments thereto.

24 (c) The determination of credit hours of duly enrolled
 25 students shall be made at times prescribed by the state board of
 26 education.

27 Sec. 28. On July 1, 1999, K.S.A. 71-604 shall be and is
 28 hereby amended to read as follows: 71-604. (a) From the reports
 29 and information ~~submitted under K.S.A. 71-603, and amendments~~
 30 ~~thereto~~ provided by the community colleges, and from other
 31 ~~information available to it~~ such audits and investigations as are
 32 conducted by the state department of education, the state board
 33 shall determine the amount the each community college is entitled
 34 to receive as ~~provided in K.S.A. 71-602 and 71-607 and K.S.A.~~
 35 ~~71-619, and amendments to such sections~~ state aid.

1 (b) If the amount of any appropriation for ~~credit-hour~~ state
2 aid shall be insufficient to pay in full the amount each
3 community college is entitled to receive ~~for--credit--hour--state~~
4 ~~aid~~, then the amount so appropriated shall be prorated among all
5 community colleges in proportion to the amount each is entitled
6 to receive. ~~If-the-amount-of-any-appropriation-for-out-district~~
7 ~~state-aid-shall-be-insufficient-to-pay-in-full--the--amount--each~~
8 ~~community--college--is-entitled-to-receive-for-out-district-state~~
9 ~~aid,--then-the-amount-so-appropriated-shall-be-prorated-among--all~~
10 ~~community--colleges--in-proportion-to-the-amount-each-is-entitled~~
11 ~~to-receive.~~

12 (c) The state board may audit the records of any community
13 college applying for a part of any money appropriated for state
14 aid, to verify the accuracy of the reports submitted by the
15 community college. The state board may adopt rules and
16 regulations for the administration of this act and acts
17 amendatory thereof.

18 (d) In the event any community college is paid more than the
19 amount it is entitled to receive ~~under-any-distribution-made~~
20 ~~under-this-act-or-acts-amendatory-thereof~~ as state aid, the state
21 board shall notify the community college of the amount of the
22 overpayment and the community college shall remit the same to the
23 ~~state~~ board and ~~it~~ the state board shall deposit the same in the
24 state treasury to the credit of the general fund, and if any such
25 community college fails so to remit, the state board shall deduct
26 the excess amount so paid from future payments becoming due to
27 such community college.

28 (e) In the event any community college is paid less than the
29 amount ~~to-which~~ it is entitled ~~under-any-distribution-made-under~~
30 ~~this-act-and-acts-amendatory-thereof~~ to receive as state aid, the
31 state board shall pay the additional amount due at any time
32 within the fiscal year in which the underpayment was made or
33 within 60 days after the end of such fiscal year.

34 Sec. 29. On July 1, 1999, K.S.A. 71-605 shall be and is
35 hereby amended to read as follows: 71-605. (a) The distribution

1 of the appropriation for credit hour state aid and out-district
2 state aid shall be made three times each ~~school~~ fiscal year as
3 follows: The first payment shall be made on October 1 and shall
4 be in an amount equal to 50% of the preceding ~~school~~ fiscal
5 year's credit hour state aid entitlement of the community
6 college. ~~Subject-to-the-provisions-of-subsection-(c)~~, The second
7 payment shall be made on December 1 and shall be in an amount
8 which is equal to the balance of the summer and fall sessions'
9 total credit hour state aid entitlement and the full amount of
10 the summer and fall sessions' out-district state aid entitlement,
11 with adjustment for any overpayment or underpayment resulting
12 from computation of the first payment. The third payment shall be
13 made on April 1 and shall be the full amount of the spring
14 session's credit hour state aid entitlement and the spring
15 session's out-district state aid entitlement, with adjustment for
16 any underpayments or overpayments theretofore occurring. The
17 state board shall certify, on or before November 25 and March 25
18 of each year, to the director of accounts and reports the amount
19 due to each community college ~~from--such--appropriation~~ on the
20 first day of December, ~~or-for-the-December-17-1987, payment-on~~
21 ~~the-date-specified-in-subsection-(c)~~ or on the first day of
22 April, as the case may be, and the director of accounts and
23 reports shall draw a warrant upon the state treasurer in favor of
24 the community college for such amount. Upon receipt of the
25 warrant, the treasurer of the community college shall credit the
26 same amount of the warrant to the general fund of the community
27 college.

28 (b) The distribution of the appropriation for ~~general~~
29 administrative state aid shall be made at a time to be determined
30 by the state board. The state board shall certify to the
31 director of accounts and reports the amount due to each community
32 college ~~from-such-appropriation~~, and the director of accounts and
33 reports shall draw a warrant upon the state treasurer in favor of
34 the community college for such amount. Upon receipt of the
35 warrant, the treasurer of the community college shall credit the

1 same amount of the warrant to the general fund of the community
2 college.

3 ~~(c)---The-credit-hour-state-aid-and-out-district-state-aid--to~~
4 ~~be--paid--December--17--1987,--shall-be-deferred-and-shall-be-paid~~
5 ~~January-47-1988.~~

6 (c) The distribution of the appropriation for operating
7 grants shall be made in substantially equal payments on August 1
8 and January 1 of each fiscal year, or as soon thereafter as
9 possible. The state board shall certify, on or before July 20
10 and December 20 of each fiscal year, to the director of accounts
11 and reports the amount due on August 1 or on January 1, as the
12 case may be, to each community college entitled to an operating
13 grant from such appropriation, and the director of accounts and
14 reports shall draw a warrant upon the state treasurer in favor of
15 the community college for such amount. Upon receipt of the
16 warrant, the treasurer of the community college shall credit the
17 amount of the warrant to the general fund of the community
18 college.

19 Sec. 30. On July 1, 1999, K.S.A. 1997 Supp. 71-607 shall be
20 and is hereby amended to read as follows: 71-607. (a) Each
21 community college is entitled to receive out-district state aid.
22 The basis for payments in-amounts-determined-as-provided-in--this
23 section:--From-reports-and-information-provided-by-each-community
24 college,--and-from-such-additional-audits--and--investigations--as
25 are--conducted--by--the--state-department-of-education,--the-state
26 board-shall-determine-the-amount of out-district tuition--each
27 community--college-is-entitled-to-bill-to-counties-each-year,--and
28 the-entitlement-to-out-district state aid of--each to community
29 college colleges shall be an-amount-equal-thereto-plus-(1)-an
30 amount-equal-to-the-amount--of--out-district--tuition--disallowed
31 under--the--provisions--of-K.S.A.-71-304,--and-amendments-thereto,
32 and-(2)-an-amount-equal-to-the--amount--of--out-district--tuition
33 disallowed--under--the--provisions--of--subsection--(c)-of-K.S.A.-
34 71-609,--and-amendments-thereto,--and-(3)-an-amount--equal--to--the
35 number--of--duly--enrolled--students--considered-residents-of-the

1 state-pursuant-to-the-provisions-of-K.S.A.-1997-Supp.-71-407,-and
 2 amendments-thereto,-times-the-amount-specified-in-subsection--(c)
 3 of--K.S.A.--71-301,-and--amendments-thereto, \$24 for each credit
 4 hour of each such duly enrolled out-district student.

5 (b) (1) Out-district state aid payments shall be made only
 6 for credit hours of out-district students specified-in-provision
 7 (3)-of-subsection-(a) if such students, as determined by the
 8 state board, have--not--more--than--64--credit--hours--from-any
 9 institution-of-postsecondary-education-or-the-students--have--not
 10 more--than--72--credit--hours--and--are-enrolled-in-terminal-type
 11 nursing--courses--or--freshman-sophomore---level---preengineering
 12 courses are residents of the state of Kansas or are considered
 13 residents of the state of Kansas pursuant to the provisions of
 14 K.S.A. 1997 Supp. 71-407, and amendments thereto.

15 (2)--The--credit-hour-limitations-prescribed-by-provision-(1)
 16 of-this-subsection-do-not-apply-to-credit-hours--of--students--if
 17 such--students,-as-determined-by-the-state-board,-are-enrolled-in
 18 an-approved-vocational-education-program-at-a--community--college
 19 for--the-purpose-of-receiving-vocational-or-technical-training-or
 20 retraining-in-preparation-for-gainful-employment.

21 New Sec. 31. (a) Each community college is entitled to
 22 receive administrative state aid in the amount of \$300,000 for
 23 the 2000 fiscal year and fiscal years thereafter.

24 (b) In each fiscal year, commencing with the 2000 fiscal
 25 year, the community colleges to which the provisions of this
 26 subsection apply are entitled to an operating grant from the
 27 state general fund. The community colleges to which the
 28 provisions of this subsection apply and the amount of the
 29 operating grant to which each such community college is entitled
 30 are as follows:

31 (1) Coffeyville community college is entitled to receive an
 32 operating grant in the amount of \$419,176 for the 2000 fiscal
 33 year and fiscal years thereafter;

34 (2) Independence community college is entitled to receive an
 35 operating grant in the amount of \$293,186 for the 2000 fiscal

1 year and fiscal years thereafter;

2 (3) Johnson county community college is entitled to receive
3 an operating grant in the amount of \$2,664,976 for the 2000
4 fiscal year and fiscal years thereafter;

5 (4) Pratt community college is entitled to receive an
6 operating grant in the amount of \$620,106 for the 2000 fiscal
7 year and fiscal years thereafter.

8 Sec. 32. On July 1, 1999, K.S.A. 1997 Supp. 71-609 shall be
9 and is hereby amended to read as follows: 71-609. (a) No
10 ~~out-district--tuition--charges,---no---out-district---state---aid~~
11 ~~entitlement,--no-credit-hour-state-aid-entitlement,--and-no-general~~
12 state aid entitlement shall be based upon credit-hours enrollment
13 in any subject or course the principal part of which is taught at
14 a location outside the county of the main campus of the community
15 college, unless the location of such subject or course is
16 specifically authorized by the state board of education.

17 (b) (1) No ~~out-district tuition-charges-and-no--out-district~~
18 state aid entitlement shall be based upon credit-hours enrollment
19 in any subject or course which is taught in a county in which the
20 main campus of a state educational institution is located, unless
21 the teaching of such subject or course is specifically authorized
22 by the chief executive officer of the state educational
23 institution or by a designee of the chief executive officer. The
24 chief executive officer of each state educational institution may
25 designate and authorize a person or committee to act on behalf of
26 the chief executive officer in granting the authorizations
27 required by this subsection. No authorization required by this
28 subsection shall be considered to be or construed in any manner
29 as an agreement provided for by subsection (c).

30 (2) For the purposes of this subsection, the term "main
31 campus of a state educational institution" as applied to Kansas
32 state university of agriculture and applied science means and
33 includes the campus of the university located in Riley county and
34 the campus of the university's college of technology located in
35 Saline county.

1 ~~(3) The provisions of this subsection are subject to the~~
2 ~~provisions of subsection (c).~~

3 ~~(c)(1) No out-district tuition charges shall be based upon~~
4 ~~credit hours in any subject or course all or the principal part~~
5 ~~of which is taught at Fort Hays state university or at Wichita~~
6 ~~state university under an agreement for the teaching of such~~
7 ~~subject or course entered into by a community college and either~~
8 ~~such university. An agreement entered into under the provisions~~
9 ~~of this subsection for the teaching of a subject or course by a~~
10 ~~community college at Fort Hays state university or at Wichita~~
11 ~~state university shall constitute the authorization required by~~
12 ~~subsection (b) for the teaching of such subject or course, and no~~
13 ~~separate authorization under subsection (b) shall be required.~~

14 ~~(2) The provisions of this subsection shall expire on June~~
15 ~~30, 1998, unless amended by act of the legislature prior to such~~
16 ~~date.~~

17 Sec. 33. On July 1, 1999, K.S.A. 71-609a shall be and is
18 hereby amended to read as follows: 71-609a. No out-district-state
19 aid entitlement, no credit-hour state aid entitlement, and no
20 general state aid entitlement of a community college shall be
21 based upon any course or program if such course or program is
22 taught in an area vocational school or, an area
23 vocational-technical school, or a technical college under an
24 agreement with such community college and for which payments of
25 state or federal moneys are made to the area vocational school
26 or, the area vocational-technical school, or the technical
27 college under the provisions of article 44 of chapter 72 of
28 Kansas Statutes Annotated, and no such course or program shall be
29 counted in determining the number of credit hours of out-district
30 students for the purpose of computing the amount of out-district
31 tuition to be charged by a community college.

32 Sec. 34. On July 1, 1999, K.S.A. 71-610 shall be and is
33 hereby amended to read as follows: 71-610. Notwithstanding any
34 provision contained in chapter 71 of Kansas Statutes Annotated to
35 the contrary, whenever there are two community college districts

1 located within one county, no out-district tuition--shall--be
 2 charged--for--any--student--residing-in-such-county-and-attending
 3 either--such--community--college;--No--out-district state aid
 4 entitlement shall be based upon enrollment of any student who
 5 resides in such a county and attends either community college
 6 located therein.

7 Sec. 35. On July 1, 1999, K.S.A. 1997 Supp. 71-611 shall be
 8 and is hereby amended to read as follows: 71-611. (a) "Operating
 9 expenses" means the total expenditures and lawful transfers from
 10 the general fund of a community college during a school fiscal
 11 year for all purposes.

12 (b) "Legally adopted budget of operating expenses" means the
 13 amount legally authorized and budgeted for such operating
 14 expenses in the budget general fund of a community college.

15 (c) "General fund" means the fund of a community college
 16 from which operating expenses are paid and, subject to the
 17 provisions of K.S.A. 71-613a, and amendments thereto, to which
 18 all amounts of ~~credit--hour-state-aid, out-district-state-aid,~~
 19 ~~general~~ state aid, property taxes for general purposes,
 20 ~~out-district--tuition,~~ student tuition, and other moneys provided
 21 for by law are credited.

22 Sec. 36. On July 1, 1999, K.S.A. 71-613 shall be and is
 23 hereby amended to read as follows: 71-613. (a) All moneys
 24 received by a community college for establishing, conducting,
 25 maintaining and administering any vocational education program
 26 authorized by under article 44 of chapter 72 of Kansas Statutes
 27 Annotated shall be deposited in the vocational education fund,
 28 unless required to be deposited in the general fund. The expenses
 29 of a community college attributable to vocational education shall
 30 be paid from the vocational education fund.

31 (b) Community colleges shall maintain fund accounting
 32 procedures as may be necessary to assure proper accounting for
 33 federal funds for vocational education special projects, whether
 34 received directly from the federal government or any of its
 35 agencies, or received through the state or any of its agencies.

1 Sec. 37. On July 1, 2000, K.S.A. 71-801 shall be and is
2 hereby amended to read as follows: 71-801. (a) Community colleges
3 are ~~under-the-supervision-of~~ subject to coordination by the state
4 ~~board-of~~ council on higher education.

5 (b) The state council on higher education shall identify
6 core indicators of performance for community colleges and shall
7 establish and implement a data management system that includes a
8 process and format for collecting, aggregating and reporting
9 common and institution-specific information documenting
10 effectiveness of the colleges in meeting the role and mission
11 thereof.

12 Sec. 38. On July 1, 1999, K.S.A. 1997 Supp. 71-613a shall be
13 and is hereby amended to read as follows: 71-613a. All amounts of
14 ~~credit-hour-state-aid, out-district-state-aid, general~~ state aid,
15 ~~out-district-tuition,~~ and student tuition received by a community
16 college for any program authorized by article 44 of chapter 72 of
17 Kansas Statutes Annotated may be deposited in the vocational
18 education fund of the community college.

19 Sec. 39. On July 1, 1999, K.S.A. 71-1508 shall be and is
20 hereby amended to read as follows: 71-1508. (a) There is hereby
21 established in every community college conducting a motorcycle
22 driver safety course a fund which shall be called the "motorcycle
23 driver safety" fund. The motorcycle driver safety fund shall
24 consist of all moneys deposited therein or transferred thereto
25 according to law. All moneys received by community colleges from
26 distributions made from the motorcycle safety fund and from
27 tuition, fees or charges for motorcycle driver safety courses
28 shall be credited to the motorcycle driver safety fund. The
29 expenses of community colleges directly attributable to
30 motorcycle driver safety courses shall be paid from the
31 motorcycle driver safety fund.

32 (b) ~~No out-district-tuition-shall-be-charged-or-paid-for-any~~
33 ~~student--on-the-basis-of-enrollment-in-a-motorcycle-driver-safety~~
34 ~~course-and-no-out-district-state--aid--entitlement,--credit--hour~~
35 ~~state--aid--entitlement,--or--general~~ state aid entitlement of a

1 community college shall be based upon a motorcycle driver safety
2 course conducted by the community college.

3 Sec. 40. On July 1, 1999, K.S.A. 71-1702 shall be and is
4 hereby amended to read as follows: 71-1702. (a) The governing
5 body of an area vocational school or area vocational-technical
6 school which is consolidated with and made a part of a community
7 college in accordance with the provisions of this act shall enter
8 into a consolidation agreement with the board of trustees of the
9 community college with which such area vocational school or area
10 vocational-technical school is consolidated.

11 (b) Every consolidation agreement entered into under this
12 section shall provide for:

13 (1) The disposition of all real property of the affected
14 area vocational school or area vocational-technical school, which
15 disposition shall not be in contravention of the provisions of
16 subsection (d) of K.S.A. 71-201, and amendments thereto;

17 (2) the disposition of all personal property, records and
18 moneys, including state and federal financial aid, of the
19 affected area vocational school or area vocational-technical
20 school;

21 (3) the payment of all lawful debts of the affected area
22 vocational school or area vocational-technical school, including
23 any outstanding bonded indebtedness attributable to the operation
24 thereof;

25 (4) the payment of all accrued compensation or salaries of
26 all personnel of the affected area vocational school or area
27 vocational-technical school;

28 (5) the transfer of personnel, if such personnel are deemed
29 necessary, in the employment of the affected area vocational
30 school or area vocational-technical school to the employment of
31 the community college; and

32 (6) such other matters as may need to be addressed as the
33 result of such consolidation by the affected area vocational
34 school or area vocational-technical school and the community
35 college.

1 (c) Immediately upon execution of each consolidation
2 agreement entered into under this section, the state board of
3 education shall be notified thereof by the board of trustees of
4 the affected community college. The state board shall review and
5 approve such consolidation agreement ~~and upon approval of such~~
6 ~~agreement, the state board, for purpose of determining credit~~
7 ~~hour state aid under K.S.A. 71-602, and amendments thereto, shall~~
8 ~~issue an order officially designating the community college as an~~
9 ~~area vocational school.~~

10 (d) When any conflict arises as to the proper disposition of
11 property, records or funds or as to the assumption and payment of
12 any debts as a result of any consolidation effected under this
13 act, such conflict shall be determined and resolved by the state
14 board of education and such determination and resolution shall be
15 final.

16 New Sec. 41. (a) As used in this section:

17 (1) "Governing board" means in the case of a community
18 college, the board of trustees; in the case of an area vocational
19 school or a technical college that formerly was an area
20 vocational school, the board of education of the sponsoring
21 school district; in the case of an area vocational-technical
22 school or a technical college that formerly was an area
23 vocational-technical school, the board of control.

24 (2) "District" means in the case of a community college, the
25 community college district; in the case of an area vocational
26 school or a technical college that formerly was an area
27 vocational school, the sponsoring school district; in the case of
28 an area vocational-technical school or a technical college that
29 formerly was an area vocational-technical school, the
30 participating district in which the main campus of the school or
31 college is located.

32 (3) "Area school" means an area vocational school, an area
33 vocational-technical school, or a technical college.

34 (b) Whenever a petition requesting consolidation of two or
35 more community college districts or consolidation of one or more

1 area schools with one or more community colleges, signed by not
2 less than 15% of the qualified electors residing within each of
3 the districts that would be affected by such consolidation, is
4 filed with the governing board of each such college or school,
5 respectively, each such governing board shall place the matter on
6 the agenda for consideration at the next regularly scheduled
7 meeting of the board and shall provide for a public hearing on
8 the matter at such meeting. Notice of the time, date, place and
9 purpose of the public hearing shall be published in a newspaper
10 of general circulation in the district at least once prior to the
11 hearing. Subsequent to the public hearings provided for by the
12 respective governing boards, each such board, after considering
13 all the testimony given at the hearing shall make a final
14 decision with regard to the petition requesting consolidation.
15 The final decision shall be in writing, shall include a
16 statement of all factors considered by the board in reaching its
17 decision, and shall be published at least once in a newspaper of
18 general circulation in the district. If the final decision of
19 one or more governing boards is to reject the petition requesting
20 consolidation, the matter shall be deemed closed as to such board
21 or boards and no like petition shall be filed with any such board
22 within the 12 months following publication of the final decision.
23 - If the final decision of two or more governing boards is to
24 consolidate and such boards are boards of trustees, the boards
25 shall proceed in accordance with the statutory provisions
26 contained in article 13 of chapter 71 of Kansas Statutes
27 Annotated. If the final decision of three or more governing
28 boards is to consolidate and two or more such boards are
29 governing boards of community colleges and one or more such
30 boards are governing boards of area schools, the boards of
31 trustees shall proceed initially in accordance with the statutory
32 provisions contained in article 13 of chapter 71 of Kansas
33 Statutes Annotated and subsequent to consolidation of the
34 community colleges under such provisions, the governing board of
35 the area school or, in the case of two or more area schools, the

1 governing boards of such schools and the board of trustees of the
2 consolidated community college shall proceed in accordance with
3 the statutory provisions contained in article 17 of chapter 71 of
4 Kansas Statutes Annotated. If the final decision of two
5 governing boards is to consolidate and one such board is the
6 board of trustees of a community college and one such board is
7 the governing board of an area school, the boards shall proceed
8 in accordance with the statutory provisions contained in article
9 17 of chapter 71 of Kansas Statutes Annotated.

10 Sec. 42. On July 1, 1999, K.S.A. 12-16,102 shall be and is
11 hereby amended to read as follows: 12-16,102. (a) Except as
12 provided in this section, "taxing subdivision" means any city,
13 county, township, ~~community-college-district~~ or other political
14 subdivision of the state of Kansas having authority to levy taxes
15 on taxable tangible property. A community college district shall
16 not be considered a taxing subdivision for the purpose of this
17 section. A school district shall not be considered a taxing
18 subdivision for the purpose of this section except that any
19 school district operating a public library pursuant to K.S.A.
20 72-1623, and amendments thereto, for that purpose, shall be
21 considered a taxing subdivision for the purpose of this section.

22 (b) Any taxing subdivision may create and establish employee
23 -benefits contribution funds for (1) the taxing subdivision or (2)
24 any political subdivision for which a tax is levied by such
25 taxing subdivision for the purpose of paying the employer's share
26 of any employee benefits, exclusive of any salaries, wages or
27 other direct payments to such employees, as may be prescribed in
28 the ordinance or resolution of the governing body creating such
29 funds. The taxing subdivision may receive and place in such
30 funds any moneys from any source whatsoever which may be lawfully
31 utilized for the purposes stated in the ordinance or resolution
32 creating such funds, including the proceeds of tax levies
33 authorized by law for such purposes.

34 (c) The governing body of any taxing subdivision having
35 established employee benefits funds under subsection (b) is

1 hereby authorized to levy an annual tax upon all taxable tangible
2 property within the taxing subdivision in an amount determined by
3 the governing body to be necessary for the purposes for which
4 such funds were created and to pay a portion of the principal and
5 interest on bonds issued under the authority of K.S.A. 12-1774,
6 and amendments thereto, by cities located in the county.

7 Sec. 43. On July 1, 1999, K.S.A. 1997 Supp. 19-101a shall be
8 and is hereby amended to read as follows: 19-101a. (a) The board
9 of county commissioners may transact all county business and
10 perform all powers of local legislation and administration it
11 deems appropriate, subject only to the following limitations,
12 restrictions or prohibitions:

13 (1) Counties shall be subject to all acts of the legislature
14 which apply uniformly to all counties.

15 (2) Counties may not consolidate or alter county boundaries.

16 (3) Counties may not affect the courts located therein.

17 (4) Counties shall be subject to acts of the legislature
18 prescribing limits of indebtedness.

19 (5) In the exercise of powers of local legislation and
20 administration authorized under provisions of this section, the
21 home rule power conferred on cities to determine their local
22 affairs and government shall not be superseded or impaired
23 without the consent of the governing body of each city within a
24 county which may be affected.

25 (6) Counties may not legislate on social welfare
26 administered under state law enacted pursuant to or in conformity
27 with public law No. 271--74th congress, or amendments thereof.

28 (7) Counties shall be subject to all acts of the legislature
29 concerning elections, election commissioners and officers and
30 their duties as such officers and the election of county
31 officers.

32 (8) Counties shall be subject to the limitations and
33 prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive,
34 and amendments thereto, prescribing limitations upon the levy of
35 retailers' sales taxes by counties.

1 (9) Counties may not exempt from or effect changes in
2 statutes made nonuniform in application solely by reason of
3 authorizing exceptions for counties having adopted a charter for
4 county government.

5 (10) No county may levy ad valorem taxes under the authority
6 of this section upon real property located within any
7 redevelopment area established under the authority of K.S.A.
8 12-1772, and amendments thereto, unless the resolution
9 authorizing the same specifically authorized a portion of the
10 proceeds of such levy to be used to pay the principal of and
11 interest upon bonds issued by a city under the authority of
12 K.S.A. 12-1774, and amendments thereto.

13 (11) Counties shall have no power under this section to
14 exempt from any statute authorizing or requiring the levy of
15 taxes and providing substitute and additional provisions on the
16 same subject, unless the resolution authorizing the same
17 specifically provides for a portion of the proceeds of such levy
18 to be used to pay a portion of the principal and interest on
19 bonds issued by cities under the authority of K.S.A. 12-1774, and
20 amendments thereto.

21 (12) Counties may not exempt from or effect changes in the
22 provisions of K.S.A. 19-4601 to 19-4625, inclusive, and
23 amendments thereto.

24 (13) Except as otherwise specifically authorized by K.S.A.
25 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties
26 may not levy and collect taxes on incomes from whatever source
27 derived.

28 (14) Counties may not exempt from or effect changes in
29 K.S.A. 19-430, and amendments thereto. Any charter resolution
30 adopted by a county prior to July 1, 1983, exempting from or
31 effecting changes in K.S.A. 19-430, and amendments thereto, is
32 null and void.

33 (15) Counties may not exempt from or effect changes in
34 K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments
35 thereto.

1 ~~(16) Counties may not exempt from or effect changes in~~
 2 ~~K.S.A. 13-13a26, and amendments thereto. Any charter resolution~~
 3 ~~adopted by a county, prior to the effective date of this act,~~
 4 ~~exempting from or effecting changes in K.S.A. 13-13a26, and~~
 5 ~~amendments thereto, is null and void.~~

6 ~~(17) Counties may not exempt from or effect changes in~~
 7 ~~K.S.A. 71-301, and amendments thereto. Any charter resolution~~
 8 ~~adopted by a county, prior to the effective date of this act,~~
 9 ~~exempting from or effecting changes in K.S.A. 71-301, and~~
 10 ~~amendments thereto, is null and void.~~

11 (18) Counties may not exempt from or effect changes in
 12 K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments
 13 thereto. Any charter resolution adopted by a county prior to the
 14 effective date of this act, exempting from or effecting changes
 15 in such sections is null and void.

16 (19) (17) Counties may not exempt from or effect changes in
 17 the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b,
 18 12-1225c and 12-1226, and amendments thereto, or the provisions
 19 of K.S.A. 1996 1997 Supp. 12-1260 to 12-1270, inclusive, and
 20 amendments thereto, and 12-1276, and amendments thereto.

21 (20) (18) Counties may not exempt from or effect changes in
 22 the provisions of K.S.A. 19-211, and amendments thereto.

23 (21) (19) Counties may not exempt from or effect changes in
 24 the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and
 25 amendments thereto.

26 (22) (20) Counties may not regulate the production or
 27 drilling of any oil or gas well in any manner which would result
 28 in the duplication of regulation by the state corporation
 29 commission and the Kansas department of health and environment
 30 pursuant to chapter 55 and chapter 65 of the Kansas Statutes
 31 Annotated and any rules and regulations adopted pursuant thereto.
 32 Counties may not require any license or permit for the drilling
 33 or production of oil and gas wells. Counties may not impose any
 34 fee or charge for the drilling or production of any oil or gas
 35 well.

1 ~~(23)~~ (21) Counties may not exempt from or effect changes in
2 K.S.A. 79-41a04, and amendments thereto.

3 ~~(24)~~ (22) Counties may not exempt from or effect changes in
4 K.S.A. 1996 Supp. 79-1611, and amendments thereto.

5 ~~(25)~~ (23) Counties may not exempt from or effect changes in
6 K.S.A. 1996 Supp. 79-1494, and amendments thereto.

7 ~~(26)~~ (24) Counties may not exempt from or effect changes in
8 subsection (b) of K.S.A. 19-202, and amendments thereto.

9 ~~(27)~~ (25) Counties may not exempt from or effect changes in
10 subsection (b) of K.S.A. 19-204, and amendments thereto.

11 (b) Counties shall apply the powers of local legislation
12 granted in subsection (a) by resolution of the board of county
13 commissioners. If no statutory authority exists for such local
14 legislation other than that set forth in subsection (a) and the
15 local legislation proposed under the authority of such subsection
16 is not contrary to any act of the legislature, such local
17 legislation shall become effective upon passage of a resolution
18 of the board and publication in the official county newspaper.
19 If the legislation proposed by the board under authority of
20 subsection (a) is contrary to an act of the legislature which is
21 applicable to the particular county but not uniformly applicable
22 to all counties, such legislation shall become effective by
23 passage of a charter resolution in the manner provided in K.S.A.
24 19-101b, and amendments thereto.

25 Sec. 44. On July 1, 1999, K.S.A. 79-5021 shall be and is
26 hereby amended to read as follows: 79-5021. As used in K.S.A.
27 79-5021 to 79-5035, inclusive, and amendments thereto: (a)
28 "Taxing subdivision" means every taxing district in the state of
29 Kansas other than the state and the community colleges organized
30 and operating under the laws of the state; (b) "base year" means
31 either 1988 or 1989, whichever is designated by the taxing
32 subdivision as its base year; and (c) "assessed valuation amount
33 for 1989" means the taxable tangible assessed valuation as shown
34 on the November 1, 1989, abstract transmitted to the director of
35 property valuation pursuant to K.S.A. 79-1806 adjusted by changes

1 in valuations which were made prior to July 1, 1990.

2 Sec. 45. On July 1, 1999, K.S.A. 79-5022 shall be and is
3 hereby amended to read as follows: 79-5022. (a) In 1990 and in
4 each year thereafter, all existing statutory fund mill levy rate
5 and aggregate levy rate limitations on taxing subdivisions are
6 hereby suspended.

7 (b) Except as otherwise provided in K.S.A. 79-5024 to
8 79-5027, inclusive, and amendments thereto, no city, county, or
9 township, ~~municipal-university-or-community-college~~ shall
10 certify to the county clerk of the county any tax levies upon
11 tangible property, excluding levies specified in K.S.A. 79-5028,
12 and amendments thereto, which in the aggregate will produce an
13 amount in excess of the amount which was levied by such taxing
14 subdivision in the base year.

15 (c) In 1990, and each year thereafter, the fund levy limits
16 shall be increased by multiplying the dollar amount produced by
17 the levy limit for 1988 by the quotient determined by dividing
18 the assessed tangible valuation amount of the current year by the
19 assessed valuation amount for 1989. The provisions of this
20 subsection shall not be applicable to any city, county, or
21 township, ~~municipal-university-or-community-college~~.

22 Sec. 46. On July 1, 1999, K.S.A. 79-5024 shall be and is
23 hereby amended to read as follows: 79-5024. (a) Whenever the
24 taxable assessed tangible valuation of any city, county, or
25 township, ~~municipal-university-or-community-college~~ is increased
26 by new improvements on real estate or by increased personal
27 property valuation, or both, the amount which would be produced
28 by the aggregate tax levy authorized under K.S.A. 79-5022, and
29 amendments thereto, shall be adjusted to increase the amount
30 authorized in the proportion that the assessed valuation of the
31 new improvements and the increased personal property valuation
32 bears to the total assessed valuation amount for 1989. With
33 respect ~~to community colleges, whenever the enrollment of any~~
34 ~~such college in any school year is greater than such enrollment~~
35 ~~in the 1989-1990 school year, the amount which would be produced~~

1 by-the-aggregate-tax-levy-authorized-under--K.S.A.--79-5022,--and
 2 amendments--thereto,--shall--be--adjusted--to-increase-the-amount
 3 authorized-in-the-proportion-that-the-enrollment-of-such--college
 4 for--the--current--school--year--bears--to-the-enrollment-of-such
 5 college-in-the-1989-1990-school-year.

6 (b) Such city, county, or township, ~~municipal-university--or~~
 7 ~~community-college~~ may then levy the amount permitted under K.S.A.
 8 79-5022, and amendments thereto, and in addition thereto the
 9 amount produced by the levy on such new improvements and added
 10 personal property as provided in this section and, ~~with-respect~~
 11 ~~to-community-colleges,--in-addition-thereto-the-amount-produced-as~~
 12 ~~a-result-of-increased-enrollment-as-provided-in-this-section.~~

13 Sec. 47. On July 1, 1999, K.S.A. 79-5025 shall be and is
 14 hereby amended to read as follows: 79-5025. In the event that any
 15 territory is added to an existing city, county, or township,
 16 ~~municipal-university-or-community-college~~, the amount which would
 17 be produced by the aggregate tax levy otherwise authorized under
 18 K.S.A. 79-5022 and 79-5024, and amendments thereto, shall be
 19 adjusted to increase the amount authorized in the proportion that
 20 the assessed valuation of the tangible taxable property in the
 21 territory added bears to the total taxable assessed tangible
 22 valuation of the city, county, or township, ~~municipal--university~~
 23 ~~-or--community--college~~, excluding the property in such added
 24 territory.

25 Sec. 48. On July 1, 1999, K.S.A. 79-5026 shall be and is
 26 hereby amended to read as follows: 79-5026. In the event that any
 27 taxable tangible property is excluded from the boundaries of any
 28 city, county, or township, ~~municipal--university--or--community~~
 29 ~~college~~, the amount which would be produced by the aggregate tax
 30 levy authorized under the provisions of K.S.A. 79-5022 and
 31 79-5024, and amendments thereto, shall be adjusted to decrease
 32 the amount authorized in the proportion that the assessed
 33 valuation of the tangible property excluded bears to the total
 34 taxable assessed valuation of the city, county, or township,
 35 ~~municipal--university--or--community--college~~, including such

1 excluded property.

2 Sec. 49. On July 1, 1999, K.S.A. 79-5028 shall be and is
3 hereby amended to read as follows: 79-5028. The provisions of
4 K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto,
5 shall not apply to or limit the levy of taxes for the payment of:

6 (a) Principal and interest upon state infrastructure loans,
7 bonds, temporary notes, no-fund warrants and payments made to a
8 public building commission;

9 (b) judgments, settlements and expenses for protection
10 against liability to the extent such expenses are authorized by
11 article 61 of chapter 75 of the Kansas Statutes Annotated and
12 amendments thereto;

13 (c) employer contributions for social security, workers
14 compensation, unemployment insurance, health care costs, employee
15 benefit plans, and employee retirement and pension programs;

16 (d) expenses incurred by counties for district court
17 operations under the provisions of K.S.A. 20-348 or 20-349, and
18 amendments thereto, and expenses incurred by counties for the
19 detention of juveniles;

20 ~~(e) expenses---incurred---by---counties---for---payment---of~~
21 ~~out-district-tuition-to-community--colleges--pursuant--to--K.S.A.~~
22 ~~71-3017--and-amendments-thereto,--and-expenses-incurred-by-counties~~
23 ~~and--townships--for--payment-of-out-district-tuition-to-municipal~~
24 ~~universities-pursuant-to-K.S.A.--13-13a26,--and-amendments-thereto,~~

25 (f) expenses incurred for the first time on and after
26 January 1, 1996, by cities in effectuating programs specifically
27 enacted and administered for the purpose of preventing juvenile
28 delinquency and crime; or

29 (g) (f) expenses incurred by any taxing subdivision for
30 rebates to owners of property in connection with a neighborhood
31 revitalization program instituted in accordance with K.S.A. 1996
32 1997 Supp. 12-17,114 et seq., and amendments thereto.

33 The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and
34 amendments thereto, do not apply to the tax levies authorized or
35 required under K.S.A. 19-4004, 19-4011, 65-212 and 65-215 and

1 amendments thereto.

2 Amounts produced from any taxes levied for purposes specified
 3 in this section shall not be used in computing any aggregate
 4 limitation under the provisions of this act. In addition, amounts
 5 needed to be produced from the levy of taxes by a taxing
 6 subdivision to replace the difference between the amount of
 7 revenue estimated to be received by such taxing subdivision
 8 pursuant to K.S.A. 79-5101 et seq., and amendments thereto, in
 9 1990, and the amount of such revenue estimated to be received by
 10 such taxing subdivision in each year thereafter shall not be used
 11 in computing any aggregate limitation under the provisions of
 12 this act. On or before June 1 of each year, information
 13 necessary to make such computation shall be provided to each
 14 taxing subdivision by the appropriate county treasurer.

15 Sec. 50. On July 1, 1999, K.S.A. 79-5032 shall be and is
 16 hereby amended to read as follows: 79-5032. Whenever any city,
 17 county, or township, ~~municipal-university--or--community--college~~
 18 shall be required by law to levy taxes for the financing of the
 19 budget of any political or governmental subdivision of this state
 20 which is not authorized by law to levy taxes on its own behalf,
 21 and the governing body ~~of~~ such city, county, or township,
 22 ~~municipal-university-or-community-college~~ is not authorized or
 23 -empowered to modify or reduce the amount of taxes levied
 24 therefor, the tax levies of such political or governmental
 25 subdivision shall not be included in or considered in computing
 26 the aggregate limitations upon the property tax levies of the
 27 city, county, or township, ~~--municipal--university--or--community~~
 28 ~~college~~ levying taxes for such political or governmental
 29 subdivision. The fund levy limits of such political or
 30 governmental subdivision shall be established in accordance with
 31 subsection (c) of K.S.A. 79-5022, and amendments thereto.

32 New Sec. 51. As used in sections 51 through 60, and
 33 amendments thereto:

34 (a) "Washburn board" means the board of trustees established
 35 by section 57, and amendments thereto, for Washburn university.

1 (b) "Campus property" means the real estate, buildings,
2 facilities, furnishings, fixtures and equipment comprising the
3 physical plant of Washburn university of Topeka.

4 (c) "Endowment property" means endowment funds, scholarship
5 funds and investment real or personal property, the net earnings
6 of which are devoted to general or special purposes as prescribed
7 or authorized by the donors of such property.

8 New Sec. 52. (a) On July 1, 2000, Washburn university shall
9 be and is hereby established as a separate, freestanding state
10 educational institution under the control and supervision of the
11 state council on higher education, operating its traditional
12 program of a liberal arts college, a school of business, a school
13 of law, a school of nursing and a school of applied studies,
14 which shall be located in the city of Topeka, county of Shawnee,
15 Kansas, and which shall be known as Washburn university.

16 (b) Prior to July 1, 2000, Washburn university shall
17 continue to be known as Washburn university of Topeka and,
18 subject to the provisions of this act, shall continue to be
19 operated and managed as a municipal university and shall be
20 entitled to all financial aid payments provided for by law.

21 (c) Except as otherwise specifically provided in this act,
22 after June 30, 2000, Washburn university shall be the successor
23 in interest to Washburn university of Topeka and all properties,
24 moneys, rights, authorities and liabilities of Washburn
25 university of Topeka, except endowment property, are hereby
26 transferred to and imposed upon Washburn university. Except as
27 otherwise specifically provided in this act, after June 30, 2000,
28 whenever Washburn university of Topeka, or words of like effect,
29 is referred to or designated by any statute, contract or other
30 document, such reference or designation shall be deemed to apply
31 to Washburn university, a state educational institution.

32 New Sec. 53. (a) On July 1, 2000, the board of regents of
33 Washburn university of Topeka shall transfer and convey all of
34 the campus property of Washburn university of Topeka and all of
35 the rights, title or interest that Washburn university may have

1 in such campus property on the date of transfer, or may
2 thereafter acquire in such campus property, to the state council
3 on higher education for and on behalf of the state of Kansas. On
4 July 1, 2000, the state council shall succeed by operation of law
5 to all rights and liabilities of Washburn university of Topeka,
6 except for: (1) Endowment property, (2) general obligation bonds
7 of Washburn university of Topeka which are approved or issued and
8 outstanding on or before July 1, 2000, (3) contractual
9 obligations regarding employees of Washburn university of Topeka
10 which obligations are covered by section 55, and amendments
11 thereto, and (4) any other rights and liabilities otherwise
12 specifically provided for by any other section of this act. All
13 obligations and interest on such general obligation bonds shall
14 be met and satisfied as provided in section 59, and amendments
15 thereto.

16 (b) The state council on higher education, for and on behalf
17 of the state of Kansas, shall accept the transfers and
18 conveyances of title to all of the campus property of Washburn
19 university of Topeka. Actual possession, control and supervision
20 of the university and the campus property thereof by the state of
21 Kansas through the state council shall be effective on July 1,
22 2000.

23 New Sec. 54. (a) Prior to July 1, 2000, and subject to the
24 provisions of this act, the board of regents of Washburn
25 university of Topeka shall be the governing body of Washburn
26 university of Topeka and shall exercise such power and authority
27 as is provided by law for the operation and management of
28 Washburn university of Topeka in its status as a municipal
29 university.

30 (b) After July 1, 1999, the board of regents of Washburn
31 university of Topeka shall serve as liaison with the state
32 council on higher education for the purpose of implementation of
33 transitional adjustments in the operations and procedures of the
34 university as a state agency. During such transition period, the
35 board of regents may perform such other powers, duties and

1 functions as may be prescribed by the state council with regard
2 to Washburn university or by law.

3 (c) During the transition period from July 1, 1999, through
4 June 30, 2000, Washburn university shall make the required
5 adjustments in the accounting, purchasing, personnel, budgeting
6 and other administrative operations, policies and procedures to
7 conform to the operations, policies and procedures required under
8 laws, rules and regulations and policies which are applicable to
9 state educational institutions under the control and supervision
10 of the state council on higher education. Except as otherwise
11 authorized or prescribed by this act or by the secretary of
12 administration, the provisions of laws and rules and regulations
13 pertaining to accounting, purchasing, personnel, budgeting and
14 other administrative matters, which are administered by the
15 department of administration, or any division or officer thereof,
16 and which apply to other state educational institutions, shall
17 not apply to Washburn university during such transition period
18 and Washburn university is hereby authorized to use other
19 operating procedures and policies for such purposes in accordance
20 with the provisions of this act.

21 (d) During the transition period, subject to provisions of
22 appropriation acts and subject to approval by the secretary of
23 administration and the state council on higher education,
24 Washburn university may transfer moneys in the Washburn
25 university support fund and moneys in the Washburn operating
26 grant account of the state general fund to a bank located in
27 Shawnee county, Kansas, to the account of Washburn university.
28 The bank account shall be awarded to a bank located in Shawnee
29 county, Kansas, by the pooled money investment board under a
30 written agreement in accordance with procedures for state bank
31 accounts under K.S.A. 75-4217, and amendments thereto, and shall
32 be secured by pledge of securities in the manner prescribed for
33 state bank accounts under K.S.A. 75-4218, and amendments thereto,
34 and in the amount prescribed for fee agency accounts under that
35 statute. Each such transfer shall be made upon vouchers of the

1 state council, which the director of accounts and reports and the
2 state treasurer are hereby authorized and directed to honor by
3 making such transfers, and the moneys so transferred shall be for
4 use by Washburn university in operating and conducting the
5 activities of the university during the transition period.
6 Washburn university shall make a full and complete report on a
7 monthly basis to the state council and the secretary of
8 administration of all expenditures from such bank account.

9 (e) The provisions of this section shall be construed and
10 applied to effectuate the orderly and timely transition of
11 Washburn university from an autonomous municipal university to a
12 state educational institution under the control and supervision
13 of the state council on higher education.

14 New Sec. 55. (a) On or before July 15, 1999, the board of
15 regents of Washburn university of Topeka shall submit to the
16 state council on higher education a list of employees of Washburn
17 university of Topeka who are recommended for appointment by the
18 state council on July 1, 2000, as employees of Washburn
19 university. On or before June 15, 2000, the state council shall
20 advise the board of regents of Washburn university of Topeka of
21 its approval or any modification of such list.

22 (b) On July 1, 2000, the state council on higher education
23 shall appoint the employees on such list, as approved or as
24 modified and approved by the state council, to positions in the
25 classified service or unclassified service under the Kansas civil
26 service act at Washburn university and, consistent with the
27 Kansas civil service act, establish the terms and conditions of
28 employment for such employees. Each such employee whose position
29 is within the classified service under the Kansas civil service
30 act shall be deemed to be subject to and qualified under the
31 Kansas civil service act for the position to which such employee
32 is appointed at the time of the assumption of control and
33 supervision by the state council on July 1, 2000.

34 (c) On and after July 1, 2000, except as otherwise provided
35 by this act, employees of Washburn university shall be eligible

1 as provided by statute for membership or participation in the
2 Kansas public employees retirement system or the retirement
3 annuity plan under K.S.A. 74-4925, and amendments thereto. No
4 prior service credit under the Kansas public employees retirement
5 system shall be credited to such employees for service with
6 Washburn university of Topeka prior to July 1, 2000, except that
7 such service prior to July 1, 2000, shall be credited toward
8 satisfaction of any requirement to complete certain periods of
9 service for membership or participation by such persons in such
10 retirement system or retirement annuity plan.

11 (d) All employees appointed under this section to positions
12 at Washburn university shall be credited with all service of such
13 employees with Washburn university of Topeka prior to July 1,
14 2000, for all purposes of determining longevity and longevity
15 benefits under the Kansas civil service act or under the policies
16 and rules and regulations of the state council on higher
17 education. All sick and personal leave accrued by such employees
18 for service with Washburn university of Topeka prior to July 1,
19 2000, shall be credited to such employees as sick and annual
20 leave under the applicable policies and rules and regulations of
21 the state council or rules and regulations adopted under the
22 Kansas civil service act.

23 (e) Subject to and in accordance with the provisions of
24 appropriation acts, in order to provide employee and family
25 health care coverage or health care services of a health
26 maintenance organization for employees appointed under this
27 section to positions at Washburn university, the Kansas state
28 employees health care commission and the secretary of
29 administration are hereby authorized to adopt and make
30 supplemental provisions for the participation of such employees
31 within the state health care benefits program under the cafeteria
32 benefits plan established pursuant to K.S.A. 75-6512, and
33 amendments thereto.

34 New Sec. 56. (a) On July 1, 1999, or as soon thereafter as
35 outstanding, long-term investments may be liquidated without

1 penalty, the board of regents of Washburn university of Topeka,
2 with regard to any such long-term investments, shall pay to the
3 state treasurer all unencumbered and unexpended moneys of
4 Washburn university of Topeka, except moneys (1) which constitute
5 endowment property, (2) which are the moneys of a not-for-profit
6 corporation operating the student union at the university or of
7 any other not-for-profit corporation participating in university
8 affiliated activities, or (3) which are the proceeds from the
9 levy authorized by K.S.A. 13-13a23, and amendments thereto. Upon
10 receipt of such moneys, the state treasurer shall deposit the
11 entire amount in the state treasury to the credit of the Washburn
12 university support fund which is hereby created in the state
13 treasury.

14 (b) After June 30, 2000, any moneys to which Washburn
15 university of Topeka is entitled from the tax levies made by the
16 board of regents of Washburn university of Topeka under K.S.A.
17 12-16,102 and 13-13a18, and amendments thereto, for tax years
18 prior to tax year 2000, shall be paid to the state treasurer who
19 shall deposit such moneys in the state treasury to the credit of
20 the Washburn university support fund.

21 (c) (1) All expenditures from the Washburn university
22 support fund shall be made in accordance with appropriation acts
23 upon warrants of the director of accounts and reports issued
24 pursuant to vouchers approved by the state council on higher
25 education or by a person or persons designated by the state
26 council.

27 (2) On or before the 10th of each month, the director of
28 accounts and reports shall transfer from the state general fund
29 to the Washburn university support fund interest earnings based
30 on: (A) The average daily balance of moneys in the Washburn
31 university support fund for the preceding month; and (B) the net
32 earnings rate for the pooled money investment portfolio for the
33 preceding month.

34 (d) After June 30, 2000, any moneys to which Washburn
35 university of Topeka is entitled from the tax levy made by the

1 board of regents of Washburn university of Topeka under K.S.A.
2 13-13a23, and amendments thereto, for tax years prior to tax year
3 2000, shall be paid to the Washburn board and shall be used for
4 the purposes authorized by section 57, and amendments thereto.

5 New Sec. 57. (a) At the time of the transfer of control and
6 supervision of Washburn university to the state council on higher
7 education on July 1, 2000, the board of regents of Washburn
8 university of Topeka shall be and is hereby abolished and there
9 shall be and is hereby established the board of trustees for
10 Washburn university, which shall be referred to as the Washburn
11 board. Within the powers, duties and functions prescribed by this
12 act, the Washburn board is hereby declared to be an agency of the
13 state for all purposes under the Kansas tort claims act and the
14 members of the Washburn board are hereby declared to be employees
15 of the state for all purposes under the Kansas tort claims act.

16 (b) The Washburn board shall be composed of nine members who
17 are residents of Kansas and appointed by the governor. Members
18 appointed to the Washburn board are eligible for reappointment.
19 Persons serving as members of the board of regents of Washburn
20 university of Topeka on June 30, 2000, are eligible for
21 appointment to the Washburn board. All vacancies in office of
22 members of the Washburn board shall be filled by appointment by
23 the governor for the remainder of the unexpired term of the
24 member creating the vacancy.

25 (c) The members of the Washburn board shall serve for terms
26 of four years and until their respective successors have been
27 appointed and qualified, except that, of the members initially
28 appointed for the terms commencing on July 1, 2000, three shall
29 serve for terms of three years, three shall serve for terms of
30 two years, and three shall serve for terms of one year.

31 (d) The primary purpose of the Washburn board shall be to
32 support the educational undertakings of Washburn university. The
33 Washburn board shall have the right, power and authority to have
34 a seal, to employ such employees as are necessary for its
35 functions, to sue and be sued and all other powers and privileges

1 as may be necessary for the discharge of its duties and
2 responsibilities for its functions, which are not in conflict
3 with this act or any other law. The Washburn board shall also
4 have the power and authority to use the proceeds of the tax levy
5 provided for in section 59, and amendments thereto, for purposes
6 to the benefit of Washburn university which shall include, but
7 not be limited to, construction, reconstruction or equipping of
8 new or existing buildings or for any other permanent
9 improvements. After July 1, 2000, the Washburn board shall also
10 have the power and authority to issue bonds as provided in
11 section 59, and amendments thereto.

12 New Sec. 58. On July 1, 2000, the board of trustees of the
13 Washburn endowment association, a not-for-profit corporation
14 organized and existing under the laws of Kansas, shall assume all
15 of the rights, powers and authority of, and shall be deemed to be
16 the same legal entity as, the board of regents of Washburn
17 university of Topeka with respect to endowment property of
18 Washburn university of Topeka and shall succeed by operation of
19 law to the ownership of all such endowment property and all such
20 endowment property is hereby transferred and conveyed thereto.
21 The board of trustees of the Washburn endowment association shall
22 have the right to hold, manage, lease, sell and receive
23 properties, real and personal, for the endowment or benefit of
24 Washburn university.

25 New Sec. 59. (a) The governing body of the city of Topeka
26 shall levy an annual tax commencing with the tax year 2000 at the
27 rate fixed by the Washburn board of not to exceed 5.0 mills on
28 all taxable tangible property in such city. That portion of the
29 amount constituting the proceeds of such levy together with the
30 proceeds of levies for prior years under K.S.A. 13-13a23, and
31 amendments thereto, as are required to retire and pay the
32 interest on bonds of Washburn university of Topeka approved or
33 issued and outstanding on or before July 1, 2000, or on bonds of
34 the Washburn board issued under this section and outstanding
35 after July 1, 2000, shall be paid by the county treasurer to the

1 state treasurer and, upon receipt of the same, the state
2 treasurer shall credit the amount paid to the Washburn university
3 bond and interest sinking fund which is hereby created in the
4 state treasury and which shall be used by the state council on
5 higher education for the purpose of retiring and paying the
6 principal of and interest on all such bonds.

7 (b) The Washburn board shall have the continuing right,
8 power and authority, by resolution and for the purposes approved
9 by the state council on higher education, to issue bonds from
10 time to time, for the purpose of acquiring real estate, erecting
11 buildings for Washburn university or additions to present
12 buildings of such university and the purchase of equipment for
13 such buildings and for refunding any indebtedness for Washburn
14 university. There shall not be outstanding at any one time an
15 aggregate of bonds issued under this section by the Washburn
16 board in excess of 2% of the assessed valuation of the taxable
17 tangible property within the city of Topeka. The bonds shall bear
18 interest at a rate not exceeding the maximum rate of interest
19 prescribed by K.S.A. 10-1009, and amendments thereto, and shall
20 mature not later than 30 years from date of issuance. Payment of
21 bonds issued under this section by the Washburn board shall be
22 made by the state council in accordance with subsection (a).

23 (c) If the proceeds of such levy in any year, together with
24 funds available from previous levies, are insufficient to pay the
25 principal of and interest on all such bonds required to be paid
26 in such year, the governing body of the city of Topeka shall make
27 such additional tax levy as may be necessary to pay such interest
28 and principal installments coming due in such year in full. The
29 proceeds of any such additional tax levy shall be paid by the
30 county treasurer to the state treasurer and shall be credited by
31 the state treasurer to the Washburn university bond and interest
32 sinking fund.

33 (d) The balance, if any, of any levies made under this
34 section which remains after the amount required to retire and pay
35 the interest on all such bonds is paid to the state treasurer

1 shall be paid over to the Washburn board and shall be used for
2 purposes authorized by section 57, and amendments thereto, as may
3 be determined by the Washburn board, except that the Washburn
4 board shall not make any expenditures for any expense of Washburn
5 university or for any campus property thereof unless such
6 expenditures have received prior approval by the state council.

7 (e) The bonds described in this section shall not be
8 considered in applying any law limiting bonded indebtedness of
9 the city of Topeka. The tax levies authorized by this section are
10 exempt from the limitation imposed under the provisions of K.S.A.
11 79-5021 through 79-5035, and amendments thereto.

12 (f) On the 10th of each month, the director of accounts and
13 reports shall transfer from the state general fund to the
14 Washburn university bond and interest sinking fund interest
15 earnings based on: (1) The average daily balance of moneys in the
16 Washburn university bond and interest sinking fund for the
17 preceding month; and (2) the net earnings rate for the pooled
18 money investment portfolio for the preceding month.

19 New Sec. 60. For the 2000-01 academic year and for each
20 academic year thereafter, until such time as the state council on
21 higher education determines that the rates of Kansas resident
22 undergraduate tuition for the regional state educational
23 institutions are comparable to the rate of Kansas resident
24 undergraduate tuition for Washburn university, the state council
25 shall submit budget requests for Washburn university which
26 presume that the percentage increase in the rate of Kansas
27 resident undergraduate tuition for Washburn university shall be
28 no greater than 1/2 of the percentage increase in the rate of
29 Kansas resident undergraduate tuition for the regional state
30 educational institutions.

31 New Sec. 61. (a) As used in this section:

32 (1) "Governing board" means in the case of a community
33 college, the board of trustees; in the case of an area vocational
34 school or a technical college that formerly was an area
35 vocational school, the board of education of the sponsoring

1 school district; in the case of an area vocational-technical
2 school or a technical college that formerly was an area
3 vocational-technical school, the board of control.

4 (2) "College" means a community college or a technical
5 college.

6 (3) "Vocational education school" means an area vocational
7 school or an area vocational-technical school.

8 (b) A college or a vocational education school may affiliate
9 with and be made a part of any state educational institution with
10 the approval of the state council on higher education pursuant to
11 standards adopted by the state council and subject to specific
12 authorization by act of the legislature. Standards adopted by
13 the state council shall address such matters as the mission and
14 relationship of the affiliated institutions, effect on delivery
15 of college and vocational education programs to residents in the
16 service area of the college or vocational education school,
17 disposition of all real property of the college or vocational
18 education school, disposition of all personal property, records
19 and moneys, including state and federal financial aid, of the
20 college or vocational education school, payment of all lawful
21 debts of the college or vocational education school, including
22 any outstanding bonded indebtedness attributable to the operation
23 thereof, payment of all accrued compensation or salaries of all
24 personnel of the college or vocational education school, transfer
25 of personnel, if such personnel are deemed necessary, in the
26 employment of the college or vocational education school to the
27 employment of the state educational institution, and such other
28 matters as may need to be addressed as the result of the proposed
29 affiliation.

30 (c) A proposal by a college or a vocational education school
31 to affiliate with and be made a part of a state educational
32 institution maybe effectuated as follows:

33 (1) The governing board of a community college, a technical
34 college that formerly was an area vocational school or an area
35 vocational school may propose, by resolution approved by a

1 majority of the members of the board, the affiliation with a
2 state educational institution; or

3 (2) the governing board of an area vocational-technical
4 school or a technical college that formerly was an area
5 vocational-technical school may propose, by resolutions approved
6 by a majority of the members of each participating board, the
7 affiliation with a state educational institution.

8 (d) If a resolution proposing the affiliation of a college
9 or vocational education school with a state educational
10 institution is approved as provided in subsection (c), the
11 proposal shall be submitted to the state council on higher
12 education for its consideration and approval or disapproval. The
13 state council shall consider the proposal and make a
14 determination concerning whether the proposed affiliation is in
15 the best interest of the educational system of the state. If the
16 state council approves the proposed affiliation, the state
17 council shall develop an affiliation plan addressing all matters
18 specified in subsection (b) in accordance with the standards
19 adopted pursuant to such subsection and shall recommend the
20 proposed affiliation to the legislature.

21 (e) Upon authorization by act of the legislature, the
22 affiliation plan developed by the state council shall be
23 effectuated. The act of the legislature authorizing the
24 affiliation of a college or vocational education school with a
25 state educational institution shall provide authority for the
26 levy of a local property tax for capital improvements and debt
27 retirement.

28 (f) The governing board of the affiliated college or
29 vocational education school shall become and hereby is
30 established as an adjunct to the chief executive officer of the
31 state educational institution with which the college or
32 vocational education school is affiliated. Each such board, in
33 addition to such other powers expressly granted by law and
34 subject to rules and regulations of the state council on higher
35 education, is hereby granted the following powers: (1) To

1 determine and have jurisdiction over noncredit economic
2 development courses and community service activities; and (2) to
3 advise and consult with the chief executive officer of the state
4 educational institution on all matters relating to courses,
5 programs, services and activities transferred to the jurisdiction
6 of the state educational institution by reason of the affiliation
7 including, but not by way of limitation, matters relating to
8 personnel and budget allocations.

9 (g) A state educational institution with which a technical
10 college, area vocational school or area vocational-technical
11 school has been affiliated is authorized to provide vocational
12 education courses or programs to pupils enrolled in a school
13 district or such state educational institution may enter into an
14 agreement with the board of education of any school district to
15 provide vocational education courses or programs.

16 (h) Except as otherwise specifically provided by law, each
17 college or vocational education school that is specifically
18 approved for affiliation with a state educational institution by
19 act of the legislature shall be considered to be a part of the
20 state educational institution for all purposes under law and
21 shall be subject to the control and supervision of the state
22 council on higher education as provided by law for state
23 educational institutions.

24 (i) No suit, action or other proceeding, judicial or
25 administrative, lawfully commenced, or which could have been
26 commenced, by or against any college or vocational education
27 school affiliated with a state educational institution in
28 accordance with the provisions of this act, or by or against any
29 personnel of any such college or vocational education school,
30 shall abate by reason of such affiliation. The court may allow
31 any such suit, action or other proceeding to be maintained by or
32 against the state educational institution with which such college
33 or vocational education school is affiliated. No criminal action
34 commenced or which could have been commenced by any college or
35 vocational education school affiliated with a state educational

1 institution in accordance with the provisions of this act shall
2 abate by the taking effect of this act.

3 (j) The provisions of this section shall take effect and be
4 in force from and after July 1, 2000.

5 New Sec. 62. As used in the Eisenhower scholarship act:

6 (a) "Eisenhower scholarship" means an award under this act
7 by this state to an Eisenhower scholar.

8 (b) "Eisenhower scholar" means a person who: (1) Is a Kansas
9 resident; (2) has earned the distinction of being designated a
10 national merit scholar; and (3) is initially acceptable for
11 entering a qualified institution or who has so entered and is in
12 good standing and making satisfactory progress.

13 (c) "Qualified institution" means a state educational
14 institution, a community college, a technical college, an area
15 vocational school or an area vocational-technical school.

16 (d) "State council" means the Kansas council on higher
17 education provided for in the constitution of this state and
18 established by section 3, and amendments thereto.

19 (e) "Semester" means one or two principal terms, when there
20 are only two principal terms in the academic year, whether or not
21 there are other shorter terms during the same academic year.

22 (f) "Program period" means the duration of the period of
23 time, or any division thereof, required for completion of a
24 vocational or technical education program which is given in a
25 qualified institution.

26 New Sec. 63. Within the limits of appropriations therefor,
27 an Eisenhower scholarship may be awarded to any qualified
28 Eisenhower scholar enrolled full time in a specified program at
29 any qualified institution. An Eisenhower scholar may be awarded
30 an Eisenhower scholarship each semester or program period until
31 the requirements of the educational program in which the scholar
32 is enrolled are completed.

33 New Sec. 64. The amount of an Eisenhower scholarship awarded
34 to an Eisenhower scholar for the fall and spring semesters or
35 other program periods shall be the amount of the scholar's

1 tuition and required fees for the period.

2 New Sec. 65. (a) An Eisenhower scholarship may be paid
3 annually or as otherwise specified by the state council.
4 Eisenhower scholarships shall be paid upon certification by the
5 qualified institution that the Eisenhower scholar is enrolled and
6 is qualified. Payments of Eisenhower scholarships shall be made
7 upon warrants of the director of accounts and reports pursuant to
8 vouchers approved by the administrative officer of the state
9 council designated by the council. Payments of Eisenhower
10 scholarships may be made by the issuance of a single warrant to
11 each qualified institution at which an Eisenhower scholar is
12 enrolled for the total amount of Eisenhower scholarships for all
13 Eisenhower scholars enrolled at the institution. The director of
14 accounts and reports shall cause such warrant to be delivered to
15 the qualified institution at which such scholar or scholars are
16 enrolled. Upon receipt of such warrant, the amount thereof shall
17 be credited to the Eisenhower scholarship fund of the qualified
18 institution and allocated within the fund to the account of each
19 Eisenhower scholar enrolled at that institution. The amount to
20 be credited to the account of each such scholar shall be
21 specified by the state council.

22 (b) If an Eisenhower scholar discontinues attendance before
23 the end of any semester or other program period, after the
24 qualified institution has received payment under this section,
25 the qualified institution shall debit the account of the scholar
26 by an amount equal to the entire amount which such scholar would
27 otherwise qualify to have refunded, not to exceed the amount
28 credited to the account of the scholar under an Eisenhower
29 scholarship for the semester or other program period and, if an
30 Eisenhower scholar has received payments under any federal
31 program of student assistance in the semester or other program
32 period, less an amount equal to the pro rata share of such entire
33 amount which is attributable to the assistance received by the
34 scholar under such federal program or programs.

35 (c) All amounts debited by a qualified institution under

1-64

1 subsection (b) shall be reallocated within the Eisenhower
2 scholarship fund of the institution to the account of other
3 Eisenhower scholars as specified by the state council.

4 New Sec. 66. The state council shall administer the
5 Eisenhower scholarship program and shall:

6 (a) Publicize Eisenhower scholarships and provide
7 information regarding application procedures;

8 (b) designate and notify each Eisenhower scholar;

9 (c) approve and award Eisenhower scholarships;

10 (d) evaluate the Eisenhower scholarship program annually,
11 and make a report thereon to the governor and the legislature;

12 (e) require any qualified institution to promptly furnish
13 any information which the state council requests relating to
14 administration or effect of the Eisenhower scholarship program.

15 New Sec. 67. Each applicant for an Eisenhower scholarship,
16 in accordance with rules and regulations of the state council,
17 shall:

18 (a) Be responsible for submission to the state council of
19 evidence of designation as a national merit scholar;

20 (b) complete and file an application for an Eisenhower
21 scholarship; and

22 (c) report promptly to the state council any information
23 requested relating to administration of the Eisenhower
24 scholarship program.

25 Sec. 68.

26 UNIVERSITY OF KANSAS

27 (a) There is appropriated for the above agency from the
28 state general fund for the fiscal year or years specified, the
29 following:

30 Enhancement and equity funding

31 For the fiscal year ending June 30, 1999..... \$1,978,240

32 For the fiscal year ending June 30, 2000..... \$6,676,560

33 (b) The appropriations made by this section shall not be
34 subject to the provisions of K.S.A. 46-155 and amendments
35 thereto.

1-65

1 Sec. 69.

2 UNIVERSITY OF KANSAS MEDICAL CENTER

3 (a) There is appropriated for the above agency from the
4 state general fund for the fiscal year or years specified, the
5 following:

6 Enhancement and equity funding

7	For the fiscal year ending June 30, 1999.....	\$1,046,400
8	For the fiscal year ending June 30, 2000.....	\$3,531,600

9 (b) The appropriations made by this section shall not be
10 subject to the provisions of K.S.A. 46-155 and amendments
11 thereto.

12 Sec. 70.

13 KANSAS STATE UNIVERSITY

14 (a) There is appropriated for the above agency from the
15 state general fund for the fiscal year or years specified, the
16 following:

17 Enhancement and equity funding

18	For the fiscal year ending June 30, 1999.....	\$1,244,800
19	For the fiscal year ending June 30, 2000.....	\$4,201,200

20 (b) The appropriations made by this section shall not be
21 subject to the provisions of K.S.A. 46-155 and amendments
22 thereto.

23 Sec. 71.

24 KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
25 AND AGRICULTURE RESEARCH PROGRAMS

26 (a) There is appropriated for the above agency from the
27 state general fund for the fiscal year or years specified, the
28 following:

29 Enhancement and equity funding

30	For the fiscal year ending June 30, 1999.....	\$519,040
31	For the fiscal year ending June 30, 2000.....	\$1,751,760

32 (b) The appropriations made by this section shall not be
33 subject to the provisions of K.S.A. 46-155 and amendments
34 thereto.

35 Sec. 72.

1-66

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Enhancement and equity funding

For the fiscal year ending June 30, 1999..... \$126,700

For the fiscal year ending June 30, 2000..... \$427,660

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 73.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Enhancement and equity funding

For the fiscal year ending June 30, 1999..... \$535,040

For the fiscal year ending June 30, 2000..... \$1,805,760

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 74.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)

For the fiscal year ending June 30, 1999..... \$279,680

For the fiscal year ending June 30, 2000..... \$943,920

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 75.

FORT HAYS STATE UNIVERSITY

1-67

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Enhancement and equity funding

For the fiscal year ending June 30, 1999..... \$326,400
For the fiscal year ending June 30, 2000..... \$1,101,600

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 76.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Enhancement and equity funding

For the fiscal year ending June 30, 1999..... \$343,680
For the fiscal year ending June 30, 2000..... \$1,159,920

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 77.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Washburn university property tax mill levy reduction

For the fiscal year ending June 30, 1999..... \$5,000,000
For the fiscal year ending June 30, 2000..... \$13,200,000

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 78.

DEPARTMENT OF EDUCATION

1-68

1 (a) There is appropriated for the above agency from the
2 state general fund for the fiscal year or years specified, the
3 following:

4 Community college property tax mill levy reduction
5 For the fiscal year ending June 30, 1999..... \$29,471,549
6 For the fiscal year ending June 30, 2000..... \$40,471,549

7 Technical college and area vocational school
8 technology improvements
9 For the fiscal year ending June 30, 2000..... \$1,000,000

10 Community college technology improvements
11 For the fiscal year ending June 30, 2000..... \$700,000

12 (b) The appropriations made by this section shall not be
13 subject to the provisions of K.S.A. 46-155 and amendments
14 thereto.

15 Sec. 79.

16 KANSAS COUNCIL ON HIGHER EDUCATION

17 (a) There is appropriated for the above agency from the
18 state general fund for the fiscal year or years specified, the
19 following:

20 Operations (including official hospitality)
21 For the fiscal year ending June 30, 1999..... \$200,000
22 For the fiscal year ending June 30, 2000..... \$1,000,000
23 For the fiscal year ending June 30, 2001..... \$1,000,000
24 For the fiscal year ending June 30, 2002..... \$1,000,000

25 Washburn university property tax mill levy reduction
26 For the fiscal year ending June 30, 2001..... \$14,600,000
27 For the fiscal year ending June 30, 2002..... \$14,600,000

28 Merger and affiliation incentives
29 For the fiscal year ending June 30, 2001..... \$8,000,000
30 For the fiscal year ending June 30, 2002..... \$8,000,000

31 Enhancement and equity funding
32 For the fiscal year ending June 30, 2001..... \$25,000,000
33 For the fiscal year ending June 30, 2002..... \$50,000,000

34 Community college property tax mill levy reduction
35 For the fiscal year ending June 30, 1999..... \$41,500,000

1-69

1 For the fiscal year ending June 30, 2000..... \$41,500,000
 2 Technical college and area vocational school
 3 technology improvements
 4 For the fiscal year ending June 30, 2001..... \$1,000,000
 5 For the fiscal year ending June 30, 2002..... \$1,000,000
 6 Community college technology improvements
 7 For the fiscal year ending June 30, 2001..... \$700,000
 8 For the fiscal year ending June 30, 2002..... \$700,000

9 (b) The appropriations made by this section shall not be
 10 subject to the provisions of K.S.A. 46-155 and amendments
 11 thereto.

12 Sec. 80. On January 1, 1999, K.S.A. 46-1208a and 46-1208b
 13 shall be and are hereby repealed.

14 Sec. 81. On July 1, 1999, K.S.A. 12-16,102, 13-13a25,
 15 13-13a26, 13-13a27, 13-13a28, 13-13a29, 13-13a30, 13-13a31,
 16 13-13a32, 13-13a33, 13-13a34, 71-204, 71-304, 71-305, 71-306,
 17 71-403, 71-501, 71-601, 71-604, 71-605, 71-609a, 71-610, 71-613,
 18 71-1508, 71-1702, 72-4424, 79-5021, 79-5022, 79-5024, 79-5025,
 19 79-5026, 79-5028 and 79-5032 and K.S.A. 1997 Supp. 19-101a,
 20 71-201, 71-301, 71-401, 71-602, 71-607, 71-609, 71-611, 71-613a
 21 and 71-619 are hereby repealed.

22 Sec. 82. On July 1, 2000, K.S.A. 71-801 shall be and is
 23 hereby repealed.

24 Sec. 83. This act shall take effect and be in force from and
 25 after January 1, 1999, the adoption of the proposition to amend
 26 sections 2, 3, 6 and 7 of article 6 of the constitution of the
 27 state of Kansas in 1998 House Concurrent Resolution No. ____ at
 28 the general election held on November 3, 1998, and its
 29 publication in the statute book.

DRAFT CONCURRENT RESOLUTION NO. _____

For Consideration by Select Committee on Higher Education

1 A PROPOSITION to amend sections 2, 3, 6 and 7 of article 6 of the
2 constitution of the state of Kansas, relating to education.

3 Be it resolved by the Legislature of the State of Kansas,
4 two-thirds of the members elected (or appointed) and
5 qualified to the House of Representatives and two-thirds of
6 the members elected (or appointed) and qualified to the
7 Senate concurring therein:

8 Section 1. The following proposition to amend the
9 constitution of the state of Kansas shall be submitted to the
10 qualified electors of the state for their approval or rejection:
11 Sections 2, 3, 6 and 7 of article 6 of the constitution of the
12 state of Kansas are hereby amended to read as follows:

13 "§ 2. State board of education and ~~state-board--of~~
14 ~~regents~~ Kansas council on higher education. (a) The
15 legislature shall provide for a state board of education
16 which shall have general supervision of public schools,
17 educational institutions and all the educational
18 interests of the state, except educational functions
19 delegated by law to the ~~state-board-of-regents~~ Kansas
20 council on higher education. The state board of
21 education shall perform such other duties as may be
22 provided by law.

23 (b) The legislature shall provide for a ~~state~~
24 ~~board--of-regents~~ Kansas council on higher education and
25 for its control and supervision or coordination of
26 public institutions of higher education. Public
27 institutions of higher education shall include
28 universities and colleges granting ~~baccalaureate--or~~
29 ~~postbaccalaureate~~ degrees and such other institutions
30 and educational interests as may be provided by law. The
31 ~~state---board---of---regents~~ Kansas council on higher
32 education shall perform such other duties as may be

1 prescribed by law.

2 (c) Any municipal university shall be operated,
3 supervised and controlled as provided by law.

4 § 3. Members of state board of education and
5 ~~state--board--of--regents~~ Kansas council on higher
6 education. (a) There shall be ten members of the state
7 board of education with overlapping terms as the
8 legislature may prescribe. The legislature shall make
9 provision for ten member districts, each comprised of
10 four contiguous senatorial districts. The electors of
11 each member district shall elect one person residing in
12 the district as a member of the board. The legislature
13 shall prescribe the manner in which vacancies occurring
14 on the board shall be filled. Subsequent redistricting
15 shall not disqualify any member of the board from
16 service for the remainder of the member's term.

17 (b) The ~~state--board-of-regents~~ Kansas council on
18 higher education shall have ~~nine~~ 11 members with
19 overlapping terms as the legislature may prescribe.
20 Members shall be appointed by the governor, subject to
21 confirmation by the senate. ~~One--member--shall--be~~
22 ~~appointed--from--each--congressional--district--with--the~~
23 ~~remaining--members--appointed--at--large,--however,--no--two~~
24 ~~members--shall--reside--in--the--same--county--at--the--time--of~~
25 ~~their--appointment.~~ Vacancies occurring on the board
26 council shall be filled by appointment by the governor
27 as provided by law. The terms of office of members
28 appointed to the council shall be prescribed by the
29 legislature, but no such term of office shall be longer
30 than six years.

31 (c) ~~Subsequent-redistricting-shall-not--disqualify~~
32 ~~any--member--of--either--board--from--service--for--the~~
33 ~~remainder-of-his-term.~~ Any member of either the board or
34 the council may be removed from office for cause as may
35 be provided by law.

36 § 6. Finance. (a) The legislature may levy a
37 permanent tax for the use and benefit of state

1 institutions of higher education and apportion among and
 2 appropriate the same to the several institutions, which
 3 levy, apportionment and appropriation shall continue
 4 until changed by statute. Further appropriation and
 5 other provision for finance of institutions of higher
 6 education may be made by the legislature.

7 (b) The legislature shall make suitable provision
 8 for finance of the educational interests of the state.
 9 No tuition shall be charged for attendance at any public
 10 school to pupils required by law to attend such school,
 11 except such fees or supplemental charges as may be
 12 authorized by law. The legislature may authorize the
 13 ~~state---board---of---regents~~ Kansas council on higher
 14 education to establish tuition, fees and charges at
 15 institutions under its control and supervision.

16 (c) No religious sect or sects shall control any
 17 part of the public educational funds.

18 § 7. Savings clause and transition. (a) All laws
 19 in force at the time of the adoption of this amendment
 20 ~~and-consistent-therewith~~ shall remain in full force and
 21 effect until amended or repealed by the legislature. All
 22 ~~laws--inconsistent--with--this--amendment,--unless-sooner~~
 23 ~~repealed-or-amended--to--conform--with--this--amendment,~~
 24 ~~shall--remain--in--full--force--and-effect-until-July-1,~~
 25 ~~1969.~~

26 (b) ~~Notwithstanding-any--other--provision--of--the~~
 27 ~~constitution-to-the-contrary,--no-state-superintendent-of~~
 28 ~~public--instruction--or--county-superintendent-of-public~~
 29 ~~instruction-shall-be-elected-after-January-1,--1967.~~

30 (c) ~~The-state-perpetual-school-fund--or--any--part~~
 31 ~~thereof--may--be-managed-and-invested-as-provided-by-law~~
 32 ~~or-all-or-any-part-thereof-may-be-appropriated,--both--as~~
 33 ~~to--principal--and--income,--to-the-support-of-the-public~~
 34 ~~schools-supervised-by-the-state-board-of-education.~~ The
 35 legislature shall provide for the transition of
 36 authority from the state board of regents to the Kansas
 37 council on higher education on or before July 1, 2000."

1 Sec. 2. The following statement shall be printed on the
2 ballot with the amendment as a whole:

3 "Explanatory statement. This amendment would
4 require the legislature to provide for a Kansas council
5 on higher education and to provide for the council's
6 control and supervision or coordination of public
7 institutions of higher education by July 1, 2000. The
8 council would have 11 members appointed by the governor
9 subject to confirmation by the senate. Members would
10 have overlapping terms of office of up to six years, as
11 provided by law.

12 "A vote for this proposition would require the
13 legislature to provide for a Kansas council on higher
14 education and to provide for the council's control and
15 supervision or coordination of public institutions of
16 higher education by July 1, 2000, and would remove the
17 requirement for a state board of regents.

18 "A vote against this proposition would retain the
19 requirement for a state board of regents and for its
20 control and supervision of public institutions of higher
21 education."

22 Sec. 3. This resolution, if approved by two-thirds of the
23 members elected (or appointed) and qualified to the House of
24 Representatives and two-thirds of the members elected (or
25 appointed) and qualified to the Senate, shall be entered on the
26 journals, together with the yeas and nays. The secretary of
27 state shall cause this resolution to be published as provided by
28 law and shall cause the proposed amendment to be submitted to the
29 electors of the state at the general election to be held on
30 November 3, 1998.

SUMMARY OF MAJOR POINTS IN PROPOSAL
(Changes in Italics – LRD revised February 24, 1998)

[NOTE: Bracketed references are to sections and page and line numbers of the typed Draft of Substitute for House Bill No 2793 {7 RS 2322} unless otherwise noted]

GOVERNANCE AND COORDINATION

- A constitutional amendment [See separate proposed HCR, 7 RS 2273] would be submitted to the voters at the *November 1998 general election* to abolish the current Board of Regents effective June 30, 2000, [See §§ 12 - 18, pg 9-13] and create the Kansas Council on Higher Education [See § 3, pg 2 - 4].
- The amendment would define public postsecondary institutions and provide for the governance and coordination of these institutions by the Council. [See § 2, pg 2, ln 10-25]
- The Council would coordinate all postsecondary activities, including the state's public universities, community colleges, technical colleges, and area vocational schools. [See § 8(a), pg 6, ln 10-13]
- The Council would have direct governance responsibilities over the existing Regents universities and Washburn University. [See § 7, pg 5 -6]
- Community colleges, technical colleges, and area vocational schools would continue to be governed by local boards [See § 8(a), pg 6, ln 19 - 25; also pg 13, ln 30 - 31], and would be under the coordination of the Council [See § 8, pg 6 - 7]. [See also § 19, pg 13 - 15 for community colleges; § 20, pg 15 - 17 for technical colleges and area vocational schools]
- Responsibilities of the State Board of Education for elementary and secondary education would be unchanged. Postsecondary institutions would be authorized to contract with school districts for the provision of programs to elementary-secondary students.

Composition of the Council

- The constitutional amendment would provide for an 11-member Council, appointed by the Governor, and confirmed by the Senate. [See § 3, pg 2, ln 27-33] [See also, separate proposed HCR, 7 RS 2273, pg 2, ln 17 - 30] The remainder of the selection and qualification process (two members from each congressional district, remainder at large; not more than one per county, unless each county in a congressional district has a member on the Council; [See § 3, pg 3, ln 7 - 15] no more than six members from the same political party; [See § 3, pg 3, ln 16 - 17] and per diem compensation at the same rate as members of the Legislature, plus actual expenditures, as approved by the Council) would be established in statute [See § 3, pg 4, ln 16 - 21].
- For purposes of the initial Council, nominations would be made to the Governor by the State Board of Regents (five positions from at least ten nominees); the State Board of Education (two positions from at least four nominees); the Kansas Association of Community College Trustees (two positions from at least four nominees); the Kansas Association of Vocational-Technical Education (one position from at least two nominees); and the Washburn University Board of Regents (one position from at least two nominees). [See § 3(b)(2), pg 3 - 4] Nominees to the initial Council could not be elected officials or employees of any public postsecondary institution. [This provision inadvertently omitted in draft substitute] The nominations would be made to the Governor by *January 1, 1999*, and the Governor would make the appointments by February 1, 1999. [See § 3(b)(2), pg 3, ln 20] The Governor would select the chair of the initial Council. [See § 3(c), pg 4, ln 13 - 15]
- Six members of the initial Council would serve six year terms, and the remaining members would serve three year terms; [See § 3(b)(2)(F), pg 4, ln 7 - 10] thereafter members would serve staggered terms of six years subject to a two-term limit [See § 3(a), pg 4, ln 1 - 6].
- *The statutorily created* position of Commissioner of Higher Education would serve at the pleasure of the Council as its executive officer. [See § 6(a), pg 5, ln 10 - 20] The Commissioner would be authorized to hire assistant commissioners and other staff as necessary. [See § 6(b), pg 5, ln 26 - 30]

Functions and Duties of the Council

- The Council would oversee an agency consisting of two divisions: the Division of Governance and the Division of Coordination. [See § 6(b), pg 5, ln 21 - 30]
- As a governing entity for the existing Regents institutions and Washburn University, [See § 7(a), pg 5 - 6] the Council would select agency heads, establish personnel policies, set fees and tuition, and approve institutional missions [See § 7(b), pg 6].
- As a coordinating entity for all public postsecondary institutions, [See § 8, pg 6 - 7] the Council would: develop comprehensive long range plans; determine institutional roles and review institutional missions; require the development of institutional master plans; develop measurable performance indicators; review and approve course offerings, course locations, programs, and degrees; conduct ongoing program review; encourage and oversee cooperative postsecondary programs among institutions; administer statewide student financial assistance programs; develop and implement long range plans for the utilization of distance learning technologies; and collect and maintain a uniform postsecondary education database. [See listing in § 8(b), pg 6 - 7]
- As part of its coordination function, the Board would recommend statewide postsecondary funding levels to the Governor and the Legislature; [See § 5(a), pg 4 - 5] the governed institutions would submit budget requests to the Governor and Legislature following approval of the requests by the Council [See § 7(a), pg 5 - 6].
- A statutorily created Educational Coordinating Commission would serve as a liaison committee between the Council and the State Board of Education to ensure a seamless system of education. The Commission would be composed of three members of the State Board of Education and three members of the Council on Higher Education, selected by their respective boards. The Commission members would serve two year terms and would select the Chair of the Commission and establish their own rules of operations and procedure. [See § 10, pg 7 - 8]
- The Council would be required to create advisory commissions consisting of a broad cross section of consumers, administrators, and educators to assist the Council on postsecondary matters. [See § 9, pg 7, ln 14 - 28]
- A statutorily created Joint Committee on Postsecondary Education (12 members—eight from the House and four from the Senate) would provide legislative oversight of postsecondary education. [See § 11, pg 8 - 9] The Legislative Educational Planning Committee would be abolished. [See repealer, § 80, pg

70] The Committee would be authorized to meet anywhere in the state on the call of the chair, [See § 11(b), pg 8, In 17-19] and would be vested with subpoena powers over any institution governed or coordinated by the Council [See § 11(c), pg 8, In 20 - 29]. The Committee would assist in the development and monitoring of performance measures to ensure the fiscal and academic integrity of the postsecondary education system [See § 11(d), pg 8, In 30 - 35]. The Committee also would receive reports from the Educational Coordinating Commission, the advisory committees, and an annual strategic planning report from the Council. [See § 11(d), pg 8 - 9] The Joint Committee would be charged with submitting a report to the 1999 Legislature on the feasibility of a virtual campus to provide educational access to programs offered by public postsecondary institutions via technology. [See § 11(d), pg 9, In 12 - 16]

WASHBURN UNIVERSITY/MERGER AND AFFILIATION

- Washburn University, as of July 1, 2000, would become a state institution under the governance of the Council. [See, generally, §§ 51 - 60, pg 49 - 59] The Washburn University Board of Regents would retain levy authority for the purpose of capital improvements and debt retirement (capped at 5 mills; the current levy is 3 mills) [See § 59, pg 57, In 27]. Current employees as of July 1, 2000, would remain under the present retirement system; new employees after that date would go under a retirement system comparable to the current Regents retirement system [See § 55(c), pg 53 - 54].
- Washburn University would participate in identified enhancement funding beginning in FY 2001.
- Increases in student tuition would be tied to increases at the regional state universities. For each percentage increase in tuition at the regional universities, Washburn University would increase student tuition by half that amount, with the remaining half coming from the state, *until the time that student tuition at Washburn University equals that at the regional universities.* [See § 60, pg 59, In 19 - 30]
- *For the purpose of appropriations for Washburn University in succeeding fiscal years, the base budget would be equivalent to the FY 1998 public funding base of \$19,776,083. Incremental increases would be applied to that base.*
- [AFFILIATION with four-year universities. See § 61, pg 59 - 63] Any community college, technical college, or area vocational school governing board

that wanted to affiliate with a four-year university would submit a petition to the Council to become a unit of the four-year institution. The petition shall include a proposal describing the mission and relationship of the proposed affiliated institutions; a plan for the disposition of existing programs, services, activities, property and personnel; and other plans and information pertinent to the proposed affiliation, as required by the Council.

- Upon approval of an affiliation petition, the Council would develop a plan to effectuate the affiliation. [See § 61(d), pg 61, ln 8 - 20] Community college operating mill levies would be eliminated except for levies for capital improvements and debt retirement. [See § 61(e), pg 61, ln 21 - 27] Local governing boards would have jurisdiction over noncredit economic development courses and community service activities. Institutional heads would be hired by the head of the affiliated university and budget requests would be part of the university request.
- [CONSOLIDATION (herein "merger") of community colleges, technical colleges, and area vocational schools. See § 41, pg 39 - 41] Community colleges, technical colleges, or area vocational schools *could merge with each other* upon petition of the institutional governing boards, subject to the approval of the Council. *In the case of community colleges*, the county mill levy of merged institutions would be capped at 10 mills.
- Registered voters of a district could initiate a process by which the governing board of a community college or an area vocational technical school would have to place the matter of merger with another postsecondary institution on the agenda of its next regular board meeting. Placement of the matter upon the agenda would be required upon the petition of 15 percent of the registered voters of the district. The board would be required to either reject the petition or agree to the merger of institutions. [See § 41(b), pg 39 - 41]

FUNDING

- Changes in funding mechanisms and funding levels would be phased in over a period of several years.
- Out-district community college tuition would be eliminated.
- Community college mill levies would be capped at 20 mills, except that the *board of trustees could increase the levies in order to generate enough revenues to fund up to a 2.5 percent increase in the amount of revenue received in the prior year. In the case of a community college with a levy in excess of 20 mills, if an*

increase in the assessed valuation generates more than a 2.5 percent increase in the amount of revenue received in the prior year, operating budget mill levies would be reduced by the millage equivalency of the revenues generated in excess of 2.5 percent. In the case of a community college that is at or below the 20-mill limit, there would be no limit on the expenditure of additional revenue generated by an increase in assessed valuation. However, the Board of Trustees, in such a case, could decide to roll back the mill levy to avoid revenue windfalls generated by increases in assessed valuation. [See § 22, amending KSA 71-204, pg 23 - 24]

- The operating mill levy for Washburn University would be eliminated.
- A new state scholarship program, called "Eisenhower Scholars," would be created whereby tuition and fees would be waived for eight semesters for any Kansas resident who is a national merit scholar to attend an undergraduate program at any public postsecondary institution in Kansas. [See §§ 62 - 67, pg 63 - 65]
- The community college capital outlay levy limit would be raised from 2 mills to 3 mills.

Additional funding would be provided to the Council in FY 2001 and FY 2002 to promote excellence in research and student achievement at public postsecondary institutions. [APPROPRIATIONS, generally, see §§ 68 - 79, pg 49 - 70]