

DA

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 11:30 a.m. on March 6, 1998 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Carolyn Rampey, Legislative Research Department
Leah Robinson, Legislative Research Department
Alan Conroy, 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 discussion and deliberations of **substitute for HB 2793**. Jim Wilson handed out for the committee to look at a Preliminary Redraft 1-21 (Attachment 1), Appropriations Preliminary Redraft 70 - 86 (Attachment 2), and Washburn Preliminary Redraft (Attachment 3).

Representative McKechnie moved that **substitute HB 2793** be sent to the House without recommendation and Representative Farmer seconded the motion. The motion carried. (This action was taken to obtain a printed copy of the bill.)

The Committee meeting adjourned and the next meeting was scheduled for Monday, March 9, 1998 at 5:00 p.m.

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.

M such to

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 provide for the general
 23 improvement of postsecondary education in the state of Kansas and
 24 to establish the Kansas council on higher education to provide
 25 leadership, governance and coordination for postsecondary
 26 educational institutions so that enhanced accessibility, quality,
 27 excellence, accountability, research and service may be achieved
 28 in the postsecondary educational system for Kansans through the
 29 efficient and effective utilization and concentration of all
 30 available resources and the elimination of costly and undesirable

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

3 New Sec. 2. As used in the Kansas higher education
4 governance and coordination act,

5 (a) "State council" means the Kansas council on higher
6 education provided for in the constitution of this state and
7 established by 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) "Vocational school" means any area vocational school or
18 area vocational-technical school established under the laws of
19 this state and approved and officially designated as such by the
20 state board of education.

21 (g) "Postsecondary educational institution" means any state
22 educational institution, community college, technical college,
23 and any vocational school and includes any entity resulting from
24 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 state council shall be composed
28 of 11 members appointed by the governor, subject to confirmation
29 by the senate as provided in K.S.A. 75-4315b, and amendments
30 thereto. Except as provided by K.S.A. 1997 Supp. 46-2601, and
31 amendments thereto, no person appointed to the state council
32 shall exercise any power, duty or function as a member of the
33 state council until confirmed by the senate. Each member shall
34 hold office for a term of six years, except as provided for the
35 first members appointed to the state council, and until a

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

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

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

22 (A) From among a list of nominations of not less than 10
23 - nominees which shall be submitted to the governor by the state
24 board of regents on or before January 1, 1999, the governor shall
25 appoint two members who shall have a term of office of six years
26 and three members who shall have a term of office of three years;

27 (B) from among a list of nominations of not less than four
28 nominees which shall be submitted to the governor by the state
29 board of education on or before January 1, 1999, the governor
30 shall appoint one member who shall have a term of office of six
31 years and one member who shall have a term of office of three
32 years;

33 (C) from among a list of nominations of not less than four
34 nominees which shall be submitted to the governor by the Kansas
35 association of community college trustees on or before January 1,

1 1999, the governor shall appoint one member who shall have a term
2 of office of six years and one member who shall have a term of
3 office of three years;

4 (D) from among a list of nominations of not less than two
5 nominees which shall be submitted to the governor by the Kansas
6 association of area vo-tech schools on or before January 1, 1999,
7 the governor shall appoint one member who shall have a term of
8 office of six years;

9 (E) from among a list of nominations of not less than two
10 nominees which shall be submitted to the governor by the board of
11 regents of Washburn university on or before January 1, 1999, the
12 governor shall appoint one member who shall have a term of office
13 of three years; and

14 (F) no person who is an elected official or an officer or
15 employee of any postsecondary educational institution shall be
16 nominated for appointment under this subsection (b)(2).

17 (c) The members of the Kansas council on higher education
18 shall meet and organize annually by electing one member as
19 chairperson, except that the governor shall designate the first
20 chairperson of the state council from among the first members
21 appointed to the state council.

22 (d) Members of the Kansas council on higher education
23 attending meetings of the state council, or attending a
24 subcommittee meeting thereof authorized by the state council,
25 shall be paid compensation, subsistence allowances, mileage and
26 other expenses as provided in K.S.A. 75-3212, and amendments
27 thereto, for members of the legislature.

28 New Sec. 4. The state council shall meet at least quarterly
29 each year in Topeka on dates fixed by the state council. Special
30 meetings may be held upon the call of the chairperson or upon the
31 petition to the chief executive officer of the state council by
32 six members of the council, the date and place of all special
33 meetings to be designated in the call. Six members of the state
34 council shall constitute a quorum for the transaction of business
35 but less than six members may adjourn any regular or special

1 meeting to a definite time and place.

2 New Sec. 5. (a) In the exercise of its leadership role, the
3 Kansas council on higher education shall be an advocate for the
4 provision of adequate resources and sufficient authority for all
5 postsecondary educational institutions so that each postsecondary
6 educational institution can realize, within its prescribed role
7 and scope, its full potential to the benefit of the students who
8 attend such postsecondary educational institution and to the
9 benefit of all Kansans in terms of receiving the benefits of a
10 highly educated and vocationally trained populace.

11 (b) In addition to other duties and functions prescribed by
12 statute, the state council shall advise and consult with the
13 joint committee on postsecondary education and shall prepare and
14 present an annual strategic planning report to the joint
15 committee on postsecondary education.

16 New Sec. 6. (a) The Kansas council on higher education shall
17 appoint a chief executive officer who shall act as the executive
18 officer for the state council. The chief executive officer of
19 the state council shall be in the unclassified service under the
20 Kansas civil service act, shall serve at the pleasure of the
21 state council and shall receive a salary fixed by the state
22 council, subject to approval by the governor. The chief
23 executive officer shall attend all meetings of the state council,
24 keep a full and correct record of its proceedings as approved by
25 the state council and shall perform such other duties and
26 functions as the state council may prescribe.

27 (b) There are hereby established the division of governance
28 and the division of coordination under the supervision of the
29 state council. Each such division shall perform duties and
30 functions regarding governance and coordination of postsecondary
31 educational institutions, respectively, in accordance with the
32 provisions of this act. As authorized by the state council, the
33 chief executive officer shall appoint such other officers and
34 employees as may be required for such divisions and to assist in
35 performing such duties and functions.

1 New Sec. 7. (a) On and after July 1, 2000, the Kansas
2 council on higher education shall control and supervise the
3 operation and management of all state educational institutions in
4 accordance with the provisions of this act. The budget estimate
5 for each state educational institution for each fiscal year
6 commencing after June 30, 2000, shall be subject to review,
7 modification and approval by the Kansas council on higher
8 education prior to being submitted to the division of the budget
9 for review by the governor and the legislature as provided by
10 statute.

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

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

31 (b) For the purposes of coordinating all postsecondary
32 education activities of all postsecondary educational
33 institutions on and after July 1, 2000, the state council is
34 hereby authorized to and shall:

35 (1) Develop comprehensive long range plans;

- 1 (2) determine institutional roles and review institutional
2 missions;
- 3 (3) require the development of institutional master plans;
- 4 (4) develop measurable performance indicators;
- 5 (5) review and approve course offerings, course locations,
6 programs and degrees;
- 7 (6) conduct ongoing program review;
- 8 (7) encourage and oversee cooperative postsecondary programs
9 among postsecondary educational institutions;
- 10 (8) administer statewide student financial assistance
11 programs;
- 12 (9) develop and implement long range plans for the
13 utilization of distance learning technologies;
- 14 (10) collect and maintain a uniform postsecondary education
15 database; and
- 16 (11) recommend statewide postsecondary funding levels for
17 all postsecondary educational institutions to the governor and
18 the legislature, which shall include the budget estimates for the
19 state educational institutions approved by the state council
20 under subsection (a) of section 7, and amendments thereto.
- 21 New Sec. 9. The state council shall create advisory
22 committees and appoint the members thereof when the state council
23 determines that such advisory committees are needed to assist the
24 state council in the performance of its duties and functions.
25 Each such advisory committee shall advise and consult with and
26 advise the state council with reference to the matters referred
27 to the advisory committee. Members of any advisory committee
28 created under authority of this section attending meetings of
29 such committee or attending a subcommittee meeting thereof
30 authorized by such committee shall be paid subsistence
31 allowances, mileage and other expenses as provided in K.S.A.
32 75-3223, and amendments thereto, but shall receive no
33 compensation for services as such members. The council is
34 authorized to make expenditures to provide space for holding
35 meetings of advisory committees created under this section,

1 including expenditures for official hospitality.

2 New Sec. 10. There is hereby established the educational
3 coordinating commission which shall serve as a liaison committee
4 between the Kansas council on higher education and the state
5 board of education to ensure a seamless system of education. The
6 educational coordinating commission shall be composed of three
7 members of the state board of education selected by that board
8 and three members of the Kansas council on higher education
9 selected by the state council. The educational coordinating
10 commission members shall serve two year terms and shall annually
11 elect a chair of the commission. The educational coordinating
12 commission shall establish its own rules and policies of
13 operation and procedure.

14 New Sec. 11. (a) There is hereby created the joint committee
15 on postsecondary education which shall be composed of five
16 members of the senate and nine members of the house of
17 representatives and shall be appointed in accordance with the
18 following:

19 (1) The president of the senate shall appoint three of the
20 senate members and the senate minority leader shall appoint two
21 of the senate members;

22 (2) the speaker of the house of representatives shall
23 - appoint five of the representative members and the minority
24 leader of the house of representatives shall appoint four of the
25 representative members; and

26 (3) any vacancy in the membership of the joint committee
27 shall be filled by appointment in the manner prescribed for the
28 original appointment.

29 (b) All members of the joint committee on postsecondary
30 education shall serve for terms of office ending on the first day
31 of the regular session of the legislature in odd-numbered years.
32 The joint committee shall organize annually and elect a
33 chairperson and a vice-chairperson in accordance with this
34 subsection. During calendar year 1999 and each odd-numbered year
35 thereafter, the chairperson shall be one of the representative

1 members of the joint committee and the vice-chairperson shall be
2 one of the senate members of the joint committee. During calendar
3 year 2000 and each even-numbered year thereafter, the chairperson
4 shall be one of the senate members of the joint committee and the
5 vice-chairperson shall be one of the representative members of
6 the joint committee. The vice-chairperson shall exercise all of
7 the powers of the chairperson in the absence of the chairperson.
8 If a vacancy occurs in the office of chairperson or
9 vice-chairperson, a member of the joint committee, who is a
10 member of the same house as the member who vacated the office,
11 shall be elected by the members of the joint committee to fill
12 the vacancy.

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

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

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

1 strategic planning report from the state council. The joint
2 committee shall review the plans for public and private
3 postsecondary education in Kansas, including vocational and
4 technical education. The joint committee shall annually make a
5 report and recommendations to the legislature and the governor
6 and may cause the same to be published separately from other
7 documents which are required by law to be submitted to the
8 legislative coordinating council. The reports and recommendations
9 of the joint committee shall include a review of the schedule for
10 implementation of educational goals established by the Kansas
11 council on higher education. The joint committee shall prepare a
12 report to the legislature at the beginning of the regular session
13 in 2000 on the feasibility of a virtual campus to provide
14 educational access to programs offered by postsecondary
15 educational institutions via technology.

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

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

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

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

34 (a) The state board of regents required to be provided for
35 by section 2 of article 6 of the constitution of this state prior

1 to adoption by the electors of this state of the proposition to
2 revise article 6 as provided in 1998 House Concurrent Resolution
3 No. 5049; and

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

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 The state council shall be the successor in every way to the
26 powers, duties and functions of the abolished state agency and
27 office, in which the same were vested prior to July 1, 2000. The
28 state council shall be a continuation of the abolished state
29 agency and office, and every act performed under the authority of
30 the state council shall be deemed to have the same force and
31 effect as if performed by the respective agency or office in
32 which the authority to perform such act was vested prior to July
33 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.

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

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

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

22 (f) The state council shall be a continuation of the state
23 board of regents.

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

32 (b) Officers and employees of the state board of regents or
33 the state board of education who are transferred to the state
34 council shall retain all retirement benefits and leave rights
35 which had accrued or vested prior to the date of transfer. The

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

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

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

30 New Sec. 17. (a) On and after July 1, 2000, the state
31 council shall have the legal custody of all records, memoranda,
32 writings, entries, prints, representations or combinations
33 thereof of any act, transaction, occurrence or event of the state
34 board of regents and the executive officer thereof.

35 (b) No suit, action or other proceeding, judicial or

1 administrative, lawfully commenced, or which could have been
2 commenced, by or against the state board of regents or the
3 executive officer thereof in the official capacity of such board
4 or officer or in relation to the discharge of official duties of
5 such board or officer, shall abate by reason of the governmental
6 reorganization effected under the provisions of this act. The
7 court may allow any such suit, action or other proceeding to be
8 maintained by or against the state council.

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

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

16 (b) On July 1, 2000, the liability for all accrued
17 compensation or salaries of officers and employees who,
18 immediately prior to such date, were engaged in the performance
19 of powers, duties or functions of the state board of regents
20 shall be assumed and paid by the state council.

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

30 (b) On July 1, 2000, all of the powers, duties, functions,
31 records and property of the state board of education relating to
32 community college operations shall be and are hereby transferred
33 to and conferred and imposed upon the state council.

34 (c) On and after July 1, 2000, the state council shall be
35 the successor in every way to the powers, duties and functions of

1 the state board of education relating to community college
2 operations in which the same were vested prior to the effective
3 date of this act. Every act performed by the state council shall
4 be deemed to have the same force and effect as if performed by
5 the state board of education in which such functions were vested
6 prior to July 1, 2000.

7 (d) On and after July 1, 2000, whenever the state board of
8 education, or words of like effect, is referred to or designated
9 by a statute, contract or other document relating to community
10 college operations, such reference or designation shall be deemed
11 to apply to the state council.

12 (e) The state plan for community colleges, prepared and
13 adopted by the state board of education pursuant to the
14 provisions of the Kansas community college act, which is in
15 existence on July 1, 2000, shall continue to be effective and
16 shall be deemed to be the duly adopted state plan of the state
17 council until revised, amended, revoked or nullified pursuant to
18 law.

19 (f) All rules and regulations, and all orders and directives
20 of the state board of education relating to community college
21 operations which are in existence on July 1, 2000, shall continue
22 to be effective and shall be deemed to be the duly adopted rules
23 and regulations or orders and directives of the state council
24 until revised, amended, revoked or nullified pursuant to law.

25 (g) The unexpended balance of any appropriation for and any
26 funds available to the state board of education for purposes
27 relating to community college operations shall be transferred to
28 the state council on July 1, 2000.

29 (h) On and after July 1, 2000, all books, records and papers
30 of the board of trustees of each community college shall be open
31 and available, at all reasonable times, to the state council and
32 its designated officers, employees and agents.

33 (i) Except as otherwise specifically provided in this act,
34 the transfer of supervision of the community colleges from the
35 state board of education to coordination by the state council

1 shall not be construed in any manner so as to change or affect
2 the operation, management and control of any community college or
3 to change or affect any existing power, duty or function of a
4 board of trustees with respect to such operation, management and
5 control.

6 New Sec. 20. (a) On July 1, 2000, the technical colleges,
7 area vocational schools and area vocational-technical schools
8 established and existing under the laws of this state shall be
9 and hereby are transferred from the supervision of the state
10 board of education to coordination by the state council. The
11 technical colleges, area vocational schools and area
12 vocational-technical schools shall continue to be operated,
13 managed and controlled by governing boards as provided for in
14 article 44 of chapter 72 of Kansas Statutes Annotated. The state
15 council shall exercise such coordination of the operation,
16 management and control of technical colleges, area vocational
17 schools and area vocational-technical schools as may be
18 prescribed by law.

19 (b) On July 1, 2000, all of the powers, duties, functions,
20 records and property of the state board of education relating to
21 operations of technical colleges, area vocational schools and
22 area vocational-technical schools shall be and are hereby
23 transferred to and conferred and imposed upon the state council.

24 (c) On and after July 1, 2000, the state council shall be
25 the successor in every way to the powers, duties and functions of
26 the state board of education relating to operations of technical
27 colleges, area vocational schools and area vocational-technical
28 schools in which the same were vested prior to July 1, 2000.
29 Every act performed by the state council shall be deemed to have
30 the same force and effect as if performed by the state board of
31 education in which such functions were vested prior to July 1,
32 2000.

33 (d) On and after July 1, 2000, whenever the state board of
34 education, or words of like effect, is referred to or designated
35 by a statute, contract or other document relating to operations

1 of technical colleges, area vocational schools or area
2 vocational-technical schools, such reference or designation shall
3 be deemed to apply to the state council.

4 (e) The state plan for vocational education, prepared and
5 adopted by the state board of education pursuant to the
6 provisions of the K.S.A. 72-4413, and amendments thereto, which
7 is in existence on July 1, 2000, shall continue to be effective
8 and shall be deemed to be the duly adopted state plan of the
9 state council until revised, amended, revoked or nullified
10 pursuant to law.

11 (f) All rules and regulations, and all orders and directives
12 of the state board of education relating to operations of
13 technical colleges, area vocational schools and area
14 vocational-technical schools which are in existence on July 1,
15 2000, shall continue to be effective and shall be deemed to be
16 the duly adopted rules and regulations or orders and directives
17 of the state council until revised, amended, revoked or nullified
18 pursuant to law.

19 (g) The unexpended balance of any appropriation for and any
20 funds available to the state board of education for purposes
21 relating to operations of technical colleges, area vocational
22 schools and area vocational-technical schools shall be
23 transferred to the state council on July 1, 2000.

24 (h) On and after July 1, 2000, all books, records and papers
25 of the governing boards of technical colleges, area vocational
26 schools and area vocational-technical schools shall be open and
27 available, at all reasonable times, to the state council and its
28 designated officers, employees and agents.

29 (i) Except as otherwise specifically provided in this act,
30 the transfer of supervision of the technical colleges, area
31 vocational schools and area vocational-technical schools from the
32 state board of education to coordination by the state council
33 shall not be construed in any manner so as to change or affect
34 the operation, management and control of any technical college,
35 area vocational school or area vocational-technical school or to

1 change or affect any existing power, duty or function of the
2 governing board of any technical college, area vocational school
3 or area vocational-technical school with respect to such
4 operation, management and control.

5 New Sec. 21. During the period of transition from general
6 supervision by the state board of education of the community
7 colleges, technical colleges, area vocational schools and area
8 vocational-technical schools to coordination thereof by the state
9 council and from control and supervision by the state board of
10 regents of the state educational institutions to control and
11 supervision thereof by the state council, the state board of
12 education and the state board of regents shall provide such
13 assistance as the state council may request in order to enable
14 the state council to assume in an orderly manner the exercise of
15 powers and the performance of duties and functions transferred
16 under authority of this act. During such period of transition,
17 the state council may exercise such powers and perform such
18 duties and functions relating to the control or supervision of
19 postsecondary educational institutions as may be authorized by
20 interagency agreements entered into with the state board of
21 regents or the state board of education.

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

35 (b) For effectuation of the purposes of this act, the board

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1 period, less an amount equal to the pro rata share of such entire
2 amount which is attributable to the assistance received by the
3 scholar under such federal program or programs.

4 (c) All amounts debited by a qualified institution under
5 subsection (b) shall be reallocated within the Eisenhower
6 scholarship fund of the institution to the account of other
7 Eisenhower scholars as specified by the state council.

8 New Sec. 67. The state council shall administer the
9 Eisenhower scholarship program and shall:

10 (a) Publicize Eisenhower scholarships and provide
11 information regarding application procedures;

12 (b) designate and notify each Eisenhower scholar;

13 (c) approve and award Eisenhower scholarships;

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

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

19 New Sec. 68. Each applicant for an Eisenhower scholarship,
20 in accordance with rules and regulations of the state council,
21 shall:

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

24 (b) complete and file an application for an Eisenhower
25 scholarship; and

26 (c) report promptly to the state council any information
27 requested relating to administration of the Eisenhower
28 scholarship program.

29 Sec. 69⁷⁰.

30 UNIVERSITY OF KANSAS

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

34 Enhancement and equity funding

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

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

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

5 Sec. ~~70~~⁷¹.

6 UNIVERSITY OF KANSAS MEDICAL CENTER

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

10 Enhancement and equity funding

11 For the fiscal year ending June 30, 1999..... \$1,046,400

12 For the fiscal year ending June 30, 2000..... \$3,531,600

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

16 Sec. ~~71~~⁷².

17 KANSAS STATE UNIVERSITY

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

21 Enhancement and equity funding

22 For the fiscal year ending June 30, 1999..... \$1,244,800

23 For the fiscal year ending June 30, 2000..... \$4,201,200

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

27 Sec. ~~72~~⁷³.

28 KANSAS STATE UNIVERSITY EXTENSION SYSTEMS

29 AND AGRICULTURE RESEARCH PROGRAMS

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

33 Enhancement and equity funding

34 For the fiscal year ending June 30, 1999..... \$519,040

35 For the fiscal year ending June 30, 2000..... \$1,751,760

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

Sec. ~~73~~⁷⁴.

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. ~~74~~⁷⁵.

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. ~~75~~⁷⁶.

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:

Enhancement and equity funding

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

1 thereto. ⁷⁷
2 Sec. ~~76~~.

3 FORT HAYS STATE UNIVERSITY

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

7 Enhancement and equity funding
8 For the fiscal year ending June 30, 1999..... \$326,400
9 For the fiscal year ending June 30, 2000..... \$1,101,600

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

13 Sec. ~~77~~.⁷⁸

14 PITTSBURG STATE UNIVERSITY

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

18 Enhancement and equity funding
19 For the fiscal year ending June 30, 1999..... \$343,680
20 For the fiscal year ending June 30, 2000..... \$1,159,920

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

24 Sec. ~~78~~.⁷⁹

25 STATE BOARD OF REGENTS

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 Washburn university property tax mill levy reduction
30 and transition expenses
31 For the fiscal year ending June 30, 2000..... \$13,200,000

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

1 thereto.

2 Sec. ~~79~~⁸⁰.

3 DEPARTMENT OF EDUCATION

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

7 Community college property tax mill levy reduction

8 For the fiscal year ending June 30, 2000..... \$40,471,549

9 Technical college and area vocational school
10 technology improvements

11 For the fiscal year ending June 30, 2000..... \$1,000,000

12 Community college technology improvements

13 For the fiscal year ending June 30, 2000..... \$700,000

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

17 Sec. ~~80~~⁸¹.

18 KANSAS COUNCIL ON HIGHER EDUCATION

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

22 Operations (including official hospitality)

23 For the fiscal year ending June 30, 1999..... \$200,000

24 For the fiscal year ending June 30, 2000..... \$1,000,000

25 For the fiscal year ending June 30, 2001..... \$1,000,000

26 For the fiscal year ending June 30, 2002..... \$1,000,000

27 Washburn university property tax mill levy reduction
28 and transition expenses

29 For the fiscal year ending June 30, 2001..... \$14,600,000

30 For the fiscal year ending June 30, 2002..... \$14,600,000

31 Merger and affiliation incentives

32 For the fiscal year ending June 30, 2001..... \$8,000,000

33 For the fiscal year ending June 30, 2002..... \$8,000,000

34 Enhancement and equity funding

35 For the fiscal year ending June 30, 2001..... \$25,000,000

36 For the fiscal year ending June 30, 2002..... \$50,000,000

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

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

14 New Sec. ⁸²81. The enhanced funding appropriated in sections
 15 70 through 81 is in addition to typical base budget funding
 16 increases provided by appropriation acts and is not intended to
 17 pay for normal operating expenditure increases or to replace
 18 existing funding. It is the intent of the legislature to provide
 19 extraordinary funding to enable postsecondary educational
 20 institutions to achieve a level of excellence that would not
 21 otherwise be possible.

22 Sec. ⁸³82. On January 1, 1999, K.S.A. 46-1208a and 46-1208b
 23 shall be and are hereby repealed.

24 Sec. ⁸⁴83. On July 1, 1999, K.S.A. 12-16,102, 13-13a25,
 25 13-13a26, 13-13a27, 13-13a28, 13-13a29, 13-13a30, 13-13a31,
 26 13-13a32, 13-13a33, 13-13a34, 71-204, 71-304, 71-305, 71-306,
 27 71-403, 71-501, 71-601, 71-604, 71-605, 71-609a, 71-610, 71-613,
 28 71-1508, 71-1702, 72-4424, 79-5021, 79-5022, 79-5024, 79-5025,
 29 79-5026, 79-5028 and 79-5032 and K.S.A. 1997 Supp. 19-101a,
 30 71-201, 71-301, 71-401, 71-602, 71-607, 71-609, 71-611, 71-613a
 31 and 71-619 are hereby repealed.

32 Sec. ⁸⁵84. On July 1, 2000, K.S.A. 71-801 shall be and is
 33 hereby repealed.

34 Sec. ⁸⁶85. This act shall take effect and be in force from and
 35 after its publication in the statute book, the adoption of the

1 proposition to amend sections 2, 3, 6 and 7 of article 6 of the
2 constitution of the state of Kansas in 1998 House Concurrent
3 Resolution No. 5049 at the general election held on November 3,
4 1998, and January 1, 1999.

1 New Sec. 52. As used in sections 52 through 61, and
2 amendments thereto:

3 (a) "Washburn board" means the board of trustees established
4 by section 58, and amendments thereto, for Washburn university.

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

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

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

15 New Sec. 53. (a) On July 1, 2000, Washburn university shall
16 be and is hereby established as a separate, freestanding state
17 educational institution under the control and supervision of the
18 state council, operating its traditional program of a liberal
19 arts college, a school of business, a school of law, a school of
20 nursing and a school of applied studies, which shall be located
21 in the city of Topeka, county of Shawnee, Kansas, and which shall
22 be known as Washburn university.

23 (b) Prior to July 1, 2000, Washburn university shall
24 continue to be known as Washburn university of Topeka and,
25 subject to the provisions of this act, shall continue to be
26 operated and managed as a municipal university and shall be
27 entitled to all financial aid payments provided for by law.

28 (c) Except as otherwise specifically provided in this act,
29 after June 30, 2000, Washburn university shall be the successor
30 in interest to Washburn university of Topeka and all properties,
31 moneys, rights, authorities and liabilities of Washburn
32 university of Topeka, except endowment property, are hereby
33 transferred to and imposed upon Washburn university. Except as
34 otherwise specifically provided in this act, after June 30, 2000,
35 whenever Washburn university of Topeka, or words of like effect,

1 is referred to or designated by any statute, contract or other
2 document, such reference or designation shall be deemed to apply
3 to Washburn university, a state educational institution.

4 New Sec. 54. (a) On July 1, 2000, the board of regents of
5 Washburn university of Topeka shall transfer and convey all of
6 the campus property of Washburn university of Topeka and all of
7 the rights, title or interest that Washburn university may have
8 in such campus property on the date of transfer, or may
9 thereafter acquire in such campus property, to the state council
10 for and on behalf of the state of Kansas. On July 1, 2000, the
11 state council shall succeed by operation of law to all rights and
12 liabilities of Washburn university of Topeka, except for: (1)
13 Endowment property, (2) general obligation bonds of Washburn
14 university of Topeka which are approved or issued and outstanding
15 on or before July 1, 2000, (3) contractual obligations regarding
16 employees of Washburn university of Topeka which obligations are
17 covered by section 56, and amendments thereto, and (4) any other
18 rights and liabilities otherwise specifically provided for by any
19 other section of this act. All obligations and interest on such
20 general obligation bonds shall be met and satisfied as provided
21 in section 60, and amendments thereto.

22 (b) The state council, for and on behalf of the state of
23 -Kansas, shall accept the transfers and conveyances of title to
24 all of the campus property of Washburn university of Topeka.
25 Actual possession, control and supervision of the university and
26 the campus property thereof by the state of Kansas through the
27 state council shall be effective on July 1, 2000.

28 New Sec. 55. (a) Prior to July 1, 2000, and subject to the
29 provisions of this act, the board of regents of Washburn
30 university of Topeka shall be the governing body of Washburn
31 university of Topeka and shall exercise such power and authority
32 as is provided by law for the operation and management of
33 Washburn university of Topeka in its status as a municipal
34 university.

35 (b) After July 1, 1999, the board of regents of Washburn

1 university of Topeka shall serve as liaison with the state board
2 of regents and the Kansas council on higher education for the
3 purpose of implementation of transitional adjustments in the
4 operations and procedures of the university as a state agency.
5 During the transition period, the board of regents of Washburn
6 university of Topeka may perform such other powers, duties and
7 functions as may be prescribed by the state council with regard
8 to Washburn university or by law.

9 (c) During the transition period, Washburn university shall
10 make the required adjustments in the accounting, purchasing,
11 personnel, budgeting and other administrative operations,
12 policies and procedures to conform to the operations, policies
13 and procedures required under laws, rules and regulations and
14 policies which are applicable to state educational institutions
15 under the control and supervision of the state board of regents
16 or the Kansas council on higher education, as the case may be.
17 Except as otherwise authorized or prescribed by this act or by
18 the secretary of administration, the provisions of laws and rules
19 and regulations pertaining to accounting, purchasing, personnel,
20 budgeting and other administrative matters, which are
21 administered by the department of administration, or any division
22 or officer thereof, and which apply to other state educational
23 institutions, shall not apply to Washburn university during such
24 transition period and Washburn university is hereby authorized to
25 use other operating procedures and policies for such purposes in
26 accordance with the provisions of this act.

27 (d) During the transition period, subject to provisions of
28 appropriation acts and subject to approval by the secretary of
29 administration and the state council, Washburn university may
30 transfer moneys in the Washburn university support fund and
31 moneys in the Washburn operating grant account of the state
32 general fund to a bank located in Shawnee county, Kansas, to the
33 account of Washburn university. The bank account shall be awarded
34 to a bank located in Shawnee county, Kansas, by the pooled money
35 investment board under a written agreement in accordance with

1 procedures for state bank accounts under K.S.A. 75-4217, and
2 amendments thereto, and shall be secured by pledge of securities
3 in the manner prescribed for state bank accounts under K.S.A.
4 75-4218, and amendments thereto, and in the amount prescribed for
5 fee agency accounts under that statute. Each such transfer shall
6 be made upon vouchers of the state council, which the director of
7 accounts and reports and the state treasurer are hereby
8 authorized and directed to honor by making such transfers, and
9 the moneys so transferred shall be for use by Washburn university
10 in operating and conducting the activities of the university
11 during the transition period. Washburn university shall make a
12 full and complete report on a monthly basis to the state council
13 and the secretary of administration of all expenditures from such
14 bank account. During the transition period, all other funds of
15 Washburn university shall be maintained on deposit to the account
16 of Washburn university with the same bank selected under this
17 subsection by the pooled money investment board.

18 (e) The provisions of this section shall be construed and
19 applied to effectuate the orderly and timely transition of
20 Washburn university from an autonomous municipal university to a
21 state educational institution under the control and supervision
22 of the state council on higher education.

23 (f) As used in this section "transition period" means the
24 period from July 1, 1999, through June 30, 2000, except that such
25 period may be extended upon approval by the state council, upon
26 request therefor by Washburn university, for an additional
27 specified period which shall end on or before June 30, 2001.

28 New Sec. 56. (a) On or before July 15, 1999, the board of
29 regents of Washburn university of Topeka shall submit to the
30 state council a list of employees of Washburn university of
31 Topeka who are recommended for appointment by the state council
32 on July 1, 2000, as employees of Washburn university. On or
33 before June 15, 2000, the state council shall advise the board of
34 regents of Washburn university of Topeka of its approval or any
35 modification of such list.

1 (b) On July 1, 2000, the state council shall appoint the
2 employees on such list, as approved or as modified and approved
3 by the state council, to positions in the classified service or
4 unclassified service under the Kansas civil service act at
5 Washburn university and, consistent with the Kansas civil service
6 act, establish the terms and conditions of employment for such
7 employees. Each such employee whose position is within the
8 classified service under the Kansas civil service act shall be
9 deemed to be subject to and qualified under the Kansas civil
10 service act for the position to which such employee is appointed
11 at the time of the assumption of control and supervision by the
12 state council on July 1, 2000.

13 (c) (1) On and after July 1, 2000, except as otherwise
14 provided by this act, employees of Washburn university shall be
15 eligible as provided by statute for membership in the Kansas
16 public employees retirement system or as provided by statute for
17 participation in the retirement annuity plan under K.S.A.
18 74-4925, and amendments thereto. No prior service credit under
19 the Kansas public employees retirement system shall be credited
20 to such employees for service with Washburn university of Topeka
21 prior to July 1, 2000, except that such service prior to July 1,
22 2000, shall be credited toward satisfaction of the requirement to
23 -complete the certain period of service required for membership by
24 such persons in the Kansas public employees retirement system and
25 shall be credited toward satisfaction of the requirement to
26 complete the certain period of service required for such persons
27 to be granted a vested retirement benefit in such retirement
28 system, as provided by statute for persons eligible for
29 membership in the Kansas public employees retirement system, or
30 shall be credited toward satisfaction of the requirement to
31 complete the certain period of service required for such persons
32 to participate in the retirement annuity plan under K.S.A.
33 74-4925, and amendments thereto, as provided by statute for
34 persons eligible to participate in such retirement annuity plan.

35 (2) Each person who is appointed by the state board of

1 regents to a position in the classified service under the Kansas
2 civil service act under subsection (b) and who did participate in
3 the retirement plan of Washburn university of Topeka prior to
4 July 1, 2000, shall elect by filing a written election in the
5 office of the Kansas public employees retirement system, in the
6 form and manner prescribed by the board of trustees of such
7 system, prior to July 18, 2000, either to become eligible for
8 assistance by the state board of regents in the purchase of a
9 retirement annuity under K.S.A. 74-4925, and amendments thereto,
10 or not to become eligible for such assistance. Failure to file
11 such written election shall be presumed to be an election not to
12 become eligible for such assistance. Such election, whether to
13 become eligible to receive such assistance or not to become
14 eligible to receive such assistance, shall be effective as of the
15 first day of the first complete payroll period which commences on
16 or after July 1, 2000, and shall be irrevocable.

17 (d) All employees appointed under this section to positions
18 at Washburn university shall be credited with all service of such
19 employees with Washburn university of Topeka prior to July 1,
20 2000, for all purposes of determining longevity and longevity
21 benefits under the Kansas civil service act or under the policies
22 and rules and regulations of the state council. All sick and
23 personal leave accrued by such employees for service with
24 Washburn university of Topeka prior to July 1, 2000, shall be
25 credited to such employees as sick and vacation leave under the
26 applicable policies and rules and regulations of the state
27 council or rules and regulations adopted under the Kansas civil
28 service act.

29 (e) Subject to and in accordance with the provisions of
30 appropriation acts, in order to provide employee and family
31 health care coverage or health care services of a health
32 maintenance organization for employees appointed under this
33 section to positions at Washburn university, the Kansas state
34 employees health care commission and the secretary of
35 administration are hereby authorized to adopt and make

1 supplemental provisions for the participation of such employees
2 within the state health care benefits program under the cafeteria
3 benefits plan established pursuant to K.S.A. 75-6512, and
4 amendments thereto.

5 New Sec. 57. (a) On July 1, 1999, or as soon thereafter as
6 outstanding, long-term investments may be liquidated without
7 penalty, the board of regents of Washburn university of Topeka,
8 with regard to any such long-term investments, shall pay to the
9 state treasurer all unencumbered and unexpended moneys of
10 Washburn university of Topeka, except moneys (1) which constitute
11 endowment property, (2) which are the moneys of a not-for-profit
12 corporation operating the student union at the university or of
13 any other not-for-profit corporation participating in university
14 affiliated activities, or (3) which are the proceeds from the
15 levy authorized by K.S.A. 13-13a23, and amendments thereto. Upon
16 receipt of such moneys, the state treasurer shall deposit the
17 entire amount in the state treasury to the credit of the Washburn
18 university support fund which is hereby created in the state
19 treasury.

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

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

32 (c) After June 30, 2000, any moneys to which Washburn
33 university of Topeka is entitled from the tax levy made by the
34 board of regents of Washburn university of Topeka under K.S.A.
35 12-16,102, 13-13a18, 13-13a23 or 75-6110, and amendments thereto,

1 for tax years prior to tax year 2000, shall be paid to the
2 Washburn board and shall be used for the purposes authorized by
3 section 58, and amendments thereto.

4 New Sec. 58. (a) At the time of the transfer of control and
5 supervision of Washburn university to the state council on July
6 1, 2000, the board of regents of Washburn university of Topeka
7 shall be and is hereby abolished and there shall be and is hereby
8 established the board of trustees for Washburn university, which
9 shall be referred to as the Washburn board. Within the powers,
10 duties and functions prescribed by this act, the Washburn board
11 is hereby declared to be an agency of the state for all purposes
12 under the Kansas tort claims act and the members of the Washburn
13 board are hereby declared to be employees of the state for all
14 purposes under the Kansas tort claims act.

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

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

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

1 responsibilities for its functions, which are not in conflict
2 with this act or any other law. The Washburn board shall also
3 have the power and authority to use the proceeds of the tax levy
4 provided for in section 60, and amendments thereto, for purposes
5 to the benefit of Washburn university which shall include, but
6 not be limited to, construction, reconstruction or equipping of
7 new or existing buildings or for any other permanent
8 improvements. After July 1, 2000, the Washburn board shall also
9 have the power and authority to issue bonds as provided in
10 section 60, and amendments thereto.

11 New Sec. 59. On July 1, 2000, the board of trustees of the
12 Washburn endowment association, a not-for-profit corporation
13 organized and existing under the laws of Kansas, shall assume all
14 of the rights, powers and authority of, and shall be deemed to be
15 the same legal entity as, the board of regents of Washburn
16 university of Topeka with respect to endowment property of
17 Washburn university of Topeka and shall succeed by operation of
18 law to the ownership of all such endowment property and all such
19 endowment property is hereby transferred and conveyed thereto.
20 The board of trustees of the Washburn endowment association shall
21 have the right to hold, manage, lease, sell and receive
22 properties, real and personal, for the endowment or benefit of
23 Washburn university.

24 New Sec. 60. (a) The governing body of the city of Topeka
25 shall levy an annual tax commencing with the tax year 2000 at the
26 rate fixed by the Washburn board of not to exceed 5.0 mills on
27 all taxable tangible property in such city. That portion of the
28 amount constituting the proceeds of such levy together with the
29 proceeds of levies for prior years under K.S.A. 13-13a23, and
30 amendments thereto, as are required to retire and pay the
31 interest on bonds of Washburn university of Topeka approved or
32 issued and outstanding on or before July 1, 2000, or on bonds of
33 the Washburn board issued under this section and outstanding
34 after July 1, 2000, shall be paid by the county treasurer to the
35 state treasurer and, upon receipt of the same, the state

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

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

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

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

1 purposes authorized by section 58, and amendments thereto, as may
2 be determined by the Washburn board, except that the Washburn
3 board shall not make any expenditures for any expense of Washburn
4 university or for any campus property thereof unless such
5 expenditures have received prior approval by the state council.

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

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

18 ~~New Sec. 61. For the 2000-01 academic year and for each
19 academic year thereafter, until such time as the state council on
20 higher education determines that the rates of Kansas resident
21 undergraduate tuition for the regional state educational
22 institutions are comparable to the rate of Kansas resident
23 undergraduate tuition for Washburn university, the state council
24 shall submit budget requests for Washburn university which
25 presume that the percentage increase in the rate of Kansas
26 resident undergraduate tuition for Washburn university shall be
27 no greater than 1/2 of the percentage increase in the rate of
28 Kansas resident undergraduate tuition for the regional state
29 educational institutions.~~

30 ~~New Sec. 62. (a) As used in this section:~~

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