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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 10, 1998 in Room 519-S of the Capitol.

All members were present except Representatives Helgerson and Kejr who were on excused absence.

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**. The Revisor of Statutes office distributed copies of **HCR 5049 (Attachment 1)** and **Sub. for HB 2793 (Attachment 2)**.

After discussion Representative McKechnie moved we adopt balloon amendments. Representative Farmer seconded the motion. Motion unanimously adopted. Representative Farmer moved the committee accept substitute for HB 2793 as amended. Representative McKechnie seconded the motion. Motion unanimously adopted.

Representative McKechnie moved that HCR 5049 be passed. Representative Weber seconded the motion. Motion unanimously adopted.

Representative Adkins then thanked the staff, Board of Education, Board of Regents and the media for all of the help the committee has received during the meetings for the Select Committee on Higher Education. No further meetings are planned at this time.

SELECT COMMITTEE ON HIGHER EDUCATION  
COMMITTEE GUEST LIST

DATE: March 10, 1998

NAME	REPRESENTING
McPomatto	PSU
Joe Birmingham	KSDE
Craig Grant	HNFA
David J. Monical	Washburn
Tommy Sesto	WSU
Steve KEARNEY	KAAUTS
Ray Hauke	Staff Ks Board of Regents
Stephen Jordan	KBOR

Session of 1998

## House Concurrent Resolution No. 5049

By Select Committee on Higher Education

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

11

12 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
13 *members elected (or appointed) and qualified to the House of Repre-*  
14 *sentatives and two-thirds of the members elected (or appointed) and*  
15 *qualified to the Senate concurring therein:*

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

20 "§ 2. ~~State board of education and state board of regents~~  
21 *Kansas council on higher education.* (a) The legislature shall provide  
22 for a state board of education which shall have general supervision  
23 of public schools, educational institutions and all the educational  
24 interests of the state, except educational functions delegated by law  
25 to the ~~state board of regents~~ *Kansas council on higher education.*  
26 The state board of education shall perform such other duties as may  
27 be provided by law.

28 (b) The legislature shall provide for a ~~state board of regents~~  
29 *Kansas council on higher education* and for its control and super-  
30 vision or coordination of public institutions of higher education.  
31 Public institutions of higher education shall include universities and  
32 colleges granting ~~baccalaureate or postbaccalaureate~~ degrees and  
33 such other institutions and educational interests as may be provided  
34 by law. The ~~state board of regents~~ *Kansas council on higher edu-*  
35 *cation* shall perform such other duties as may be prescribed by law.

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

38 § 3. ~~Members of state board of education and state board~~  
39 ~~of regents~~ *Kansas council on higher education.* (a) There shall be  
40 ten members of the state board of education with overlapping terms  
41 as the legislature may prescribe. The legislature shall make provi-  
42 sion for ten member districts, each comprised of four contiguous  
43 senatorial districts. The electors of each member district shall elect

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*Attachment 1*

1 one person residing in the district as a member of the board. The  
2 legislature shall prescribe the manner in which vacancies occurring  
3 on the board shall be filled. *Subsequent redistricting shall not dis-*  
4 *qualify any member of the board from service for the remainder of*  
5 *the member's term.*

6 (b) The ~~state board of regents~~ *Kansas council on higher edu-*  
7 *cation* shall have ~~nine~~ 11 members with overlapping terms as the  
8 legislature may prescribe. Members shall be appointed by the gov-  
9 ernor *as provided by law*, subject to confirmation by the senate.  
10 ~~One member shall be appointed from each congressional district~~  
11 ~~with the remaining members appointed at large; however, no two~~  
12 ~~members shall reside in the same county at the time of their ap-~~  
13 ~~pointment.~~ Vacancies occurring on the ~~board~~ *council* shall be filled  
14 by appointment by the governor as provided by law. *The terms of*  
15 *office of members appointed to the council shall be prescribed by*  
16 *the legislature, but no such term of office shall be longer than six*  
17 *years.*

18 (c) ~~Subsequent redistricting shall not disqualify any member of~~  
19 ~~either board from service for the remainder of his term.~~ Any mem-  
20 ber of ~~either the board or the council~~ may be removed from office  
21 for cause as may be provided by law.

22 § 6. **Finance.** (a) The legislature may levy a permanent tax for  
23 the use and benefit of state institutions of higher education and  
24 apportion among and appropriate the same to the several institu-  
25 tions, which levy, apportionment and appropriation shall continue  
26 until changed by statute. Further appropriation and other provision  
27 for finance of institutions of higher education may be made by the  
28 legislature.

29 (b) The legislature shall make suitable provision for finance of  
30 the educational interests of the state. No tuition shall be charged  
31 for attendance at any public school to pupils required by law to  
32 attend such school, except such fees or supplemental charges as  
33 may be authorized by law. The legislature may authorize the ~~state~~  
34 ~~board of regents~~ *Kansas council on higher education* to establish  
35 tuition, fees and charges at institutions under its *control and su-*  
36 *per vision.*

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

39 § 7. **Savings and transition clause.** (a) All laws in force at the  
40 time of the adoption of this amendment ~~and consistent therewith~~  
41 shall remain in full force and effect until amended or repealed by  
42 the legislature. ~~All laws inconsistent with this amendment, unless~~  
43 ~~sooner repealed or amended to conform with this amendment, shall~~



1 ~~remain in full force and effect until July 1, 1960.~~

2 (b) ~~Notwithstanding any other provision of the constitution to~~  
3 ~~the contrary, no state superintendent of public instruction or county~~  
4 ~~superintendent of public instruction shall be elected after January~~  
5 ~~1, 1967.~~

6 (c) ~~The state perpetual school fund or any part thereof may be~~  
7 ~~managed and invested as provided by law or all or any part thereof~~  
8 ~~may be appropriated, both as to principal and income, to the sup-~~  
9 ~~port of the public schools supervised by the state board of educa-~~  
10 ~~tion. The legislature shall provide for the transition of authority~~  
11 ~~from the state board of regents to the Kansas council on higher~~  
12 ~~education on or before July 1, 2000."~~

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

15 *"Explanatory statement.* This amendment would require the leg-  
16 islature to provide for a Kansas council on higher education and to  
17 provide for the council's control and supervision or coordination of  
18 public institutions of higher education by July 1, 2000. The council  
19 would have 11 members appointed by the governor subject to con-  
20 firmation by the senate. Members would have overlapping terms of  
21 office of up to six years, as provided by law.

22 "A vote for this proposition would require the legislature to pro-  
23 vide for a Kansas council on higher education which would control  
24 and supervise or coordinate public institutions of higher education  
25 by July 1, 2000, and would remove the requirement for a state board  
26 of regents.

27 "A vote against this proposition would retain the requirement for  
28 a state board of regents and for its control and supervision of state  
29 universities and would provide for the general supervision of com-  
30 munity colleges, technical colleges and vocational education schools  
31 to remain with the state board of education."

32 Sec. 3. This resolution, if approved by two-thirds of the members  
33 elected (or appointed) and qualified to the House of Representatives and  
34 two-thirds of the members elected (or appointed) and qualified to the  
35 Senate, shall be entered on the journals, together with the yeas and nays.  
36 The secretary of state shall cause this resolution to be published as pro-  
37 vided by law and shall cause the proposed amendment to be submitted  
38 to the electors of the state at the general election to be held on November  
39 3, 1998.

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Session of 1998

## Substitute for House Bill No. 2793

By Select Committee on Higher Education

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10 AN ACT concerning postsecondary education; establishing the Kansas  
11 council on higher education; educational coordinating commission;  
12 joint committee on postsecondary education; prescribing powers, du-  
13 ties, functions and guidelines; providing funding; establishing Wash-  
14 burn university as a state educational institution under the control and  
15 supervision of the council; making and concerning appropriations for  
16 the fiscal years ending June 30, 1999, June 30, 2000, June 30, 2001,  
17 and June 30, 2002; amending K.S.A. 12-16,102, 71-204, 71-501, 71-  
18 601, 71-604, 71-605, 71-609a, 71-610, 71-613, 71-801, 71-1508, 71-  
19 1702, 79-5021, 79-5022, 79-5024, 79-5025, 79-5026, 79-5028 and 79-  
20 5032 and K.S.A. 1997 Supp. 19-101a, 71-201, 71-301, 71-401, 71-602,  
21 71-607, 71-609, 71-611, 71-613a and 74-4925 and repealing the exist-  
22 ing sections; also repealing K.S.A. 13-13a25, 13-13a26, 13-13a27, 13-  
23 13a28, 13-13a29, 13-13a30, 13-13a31, 13-13a32, 13-13a33, 13-13a34,  
24 46-1208a, 46-1208b, 71-304, 71-305, 71-306, 71-403 and 72-4424 and  
25 K.S.A. 1997 Supp. 71-619.

26  
27 *Be it enacted by the Legislature of the State of Kansas:*

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

30 (b) The purpose of this act is to provide for the general improvement  
31 of postsecondary education in the state of Kansas and to establish the  
32 Kansas council on higher education to provide leadership, governance  
33 and coordination for postsecondary educational institutions so that en-  
34 hanced accessibility, quality, excellence, accountability, research and serv-  
35 ice may be achieved in the postsecondary educational system for Kansans  
36 through the efficient and effective utilization and concentration of all  
37 available resources and the elimination of costly and undesirable dupli-  
38 cation in program and course offerings, faculties and physical facilities at  
39 postsecondary educational institutions.

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

42 (a) "State council" means the Kansas council on higher education  
43 provided for in the constitution of this state and established by section 3,

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1 and amendments thereto.

2 (b) "State board of regents" means the state board of regents estab-  
3 lished by K.S.A. 74-3201, and amendments thereto.

4 (c) "State educational institution" means any state educational insti-  
5 tution, as defined by K.S.A. 76-711, and amendments thereto, and Wash-  
6 burn university.

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

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

11 (f) "Vocational school" means any area vocational school or area vo-  
12 cational-technical school established under the laws of this state and ap-  
13 proved and officially designated as such by the state board of education.

14 (g) "Postsecondary educational institution" means any state educa-  
15 tional institution, community college, technical college, and any voca-  
16 tional school and includes any entity resulting from the consolidation or  
17 affiliation of any two or more of such postsecondary educational institu-  
18 tions.

19 New Sec. 3. (a) There is hereby established the Kansas council on  
20 higher education. The state council shall be composed of 11 members  
21 appointed by the governor, subject to confirmation by the senate as pro-  
22 vided in K.S.A. 75-4315b, and amendments thereto. Except as provided  
23 by K.S.A. 1997 Supp. 46-2601, and amendments thereto, no person ap-  
24 pointed to the state council shall exercise any power, duty or function as  
25 a member of the state council until confirmed by the senate. Each mem-  
26 ber shall hold office for a term of six years, except as provided for the  
27 first members appointed to the state council, and until a successor is  
28 appointed and confirmed. Terms of members shall expire on January 15.  
29 No person shall serve more than two terms of office as a member of the  
30 state council, except that this limitation shall not include the first term of  
31 office of any person appointed and qualified as a member of the initial  
32 state council in accordance with subsection (b)(2).

33 (b) (1) One member of the state council shall be a resident of each  
34 congressional district with the remaining members appointed from  
35 among all residents of Kansas, except that no two members shall reside  
36 in the same county at the time of their appointment unless each county  
37 in the congressional district has a member residing in the county at the  
38 time of their appointment. Subsequent redistricting of congressional dis-  
39 tricts shall not disqualify any member of the state council from service  
40 for the remainder of the member's term of office. At no time shall more  
41 than six members of the state council be members of the same political  
42 party.

43 (2) In addition to and subject to the other provisions of this section,

1 the first appointed members of the state council shall be appointed by  
2 the governor on or before February 1, 1999, in accordance with the fol-  
3 lowing:

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

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

14 (C) from among a list of nominations of not less than four nominees  
15 which shall be submitted to the governor by the Kansas association of  
16 community college trustees on or before January 1, 1999, the governor  
17 shall appoint one member who shall have a term of office of six years and  
18 one member who shall have a term of office of three years;

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

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

27 (F) no person who is an elected official or an officer or employee of  
28 any postsecondary educational institution shall be nominated for appoint-  
29 ment under this subsection (b)(2).

30 (c) The members of the Kansas council on higher education shall  
31 meet and organize annually by electing one member as chairperson, ex-  
32 cept that the governor shall designate the first chairperson of the state  
33 council from among the first members appointed to the state council.

34 (d) Members of the Kansas council on higher education attending  
35 meetings of the state council, or attending a subcommittee meeting  
36 thereof authorized by the state council, shall be paid compensation, sub-  
37 sistence allowances, mileage and other expenses as provided in K.S.A. 75-  
38 3212, and amendments thereto, for members of the legislature.

39 New Sec. 4. The state council shall meet at least quarterly each year  
40 in Topeka on dates fixed by the state council. Special meetings may be  
41 held upon the call of the chairperson or upon the petition to the chief  
42 executive officer of the state council by six members of the council, the  
43 date and place of all special meetings to be designated in the call. Six

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1 members of the state council shall constitute a quorum for the transaction  
2 of business but less than six members may adjourn any regular or special  
3 meeting to a definite time and place.

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

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

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

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

33 New Sec. 7. (a) On and after July 1, 2000, the Kansas council on  
34 higher education shall control and supervise the operation and manage-  
35 ment of all state educational institutions in accordance with the provisions  
36 of this act. The budget estimate for each state educational institution for  
37 each fiscal year commencing after June 30, 2000, shall be subject to re-  
38 view, modification and approval by the Kansas council on higher educa-  
39 tion prior to being submitted to the division of the budget for review by  
40 the governor and the legislature as provided by statute.

1 (b) On and after July 1, 2000, the state council shall have authority  
2 to appoint the chief executive officers, establish personnel policies, set  
3 fees and tuition and approve the missions for each state educational in-

1 stitution.

2 New Sec. 8. (a) On and after July 1, 2000, the Kansas council on  
3 higher education shall coordinate all postsecondary education activities of  
4 all postsecondary educational institutions, in accordance with the provi-  
5 sions of this act. On and after July 1, 2000, all postsecondary education  
6 activities of state educational institutions, community colleges, technical  
7 colleges, and vocational schools shall be subject to the policies and ap-  
8 proval of the Kansas council on higher education that coordinate such  
9 activities in accordance with the provisions of this act. On and after July  
10 1, 2000, the board of trustees or other governing board of each com-  
11 munity college, technical college or vocational school, or of any entity  
12 resulting from the consolidation of any two or more community colleges,  
13 technical colleges or vocational schools, shall continue to govern each  
14 such community college, technical college, vocational school or such other  
15 entity as provided by statute.

16 (b) For the purposes of coordinating all postsecondary education ac-  
17 tivities of all postsecondary educational institutions on and after July 1,  
18 2000, the state council is hereby authorized to and shall:

- 19 (1) Develop comprehensive long range plans;
- 20 (2) determine institutional roles and review institutional missions;
- 21 (3) require the development of institutional master plans;
- 22 (4) develop measurable performance indicators;
- 23 (5) review and approve course offerings, course locations, programs  
24 and degrees;
- 25 (6) conduct ongoing program review;
- 26 (7) encourage and oversee cooperative postsecondary programs  
27 among postsecondary educational institutions;
- 28 (8) administer statewide student financial assistance programs;
- 29 (9) develop and implement long range plans for the utilization of  
30 distance learning technologies;
- 31 (10) collect and maintain a uniform postsecondary education data-  
32 base; and
- 33 (11) recommend statewide postsecondary funding levels for all  
34 postsecondary educational institutions to the governor and the legislature,  
35 which shall include the budget estimates for the state educational insti-  
36 tutions approved by the state council under subsection (a) of section 7,  
37 and amendments thereto.

38 New Sec. 9. The state council shall create advisory committees and  
39 appoint the members thereof when the state council determines that such  
40 advisory committees are needed to assist the state council in the perform-  
41 ance of its duties and functions. Each such advisory committee shall ad-  
42 vise and consult with and advise the state council with reference to the  
43 matters referred to the advisory committee. Members of any advisory



1 committee created under authority of this section attending meetings of  
 2 such committee or attending a subcommittee meeting thereof authorized  
 3 by such committee shall be paid subsistence allowances, mileage and  
 4 other expenses as provided in K.S.A. 75-3223, and amendments thereto,  
 5 but shall receive no compensation for services as such members. The  
 6 council is authorized to make expenditures to provide space for holding  
 7 meetings of advisory committees created under this section, including  
 8 expenditures for official hospitality.

9 New Sec. 10. There is hereby established the educational coordinat-  
 10 ing commission which shall serve as a liaison committee between the  
 11 Kansas council on higher education and the state board of education to  
 12 ensure a seamless system of education. The educational coordinating  
 13 commission shall be composed of three members of the state board of  
 14 education selected by that board and three members of the Kansas coun-  
 15 cil on higher education selected by the state council. The educational  
 16 coordinating commission members shall serve two year terms and shall  
 17 annually elect a chair of the commission. The educational coordinating  
 18 commission shall establish its own rules and policies of operation and  
 19 procedure.

20 New Sec. 11. (a) There is hereby created the joint committee on  
 21 postsecondary education which shall be composed of five members of the  
 22 senate and nine members of the house of representatives and shall be  
 23 appointed in accordance with the following:

24 (1) The president of the senate shall appoint three of the senate  
 25 members and the senate minority leader shall appoint two of the senate  
 26 members;

27 (2) the speaker of the house of representatives shall appoint five of  
 28 the representative members and the minority leader of the house of rep-  
 29 resentatives shall appoint four of the representative members; and

30 (3) any vacancy in the membership of the joint committee shall be  
 31 filled by appointment in the manner prescribed for the original appoint-  
 32 ment.

33 (b) All members of the joint committee on postsecondary education  
 34 shall serve for terms of office ending on the first day of the regular session  
 35 of the legislature in odd-numbered years. The joint committee shall or-  
 36 ganize annually and elect a chairperson and a vice-chairperson in accord-  
 37 ance with this subsection. During calendar year 1999 and each odd-num-  
 38 bered year thereafter, the chairperson shall be one of the representative  
 39 members of the joint committee and the vice-chairperson shall be one of  
 40 the senate members of the joint committee. During calendar year 2000  
 41 and each even-numbered year thereafter, the chairperson shall be one of  
 42 the senate members of the joint committee and the vice-chairperson shall  
 43 be one of the representative members of the joint committee. The vice-

1 chairperson shall exercise all of the powers of the chairperson in the  
 2 absence of the chairperson. If a vacancy occurs in the office of chairperson  
 3 or vice-chairperson, a member of the joint committee, who is a member  
 4 of the same house as the member who vacated the office, shall be elected  
 5 by the members of the joint committee to fill the vacancy.

6 (c) A quorum of the joint committee on postsecondary education  
 7 shall be eight members. All actions of the joint committee shall be taken  
 8 by a majority of all of the members of the joint committee. The joint  
 9 committee on postsecondary education may meet at any time and at any  
 10 place within the state on the call of the chairperson.

11 (d) The joint committee on postsecondary education is hereby au-  
 12 thorized to exercise the powers of compulsory process in connection with  
 13 any authorized subject of inquiry, study or investigation in accordance  
 14 with the provisions of K.S.A. 46-1001 through 46-1017, and amendments  
 15 thereto, and specifically including the authority to exercise such powers  
 16 of compulsory process with respect to enforcing any request for infor-  
 17 mation of the Kansas council of higher education, the educational coor-  
 18 dinating commission, the department of education and any postsecondary  
 19 educational institution.

20 (e) The joint committee on postsecondary education shall assist in  
 21 the development and monitoring of performance measures for postse-  
 22 condary educational institutions to ensure the fiscal and academic integ-  
 23 rity of the postsecondary education system. The joint committee shall  
 24 receive and review reports from the educational coordinating commis-  
 25 sion, and any advisory committees created by the Kansas council on  
 26 higher education and an annual strategic planning report from the state  
 27 council. The joint committee shall review the plans for public and private  
 28 postsecondary education in Kansas, including vocational and technical  
 29 education. The joint committee shall annually make a report and rec-  
 30 ommendations to the legislature and the governor and may cause the  
 31 same to be published separately from other documents which are re-  
 32 quired by law to be submitted to the legislative coordinating council. The  
 33 reports and recommendations of the joint committee shall include a re-  
 34 view of the schedule for implementation of educational goals established  
 35 by the Kansas council on higher education. The joint committee shall  
 36 prepare a report to the legislature at the beginning of the regular session  
 37 in 2000 on the feasibility of a virtual campus to provide educational access  
 38 to programs offered by postsecondary educational institutions via tech-  
 39 nology.

40 (f) Upon request of the joint committee on postsecondary education,  
 41 the state board of regents, Kansas council on higher education and the  
 42 state board of education shall provide consultants to provide assistance to  
 43 the joint committee from the faculties and staffs of institutions and agen-

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1 cies under the respective control and jurisdiction thereof.  
 2 (g) The joint committee on postsecondary education may introduce  
 3 such legislation as it deems necessary in performing its functions.  
 4 (h) The provisions of the acts contained in article 12 of chapter 46 of  
 5 the Kansas Statutes Annotated, and amendments thereto, applicable to  
 6 special committees shall apply to the joint committee on postsecondary  
 7 education to the extent that the same do not conflict with the specific  
 8 provisions of this act applicable to the joint committee.  
 9 New Sec. 12. On the effective date of this act, the following state  
 10 agency and office shall be and hereby are abolished:  
 11 (a) The state board of regents required to be provided for by section  
 12 2 of article 6 of the constitution of this state prior to adoption by the  
 13 electors of this state of the proposition to revise article 6 as provided in  
 14 1998 House Concurrent Resolution No. 5049; and  
 15 (b) the office of executive officer of the state board of regents pro-  
 16 vided to be appointed by K.S.A. 74-3203, and amendments thereto.  
 17 New Sec. 13. For the purpose of concluding operations, the state  
 18 board of regents and the office of executive officer of the state board of  
 19 regents abolished by this act shall continue in existence until June 30,  
 20 2000. During such period of existence and notwithstanding the abolition  
 21 of the state board of regents and the office of executive officer of the  
 22 state board of regents, such state agency and officer shall exercise all of  
 23 the powers, duties and functions that were vested therein prior to aboli-  
 24 tion by this act. Upon the expiration of such period of existence, the state  
 25 board of regents and the chief executive officer thereof shall cease all  
 26 operations and shall have no further authority to act.  
 27 New Sec. 14. (a) On July 1, 2000, all of the powers, duties, functions,  
 28 records and property of the state agency and office abolished by this act,  
 29 including the power to administer, expend and distribute funds now or  
 30 hereafter made available in accordance with appropriation acts, shall be  
 31 and hereby are transferred to and conferred and imposed upon the state  
 32 council. The state council shall be the successor in every way to the pow-  
 33 ers, duties and functions of the abolished state agency and office, in which  
 34 the same were vested prior to July 1, 2000. The state council shall be a  
 35 continuation of the abolished state agency and office, and every act per-  
 36 formed under the authority of the state council shall be deemed to have  
 37 the same force and effect as if performed by the respective agency or  
 38 office in which the authority to perform such act was vested prior to July  
 39 1, 2000.  
 40 (b) On and after July 1, 2000, whenever the state agency or office  
 41 abolished by this act are referred to or designated by a statute, contract  
 42 or other document, such reference or designation shall be deemed to  
 43 apply to the state council.

1 (c) All rules and regulations of the state board of regents in existence  
 2 on June 30, 2000, shall continue to be effective and shall be deemed to  
 3 be duly adopted rules and regulations of the state council until revised,  
 4 amended, revoked or nullified pursuant to law.  
 5 (d) All policies, orders and directives of the state board of regents in  
 6 existence on June 30, 2000, shall continue to be effective and shall be  
 7 deemed to be orders and directives of the state council, until revised,  
 8 amended or nullified pursuant to law.  
 9 (e) On July 1, 2000, the state council shall succeed to whatever right,  
 10 title or interest the state board of regents has acquired in any real property  
 11 in this state, and the state council shall hold the same for and in the name  
 12 of the state of Kansas. On and after July 1, 2000, whenever any statute,  
 13 contract, deed or other document concerns the power or authority of the  
 14 state board of regents to acquire, hold or dispose of real property or any  
 15 interest therein, the state council shall succeed to such power or authority.  
 16 (f) The state council shall be a continuation of the state board of  
 17 regents.  
 18 New Sec. 15. (a) The state council shall provide that all officers and  
 19 employees of the state board of regents or the state board of education  
 20 who are engaged in the exercise and performance of the powers, duties,  
 21 and functions transferred by this act are transferred to the state council  
 22 if the state council deems that the transfer of such officers and employees  
 23 is necessary to the exercise and performance of such powers, duties and  
 24 functions.  
 25 (b) Officers and employees of the state board of regents or the state  
 26 board of education who are transferred to the state council shall retain  
 27 all retirement benefits and leave rights which had accrued or vested prior  
 28 to the date of transfer. The service of each such officer and employee so  
 29 transferred shall be deemed to have been continuous. All transfers, layoffs  
 30 and abolition of classified service positions under the Kansas civil service  
 31 act which may result from transfers of powers, duties and functions shall  
 32 be made in accordance with the civil service laws and any rules and reg-  
 33 ulations adopted thereunder. Nothing in this act shall affect the classified  
 34 status of any transferred person employed by the state board of regents  
 35 or the state board of education prior to the date of transfer. The state  
 36 council shall be responsible for administering any layoff that is a part of  
 37 the transfer. Notwithstanding the date of transfer of personnel from the  
 38 state board of regents or the state board of education to the state council  
 39 pursuant to the provisions of this act, the date of such transfer shall be  
 40 effective at the start of a payroll period.  
 41 New Sec. 16. (a) When any conflict arises as to the disposition of any  
 42 power, function or duty or the unexpended balance of any appropriation  
 43 as a result of any abolition, transfer or change effected by or under au-

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1 thority of this act, such conflict shall be resolved by the governor, whose  
2 decision shall be final.

3 (b) On July 1, 2000, the state council shall succeed to all property  
4 and records which were used for or pertain to the performance of the  
5 powers, duties and functions transferred to the state council. Any conflict  
6 as to the proper disposition of property or records arising under this  
7 section, and resulting from any abolition or transfer of powers, duties and  
8 functions effected by or under authority of this act, shall be determined  
9 by the governor, whose decision shall be final.

10 New Sec. 17. (a) On and after July 1, 2000, the state council shall  
11 have the legal custody of all records, memoranda, writings, entries, prints,  
12 representations or combinations thereof of any act, transaction, occur-  
13 rence or event of the state board of regents and the executive officer  
14 thereof.

15 (b) No suit, action or other proceeding, judicial or administrative,  
16 lawfully commenced, or which could have been commenced, by or against  
17 the state board of regents or the executive officer thereof in the official  
18 capacity of such board or officer or in relation to the discharge of official  
19 duties of such board or officer, shall abate by reason of the governmental  
20 reorganization effected under the provisions of this act. The court may  
21 allow any such suit, action or other proceeding to be maintained by or  
22 against the state council.

23 (c) No criminal action commenced or which could have been com-  
24 menced by the state shall abate by reason of the governmental reorgan-  
25 ization effected under the provisions of this act.

26 New Sec. 18. (a) On July 1, 2000, the balance of all funds appropri-  
27 ated and reappropriated to the state board of regents is hereby transferred  
28 to the state council and shall be used only for the purpose for which the  
29 appropriation was originally made.

30 (b) On July 1, 2000, the liability for all accrued compensation or sal-  
31 aries of officers and employees who, immediately prior to such date, were  
32 engaged in the performance of powers, duties or functions of the state  
33 board of regents shall be assumed and paid by the state council.

34 New Sec. 19. (a) On July 1, 2000, the community colleges established  
35 and existing under the laws of this state shall be and hereby are trans-  
36 ferred from the supervision of the state board of education to coordina-  
37 tion by the state council. The community colleges shall continue to be  
38 operated, managed and controlled by locally elected boards of trustees.  
39 The state council shall exercise such coordination of the operation, man-  
40 agement and control of community colleges as may be prescribed by law.

41 (b) On July 1, 2000, all of the powers, duties, functions, records and  
42 property of the state board of education relating to community college  
43 operations shall be and are hereby transferred to and conferred and im-

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1 posed upon the state council.

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

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

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

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

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

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

33 (i) Except as otherwise specifically provided in this act, the transfer  
34 of supervision of the community colleges from the state board of edu-  
35 cation to coordination by the state council shall not be construed in any  
36 manner so as to change or affect the operation, management and control  
37 of any community college or to change or affect any existing power, duty  
38 or function of a board of trustees with respect to such operation, man-  
39 agement and control.

40 New Sec. 20. (a) On July 1, 2000, the technical colleges, area voca-  
41 tional schools and area vocational-technical schools established and exist-  
42 ing under the laws of this state shall be and hereby are transferred from  
43 the supervision of the state board of education to coordination by the

10

11

1 state council. The technical colleges, area vocational schools and area  
 2 vocational-technical schools shall continue to be operated, managed and  
 3 controlled by governing boards as provided for in article 44 of chapter 72  
 4 of Kansas Statutes Annotated. The state council shall exercise such co-  
 5 ordination of the operation, management and control of technical col-  
 6 leges, area vocational schools and area vocational-technical schools as may  
 7 be prescribed by law.

8 (b) On July 1, 2000, all of the powers, duties, functions, records and  
 9 property of the state board of education relating to operations of technical  
 10 colleges, area vocational schools and area vocational-technical schools  
 11 shall be and are hereby transferred to and conferred and imposed upon  
 12 the state council.

13 (c) On and after July 1, 2000, the state council shall be the successor  
 14 in every way to the powers, duties and functions of the state board of  
 15 education relating to operations of technical colleges, area vocational  
 16 schools and area vocational-technical schools in which the same were  
 17 vested prior to July 1, 2000. Every act performed by the state council  
 18 shall be deemed to have the same force and effect as if performed by the  
 19 state board of education in which such functions were vested prior to July  
 20 1, 2000.

21 (d) On and after July 1, 2000, whenever the state board of education,  
 22 or words of like effect, is referred to or designated by a statute, contract  
 23 or other document relating to operations of technical colleges, area vo-  
 24 cational schools or area vocational-technical schools, such reference or  
 25 designation shall be deemed to apply to the state council.

26 (e) The state plan for vocational education, prepared and adopted by  
 27 the state board of education pursuant to the provisions of the K.S.A.  
 28 72-4413, and amendments thereto, which is in existence on July 1, 2000,  
 29 shall continue to be effective and shall be deemed to be the duly adopted  
 30 state plan of the state council until revised, amended, revoked or nullified  
 31 pursuant to law.

32 (f) All rules and regulations, and all orders and directives of the state  
 33 board of education relating to operations of technical colleges, area vo-  
 34 cational schools and area vocational-technical schools which are in exis-  
 35 tence on July 1, 2000, shall continue to be effective and shall be deemed  
 36 to be the duly adopted rules and regulations or orders and directives of  
 37 the state council until revised, amended, revoked or nullified pursuant to  
 38 law.

39 (g) The unexpended balance of any appropriation for and any funds  
 40 available to the state board of education for purposes relating to opera-  
 41 tions of technical colleges, area vocational schools and area vocational-  
 42 technical schools shall be transferred to the state council on July 1, 2000.

43 (h) On and after July 1, 2000, all books, records and papers of the

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

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

14 New Sec. 21. During the period of transition from general supervi-  
 15 sion by the state board of education of the community colleges, technical  
 16 colleges, area vocational schools and area vocational-technical schools to  
 17 coordination thereof by the state council and from control and supervision  
 18 by the state board of regents of the state educational institutions to control  
 19 and supervision thereof by the state council, the state board of education  
 20 and the state board of regents shall provide such assistance as the state  
 21 council may request in order to enable the state council to assume in an  
 22 orderly manner the exercise of powers and the performance of duties and  
 23 functions transferred under authority of this act. During such period of  
 24 transition, the state council may exercise such powers and perform such  
 25 duties and functions relating to the control or supervision of postsecon-  
 26 dary educational institutions as may be authorized by interagency agree-  
 27 ments entered into with the state board of regents or the state board of  
 28 education.

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

41 (b) For effectuation of the purposes of this act, the board of trustees  
 42 in addition to such other powers expressly granted to it by law and subject  
 43 to the rules and regulations of the state board of education is hereby

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1 granted the following powers:

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

5 (2) To sue and be sued.

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

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

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

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

24 (7) To enter into contracts.

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

29 (9) To acquire by gift, purchase, lease-purchase, condemnation or  
30 otherwise, and to own, lease, use and operate property, whether real,  
31 personal, or mixed, or any interest therein, which is necessary or desirable  
32 for community college purposes. Any lease-purchase agreement entered  
33 into under authority of this subsection shall be subject to the conditions  
34 set forth in K.S.A. 10-1116c, and amendments thereto. The term of any  
35 lease entered into under authority of this subsection may be for not to  
36 exceed 10 years. Such lease may provide for annual or other payment of  
37 rent or rental fees and may obligate the community college to payment  
38 of maintenance or other expenses. Any lease or lease-purchase agreement  
39 entered into under authority of this subsection shall be subject to change  
40 or termination at any time by the legislature. Any assignment of rights in  
41 any lease or lease-purchase made under this subsection shall contain a  
42 citation of this section and a recitation that the lease or lease-purchase  
43 agreement and assignment thereof are subject to change or termination

1 by the legislature. To the extent that the provisions of the cash-basis and  
2 budget laws conflict with this subsection in such a manner as to prevent  
3 the intention of this subsection from being made effective, the provisions  
4 of this subsection shall control. This provision is subject to the provisions  
5 of subsection (d).

6 (10) To enter into lease agreements as lessor of any property, whether  
7 real, personal, or mixed, which is owned or controlled by the community  
8 college. Any such agreement may specify the purposes for which the  
9 property may be used, require that the property be maintained and op-  
10 erated by the lessee, and may contain such restrictions or limitations on  
11 the use of the property, be entered into for such period of time, and  
12 include such other terms and conditions as the board of trustees deter-  
13 mines to be necessary and proper. Every such agreement shall be subject  
14 to change or termination at any time by the legislature. Any assignment  
15 of rights under any such agreement shall be subject to approval by the  
16 board of trustees and shall contain a citation of this section and a recitation  
17 that the lease agreement and assignment of rights thereunder are subject  
18 to change or termination by the legislature.

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

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

24 (13) To make and promulgate such rules and regulations, not incon-  
25 sistent with the provisions of law or with rules and regulations of the state  
26 board of education, that are necessary and proper for the administration  
27 and operation of the community college, and for the conduct of the busi-  
28 ness of the board of trustees.

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

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

39 (16) To contract with one or more agencies, either public or private,  
40 whether located within or outside the community college district or  
41 whether located within or outside the state of Kansas for the conduct by  
42 any such agencies of academic or vocational education for students of the  
43 community college, and to provide for the payment to any such agencies

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1 for their contracted educational services from any funds or moneys of the  
 2 community college, including funds or moneys received from student  
 3 tuition; ~~out-district tuition~~; and fees, funds received from the state of  
 4 Kansas or the United States for academic or vocational education, or taxes  
 5 collected under K.S.A. 71-204 and ~~72-4424~~, and amendments thereto.  
 6 Any contract made under this subsection with an institution of another  
 7 state shall be subject to the provisions of K.S.A. 71-202, and amendments  
 8 thereto.

9 (17) To authorize by resolution the establishment of a petty cash fund  
 10 in an amount not to exceed \$1,000, and to designate in such resolution  
 11 an employee to maintain such petty cash fund. The employee designated  
 12 in any resolution provided for in this subsection receiving such funds shall  
 13 keep a record of all receipts and expenditures from the fund, and shall  
 14 from time to time, and at the end of the fiscal year, prepare a statement  
 15 for the board showing all receipts, expenditures, and the balance in the  
 16 petty cash fund. The board of trustees may authorize the employee des-  
 17 ignated to maintain any petty cash fund to make a claim for replenishment  
 18 of the fund to its original amount in advance of approval by the board of  
 19 trustees if, at any time during the period between regular monthly meet-  
 20 ings of the board of trustees, the balance remaining in the fund is insuf-  
 21 ficient to make needed expenditures for any purpose for which the petty  
 22 cash fund is maintained. No petty cash fund may be replenished more  
 23 than one time during each period between regular monthly meetings of  
 24 the board of trustees. If a petty cash fund is replenished prior to the end  
 25 of the fiscal year in accordance with the foregoing authorization, the em-  
 26 ployee authorized to maintain the petty cash fund shall keep an accurate  
 27 record of all expenditures made therefrom, and the purpose therefor, and  
 28 shall submit the record to the board of trustees at the next regular  
 29 monthly meeting thereof. The petty cash fund shall be replenished by  
 30 payment from the appropriate funds of the community college to the  
 31 petty cash fund upon proper claim. The fund shall be kept separate from  
 32 all other funds and shall be used only for authorized expenditures and  
 33 itemized receipts shall be taken for each expenditure. No part of such  
 34 fund may be loaned or advanced against the salary of an employee. All  
 35 employees entrusted with such funds under this subsection shall be  
 36 bonded by the community college district.

37 (c) Subject to the provisions of subsection (d), the board of trustees  
 38 may purchase or otherwise acquire land or land and improvements and  
 39 may acquire, construct, reconstruct, repair or remodel improvements  
 40 thereon or additions thereto, including furnishings, equipment, and ar-  
 41 chitectural and incidental expense related thereto, and for such purposes  
 42 the board of trustees is authorized to issue and sell general obligation  
 43 bonds, the cumulative total not to exceed the following amounts: Where

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

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

30 Sec. 23. On July 1, 1999, K.S.A. 71-204 shall be and is hereby  
 31 amended to read as follows: 71-204. (a) For ~~all the purpose~~ of community  
 32 college maintenance and operation purposes, the board of trustees is au-  
 33 thorized to levy a tax on the taxable tangible property of the community  
 34 college district.

35 *Subject to the provisions of subsections (b) and (c), such tax levy shall*  
 36 *is authorized to be the amount determined by the board of trustees to*  
 37 *be sufficient to finance that part of the budget of the community college*  
 38 *which is not financed by either (a) anticipated state aid of any type; (b)*  
 39 *anticipated student tuition; or (c) anticipated out-district tuition; or (d)*  
 40 *anticipated federal aid of any type levied at a rate not to exceed 10 mills*  
 41 *by any community college established by consolidation under the statu-*  
 42 *tory provisions contained in article 13 of chapter 71 of Kansas Statutes*  
 43 *Annotated and at a rate not to exceed 20 mills by any community college*

1 not hereinbefore specified. The budget of the community college shall be  
2 prepared and adopted as provided by law, and the tax levy therefor shall  
3 be certified to the county clerk of every county all or a part of the territory  
4 of which is in the community college district.

5 (b) If in any fiscal year preceding the current fiscal year the tax au-  
6 thorized by subsection (a) to be levied by a community college was levied  
7 at the maximum rate limited by subsection (a), the tax may be levied at  
8 an increased rate. In no event shall the increased rate of levy exceed the  
9 rate necessary to produce 102.5% of the amount that was produced in  
10 the preceding fiscal year. If an increase in the assessed valuation of a  
11 community college district in any fiscal year succeeding a fiscal year in  
12 which the community college increased its rate of levy as provided in this  
13 subsection would produce more than a 2.5% increase in the amount pro-  
14 duced by the levy in the preceding fiscal year, the community college shall  
15 reduce its rate of levy by the millage equivalency of the amount in excess  
16 of 2.5% of the amount that was produced by the levy in the preceding  
17 fiscal year.

18 (c) (1) Notwithstanding the foregoing provisions, the tax levy au-  
19 thorized by this section shall be reduced in the 2000 fiscal year by an  
20 amount equal to 1/2 the amount of the difference between the amount of  
21 state aid received by the community college in the 1999 fiscal year less  
22 the amount of out-district tuition received by the community in such fiscal  
23 year and the amount of state aid to which the community college is entitled  
24 in the current fiscal year.

25 (2) The provisions of this subsection shall expire on June 30, 2000.  
26 Sec. 24. On July 1, 1999, K.S.A. 1997 Supp. 71-301 shall be and is  
27 hereby amended to read as follows: 71-301. (a) The board of trustees shall  
28 charge to and collect from each student tuition at rates per credit hour  
29 enrolled which shall be established by the board of trustees.

30 (b) The board of trustees, in accordance with rules and regulations  
31 of the state board, shall determine an amount of out-district tuition to be  
32 charged for each out-district student attending the community college.  
33 The board of county commissioners of any county charged with payment  
34 of out-district tuition shall levy a tax on all of the taxable property of the  
35 county sufficient to pay all out-district tuition charges authorized by this  
36 act. The proceeds from the tax levied under authority of this section shall  
37 be deposited in a special fund for payment of out-district tuition. Upon  
38 receiving a statement of charges for out-district tuition, the board of  
39 county commissioners shall allow and pay the same from the special fund  
40 within 45 days from the receipt of such statement. If there is insufficient  
41 or no money in the special fund, out-district tuition shall be paid from  
42 the county general fund or from the proceeds of the sale of no-fund  
43 warrants issued for the purpose of the payment of out-district tuition. If

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

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

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

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

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

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

38 Sec. 25. On July 1, 1999, K.S.A. 1997 Supp. 71-401 shall be and is  
39 hereby amended to read as follows: 71-401. (a) Persons enrolling in a  
40 community college who, if adults, have not been, or if minors, whose  
41 parents have not been residents of the county in which is located the  
42 principal campus of the community college for at least six months prior  
43 to enrollment for any term or session are nonresidents of the community

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1 college district for the purpose of determining ~~liability of counties for~~  
2 ~~payment of out-district tuition state aid entitlement.~~

3 (b) *The state board may adopt rules and regulations prescribing cri-*  
4 *teria or guidelines for determination of residence of students in commu-*  
5 *nity college districts and may make conclusive determination of any res-*  
6 *idence matter.*

7 Sec. 26. On July 1, 1999, K.S.A. 71-501 shall be and is hereby  
8 amended to read as follows: 71-501. (a) The board of trustees of any  
9 community college is authorized to make an annual tax levy for a period  
10 of not to exceed five years of not to exceed ~~two three~~ mills upon all taxable  
11 tangible property in the community college district for the purpose of  
12 construction, reconstruction, repair, remodeling, additions to, furnishing  
13 and equipping of community college buildings, architectural expenses  
14 incidental thereto, and the acquisition of real property for use as building  
15 sites or for educational programs. No levy shall be made under this section  
16 until a resolution authorizing the levy is passed by the board of trustees  
17 and published once each week for three consecutive weeks in a news-  
18 paper having general circulation in the community college district. The  
19 resolution shall specify the mill rate of the tax levy and the period of time  
20 for which the tax levy shall be made under authority thereof. After adop-  
21 tion of the resolution, the levy may be made unless, within 60 days fol-  
22 lowing the last publication of the resolution, a petition in opposition to  
23 the levy, signed by not less than 5% of the qualified electors of the com-  
24 munity college district, is filed with the county election officer of the  
25 county in which the main campus of the community college is located. If  
26 a petition is filed, the levy shall not be made without the question of  
27 levying the same having been submitted to and approved by a majority  
28 of the qualified electors of the district voting at an election called for that  
29 purpose or at the next general election. If a petition is filed and no election  
30 is held, a new resolution authorizing a levy for the purposes specified in  
31 this section may not be adopted for a period of one year after the filing  
32 of the petition.

33 (b) Whenever an initial resolution has been adopted under subsection  
34 (a) and the resolution specified a lesser mill rate than ~~two three~~ mills, the  
35 board of trustees of the community college may adopt a second resolution  
36 under the same procedure as is provided in subsection (a) for the initial  
37 resolution and, subject to the same conditions and for the same purposes  
38 as provided in subsection (a), shall be authorized to make an additional  
39 tax levy in an amount to be specified in the second resolution for the  
40 remainder of the period of time specified in the initial resolution for the  
41 making of the levy under authority thereof. Any second resolution shall  
42 be limited in amount as specified in subsection (a), less such amount as  
43 was authorized in the initial resolution, and not to exceed an aggregate

1 amount of ~~two three~~ mills in any one year. If any such resolution is  
2 adopted and the tax levy therein specified is authorized under the con-  
3 ditions specified in subsection (a), the amount of bonds which may be  
4 issued under K.S.A. 71-502, and amendments thereto, may be increased  
5 accordingly.

6 (c) The board of trustees of any community college which has made  
7 a tax levy under this section may initiate, at any time after the final levy  
8 is certified to the county clerk under any current authorization, proce-  
9 dures to renew its authority to make a like annual tax levy in the amount,  
10 upon the conditions, and in the manner specified in subsection (a).

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

17 Sec. 27. On July 1, 1999, K.S.A. 71-601 shall be and is hereby  
18 amended to read as follows: 71-601. "Credit hour" means ~~one hour of~~  
19 ~~instruction per week for 18 weeks or the equivalent thereof the basic unit~~  
20 ~~of collegiate level instruction, as determined by the state board, in a sub-~~  
21 ~~ject or course offered at a level not higher than those subjects or courses~~  
22 ~~normally offered to freshmen and sophomores in four-year institutions of~~  
23 ~~postsecondary education which subject or course is approved by the state~~  
24 ~~board. Credit hour does not include within its meaning any hour of in-~~  
25 ~~struction in a subject or course taken by a student enrolled for audit or~~  
26 ~~in any subject or course not approved by the state board. The state board,~~  
27 ~~in consultation with the state board of regents, shall determine whether~~  
28 ~~the subjects and courses offered in the community colleges are at the~~  
29 ~~level of freshmen and sophomore subjects and courses offered in the state~~  
30 ~~educational institutions of postsecondary education and shall not approve~~  
31 ~~any subject or course offered at a higher level.~~

32 Sec. 28. On July 1, 1999, K.S.A. 1997 Supp. 71-602 shall be and is  
33 hereby amended to read as follows: 71-602. (a) Each community college  
34 is entitled to receive credit hour state aid. The basis for payments of credit  
35 hour state aid ~~for~~ to community colleges for each credit hour of each duly  
36 enrolled student shall be: (1) For each credit hour in any subject or course  
37 which is not part of a vocational education program approved by the state  
38 board under the *statutory provisions of contained in* article 44 of chapter  
39 72 of Kansas Statutes Annotated, an amount which shall be provided for  
40 by the legislature in acts making appropriations for the credit hour state  
41 aid entitlement of community colleges; and (2) for each credit hour in  
42 any subject or course which is part of a vocational education program  
43 approved by the state board under the *statutory provisions of contained*

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

13 (b) Credit hour state aid payments shall be made only for credit hours  
 14 of duly enrolled students if such students, as determined by the state  
 15 board, are residents of the state of Kansas or are considered residents of  
 16 the state of Kansas pursuant to the provisions of K.S.A. 1997 Supp. 71-  
 17 407, and amendments thereto.

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

20 Sec. 29. On July 1, 1999, K.S.A. 71-604 shall be and is hereby  
 21 amended to read as follows: 71-604. (a) From the reports and information  
 22 ~~submitted under K.S.A. 71-603, and amendments thereto provided by~~  
 23 ~~the community colleges, and from other information available to it such~~  
 24 ~~audits and investigations as are conducted by the state department of~~  
 25 ~~education, the state board shall determine the amount the each com-~~  
 26 ~~munity college is entitled to receive as provided in K.S.A. 71-602 and 71-~~  
 27 ~~607 and K.S.A. 71-610, and amendments to such sections state aid.~~

28 (b) If the amount of any appropriation for ~~credit hour~~ state aid shall  
 29 be insufficient to pay in full the amount each community college is en-  
 30 titled to receive for ~~credit hour~~ state aid, then the amount so appropriated  
 31 shall be prorated among all community colleges in proportion to the  
 32 amount each is entitled to receive. ~~If the amount of any appropriation for~~  
 33 ~~out-district state aid shall be insufficient to pay in full the amount each~~  
 34 ~~community college is entitled to receive for out-district state aid, then the~~  
 35 ~~amount so appropriated shall be prorated among all community colleges~~  
 36 ~~in proportion to the amount each is entitled to receive.~~

37 (c) The state board may audit the records of any community college  
 38 applying for a part of any money appropriated for state aid, to verify the  
 39 accuracy of the reports submitted by the community college. The state  
 40 board may adopt rules and regulations for the administration of this act  
 41 and acts amendatory thereof.

42 (d) In the event any community college is paid more than *the amount*  
 43 it is entitled to receive ~~under any distribution made under this act or acts~~

1 ~~amendatory thereof as state aid~~, the state board shall notify the com-  
 2 munity college of the amount of the overpayment and the community  
 3 college shall remit the same to the state board and ~~it the state board~~ shall  
 4 deposit the same in the state treasury to the credit of the general fund,  
 5 and if any such community college fails so to remit, the state board shall  
 6 deduct the excess amount so paid from future payments becoming due  
 7 to such community college.

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

14 Sec. 30. On July 1, 1999, K.S.A. 71-605 shall be and is hereby  
 15 amended to read as follows: 71-605. (a) The distribution of the appro-  
 16 priation for credit hour state aid and out-district state aid shall be made  
 17 three times each ~~school~~ fiscal year as follows: The first payment shall be  
 18 made on October 1 and shall be in an amount equal to 50% of the pre-  
 19 ceding ~~school~~ fiscal year's credit hour state aid entitlement of the com-  
 20 munity college. ~~Subject to the provisions of subsection (e),~~ The second  
 21 payment shall be made on December 1 and shall be in an amount which  
 22 is equal to the balance of the summer and fall sessions' total credit hour  
 23 state aid entitlement and the full amount of the summer and fall sessions'  
 24 out-district state aid entitlement, with adjustment for any overpayment  
 25 or underpayment resulting from computation of the first payment. The  
 26 third payment shall be made on April 1 and shall be the full amount of  
 27 the spring session's credit hour state aid entitlement and the spring ses-  
 28 sion's out-district state aid entitlement, with adjustment for any under-  
 29 payments or overpayments theretofore occurring. The state board shall  
 30 certify, on or before November 25 and March 25 of each year, to the  
 31 director of accounts and reports the amount due to each community col-  
 32 lege ~~from such appropriation on the first day of December, or for the~~  
 33 ~~December 1, 1987, payment on the date specified in subsection (e) or on~~  
 34 ~~the first day of April, as the case may be, and the director of accounts~~  
 35 ~~and reports shall draw a warrant upon the state treasurer in favor of the~~  
 36 ~~community college for such amount. Upon receipt of the warrant, the~~  
 37 ~~treasurer of the community college shall credit the same amount of the~~  
 38 ~~warrant to the general fund of the community college.~~

39 (b) The distribution of the appropriation for ~~general administrative~~  
 40 state aid shall be made at a time to be determined by the state board.  
 41 The state board shall certify to the director of accounts and reports the  
 42 amount due to each community college ~~from such appropriation~~, and the  
 43 director of accounts and reports shall draw a warrant upon the state trea-

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1 surer in favor of the community college for such amount. Upon receipt  
2 of the warrant, the treasurer of the community college shall credit the  
3 same amount of the warrant to the general fund of the community col-  
4 lege.

5 (e) The credit hour state aid and out-district state aid to be paid De-  
6 cember 1, 1987, shall be deferred and shall be paid January 4, 1988.

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

18 Sec. 31. On July 1, 1999, K.S.A. 1997 Supp. 71-607 shall be and is  
19 hereby amended to read as follows: 71-607. (a) Each community college  
20 is entitled to receive out-district state aid. The basis for payments in  
21 amounts determined as provided in this section. From reports and infor-  
22 mation provided by each community college, and from such additional  
23 audits and investigations as are conducted by the state department of  
24 education, the state board shall determine the amount of out-district tu-  
25 tion each community college is entitled to bill to counties each year, and  
26 the entitlement to out-district state aid of each to community college  
27 colleges shall be an amount equal thereto plus (1) an amount equal to the  
28 amount of out-district tuition disallowed under the provisions of K.S.A.  
29 71-304, and amendments thereto, and (2) an amount equal to the amount  
30 of out-district tuition disallowed under the provisions of subsection (e) of  
31 K.S.A. 71-609, and amendments thereto, and (3) an amount equal to the  
32 number of duly enrolled students considered residents of the state pur-  
33 suant to the provisions of K.S.A. 1997 Supp. 71-407, and amendments  
34 thereto, times the amount specified in subsection (e) of K.S.A. 71-301,  
35 and amendments thereto, \$24 for each credit hour of each such duly  
36 enrolled out-district student.

37 (b) (1) Out-district state aid payments shall be made only for credit  
38 hours of out-district students specified in provision (3) of subsection (a)  
39 if such students, as determined by the state board, have not more than  
40 64 credit hours from any institution of postsecondary education or the  
41 students have not more than 72 credit hours and are enrolled in terminal  
42 type nursing courses or freshman-sophomore level preengineering  
43 courses are residents of the state of Kansas or are considered residents of

1 the state of Kansas pursuant to the provisions of K.S.A. 1997 Supp. 71-  
2 407, and amendments thereto.

3 (2) The credit hour limitations prescribed by provision (1) of this  
4 subsection do not apply to credit hours of students if such students, as  
5 determined by the state board, are enrolled in an approved vocational  
6 education program at a community college for the purpose of receiving  
7 vocational or technical training or retraining in preparation for gainful  
8 employment.

9 New Sec. 32. (a) Each community college is entitled to receive ad-  
10 ministrative state aid in the amount of \$300,000 for the 2000 fiscal year  
11 and fiscal years thereafter.

12 (b) In each fiscal year, commencing with the 2000 fiscal year, the  
13 community colleges to which the provisions of this subsection apply are  
14 entitled to an operating grant from the state general fund. The community  
15 colleges to which the provisions of this subsection apply and the amount  
16 of the operating grant to which each such community college is entitled  
17 are as follows:

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

21 (2) Independence community college is entitled to receive an oper-  
22 ating grant in the amount of \$293,186 for the 2000 fiscal year and fiscal  
23 years thereafter;

24 (3) Johnson county community college is entitled to receive an op-  
25 erating grant in the amount of \$2,664,976 for the 2000 fiscal year and  
26 fiscal years thereafter;

27 (4) Pratt community college is entitled to receive an operating grant  
28 in the amount of \$620,106 for the 2000 fiscal year and fiscal years there-  
29 after.

30 Sec. 33. On July 1, 1999, K.S.A. 1997 Supp. 71-609 shall be and is  
31 hereby amended to read as follows: 71-609. (a) No out-district tuition  
32 charges, no out-district state aid entitlement, no credit-hour state aid  
33 entitlement, and no general state aid entitlement shall be based upon  
34 credit hours enrollment in any subject or course the principal part of  
35 which is taught at a location outside the county of the main campus of  
36 the community college, unless the location of such subject or course is  
37 specifically authorized by the state board of education.

38 (b) (1) No out-district tuition charges and no out-district state aid  
39 entitlement shall be based upon credit hours enrollment in any subject  
40 or course which is taught in a county in which the main campus of a state  
41 educational institution is located, unless the teaching of such subject or  
42 course is specifically authorized by the chief executive officer of the state  
43 educational institution or by a designee of the chief executive officer. The

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1 chief executive officer of each state educational institution may designate  
2 and authorize a person or committee to act on behalf of the chief execu-  
3 tive officer in granting the authorizations required by this subsection.  
4 No authorization required by this subsection shall be considered to be or  
5 construed in any manner as an agreement provided for by subsection (c).

6 (2) For the purposes of this subsection, the term "main campus of a  
7 state educational institution" as applied to Kansas state university of ag-  
8 riculture and applied science means and includes the campus of the uni-  
9 versity located in Riley county and the campus of the university's college  
10 of technology located in Saline county.

11 (3) The provisions of this subsection are subject to the provisions of  
12 subsection (e).

13 (e) (1) ~~No out-district tuition charges shall be based upon credit  
14 hours in any subject or course all or the principal part of which is taught  
15 at Fort Hays state university or at Wichita state university under an agree-  
16 ment for the teaching of such subject or course entered into by a com-  
17 munity college and either such university. An agreement entered into  
18 under the provisions of this subsection for the teaching of a subject or  
19 course by a community college at Fort Hays state university or at Wichita  
20 state university shall constitute the authorization required by subsection  
21 (b) for the teaching of such subject or course, and no separate authori-  
22 zation under subsection (b) shall be required.~~

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

25 Sec. 34. On July 1, 1999, K.S.A. 71-609a shall be and is hereby  
26 amended to read as follows: 71-609a. No ~~out-district state aid entitlement,  
27 no credit-hour state aid entitlement, and no general state aid entitlement~~  
28 of a community college shall be based upon any course or program if such  
29 course or program is taught in an area vocational school ~~or, an area voca-  
30 tional-technical school, or a technical college~~ under an agreement with  
31 such community college and for which payments of state or federal mon-  
32 eys are made to the area vocational school ~~or, the area vocational-technical  
33 school, or the technical college~~ under the provisions of article 44 of chap-  
34 ter 72 of Kansas Statutes Annotated; ~~and no such course or program shall  
35 be counted in determining the number of credit hours of out-district  
36 students for the purpose of computing the amount of out-district tuition  
37 to be charged by a community college.~~

38 Sec. 35. On July 1, 1999, K.S.A. 71-610 shall be and is hereby  
39 amended to read as follows: 71-610. Notwithstanding any provision con-  
40 tained in chapter 71 of Kansas Statutes Annotated to the contrary, when-  
41 ever there are two community college districts located within one county,  
42 no out-district tuition shall be charged for any student residing in such  
43 county and attending either such community college. No out-district state

1 aid entitlement shall be based upon enrollment of any student who resides  
2 in such a county and attends either community college *located* therein.

3 Sec. 36. On July 1, 1999, K.S.A. 1997 Supp. 71-611 shall be and is  
4 hereby amended to read as follows: 71-611. (a) "Operating expenses"  
5 means the total expenditures and lawful transfers from the general fund  
6 of a community college during a ~~school~~ *fiscal* year for all purposes.

7 (b) "Legally adopted budget of operating expenses" means the  
8 amount legally authorized *and budgeted* for ~~such~~ *operating* expenses in  
9 the ~~budget~~ *general fund* of a community college.

10 (c) "General fund" means the fund of a community college from  
11 which operating expenses are paid and, subject to the provisions of K.S.A.  
12 71-613a, and amendments thereto, to which all amounts of ~~credit hour~~  
13 ~~state aid, out-district state aid, general state aid, property taxes for general~~  
14 ~~purposes, out-district tuition, student tuition, and other moneys provided~~  
15 ~~for by law are credited.~~

16 Sec. 37. On July 1, 1999, K.S.A. 71-613 shall be and is hereby  
17 amended to read as follows: 71-613. (a) All moneys received by a com-  
18 munity college for *establishing, conducting, maintaining and administer-*  
19 *ing any vocational education* program authorized by *under* article 44 of  
20 chapter 72 of Kansas Statutes Annotated shall be deposited in the voca-  
21 tional education fund, unless required to be deposited in the general fund.  
22 The expenses of a community college attributable to vocational education  
23 shall be paid from the vocational education fund.

24 (b) *Community colleges shall maintain fund accounting procedures*  
25 *as may be necessary to assure proper accounting for federal funds for*  
26 *vocational education special projects, whether received directly from the*  
27 *federal government or any of its agencies, or received through the state*  
28 *or any of its agencies.*

29 Sec. 38. On July 1, 2000, K.S.A. 71-801 shall be and is hereby  
30 amended to read as follows: 71-801. (a) Community colleges are ~~under~~  
31 ~~the supervision of subject to coordination by the state board of council~~  
32 ~~on higher education.~~

33 (b) *The state council on higher education shall identify core indicators*  
34 *of performance for community colleges and shall establish and implement*  
35 *a data management system that includes a process and format for col-*  
36 *lecting, aggregating and reporting common and institution-specific infor-*  
37 *mation documenting effectiveness of the colleges in meeting the role and*  
38 *mission thereof.*

39 Sec. 39. On July 1, 1999, K.S.A. 1997 Supp. 71-613a shall be and is  
40 hereby amended to read as follows: 71-613a. All amounts of ~~credit hour~~  
41 ~~state aid, out-district state aid, general state aid, out-district tuition, and~~  
42 student tuition received by a community college for any program author-  
43 ized by article 44 of chapter 72 of Kansas Statutes Annotated may be

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1 deposited in the vocational education fund of the community college.  
 2 Sec. 40. On July 1, 1999, K.S.A. 71-1508 shall be and is hereby  
 3 amended to read as follows: 71-1508. (a) There is hereby established in  
 4 every community college conducting a motorcycle driver safety course a  
 5 fund which shall be called the "motorcycle driver safety" fund. The mo-  
 6 torcycle driver safety fund shall consist of all moneys deposited therein  
 7 or transferred thereto according to law. All moneys received by com-  
 8 munity colleges from distributions made from the motorcycle safety fund  
 9 and from tuition, fees or charges for motorcycle driver safety courses shall  
 10 be credited to the motorcycle driver safety fund. The expenses of com-  
 11 munity colleges directly attributable to motorcycle driver safety courses  
 12 shall be paid from the motorcycle driver safety fund.

13 (b) ~~No out-district tuition shall be charged or paid for any student on~~  
 14 ~~the basis of enrollment in a motorcycle driver safety course and no out-~~  
 15 ~~district state aid entitlement, credit hour state aid entitlement, or general~~  
 16 state aid entitlement of a community college shall be based upon a mo-  
 17 torcycle driver safety course conducted by the community college.

18 Sec. 41. On July 1, 1999, K.S.A. 71-1702 shall be and is hereby  
 19 amended to read as follows: 71-1702. (a) The governing body of an area  
 20 vocational school or area vocational-technical school which is consolidated  
 21 with and made a part of a community college in accordance with the  
 22 provisions of this act shall enter into a consolidation agreement with the  
 23 board of trustees of the community college with which such area voca-  
 24 tional school or area vocational-technical school is consolidated.

25 (b) Every consolidation agreement entered into under this section  
 26 shall provide for:

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

31 (2) the disposition of all personal property, records and moneys, in-  
 32 cluding state and federal financial aid, of the affected area vocational  
 33 school or area vocational-technical school;

34 (3) the payment of all lawful debts of the affected area vocational  
 35 school or area vocational-technical school, including any outstanding  
 36 bonded indebtedness attributable to the operation thereof;

37 (4) the payment of all accrued compensation or salaries of all person-  
 38 nel of the affected area vocational school or area vocational-technical  
 39 school;

40 (5) the transfer of personnel, if such personnel are deemed necessary,  
 41 in the employment of the affected area vocational school or area voca-  
 42 tional-technical school to the employment of the community college; and

43 (6) such other matters as may need to be addressed as the result of

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1 such consolidation by the affected area vocational school or area voca-  
 2 tional-technical school and the community college.

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

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

16 New Sec. 42. (a) As used in this section:

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

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

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

32 (b) Whenever a petition requesting consolidation of two or more  
 33 community college districts or consolidation of one or more area schools  
 34 with one or more community colleges, signed by not less than 15% of the  
 35 qualified electors residing within each of the districts that would be af-  
 36 fected by such consolidation, is filed with the governing board of each  
 37 such college or school, respectively, each such governing board shall place  
 38 the matter on the agenda for consideration at the next regularly scheduled  
 39 meeting of the board and shall provide for a public hearing on the matter  
 40 at such meeting. Notice of the time, date, place and purpose of the public  
 41 hearing shall be published in a newspaper of general circulation in the  
 42 district at least once prior to the hearing. Subsequent to the public hear-  
 43 ings provided for by the respective governing boards, each such board,

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1 after considering all the testimony given at the hearing shall make a final  
 2 decision with regard to the petition requesting consolidation. The final  
 3 decision shall be in writing, shall include a statement of all factors con-  
 4 sidered by the board in reaching its decision, and shall be published at  
 5 least once in a newspaper of general circulation in the district. If the final  
 6 decision of one or more governing boards is to reject the petition re-  
 7 questing consolidation, the matter shall be deemed closed as to such  
 8 board or boards and no like petition shall be filed with any such board  
 9 within the 12 months following publication of the final decision. If the  
 10 final decision of two or more governing boards is to consolidate and such  
 11 boards are boards of trustees, the boards shall proceed in accordance with  
 12 the statutory provisions contained in article 13 of chapter 71 of Kansas  
 13 Statutes Annotated. If the final decision of three or more governing  
 14 boards is to consolidate and two or more such boards are governing  
 15 boards of community colleges and one or more such boards are governing  
 16 boards of area schools, the boards of trustees shall proceed initially in  
 17 accordance with the statutory provisions contained in article 13 of chapter  
 18 71 of Kansas Statutes Annotated and subsequent to consolidation of the  
 19 community colleges under such provisions, the governing board of the  
 20 area school or, in the case of two or more area schools, the governing  
 21 boards of such schools and the board of trustees of the consolidated com-  
 22 munity college shall proceed in accordance with the statutory provisions  
 23 contained in article 17 of chapter 71 of Kansas Statutes Annotated. If the  
 24 final decision of two governing boards is to consolidate and one such  
 25 board is the board of trustees of a community college and one such board  
 26 is the governing board of an area school, the boards shall proceed in  
 27 accordance with the statutory provisions contained in article 17 of chapter  
 28 71 of Kansas Statutes Annotated.

29 Sec. 43. On July 1, 1999, K.S.A. 12-16,102 shall be and is hereby  
 30 amended to read as follows: 12-16,102. (a) Except as provided in this  
 31 section, "taxing subdivision" means any city, county, township, ~~commu-~~  
 32 ~~nity college district~~ or other political subdivision of the state of Kansas  
 33 having authority to levy taxes on taxable tangible property. *A community*  
 34 *college district shall not be considered a taxing subdivision for the purpose*  
 35 *of this section.* A school district shall not be considered a taxing subdivi-  
 36 sion for the purpose of this section except that any school district oper-  
 37 ating a public library pursuant to K.S.A. 72-1623, and amendments thereto,  
 38 thereto, for that purpose, shall be considered a taxing subdivision for the  
 39 purpose of this section.

40 (b) Any taxing subdivision may create and establish employee benefits  
 41 contribution funds for (1) the taxing subdivision or (2) any political sub-  
 42 division for which a tax is levied by such taxing subdivision for the purpose  
 43 of paying the employer's share of any employee benefits, exclusive of any

1 salaries, wages or other direct payments to such employees, as may be  
 2 prescribed in the ordinance or resolution of the governing body creating  
 3 such funds. The taxing subdivision may receive and place in such funds  
 4 any moneys from any source whatsoever which may be lawfully utilized  
 5 for the purposes stated in the ordinance or resolution creating such funds,  
 6 including the proceeds of tax levies authorized by law for such purposes.

7 (c) The governing body of any taxing subdivision having established  
 8 employee benefits funds under subsection (b) is hereby authorized to levy  
 9 an annual tax upon all taxable tangible property within the taxing subdivi-  
 10 sion in an amount determined by the governing body to be necessary  
 11 for the purposes for which such funds were created and to pay a portion  
 12 of the principal and interest on bonds issued under the authority of K.S.A.  
 13 12-1774, and amendments thereto, by cities located in the county.

14 Sec. 44. On July 1, 1999, K.S.A. 1997 Supp. 19-101a shall be and is  
 15 hereby amended to read as follows: 19-101a. (a) The board of county  
 16 commissioners may transact all county business and perform all powers  
 17 of local legislation and administration it deems appropriate, subject only  
 18 to the following limitations, restrictions or prohibitions:

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

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

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

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

25 (5) In the exercise of powers of local legislation and administration  
 26 authorized under provisions of this section, the home rule power con-  
 27 ferred on cities to determine their local affairs and government shall not  
 28 be superseded or impaired without the consent of the governing body of  
 29 each city within a county which may be affected.

30 (6) Counties may not legislate on social welfare administered under  
 31 state law enacted pursuant to or in conformity with public law No.  
 32 271—74th congress, or amendments thereof.

33 (7) Counties shall be subject to all acts of the legislature concerning  
 34 elections, election commissioners and officers and their duties as such  
 35 officers and the election of county officers.

36 (8) Counties shall be subject to the limitations and prohibitions im-  
 37 posed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto,  
 38 prescribing limitations upon the levy of retailers' sales taxes by counties.

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

42 (10) No county may levy ad valorem taxes under the authority of this  
 43 section upon real property located within any redevelopment area estab-

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1 lished under the authority of K.S.A. 12-1772, and amendments thereto,  
2 unless the resolution authorizing the same specifically authorized a por-  
3 tion of the proceeds of such levy to be used to pay the principal of and  
4 interest upon bonds issued by a city under the authority of K.S.A. 12-  
5 1774, and amendments thereto.

6 (11) Counties shall have no power under this section to exempt from  
7 any statute authorizing or requiring the levy of taxes and providing sub-  
8 stitute and additional provisions on the same subject, unless the resolution  
9 authorizing the same specifically provides for a portion of the proceeds  
10 of such levy to be used to pay a portion of the principal and interest on  
11 bonds issued by cities under the authority of K.S.A. 12-1774, and amend-  
12 ments thereto.

13 (12) Counties may not exempt from or effect changes in the provi-  
14 sions of K.S.A. 19-4601 to 19-4625, inclusive, and amendments thereto.

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

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

22 (15) Counties may not exempt from or effect changes in K.S.A. 19-  
23 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

24 ~~(16) Counties may not exempt from or effect changes in K.S.A. 13-~~  
25 ~~13a26, and amendments thereto. Any charter resolution adopted by a~~  
26 ~~county, prior to the effective date of this act, exempting from or effecting~~  
27 ~~changes in K.S.A. 13-13a26, and amendments thereto, is null and void.~~

28 ~~(17) Counties may not exempt from or effect changes in K.S.A. 71-~~  
29 ~~301, and amendments thereto. Any charter resolution adopted by a~~  
30 ~~county, prior to the effective date of this act, exempting from or effecting~~  
31 ~~changes in K.S.A. 71-301, and amendments thereto, is null and void.~~

32 ~~(18) Counties may not exempt from or effect changes in K.S.A. 19-~~  
33 ~~15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter~~  
34 ~~resolution adopted by a county prior to the effective date of this act,~~  
35 ~~exempting from or effecting changes in such sections is null and void.~~

36 ~~(19) (17) Counties may not exempt from or effect changes in the~~  
37 ~~provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and~~  
38 ~~12-1226, and amendments thereto, or the provisions of K.S.A. 1996 1997~~  
39 ~~Supp. 12-1260 to 12-1270, inclusive, and amendments thereto, and 12-~~  
40 ~~1276, and amendments thereto.~~

41 ~~(20) (18) Counties may not exempt from or effect changes in the~~  
42 ~~provisions of K.S.A. 19-211, and amendments thereto.~~

43 ~~(21) (19) Counties may not exempt from or effect changes in the~~

1 provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments  
2 thereto.

3 ~~(22) (20) Counties may not regulate the production or drilling of any~~  
4 ~~oil or gas well in any manner which would result in the duplication of~~  
5 ~~regulation by the state corporation commission and the Kansas depart-~~  
6 ~~ment of health and environment pursuant to chapter 55 and chapter 65~~  
7 ~~of the Kansas Statutes Annotated and any rules and regulations adopted~~  
8 ~~pursuant thereto. Counties may not require any license or permit for the~~  
9 ~~drilling or production of oil and gas wells. Counties may not impose any~~  
10 ~~fee or charge for the drilling or production of any oil or gas well.~~

11 ~~(23) (21) Counties may not exempt from or effect changes in K.S.A.~~  
12 ~~79-41a04, and amendments thereto.~~

13 ~~(24) (22) Counties may not exempt from or effect changes in K.S.A.~~  
14 ~~1996 Supp. 79-1611, and amendments thereto.~~

15 ~~(25) (23) Counties may not exempt from or effect changes in K.S.A.~~  
16 ~~1996 Supp. 79-1494, and amendments thereto.~~

17 ~~(26) (24) Counties may not exempt from or effect changes in subsec-~~  
18 ~~tion (b) of K.S.A. 19-202, and amendments thereto.~~

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

21 (b) Counties shall apply the powers of local legislation granted in  
22 subsection (a) by resolution of the board of county commissioners. If no  
23 statutory authority exists for such local legislation other than that set forth  
24 in subsection (a) and the local legislation proposed under the authority  
25 of such subsection is not contrary to any act of the legislature, such local  
26 legislation shall become effective upon passage of a resolution of the  
27 board and publication in the official county newspaper. If the legislation  
28 proposed by the board under authority of subsection (a) is contrary to an  
29 act of the legislature which is applicable to the particular county but not  
30 uniformly applicable to all counties, such legislation shall become effec-  
31 tive by passage of a charter resolution in the manner provided in K.S.A.  
32 19-101b, and amendments thereto.

33 Sec. 45. On July 1, 1999, K.S.A. 79-5021 shall be and is hereby  
34 amended to read as follows: 79-5021. As used in K.S.A. 79-5021 to 79-  
35 5035, inclusive, and amendments thereto: (a) "Taxing subdivision" means  
36 every taxing district in the state of Kansas other than the state *and the*  
37 *community colleges organized and operating under the laws of the state;*  
38 (b) "base year" means either 1988 or 1989, whichever is designated by  
39 the taxing subdivision as its base year; and (c) "assessed valuation amount  
40 for 1989" means the taxable tangible assessed valuation as shown on the  
41 November 1, 1989, abstract transmitted to the director of property val-  
42 uation pursuant to K.S.A. 79-1806 adjusted by changes in valuations  
43 which were made prior to July 1, 1990.

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1 Sec. 46. On July 1, 1999, K.S.A. 79-5022 shall be and is hereby  
2 amended to read as follows: 79-5022. (a) In 1990 and in each year there-  
3 after, all existing statutory fund mill levy rate and aggregate levy rate  
4 limitations on taxing subdivisions are hereby suspended.

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

12 (c) In 1990, and each year thereafter, the fund levy limits shall be  
13 increased by multiplying the dollar amount produced by the levy limit for  
14 1988 by the quotient determined by dividing the assessed tangible valu-  
15 ation amount of the current year by the assessed valuation amount for  
16 1989. The provisions of this subsection shall not be applicable to any city,  
17 county, or township, ~~municipal university or community college~~.

18 Sec. 47. On July 1, 1999, K.S.A. 79-5024 shall be and is hereby  
19 amended to read as follows: 79-5024. (a) Whenever the taxable assessed  
20 tangible valuation of any city, county, or township, ~~municipal university~~  
21 ~~or community college~~ is increased by new improvements on real estate  
22 or by increased personal property valuation, or both, the amount which  
23 would be produced by the aggregate tax levy authorized under K.S.A. 79-  
24 5022, and amendments thereto, shall be adjusted to increase the amount  
25 authorized in the proportion that the assessed valuation of the new im-  
26 provements and the increased personal property valuation bears to the  
27 total assessed valuation amount for 1989. ~~With respect to community~~  
28 ~~colleges, whenever the enrollment of any such college in any school year~~  
29 ~~is greater than such enrollment in the 1980-1990 school year, the amount~~  
30 ~~which would be produced by the aggregate tax levy authorized under~~  
31 ~~K.S.A. 79-5022, and amendments thereto, shall be adjusted to increase~~  
32 ~~the amount authorized in the proportion that the enrollment of such~~  
33 ~~college for the current school year bears to the enrollment of such college~~  
34 ~~in the 1980-1990 school year.~~

35 (b) Such city, county, or township, ~~municipal university or community~~  
36 ~~college~~ may then levy the amount permitted under K.S.A. 79-5022, and  
37 amendments thereto, and in addition thereto the amount produced by  
38 the levy on such new improvements and added personal property as pro-  
39 vided in this section ~~and, with respect to community colleges, in addition~~  
40 ~~thereto the amount produced as a result of increased enrollment as pro-~~  
41 ~~vided in this section.~~

42 Sec. 48. On July 1, 1999, K.S.A. 79-5025 shall be and is hereby  
43 amended to read as follows: 79-5025. In the event that any territory is

1 added to an existing city, county, or township, ~~municipal university or~~  
2 ~~community college~~, the amount which would be produced by the aggre-  
3 gate tax levy otherwise authorized under K.S.A. 79-5022 and 79-5024,  
4 and amendments thereto, shall be adjusted to increase the amount au-  
5 thorized in the proportion that the assessed valuation of the tangible tax-  
6 able property in the territory added bears to the total taxable assessed  
7 tangible valuation of the city, county, or township, ~~municipal university~~  
8 ~~or community college~~, excluding the property in such added territory.

9 Sec. 49. On July 1, 1999, K.S.A. 79-5026 shall be and is hereby  
10 amended to read as follows: 79-5026. In the event that any taxable tan-  
11 gible property is excluded from the boundaries of any city, county, or  
12 township, ~~municipal university or community college~~, the amount which  
13 would be produced by the aggregate tax levy authorized under the pro-  
14 visions of K.S.A. 79-5022 and 79-5024, and amendments thereto, shall be  
15 adjusted to decrease the amount authorized in the proportion that the  
16 assessed valuation of the tangible property excluded bears to the total  
17 taxable assessed valuation of the city, county, or township, ~~municipal uni-~~  
18 ~~versity or community college~~, including such excluded property.

19 Sec. 50. On July 1, 1999, K.S.A. 79-5028 shall be and is hereby  
20 amended to read as follows: 79-5028. The provisions of K.S.A. 79-5021  
21 to 79-5036, inclusive, and amendments thereto, shall not apply to or limit  
22 the levy of taxes for the payment of:

23 (a) Principal and interest upon state infrastructure loans, bonds, tem-  
24 porary notes, no-fund warrants and payments made to a public building  
25 commission;

26 (b) judgments, settlements and expenses for protection against lia-  
27 bility to the extent such expenses are authorized by article 61 of chapter  
28 75 of the Kansas Statutes Annotated and amendments thereto;

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

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

35 (e) ~~expenses incurred by counties for payment of out-district tuition~~  
36 ~~to community colleges pursuant to K.S.A. 71-301, and amendments~~  
37 ~~thereto, and expenses incurred by counties and townships for payment~~  
38 ~~of out-district tuition to municipal universities pursuant to K.S.A. 13-~~  
39 ~~13a26, and amendments thereto;~~

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

43 (g) expenses incurred by any taxing subdivision for rebates to own-

1 ers of property in connection with a neighborhood revitalization program  
2 instituted in accordance with K.S.A. ~~1996~~ 1997 Supp. 12-17,114 et seq.,  
3 and amendments thereto.

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

7 Amounts produced from any taxes levied for purposes specified in this  
8 section shall not be used in computing any aggregate limitation under the  
9 provisions of this act. In addition, amounts needed to be produced from  
10 the levy of taxes by a taxing subdivision to replace the difference between  
11 the amount of revenue estimated to be received by such taxing subdivision  
12 pursuant to K.S.A. 79-5101 et seq., and amendments thereto, in 1990,  
13 and the amount of such revenue estimated to be received by such taxing  
14 subdivision in each year thereafter shall not be used in computing any  
15 aggregate limitation under the provisions of this act. On or before June  
16 1 of each year, information necessary to make such computation shall be  
17 provided to each taxing subdivision by the appropriate county treasurer.

18 Sec. 51. On July 1, 1999, K.S.A. 79-5032 shall be and is hereby  
19 amended to read as follows: 79-5032. Whenever any city, county, or town-  
20 ship, ~~municipal university or community college~~ shall be required by law  
21 to levy taxes for the financing of the budget of any political or govern-  
22 mental subdivision of this state which is not authorized by law to levy  
23 taxes on its own behalf, and the governing body of such city, county, or  
24 township, ~~municipal university or community college~~ is not authorized or  
25 empowered to modify or reduce the amount of taxes levied therefor, the  
26 tax levies of such political or governmental subdivision shall not be in-  
27 cluded in or considered in computing the aggregate limitations upon the  
28 property tax levies of the city, county, or township, ~~municipal university~~  
29 ~~or community college~~ levying taxes for such political or governmental  
30 subdivision. The fund levy limits of such political or governmental sub-  
31 division shall be established in accordance with subsection (c) of K.S.A.  
32 79-5022, and amendments thereto.

33 New Sec. 52. As used in sections 52 through 61, and amendments  
34 thereto:

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

37 (b) "Campus property" means the real estate, buildings, facilities, fur-  
38 nishings, fixtures and equipment comprising the physical plant of Wash-  
39 burn university of Topeka.

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

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

4 New Sec. 53. (a) On July 1, 2000, Washburn university shall be and  
5 is hereby established as a separate, freestanding state educational insti-  
6 tution under the control and supervision of the state council.

7 (b) Prior to July 1, 2000, Washburn university shall continue to be  
8 known as Washburn university of Topeka and, subject to the provisions  
9 of this act, shall continue to be operated and managed as a municipal  
10 university and shall be entitled to all financial aid payments provided for  
11 by law.

12 (c) Except as otherwise specifically provided in this act, after June  
13 30, 2000, Washburn university shall be the successor in interest to Wash-  
14 burn university of Topeka and all properties, moneys, rights, authorities  
15 and liabilities of Washburn university of Topeka, except endowment prop-  
16 erty, are hereby transferred to and imposed upon Washburn university.  
17 Except as otherwise specifically provided in this act, after June 30, 2000,  
18 whenever Washburn university of Topeka, or words of like effect, is re-  
19 ferred to or designated by any statute, contract or other document, such  
20 reference or designation shall be deemed to apply to Washburn univer-  
21 sity, a state educational institution.

22 New Sec. 54. (a) On July 1, 2000, the board of regents of Washburn  
23 university of Topeka shall transfer and convey all of the campus property  
24 of Washburn university of Topeka and all of the rights, title or interest  
25 that Washburn university may have in such campus property on the date  
26 of transfer, or may thereafter acquire in such campus property, to the  
27 state council for and on behalf of the state of Kansas. On July 1, 2000,  
28 the state council shall succeed by operation of law to all rights and lia-  
29 bilities of Washburn university of Topeka, except for: (1) Endowment  
30 property, (2) general obligation bonds of Washburn university of Topeka  
31 which are approved or issued and outstanding on or before July 1, 2000,  
32 (3) contractual obligations regarding employees of Washburn university  
33 of Topeka which obligations are covered by section 56, and amendments  
34 thereto, and (4) any other rights and liabilities otherwise specifically pro-  
35 vided for by any other section of this act. All obligations and interest on  
36 such general obligation bonds shall be met and satisfied as provided in  
37 section 60, and amendments thereto.

38 (b) The state council, for and on behalf of the state of Kansas, shall  
39 accept the transfers and conveyances of title to all of the campus property  
40 of Washburn university of Topeka. Actual possession, control and super-  
41 vision of the university and the campus property thereof by the state of  
42 Kansas through the state council shall be effective on July 1, 2000.

43 New Sec. 55. (a) Prior to July 1, 2000, and subject to the provisions

1 of this act, the board of regents of Washburn university of Topeka shall  
2 be the governing body of Washburn university of Topeka and shall ex-  
3 ercise such power and authority as is provided by law for the operation  
4 and management of Washburn university of Topeka in its status as a  
5 municipal university.

6 (b) After July 1, 1999, the board of regents of Washburn university  
7 of Topeka shall serve as liaison with the state board of regents and the  
8 Kansas council on higher education for the purpose of implementation  
9 of transitional adjustments in the operations and procedures of the uni-  
10 versity as a state agency. During the transition period, the board of regents  
11 of Washburn university of Topeka may perform such other powers, duties  
12 and functions as may be prescribed by the state council with regard to  
13 Washburn university or by law.

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

30 (d) During the transition period, subject to provisions of appropria-  
31 tion acts and subject to approval by the secretary of administration and  
32 the state council, Washburn university may transfer moneys in the Wash-  
33 burn university support fund and moneys in the Washburn operating  
34 grant account of the state general fund to a bank located in Shawnee  
35 county, Kansas, to the account of Washburn university. The bank account  
36 shall be awarded to a bank located in Shawnee county, Kansas, by the  
37 pooled money investment board under a written agreement in accordance  
38 with procedures for state bank accounts under K.S.A. 75-4217, and  
39 amendments thereto, and shall be secured by pledge of securities in the  
40 manner prescribed for state bank accounts under K.S.A. 75-4218, and  
41 amendments thereto, and in the amount prescribed for fee agency ac-  
42 counts under that statute. Each such transfer shall be made upon vouch-  
43 ers of the state council, which the director of accounts and reports and

1 the state treasurer are hereby authorized and directed to honor by making  
2 such transfers, and the moneys so transferred shall be for use by Wash-  
3 burn university in operating and conducting the activities of the university  
4 during the transition period. Washburn university shall make a full and  
5 complete report on a monthly basis to the state council and the secretary  
6 of administration of all expenditures from such bank account. During the  
7 transition period, all other funds of Washburn university shall be main-  
8 tained on deposit to the account of Washburn university with the same  
9 bank selected under this subsection by the pooled money investment  
10 board.

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

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

20 New Sec. 56. (a) On or before July 15, 1999, the board of regents of  
21 Washburn university of Topeka shall submit to the state council a list of  
22 employees of Washburn university of Topeka who are recommended for  
23 appointment by the state council on July 1, 2000, as employees of Wash-  
24 burn university. On or before June 15, 2000, the state council shall advise  
25 the board of regents of Washburn university of Topeka of its approval or  
26 any modification of such list.

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

37 (c) (1) On and after July 1, 2000, except as otherwise provided by  
38 this act, employees of Washburn university shall be eligible as provided  
39 by statute for membership in the Kansas public employees retirement  
40 system or as provided by statute for participation in the retirement an-  
41 nuity plan under K.S.A. 74-4925, and amendments thereto. No prior serv-  
42 ice credit under the Kansas public employees retirement system shall be  
43 credited to such employees for service with Washburn university of To-



1 peka prior to July 1, 2000, except that such service prior to July 1, 2000,  
 2 shall be credited toward satisfaction of the requirement to complete the  
 3 certain period of service required for membership by such persons in the  
 4 Kansas public employees retirement system and shall be credited toward  
 5 satisfaction of the requirement to complete the certain period of service  
 6 required for such persons to be granted a vested retirement benefit in  
 7 such retirement system, as provided by statute for persons eligible for  
 8 membership in the Kansas public employees retirement system, or shall  
 9 be credited toward satisfaction of the requirement to complete the certain  
 10 period of service required for such persons to participate in the retire-  
 11 ment annuity plan under K.S.A. 74-4925, and amendments thereto, as  
 12 provided by statute for persons eligible to participate in such retirement  
 13 annuity plan.

14 (2) Each person who is appointed by the state board of regents to a  
 15 position in the classified service under the Kansas civil service act under  
 16 subsection (b) and who did participate in the retirement plan of Wash-  
 17 burn university of Topeka prior to July 1, 2000, shall elect by filing a  
 18 written election in the office of the Kansas public employees retirement  
 19 system, in the form and manner prescribed by the board of trustees of  
 20 such system, prior to July 18, 2000, either to become eligible for assistance  
 21 by the state board of regents in the purchase of a retirement annuity  
 22 under K.S.A. 74-4925, and amendments thereto, or not to become eli-  
 23 gible for such assistance. Failure to file such written election shall be  
 24 presumed to be an election not to become eligible for such assistance.  
 25 Such election, whether to become eligible to receive such assistance or  
 26 not to become eligible to receive such assistance, shall be effective as of  
 27 the first day of the first complete payroll period which commences on or  
 28 after July 1, 2000, and shall be irrevocable.

29 (d) All employees appointed under this section to positions at Wash-  
 30 burn university shall be credited with all service of such employees with  
 31 Washburn university of Topeka prior to July 1, 2000, for all purposes of  
 32 determining longevity and longevity benefits under the Kansas civil ser-  
 33 vice act or under the policies and rules and regulations of the state council.  
 34 All sick and personal leave accrued by such employees for service with  
 35 Washburn university of Topeka prior to July 1, 2000, shall be credited to  
 36 such employees as sick and vacation leave under the applicable policies  
 37 and rules and regulations of the state council or rules and regulations  
 38 adopted under the Kansas civil service act.

39 (e) Subject to and in accordance with the provisions of appropriation  
 40 acts, in order to provide employee and family health care coverage or  
 41 health care services of a health maintenance organization for employees  
 appointed under this section to positions at Washburn university, the  
 Kansas state employees health care commission and the secretary of ad-

1 ministration are hereby authorized to adopt and make supplemental pro-  
 2 visions for the participation of such employees within the state health  
 3 care benefits program under the cafeteria benefits plan established pur-  
 4 suant to K.S.A. 75-6512, and amendments thereto.

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

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

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

29 (c) After June 30, 2000, any moneys to which Washburn university  
 30 of Topeka is entitled from the tax levy made by the board of regents of  
 31 Washburn university of Topeka under K.S.A. 12-16,102, 13-13a18, 13-  
 32 13a23 or 75-6110, and amendments thereto, for tax years prior to tax year  
 33 2000, shall be paid to the Washburn board and shall be used for the  
 34 purposes authorized by section 58, and amendments thereto.

35 New Sec. 58. (a) At the time of the transfer of control and supervi-  
 36 sion of Washburn university to the state council on July 1, 2000, the board  
 37 of regents of Washburn university of Topeka shall be and is hereby abol-  
 38 ished and there shall be and is hereby established the board of trustees  
 39 for Washburn university, which shall be referred to as the Washburn  
 40 board. Within the powers, duties and functions prescribed by this act, the  
 41 Washburn board is hereby declared to be an agency of the state for all  
 42 purposes under the Kansas tort claims act and the members of the Wash-  
 43 burn board are hereby declared to be employees of the state for all pur-

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1 poses under the Kansas tort claims act.

2 (b) The Washburn board shall be composed of nine members who  
3 are residents of Kansas and appointed by the governor. Members ap-  
4 pointed to the Washburn board are eligible for reappointment. Persons  
5 serving as members of the board of regents of Washburn university of  
6 Topeka on June 30, 2000, are eligible for appointment to the Washburn  
7 board. All vacancies in office of members of the Washburn board shall  
8 be filled by appointment by the governor for the remainder of the unex-  
9 pired term of the member creating the vacancy.

10 (c) The members of the Washburn board shall serve for terms of four  
11 years and until their respective successors have been appointed and qual-  
12 ified, except that, of the members initially appointed for the terms com-  
13 mencing on July 1, 2000, three shall serve for terms of three years, three  
14 shall serve for terms of two years, and three shall serve for terms of one  
15 year.

16 (d) The primary purpose of the Washburn board shall be to support  
17 the educational undertakings of Washburn university. The Washburn  
18 board shall have the right, power and authority to have a seal, to employ  
19 such employees as are necessary for its functions, to sue and be sued and  
20 all other powers and privileges as may be necessary for the discharge of  
21 its duties and responsibilities for its functions, which are not in conflict  
22 with this act or any other law. The Washburn board shall also have the  
23 power and authority to use the proceeds of the tax levy provided for in  
24 section 60, and amendments thereto, for purposes to the benefit of Wash-  
25 burn university which shall include, but not be limited to, construction,  
26 reconstruction or equipping of new or existing buildings or for any other  
27 permanent improvements. After July 1, 2000, the Washburn board shall  
28 also have the power and authority to issue bonds as provided in section  
29 60, and amendments thereto.

30 New Sec. 59. On July 1, 2000, the board of trustees of the Washburn  
31 endowment association, a not-for-profit corporation organized and exist-  
32 ing under the laws of Kansas, shall assume all of the rights, powers and  
33 authority of, and shall be deemed to be the same legal entity as, the board  
34 of regents of Washburn university of Topeka with respect to endowment  
35 property of Washburn university of Topeka and shall succeed by opera-  
36 tion of law to the ownership of all such endowment property and all such  
37 endowment property is hereby transferred and conveyed thereto. The  
38 board of trustees of the Washburn endowment association shall have the  
39 right to hold, manage, lease, sell and receive properties, real and personal,  
40 for the endowment or benefit of Washburn university.

41 New Sec. 60. (a) The governing body of the city of Topeka shall levy  
42 an annual tax commencing with the tax year 2000 at the rate fixed by the  
43 Washburn board of not to exceed 5.0 mills on all taxable tangible property

1 in such city. That portion of the amount constituting the proceeds of such  
2 levy together with the proceeds of levies for prior years under K.S.A. 13-  
3 13a23, and amendments thereto, as are required to retire and pay the  
4 interest on bonds of Washburn university of Topeka approved or issued  
5 and outstanding on or before July 1, 2000, or on bonds of the Washburn  
6 board issued under this section and outstanding after July 1, 2000, shall  
7 be paid by the county treasurer to the state treasurer and, upon receipt  
8 of the same, the state treasurer shall credit the amount paid to the Wash-  
9 burn university bond and interest sinking fund which is hereby created  
10 in the state treasury and which shall be used by the state council for the  
11 purpose of retiring and paying the principal of and interest on all such  
12 bonds.

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

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

36 (d) The balance, if any, of any levies made under this section which  
37 remains after the amount required to retire and pay the interest on all  
38 such bonds is paid to the state treasurer shall be paid over to the Wash-  
39 burn board and shall be used for purposes authorized by section 58, and  
40 amendments thereto, as may be determined by the Washburn board,  
41 except that the Washburn board shall not make any expenditures for any  
42 expense of Washburn university or for any campus property thereof un-  
43 less such expenditures have received prior approval by the state council.

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1 (e) The bonds described in this section shall not be considered in  
2 applying any law limiting bonded indebtedness of the city of Topeka. The  
3 tax levies authorized by this section are exempt from the limitation im-  
4 posed under the provisions of K.S.A. 79-5021 through 79-5035, and  
5 amendments thereto.

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

12 New Sec. 61. For the 2000-01 academic year and for each academic  
13 year thereafter, until such time as the state council on higher education  
14 determines that the rates of Kansas resident undergraduate tuition for  
15 Emporia state university, Fort Hays state university and Pittsburg state  
16 university are comparable to the rate of Kansas resident undergraduate  
17 tuition for Washburn university, the state council shall submit budget  
18 requests for Washburn university which presume that the percentage  
19 increase in the rate of Kansas resident undergraduate tuition for Wash-  
20 burn university shall be no greater than 1/2 of the percentage increase in  
21 the rate of Kansas resident undergraduate tuition for Emporia state uni-  
22 versity, Fort Hays state university and Pittsburg state university.

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

24 (1) "Governing board" means in the case of a community college, the  
25 board of trustees; in the case of an area vocational school or a technical  
26 college that formerly was an area vocational school, the board of education  
27 of the sponsoring school district; in the case of an area vocational-tech-  
28 nical school or a technical college that formerly was an area vocational-  
29 technical school, the board of control.

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

31 (3) "Vocational education school" means an area vocational school or  
32 an area vocational-technical school.

33 (b) A college or a vocational education school may affiliate with and  
34 be made a part of any state educational institution with the approval of  
35 the state council on higher education pursuant to rules and regulations  
36 adopted by the state council. Any such affiliation is subject to specific  
37 authorization by act of the legislature. Rules and regulations adopted by  
38 the state council shall address such matters as the mission and relationship  
39 of the affiliated institutions, effect on delivery of college and vocational  
40 education programs to residents in the service area of the college or vo-  
41 cational education school, disposition of all real property of the college  
42 or vocational education school, disposition of all personal property,  
43 records and moneys, including state and federal financial aid, of the col-

1 lege or vocational education school, payment of all lawful debts of the  
2 college or vocational education school, including any outstanding bonded  
3 indebtedness attributable to the operation thereof, payment of all accrued  
4 compensation or salaries of all personnel of the college or vocational ed-  
5 ucation school, transfer of personnel, if such personnel are deemed nec-  
6 essary, in the employment of the college or vocational education school  
7 to the employment of the state educational institution, and such other  
8 matters as may need to be addressed as the result of the proposed affil-  
9 iation.

10 (c) A proposal by a college or a vocational education school to affiliate  
11 with and be made a part of a state educational institution may be effec-  
12 tuated as follows:

13 (1) The governing board of an area vocational school or a technical  
14 college that formerly was an area vocational school may propose, by res-  
15 olution approved by a majority of the members of the board, the affiliation  
16 with a state educational institution; or

17 (2) the governing board of an area vocational-technical school or a  
18 technical college that formerly was an area vocational-technical school  
19 may propose, by resolutions approved by a majority of the members of  
20 each participating board, the affiliation with a state educational institu-  
21 tion; or

22 (3) the board of trustees of a community college may propose, by  
23 resolution adopted by a majority of the members of the board, the affil-  
24 iation with a state educational institution. The resolution proposing the  
25 affiliation shall be published once in a newspaper having general circula-  
26 tion in the community college district. The publication of the resolution  
27 shall include a statement that the board of trustees intends to submit the  
28 resolution for affiliation with a state educational institution, which insti-  
29 tution shall be named, to the state council on higher education unless a  
30 petition in opposition to the same, signed by not less than 15% of the  
31 qualified electors of the community college district, is filed with the  
32 county election officer of the county in which the main campus of the  
33 community college is located within 30 days after publication. If no pe-  
34 tition as specified above is filed, the resolution proposing affiliation of the  
35 community college with a state educational institution shall be deemed  
36 approved and may be submitted to the state council on higher education.  
37 If a petition is filed, the county election officer shall submit the question  
38 of whether the resolution proposing affiliation of the community college  
39 with a state educational institution should be approved at the next general  
40 election of members of the board of trustees. All qualified electors resid-  
41 ing within the community college district may vote at the election. If a  
42 majority of those voting at the election approve the resolution proposing  
43 affiliation of the community college with a state educational institution,



1 the resolution may be submitted to the state council on higher education.  
 2 If a majority of those voting at the election disapprove the resolution  
 3 proposing affiliation of the community college with a state educational  
 4 institution, the resolution shall not be submitted to the state council on  
 5 higher education and no like resolution shall be adopted by the board of  
 6 trustees within the 12 months following the date of the election.

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

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

23 (f) The governing board of the affiliated college or vocational edu-  
 24 cation school shall become and hereby is established as an adjunct to the  
 25 chief executive officer of the state educational institution with which the  
 26 college or vocational education school is affiliated. Each such board, in  
 27 addition to such other powers expressly granted by law and subject to  
 28 rules and regulations of the state council on higher education, is hereby  
 29 granted the following powers: (1) To determine and have jurisdiction over  
 30 noncredit economic development courses and community service activi-  
 31 ties; and (2) to advise and consult with the chief executive officer of the  
 32 state educational institution on all matters relating to courses, programs,  
 33 services and activities transferred to the jurisdiction of the state educa-  
 34 tional institution by reason of the affiliation including, but not by way of  
 35 limitation, matters relating to personnel and budget allocations.

36 (g) A state educational institution with which a technical college, area  
 37 vocational school or area vocational-technical school has been affiliated is  
 38 authorized to provide vocational education courses or programs to pupils  
 39 enrolled in a school district or such state educational institution may enter  
 40 into an agreement with the board of education of any school district to  
 41 provide vocational education courses or programs.

(h) Except as otherwise specifically provided by law, each college or  
 vocational education school that is specifically approved for affiliation with

1 a state educational institution by act of the legislature shall be considered  
 2 to be a part of the state educational institution for all purposes under law  
 3 and shall be subject to the control and supervision of the state council on  
 4 higher education as provided by law for state educational institutions.

5 (i) No suit, action or other proceeding, judicial or administrative, law-  
 6 fully commenced, or which could have been commenced, by or against  
 7 any college or vocational education school affiliated with a state educa-  
 8 tional institution in accordance with the provisions of this act, or by or  
 9 against any personnel of any such college or vocational education school,  
 10 shall abate by reason of such affiliation. The court may allow any such  
 11 suit, action or other proceeding to be maintained by or against the state  
 12 educational institution with which such college or vocational education  
 13 school is affiliated. No criminal action commenced or which could have  
 14 been commenced by any college or vocational education school affiliated  
 15 with a state educational institution in accordance with the provisions of  
 16 this act shall abate by the taking effect of this act.

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

19 New Sec. 63. The provisions of section 63 through 69, and amend-  
 20 ments thereto, shall be known and may be cited as the Dwight David  
 21 Eisenhower scholarship act. The provisions of the Dwight David Eisen-  
 22 hower scholarship act shall take effect and be in force from and after July  
 23 1, 2000.

24 New Sec. 64. As used in the Dwight David Eisenhower scholarship  
 25 act:

26 (a) "Eisenhower scholarship" means an award of financial assistance  
 27 by this state to an Eisenhower scholar.

28 (b) "Eisenhower scholar" means a person who: (1) Is a Kansas resi-  
 29 dent; (2) has qualified as a finalist for a national merit scholarship; and  
 30 (3) is initially acceptable for entering a qualified institution or who has so  
 31 entered and is in good standing and making satisfactory progress. Eligi-  
 32 bility of a person for qualification as an Eisenhower scholar and the award  
 33 of an Eisenhower scholarship shall commence immediately upon gradu-  
 34 ation of the person from high school.

35 (c) "Qualified institution" means a state educational institution, a  
 36 community college, a technical college, an area vocational school or an  
 37 area vocational-technical school.

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

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

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

4 New Sec. 65. Within the limits of appropriations therefor, an Eisen-  
5 hower scholarship may be awarded to any qualified Eisenhower scholar  
6 enrolled full time in a specified program at any qualified institution. Com-  
7 mencing with the first semester after qualification, an Eisenhower scholar  
8 may be awarded an Eisenhower scholarship for not more than eight con-  
9 secutive semesters of undergraduate study or the equivalent thereof. The  
10 state council shall determine the equivalent of a semester when any pro-  
11 gram period or all or part of the terms for which an Eisenhower scholar  
12 is awarded an Eisenhower scholarship are not semesters.

13 New Sec. 66. The amount of an Eisenhower scholarship awarded to  
14 an Eisenhower scholar for the fall and spring semesters or other program  
15 periods shall be the amount of the scholar's tuition and required fees for  
16 the period.

17 New Sec. 67. (a) An Eisenhower scholarship may be paid annually  
18 or as otherwise specified by the state council. Eisenhower scholarships  
19 shall be paid upon certification by the qualified institution that the Ei-  
20 senhower scholar is enrolled and is qualified. Payments of Eisenhower  
21 scholarships shall be made upon warrants of the director of accounts and  
22 reports pursuant to vouchers approved by the administrative officer of  
23 the state council designated by the council. Payments of Eisenhower  
24 scholarships may be made by the issuance of a single warrant to each  
25 qualified institution at which an Eisenhower scholar is enrolled for the  
26 total amount of Eisenhower scholarships for all Eisenhower scholars en-  
27 rolled at the institution. The director of accounts and reports shall cause  
28 such warrant to be delivered to the qualified institution at which such  
29 scholar or scholars are enrolled. Upon receipt of such warrant, the amount  
30 thereof shall be credited to the Eisenhower scholarship fund of the qual-  
31 ified institution and allocated within the fund to the account of each  
32 Eisenhower scholar enrolled at that institution. The amount to be cred-  
33 ited to the account of each such scholar shall be specified by the state  
34 council.

35 (b) If an Eisenhower scholar discontinues attendance before the end  
36 of any semester or other program period, after the qualified institution  
37 has received payment under this section, the qualified institution shall  
38 debit the account of the scholar by an amount equal to the entire amount  
39 which such scholar would otherwise qualify to have refunded, not to ex-  
40 ceed the amount credited to the account of the scholar under an Eisen-  
41 hower scholarship for the semester or other program period and, if an  
42 Eisenhower scholar has received payments under any federal program of  
43 student assistance in the semester or other program period, less an

1 amount equal to the pro rata share of such entire amount which is attrib-  
2 utable to the assistance received by the scholar under such federal pro-  
3 gram or programs.

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

8 New Sec. 68. The state council shall administer the Eisenhower  
9 scholarship program and shall:

10 (a) Publicize Eisenhower scholarships and provide information re-  
11 garding 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, and make  
15 a report thereon to the governor and the legislature;

16 (e) require any qualified institution to promptly furnish any infor-  
17 mation which the state council requests relating to administration or ef-  
18 fect of the Eisenhower scholarship program.

19 New Sec. 69. Each applicant for an Eisenhower scholarship, in ac-  
20 cordance with rules and regulations of the state council, shall:

21 (a) Be responsible for submission to the state council of evidence of  
22 qualification as a finalist for a national merit scholarship;

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

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

27 New Sec. 70. The Kansas council on higher education shall establish  
28 and implement a financial assistance program for Kansas residents who  
29 are students at postsecondary educational institutions in accordance with  
30 this section and rules and regulations adopted by the state council. The  
31 financial assistance program shall be designed to augment and supple-  
32 ment other available financial assistance, including, but not limited to,  
33 financial assistance through state or federal programs providing scholar-  
34 ships, grants, tuition assistance or work-study opportunities, and to pro-  
35 vide financial assistance to persons with demonstrated need who are stu-  
36 dents at postsecondary educational institutions. Eligibility for the financial  
37 assistance program shall be established in accordance with need-based  
38 and other criteria prescribed by rules and regulations adopted by the state  
39 council. Subject to available appropriations, the financial assistance pro-  
40 gram established under this section shall provide grants or other forms  
41 of financial assistance to eligible students for all or part of tuition and fees  
42 charged by the postsecondary educational institution for each semester,  
43 or other equivalent academic or instructional period, and may be renewed

1 for not more than eight semesters, or other equivalent academic or in-  
2 structional periods, upon continued satisfactory completion of the stu-  
3 dent's course-work requirements at the postsecondary educational insti-  
4 tution and maintaining the equivalent of at least a 2.5 grade point average,  
5 as determined by the state council. The state council shall implement the  
6 student financial assistance program commencing with the fall semester  
7 of the 2000-2001 academic year, or the equivalent academic or instruc-  
8 tional period that commences in the fall of 2000.

9 Sec. 71.

10 UNIVERSITY OF KANSAS

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

13 Enhancement and equity funding

14	For the fiscal year ending June 30, 1999.....	\$1,978,240
15	For the fiscal year ending June 30, 2000.....	\$6,676,560

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

18 Sec. 72.

19 UNIVERSITY OF KANSAS MEDICAL CENTER

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

22 Enhancement and equity funding

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

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

27 Sec. 73.

28 KANSAS STATE UNIVERSITY

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

31 Enhancement and equity funding

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

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

36 Sec. 74.

37 KANSAS STATE UNIVERSITY EXTENSION SYSTEMS  
38 AND AGRICULTURE RESEARCH PROGRAMS

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

41 Enhancement and equity funding

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

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

3 Sec. 75.

4 KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

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

7 Enhancement and equity funding

8	For the fiscal year ending June 30, 1999.....	\$126,700
9	For the fiscal year ending June 30, 2000.....	\$427,660

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

12 Sec. 76.

13 WICHITA STATE UNIVERSITY

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

16 Enhancement and equity funding

17	For the fiscal year ending June 30, 1999.....	\$535,040
18	For the fiscal year ending June 30, 2000.....	\$1,805,760

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

21 Sec. 77.

22 EMPORIA STATE UNIVERSITY

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

25 Enhancement and equity funding

26	For the fiscal year ending June 30, 1999.....	\$279,680
27	For the fiscal year ending June 30, 2000.....	\$943,920

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

30 Sec. 78.

31 FORT HAYS STATE UNIVERSITY

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

34 Enhancement and equity funding

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

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

39 Sec. 79.

40 PITTSBURG STATE UNIVERSITY

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

1 Enhancement and equity funding  
 2 For the fiscal year ending June 30, 1999..... \$343,680  
 3 For the fiscal year ending June 30, 2000..... \$1,159,920  
 4 (b) The appropriations made by this section shall not be subject to  
 5 the provisions of K.S.A. 46-155 and amendments thereto.  
 6 Sec. 80.

STATE BOARD OF REGENTS

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

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

13 (b) The appropriations made by this section shall not be subject to  
 14 the provisions of K.S.A. 46-155 and amendments thereto.  
 15 Sec. 81.

DEPARTMENT OF EDUCATION

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

19 Community college property tax mill levy reduction  
 20 For the fiscal year ending June 30, 2000..... \$40,471,549  
 21 Technical college and area vocational school technology improvements  
 22 For the fiscal year ending June 30, 2000..... \$1,000,000

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

25 (b) The appropriations made by this section shall not be subject to  
 26 the provisions of K.S.A. 46-155 and amendments thereto.  
 27 Sec. 82.

KANSAS COUNCIL ON HIGHER EDUCATION

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

31 Operations (including official hospitality)  
 32 For the fiscal year ending June 30, 1999..... \$200,000  
 33 For the fiscal year ending June 30, 2000..... \$1,000,000  
 34 For the fiscal year ending June 30, 2001..... \$1,000,000  
 35 For the fiscal year ending June 30, 2002..... \$1,000,000

36 Washburn university property tax mill levy reduction and transition  
 37 expenses  
 38 For the fiscal year ending June 30, 2001..... \$14,600,000  
 39 For the fiscal year ending June 30, 2002..... \$14,600,000

40 Merger and affiliation incentives  
 41 For the fiscal year ending June 30, 2001..... \$8,000,000  
 42 For the fiscal year ending June 30, 2002..... \$8,000,000

1 Enhancement and equity funding  
 2 For the fiscal year ending June 30, 2001..... \$25,000,000  
 3 For the fiscal year ending June 30, 2002..... \$50,000,000  
 4 Community college property tax mill levy reduction  
 5 For the fiscal year ending June 30, 2000..... \$41,500,000  
 6 For the fiscal year ending June 30, 2002..... \$41,500,000  
 7 Technical college and area vocational school technology improvements  
 8 For the fiscal year ending June 30, 2001..... \$1,000,000  
 9 For the fiscal year ending June 30, 2002..... \$1,000,000  
 10 Community college technology improvements  
 11 For the fiscal year ending June 30, 2001..... \$700,000  
 12 For the fiscal year ending June 30, 2002..... \$700,000  
 13 Financial assistance for students at postsecondary educational institutions  
 14 For the fiscal year ending June 30, 2001..... \$6,000,000  
 15 For the fiscal year ending June 30, 2002..... \$8,000,000

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

18 New Sec. 83. The enhanced funding appropriated in sections 71  
19 through 82, and amendments thereto, is in addition to typical base budget  
20 funding increases provided by appropriation acts and is not intended to  
21 pay for normal operating expenditure increases or to replace existing  
22 funding. It is the intent of the legislature to provide extraordinary funding  
23 to enable postsecondary educational institutions to achieve a level of ex-  
24 cellence that would not otherwise be possible.

25 Sec. 84. On January 1, 1999, K.S.A. 1997 Supp. 74-4925 is hereby  
26 amended to read as follows: 74-4925. (1) The state board of regents shall:

27 (a) Assist all those members of the faculty and other persons who are  
 28 employed by the state board of regents or by educational institutions  
 29 under its management and who are in the unclassified service under the  
 30 Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935  
 31 and amendments thereto, except health care employees, as defined by  
 32 subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, *or, after*  
 33 *June 30, 2000, who are described in subsection (9), in the purchase of*  
 34 *retirement annuities for their service rendered after December 31, 1961.*  
 35 *Effective on the first day of the first payroll period commencing with or*  
 36 *following July 1, 1994, county extension agents employed by Kansas state*  
 37 *university under K.S.A. 2-615 and amendments thereto shall be eligible*  
 38 *for assistance by the state board of regents in the purchase of retirement*  
 39 *annuities under this section. The state board of regents shall not assist*  
 40 *any such person who is employed after December 31, 1961, until such*  
 41 *person has been employed for a waiting period of at least one year except*  
 42 *that (i) the state board of regents may assist any newly employed person*

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1 immediately if at the time of the commencement of employment the  
 2 person is covered by a valid retirement annuity contract issued by a com-  
 3 pany described in subsection (2) which was entered into pursuant to a  
 4 retirement pension plan adopted for faculty members or other persons,  
 5 or both, employed by an institution of higher education and to which such  
 6 person or such person's employer on such person's behalf has been mak-  
 7 ing contributions for at least one year, and (ii) all periods of employment  
 8 with (A) participating employers under the Kansas public employees re-  
 9 tirement system, for which employment participating service credit ac-  
 10 crued, or (B) institutions of higher education in other states for which  
 11 employment retirement benefits accrued under a retirement system or  
 12 plan provided for such employment, shall be credited toward satisfaction  
 13 of such one-year waiting period if served, in either case, during the five  
 14 years immediately preceding employment with the state board of regents  
 15 or with an educational institution under its management in the unclassi-  
 16 fied service under the Kansas civil service act as provided in subsection  
 17 (1)(f) of K.S.A. 75-2935 and amendments thereto, in addition to such  
 18 employment with the state board of regents or with an educational insti-  
 19 tution under its management; no period of employment as a student em-  
 20 ployee, as a seasonal or temporary employee or as a part-time employee,  
 21 whose employment requires less than 1,000 hours of work per year, shall  
 22 be credited toward the one-year waiting period under subsection (1)(a);  
 23 this act shall not apply to persons employed in such temporary and  
 24 part-time positions designated by the state board of regents as exceptions  
 25 hereto;

26 (b) require such members of the faculty and others described in sub-  
 27 section (1)(a) who are so assisted by the state board of regents to con-  
 28 tribute an amount toward the purchase of such retirement annuities of  
 29 5.5% of their salaries, such contributions to be made through payroll  
 30 deductions and on a pretax basis;

31 (c) contribute an amount toward the purchase of such retirement  
 32 annuities equal to the percentage amount, as prescribed by K.S.A. 74-  
 33 4925e and amendments thereto, of the total amount of the salaries on  
 34 which such members of the faculty and others described in subsection  
 35 (1)(a) contribute during such period for which the contribution of the  
 36 state board of regents is made;

37 (d) provide, under such rules and regulations as the state board of  
 38 regents may adopt, for the retirement of any such member of the faculty  
 39 or other person described in subsection (1)(a) on account of age or con-  
 40 dition of health, retirement of such member of the faculty or other person  
 41 described in subsection (1)(a) on account of age to be not earlier than the  
 42 55th birthday and prior to January 1, 1994, not later than the end of the  
 43 academic year following the 70th year. On and after January 1, 1994, there

1 shall be no mandatory retirement on account of age. Any person who  
 2 retires under this section and who receives benefits from the Kansas pub-  
 3 lic employees retirement system for prior service credit shall have such  
 4 benefits calculated in accordance with the applicable provisions of K.S.A.  
 5 74-4914 and 74-4915 and amendments thereto.

6 (2) For the purposes of this section the state board of regents may  
 7 contract with:

8 (a) Any life insurance company authorized to do business in this state;  
 9 or

10 (b) any life insurance company organized and operated without profit  
 11 to any private shareholder or individual exclusively for the purpose of  
 12 aiding and strengthening educational institutions by issuing insurance and  
 13 annuity contracts only to or for the benefit of such institution and indi-  
 14 viduals engaged in the services of such institutions, whether or not such  
 15 company is authorized to do business in Kansas. No premium tax or in-  
 16 come tax shall be due or payable on such annuity contract or contracts  
 17 for such retirement programs issued by a company described in this sub-  
 18 section (2)(b), except that neither the purchase nor the issuance of such  
 19 retirement annuities from or by a company described in this subsection  
 20 (2)(b) shall constitute the effecting of a contract of insurance.

21 (3) (a) Such member of the faculty or other person described in sub-  
 22 section (1)(a) shall also be a member of the Kansas public employees  
 23 retirement system, but only for the purpose of granting retirement ben-  
 24 efits based on prior service only which was rendered prior to January 1,  
 25 1962, which shall be credited to the member as provided in subsection  
 26 (1) of K.S.A. 74-4913 and amendments thereto, except that such member  
 27 of the faculty or other person described in subsection (1)(a) who was  
 28 employed prior to July 1, 1962, who has not yet retired and who is em-  
 29 ployed on July 1, 1988, on an academic year contract, shall receive credit  
 30 for 12 months of prior service for each nine months of prior service for  
 31 which such member or person was employed on an academic year con-  
 32 tract prior to July 1, 1962. For the purpose of determining eligibility for  
 33 a vested benefit, service by such a member of the faculty or other person  
 34 after December 31, 1961, shall be construed to be credited service under  
 35 subsection (2) of K.S.A. 74-4917 and amendments thereto.

36 (b) Any member of the faculty or other person described in subsec-  
 37 tion (1)(a) who retires after 10 years of continuous service immediately  
 38 preceding retirement shall be granted a retirement benefit based on prior  
 39 service only which was rendered prior to January 1, 1962. Application for  
 40 such benefit shall be in such form and manner as the board shall pre-  
 41 scribe.

42 (4) For the purpose of establishing a procedure whereby the state  
 43 board of regents and any member of the faculty or other person described

1 in subsection (1)(a), subject to rules and regulations of the state board of  
 2 regents, may take advantage of section 403(a) or (b) of the federal internal  
 3 revenue code of 1986 or any other section of the federal internal revenue  
 4 code of 1986 which defers or excludes amounts from inclusion in income,  
 5 any member of the faculty or any other person described in subsection  
 6 (1)(a), whether or not such person has satisfied the one-year waiting pe-  
 7 riod requirement under subsection (1)(a), may request in writing that the  
 8 state board of regents reduce such person's annual salary, as fixed by the  
 9 board, in an amount equal to not less than 5% nor more than the per-  
 10 centage allowed under section 403(b) of the federal internal revenue code  
 11 of 1986, as designated by such member of the faculty or other person  
 12 described in subsection (1)(a), of the gross amount of such annual salary.  
 13 In the event of such request by a faculty member or other person who is  
 14 required to make the contribution as provided in subsection (1)(b), such  
 15 person shall not be required to make such contribution and the state  
 16 board of regents shall provide a sum equal to the percentage amount, as  
 17 prescribed by K.S.A. 74-4925e and amendments thereto, of the gross  
 18 annual salary of the member of the faculty or other person and shall  
 19 purchase for and on behalf of each such person whose salary has been so  
 20 reduced a retirement annuity contract or contracts, the annual premiums  
 21 for which shall be equal to the sum of the amount of the salary reduction  
 22 of the member of the faculty or other person and the amount paid by the  
 23 state board of regents. In the event of such request by a faculty member  
 24 or other person who is serving the one-year waiting period pursuant to  
 25 subsection (1)(a) who is not required to make the contribution as provided  
 26 in subsection (1)(b), the state board of regents shall purchase for and on  
 27 behalf of each such person whose salary has been so reduced a retirement  
 28 annuity contract or contracts, the annual premiums for which shall be  
 29 equal to the sum of the amount of the salary reduction of the member  
 30 of the faculty or other person, but the state board of regents shall not  
 31 provide the sum equal to the percentage amount, as prescribed by K.S.A.  
 32 74-4925e and amendments thereto, of the gross annual salary of such  
 33 person as provided for such person who is required to make the contri-  
 34 bution as provided in subsection (1)(b). Such retirement annuity contracts  
 35 may be purchased by the state board of regents from companies described  
 36 in subsection (2)(a) and subsection (2)(b) or from noninsurance compa-  
 37 nies who offer retirement plans that meet the requirements of section  
 38 403(b) of the federal internal revenue code of 1986, except that the state  
 39 board of regents may require that the first 5% of the gross amount of  
 40 such person's annual salary which is reduced under this subsection (4)  
 41 and the amount equal to the percentage amount, as prescribed by K.S.A.  
 42 74-4925e and amendments thereto, of the gross amount of such person's  
 43 annual salary which is provided by the state board of regents for the

1 purchase of retirement annuity contracts under this subsection (4), if  
 2 required to be provided under this subsection (4), shall be used to pur-  
 3 chase such retirement annuity contracts from such company or companies  
 4 as may be designated by the state board of regents for such purposes.  
 5 The director of accounts and reports is authorized to draw warrants on  
 6 the state treasurer upon the filing with the director of proper vouchers  
 7 for the amount of the premium on the retirement annuity contract to be  
 8 paid pursuant to the terms of such contracts and this act.  
 9 (5) All employees who are described in subsection (1)(a) and who  
 10 commence such employment on and after July 1, 1976, shall receive as-  
 11 sistance under subsection (1) and shall be covered by a valid retirement  
 12 annuity contract issued by a company described in subsection (2).  
 13 (6) Any employee of the state board of regents or of an educational  
 14 institution under its management, other than an elected official, who is  
 15 receiving or is eligible for assistance by the state board of regents in the  
 16 purchase of a retirement annuity under this section and who becomes  
 17 ineligible for such assistance because such employee's position is reclas-  
 18 sified to a position in the classified service under the Kansas civil service  
 19 act or who becomes ineligible for such assistance because such employee  
 20 transfers to a position in the classified service under the Kansas civil ser-  
 21 vice act with the state board of regents or an educational institution under  
 22 its management, shall become a member of the Kansas public employees  
 23 retirement system in accordance with the provisions of subsection (5) of  
 24 K.S.A. 74-4911 and amendments thereto, unless such employee files a  
 25 written election in the office of the Kansas public employees retirement  
 26 system, in the form and manner prescribed by the board of trustees  
 27 thereof, to remain eligible for assistance by the state board of regents  
 28 under this section prior to the first day of the first complete payroll period  
 29 occurring after the effective date of such reclassification or transfer. Fail-  
 30 ure to file such written election shall be presumed to be an election not  
 31 to remain eligible for assistance by the state board of regents under this  
 32 section and to become a member of the Kansas public employees retire-  
 33 ment system under subsection (5) of K.S.A. 74-4911 and amendments  
 34 thereto. Such election, whether to remain eligible for such assistance or  
 35 to become a member of such system, shall be effective as of the effective  
 36 date of such reclassification or transfer and shall be irrevocable.  
 37 (7) The state board of regents shall adopt uniform policies applicable  
 38 to members of the faculty and other persons, who are employed by the  
 39 state board of regents or by any educational institution under its man-  
 40 agement and who are in the unclassified service under the Kansas civil  
 41 service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amend-  
 42 ments thereto, except health care employees, as defined by subsection  
 43 (1)(f) of K.S.A. 75-2935 and amendments thereto, for the purposes of

1 administering the provisions of this section and the provision of retire-  
2 ment annuities and other benefits hereunder. All assistance provided by  
3 the state board of regents for such persons, and agreements entered into  
4 therefor, pursuant to this section prior to the effective date are hereby  
5 authorized, confirmed and validated.

6 (8) Any employee described in subsection (1)(a) who is on leave of  
7 absence and who accepts a position in the executive branch of govern-  
8 ment may file a written election in the office of the Kansas public em-  
9 ployees retirement system, in the form and manner prescribed by the  
10 board, to remain eligible for assistance by the state board of regents under  
11 this section prior to the first day of the first complete payroll period  
12 occurring after the commencement of such service in the executive  
13 branch of government. Failure to file such written election shall be pre-  
14 sumed to be an election not to remain eligible for assistance by the state  
15 board of regents. The state board of regents shall contribute an amount  
16 toward the purchase of retirement annuities on behalf of such employee  
17 equal to the sum of the amounts provided in subsection (1)(c).

18 (9) *Each person, who is appointed by the state board of regents on*  
19 *July 1, 2000, to a position in the classified service under the Kansas civil*  
20 *service act at Washburn university as provided in section 56, and amend-*  
21 *ments thereto, who was participating in the retirement plan of Washburn*  
22 *university of Topeka prior to July 1, 2000, and who files a written election*  
23 *as provided in section 56, and amendments thereto, to become eligible for*  
24 *assistance by the state board of regents in the purchase of a retirement*  
25 *annuity under this section, shall be eligible to receive assistance by the*  
26 *state board of regents in the purchase of a retirement annuity in accord-*  
27 *ance with this section, effective on July 1, 2000, or the effective date of*  
28 *any such election, whichever is later.*

29 Sec. 85. On January 1, 1999, K.S.A. 46-1208a and 46-1208b and  
30 K.S.A. 1997 Supp. 74-4925 are hereby repealed.

31 Sec. 86. On July 1, 1999, K.S.A. 12-16,102, 13-13a25, 13-13a26,  
32 13-13a27, 13-13a28, 13-13a29, 13-13a30, 13-13a31, 13-13a32, 13-13a33,  
33 13-13a34, 71-204, 71-304, 71-305, 71-306, 71-403, 71-501, 71-601, 71-  
34 604, 71-605, 71-609a, 71-610, 71-613, 71-1508, 71-1702, 72-4424, 79-  
35 5021, 79-5022, 79-5024, 79-5025, 79-5026, 79-5028 and 79-5032 and  
36 K.S.A. 1997 Supp. 19-101a, 71-201, 71-301, 71-401, 71-602, 71-607, 71-  
37 609, 71-611, 71-613a and 71-619 are hereby repealed.

38 Sec. 87. On July 1, 2000, K.S.A. 71-801 is hereby repealed.

39 Sec. 88. This act shall take effect and be in force from and after its  
40 publication in the statute book, the adoption of the proposition to amend  
41 sections 2, 3, 6 and 7 of article 6 of the constitution of the state of Kansas  
42 in 1998 House Concurrent Resolution No. 5049 at the general election  
43 held on November 3, 1998, and January 1, 1999.