

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE

The meeting was called to order by Chairman Tom Sloan at 3:30 P.M. on March 16, 2005 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Mary Galligan, Kansas Legislative Research Department  
Deb Hollon, Kansas Legislative Research Department  
Art Griggs, Office of the Revisor  
Linda Reed, Committee Secretary

Conferees appearing before the committee:

Dennis Kuhlman, Dean of the College of Technology and Aviation at Kansas State University in Salina.  
Patrick Rinearson, Kansas State University in Salina  
Monica Chester, Kansas State University in Salina  
Seth Short, Kansas State University in Salina  
Nancy Milleret, Kansas State University in Salina  
James B. Reed, Kansas State University in Salina  
Mike Paul, Kansas State University in Salina  
William Klein, Kansas State University in Salina  
Aaron Grunden, Kansas State University in Salina

Others attending:

See attached list.

Chairman Sloan opened the meeting with the introduction of Dennis Kuhlman, Dean of the College of Technology and Aviation at Kansas State University in Salina, and students who worked directly with Mission Control and Ground Crew on the Virgin Atlantic GlobalFlyer. Dean Kuhlman and the students presented a brief presentation sharing their experiences and excitement with the GlobalFlyer project.

Dean Kuhlman stated how extremely proud he is of his students and the job that they did in the project. Dean Kuhlman stated that if you look at aviation and where we are right now, Orville and Wilbur Wright started with KittyHawk, and this GlobalFlyer record event may very well be the last major milestone that will be achieved in general aviation. In the future most of the records are going to be associated with space, and exploration of a new frontier.

Dean Kuhlman had students introduce themselves, state their home town and major course of study. Students who worked directly with Mission Control and Ground Crew: Patrick Rinearson, Monica Chester, Seth Short, Nancy Milleret, James B. Reed, Mike Paul, Aaron Gruden and William Klein. Dean Kuhlman also acknowledged students who worked with the project but were unable to attend: Andy Andoga, Joshua J. Hill, and Landon Truetken.

Questions were asked of the Dean and students by committee members.

Representative Horst presented certificates for each student on behalf of the committee for their contribution during the historic flight piloted by Steve Fossett.

Representative Horst also presented a copy of an article from the Congressional Record of March 10, 2005, congratulating pilot Steve Fossett and the Community of Salina, Kansas to the Committee. (Attachment 1)

Chairman Sloan stated that he appreciated Representative Horst bringing the Dean and students to our committee. Chairman Sloan thanked them for joining us and wished them well in their careers.

The Chairman asked the committee to turn their attention to **SB 74; State educational institutions; conversion of positions to classified service.**, regarding proposed amendments.

CONTINUATION SHEET

Minutes of the House Higher Education Committee at 3:30 P.M. on March 16, 2005 in Room 231-N of the Capitol.

Representative Carlin presented to the Committee additional language, page 1 - line 39 regarding the vote by the employees. Such an election shall be precipitated by an official announcement 90 days prior to when an election is to take place. (Attachment 2)

Representative Carlin moved that we amend the bill adding language to give 90 days notice prior to an election taking place.

Representative Horst seconded the motion.

Representative Sharp questioned whether it might be better served by reducing the days from 90 to 45.

Representative Carlin responded to Representative Sharp's statement, indicating she would like to find a time frame that would work with university officials and employees to put it on their agenda for discussions to educate members.

The motion carried.

Representative Horst moved to introduce language stating that after a vote of approval, the state educational institution shall provide all affected employees with opportunities for input into the development of the system of administration and the personnel policies and procedures relating to their employment. (Attachment 3)

Representative Storm seconded the motion.

Representative Storm stated to Representative Horst that the development of the plan that will be presented to Board of Regents already spells it out in the bill.

Representative Horst asked the committee for permission to withdraw her motion.

Representative Storm seconded the motion.

Without objection, Representative Horst moved that it be reintroduced to read "after a vote of approval the State Educational Institutions shall provide affected employees with opportunities for input into the development of the plan that would be presented to the Board of Regents".

Representative Storm seconded the motion.

Discussion was held by the committee regarding the procedure that will be followed when bringing the idea and plan to classified employees at universities.

The motion passed with a No vote noted by Representative Sharp.

Mr. Griggs suggested a bill drafter comment in line 26 after the word develop, by inserting "plan for". Without objection by committee members, this change was accepted as a technical amendment.

Representative Sharp moved that language state in line 31, impletation and development of such plans must involve members of the classified employees.

Representative Horst seconded the motion.

Motion was opened for discussion.

Chairman Sloan asked staff to read back the motion. Mr. Griggs stated in line 31 following the procedures period by inserting development of such plans shall be subject to input of the affected classified employees.

Representative Sharp moved the motion.

CONTINUATION SHEET

Minutes of the House Higher Education Committee at 3:30 P.M. on March 16, 2005 in Room 231-N of the Capitol.

The motion passed.

Chairman Sloan asked the committee to address the bill.

Representative Huff moved that we move SB 74 as amended in favor for passage.

Representative Horst seconded the motion.

The motion carried.

The Chairman asked Representative Phelps to carry the bill.

The Chairman opened the hearing on HB 2489, Tax levy authority for governing bodies of technical colleges and school districts.

Chairman Sloan presented a proposed substitute bill for HB 2489 to the committee.

Chairman Sloan indicated that it is not the intention of the Chairman to have HB 2489 worked this session.

The Chairman stated that representative's of technical colleges and schools including Wichita, Manhattan, Liberal, Beloit, Johnson County, Topeka, and representatives for the association are wanting something tangible that they and their individual boards can review until January to establish what will work for them and the Board of Regents. (Attachment 4)

Representative Sharp moved that the committee adopt the balloon so that it can now be studied, whether it be in the interim committee or whether by the affected parties.

Representative Huff seconded the motion.

The motion passed.

Chairman Sloan adjourned the meeting at 4:40 p.m.

HOUSE HIGHER EDUCATION COMMITTEE GUEST LIST

DATE 3/16/05

NAME	REPRESENTING
Monica Chester	K-State @ Salina
Nancy Milleret	K-State at Salina
William J Klein	K-State at Salina
Jim B. Reed	K-State @ Salina
Aaron M. Grunden	K-State @ Salina
Michael Paul	K-State @ Salina
El Jaceo	R.P. Harst.
John Dougherty	ESU
Ashley Wendler	Intern Rep. Storm
Seth Short	K-State at Salina
Michael White	KATSC
McPomatto	PSU
SUE PETERSON	K-STATE
Shannon Bell	KBOR
Matthew Johns	Intern for Rep. McKinney
Andy Sanchez	KAPE
RUSSELL MILLS	GACHES
Jon Josselyn	University of Kansas
May Ellen Orlee	WHTC

**HOUSE HIGHER EDUCATION COMMITTEE GUEST LIST**

DATE 3/16/05

NAME	REPRESENTING
<del>Virginia Rose</del>	KACCT
David Shollenburger	AU

process, Harriet Tubman paid a high price for her defiance and her convictions. She was afflicted with a wound so severe that it would cause health problems for the rest of her life. The beating was not the first, nor would it be the last. But despite that cruel scar and despite the deep scars of slavery, Harriet Tubman still pursued. With a vigor difficult to image, she pursued her seemingly distant dreams and the buried promise of freedom.

Her own freedom was not good enough, though—others were still enslaved. A year after her own escape, Harriet Tubman became a conductor on the underground railroad. She was so successful—she alone led about 300 slaves to freedom—that a bounty, with a horrifying sentence of torture until death, was offered for her capture. Yet, she continued to travel the route of the underground railroad, telling fellow conductor Thomas Garrett that she “ventured only where God sent: and bragging years later that she had “never run off track or lost a passenger.” Time and time again whenever Harriet Tubman encountered unbeatable odds or insurmountable obstacles, she beat them and surmounted them, forging a path of service, spirit, and strength for all of us to follow.

Through her service—as a conductor on the underground railroad, as a soldier and a tender of soldiers, and as a speaker for those who could not speak for themselves—Harriet Tubman gave hope to countless slaves who referred to her as their “Moses” and who, because of her, realized that they would one day be led from oppression to the promised land of freedom. Through her strength—a strength that compelled her to risk her own freedom so that others could experience it—Harriet Tubman provided an inspiration of liberty, justice and opportunity that serves us still. The service, spirit and strength of Harriet Tubman represents in timeless eloquence much of what is best in us, as Americans and as human beings.

Mr. President, slavery was the darkest chapter in American history. But, out of the darkness of persecution in South Africa came the light of Nelson Mandela. And, out of the darkness of slavery in America came the light of Harriet Tubman.

Today, that light is kept alive by the Harriet Tubman Historical Society, located in my hometown of Wilmington, DE. Harriet Tubman Day is the brainchild of its executive director, Vivian Abdur-Rahim. The widespread support this commemorative has received around the country—19 states and several citizens have already endorsed it—is a result of Vivian's tireless tenacity. She has made a tremendous investment toward establishing this day of recognition and tribute, and I am proud to ask the Senate to add its support to such a worthy and important effort.

CONGRATULATING PILOT STEVE FOSSETT AND THE COMMUNITY OF SALINA, KS

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 10, 2005*

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor Mr. Steve Fossett, pilot of the Virgin Atlantic GlobalFlyer, and all those who

assisted him during his successful world record-setting flight around the world last week.

Steve Fossett flew the first solo, non-stop, non-refueled aerial circumnavigation of the globe in a jet aircraft, completing the record-setting flight in 67 hours and one minute, with an average speed of nearly 300 miles per hour. This feat began on Monday, February 28, 2005, and ended Wednesday, March 3, 2005, at the renowned “America's Fuel Stop,” the Salina Municipal Airport, Kansas, USA. With aviation pioneers like Earhart, Beech and Cessna to its credit, it is only fitting that today's modern aviation pioneer chose Kansas as the location to set his world record.

Mr. Fossett is an accomplished adventurer, having set numerous world records in aviation and sailing. In fact, Mr. Fossett owns the world record for the number of world records held, with a total of 62, to date. Collaborating with Sir Richard Branson, famed British entrepreneur and founder of the Virgin Group of companies, he embarked on this around-the-world voyage, aiming to set world records in speed around the world without stopping or refueling, distance over a close circuit without landing, and distance without landing. The Virgin Atlantic GlobalFlyer, the plane Mr. Fossett flew for this trek, was specially designed to be lightweight, aerodynamic, and fuel-efficient.

Mr. Fossett encountered several obstacles during his flight, including the failure of his plane's navigation system and the discovery of a fuel shortage. However, his perseverance and determination to succeed, despite the challenges, have earned him yet another notation in the record books.

I am also proud of those who assisted Mr. Fossett and the Virgin Atlantic GlobalFlyer, especially the talented and dedicated staff of Dr. Dennis Kuhlman, Dean of the College of Technology and Aviation at Kansas State University at Salina. K-State at Salina is one of the top aviation schools in the nation, boasting excellent facilities for student use, which also helped to attract Mr. Fossett. The efforts of K-State at Salina to train aviation mechanics and pilots are helping to ensure safe air transportation into the next generation.

In addition, I extend sincere congratulations to the Salina Airport Authority Board of Directors, Mr. Tim Rogers, Executive Director, and the many fine airport staff members. While the airport's 12,300 ft. runway was a significant factor in the site selection for this historic attempt, it didn't hurt that the Salina Airport Authority has established expertise in the areas of airfield security, ground handling, equipment and media services.

Other significant contributors to the mission were the Salina Area Chamber of Commerce, led by Mr. Gerald Cook, President/CEO, and staff; and, the City of Salina, Mr. Monte Shadwick, Mayor; Mr. Dennis Kissinger, City Manager, and staff. This was truly a collaborative effort, of magnificent proportions, befitting a record-setting feat.

I join the world in congratulating Steve Fossett and honoring the contributions of the greater Salina community on a job well done.

HONORING BOB LANIER

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 10, 2005*

Mr. EMANUEL. Mr. Speaker, I rise today in order to recognize the 80th birthday of Bob Lanier, former Mayor of Houston and a dedicated public servant. Bob may not have entered politics until after his 66th birthday, but he certainly made up for lost time in the 14 years that followed.

Bob had a distinguished career before he ran for Mayor of Houston. He served in the Navy during World War II, graduated from the University of Texas Law School with high honors, and chaired the Texas Highway Commission and Houston's Metropolitan Transit Authority.

Bob has been the recipient of several prestigious awards, including the Hubert Humphrey Civil Rights Award, the Bond Market Association's Distinguished Public Service Award, and a place in the Texas Transportation Hall of Honor.

Respected and admired by Americans on both sides of the aisle, Bob served the people of Houston exceptionally well during his three terms. They returned him to office in 1993 with over 91 percent of the vote, and he left office with a remarkable 78 percent approval rating.

Within his first 90 days in office, “Mayor Bob,” as he was affectionately known, added 655 police officers, leading to a dramatic reduction in the city's crime rate. He was also known for revitalizing several areas of Houston, transforming them into vibrant engines of the city's economy.

Further, he made tremendous strides in environmental preservation. He and his wonderful wife Elyse won two national awards for clean up and beautification of the city. President Clinton summed up Bob's contributions to the city when he said, “He was a magnificent mayor.”

Bob received many accolades during his six years as mayor, but perhaps most fitting was when Texas Monthly named him one of three top Texas mayors of the 20th century.

Bob and Elyse are enjoying their retirement, and I am sure that their seven children and ten grandchildren will be a big part of helping them continue to enjoy it.

Mr. Speaker, I wish Bob a very happy 80th birthday, and I hope that I can share in the celebration of many happy returns.

REGARDING INTRODUCTION OF A HOUSE RESOLUTION RECOGNIZING THE GOALS AND IDEAS OF NATIONAL TIME OUT DAY

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 10, 2005*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a House resolution recognizing the goals and ideas of the National Time Out Day, which the Association of periOperative Registered Nurses (AORN) and over 50 other health care organizations are celebrating on June 22, 2005 to promote the adoption of a new protocol for preventing me

House Higher Education Committee

03/16/05

Attachment 1

SB 74

Page 1  
Line 39

... positions. *Such an election shall be precipitated by an official announcement 90 days prior that an election is to take place.*

*[As Amended by Senate Committee of the Whole]*

*As Amended by Senate Committee*

*Session of 2005*

**SENATE BILL No. 74**

By Committee on Ways and Means

1-20

12 AN ACT relating to state educational institutions; concerning the con-  
13 version of positions in the classified service to positions in the unclas-  
14 sified service; amending K.S.A. 2004 Supp. 74-4925 and 75-2935 and  
15 repealing the existing sections.

16  
17 *Be it enacted by the Legislature of the State of Kansas:*

18 New Section 1. (a) The state board of regents, **in accordance with**  
19 **the provisions of this section**, may authorize any state institution of  
20 higher education to convert all classified staff employee positions **or any**  
21 **portion thereof** in the institution to the unclassified service of state em-  
22 ployment. Those classified staff employees whose positions are converted  
23 from classified to unclassified status shall retain all health and flexible  
24 benefits and leave and retirement benefits provided to them under the  
25 state classified employee system. Each institution designated by the board  
26 shall develop a system for administration of all other aspects of employ-  
27 ment for these employees, **including personnel policies and proce-**  
28 **dures, and each such system of administration shall be subject to**  
29 **approval by the state board of regents. [Such personnel policies and**  
30 **procedures shall include a disciplinary and grievance process which**  
31 **provides for the right to appeal and due process procedures.]** Im-  
32 plementation of this section shall not cause a salary reduction or layoff of  
33 any classified employee. **This section shall not be implemented by the**  
34 **state board of regents at any state institution of higher education**  
35 **unless an election has been held for classified staff employees af-**  
36 **ected by such proposal at such institution and the classified staff**  
37 **employees voting at the election by majority vote approve the con-**  
38 **version of the classified staff employee positions affected by such**  
39 **proposal at that institution to unclassified positions.**

40 (b) For the limited purposes of this section, and K.S.A. 74-4925, and  
41 amendments thereto, these newly designated unclassified employees shall  
42 be referred to as "university support staff" and the university of Kansas  
43 medical center shall be considered a state institution of higher education

After a vote of approval, the state educational institution shall provide all affected employees with opportunities for input into the development of the system of administration and the personnel policies and procedures relating to their employment.



## Proposed Substitute for HOUSE BILL NO. 2489

By Committee on Higher Education

1 AN ACT concerning adult basic education programs; relating to tax  
2 levy authority of governing bodies of technical colleges and  
3 school boards; amending K.S.A. 2004 Supp. 72-4470a and  
4 repealing the existing section.

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

6 Section 1. K.S.A. 2004 Supp. 72-4470a is hereby amended to  
7 read as follows: 72-4470a. (a) On or before July 1, 2005, all  
8 technical college boards shall develop and present to the state  
9 board of regents a plan to replace the governing body described  
10 in K.S.A. 72-4470, and amendments thereto, with a new governing  
11 board, which shall be separate and independent of any board of  
12 education of any school district, to operate, control and manage  
13 the technical college. The plan shall include, but not be limited  
14 to, provisions relating to:

- 15 (1) The composition of the independent governing board;
- 16 (2) the service territory of the technical college. If the  
17 territory of the technical college includes more than one county,  
18 the plan shall designate a home county. The boundaries of service  
19 territories shall be drawn so that no county is split between two  
20 or more territories;
- 21 (3) the method of election or appointment and the terms of  
22 service of the members of the independent governing board;
- 23 (4) the date upon which the independent governing board  
24 shall assume management and control of the technical college;
- 25 (5) the manner, terms upon which and extent to which the  
26 facilities, will be transferred to the independent governing  
27 board and the division of other assets and indebtedness and other  
28 liabilities; and
- 29 (6) the manner and terms upon which faculty, employees and  
30 students will be transferred to the independent governing board.  
31 Subject to the provisions of K.S.A. 2004 Supp. 72-4478, and  
32 amendments thereto, such provisions shall specify terms of  
33 employment and address other personnel matters.

34 (b) (1) Upon approval of the plan by the state board of

1 regents and the governing body of the technical college which  
2 submitted the plan, and on the date determined in the approved  
3 plan, the independent governing board established under  
4 subsection (a) of this section shall operate subject to the  
5 rules, regulations and supervision of the state board of regents  
6 in the same manner as other technical colleges, technical schools  
7 and area vocational technical schools.

8 (2) After June 30, 2007, if the governing body of the  
9 technical college and the state board of regents have not  
10 approved a plan submitted pursuant to subsection (a), the state  
11 board of regents shall have the power to approve the plan and  
12 upon such approval and on the date determined in the approved  
13 plan, the independent governing board established pursuant to  
14 subsection (a) shall operate subject to the rules, regulations  
15 and supervision of the state board of regents in the same manner  
16 as other technical colleges, technical schools and area  
17 vocational technical schools.

18 (c) In addition to such other powers expressly granted by  
19 law and subject to the provisions of subsection (b), the  
20 governing board shall have the power to:

21 (1) Determine the vocational, technology and general  
22 education courses of instruction that will comprise the associate  
23 of applied science degree programs of the college;

24 (2) establish the requirements for satisfactory completion  
25 of the associate of applied science degree programs of the  
26 college;

27 (3) confer the associate of applied science degree upon  
28 students who successfully complete an associate of applied  
29 science degree program of the college and to award a certificate  
30 or diploma to students who successfully complete a vocational  
31 education program of the college;

32 (4) appoint teaching staff and fix and determine teacher  
33 qualifications, duties and compensation. No teacher appointed to  
34 teach courses comprising the associate of applied science degree  
35 programs of the college shall be required to meet certification

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

3 (5) have custody of, and be responsible for, the property of  
4 the college and be responsible for the operation, management and  
5 control of the college;

6 (6) select a chairperson and such other officers as it deems  
7 desirable, from its membership;

8 (7) sue and be sued;

9 (8) appoint and fix the compensation and term of office of a  
10 president or chief administrative officer of the college;

11 (9) fix and determine, within state adopted standards, all  
12 other employees' qualifications, duties, compensation and all  
13 other items and conditions of employment;

14 (10) enter into contracts;

15 (11) accept any gifts, grants or donations;

16 (12) acquire and dispose of real or personal property;

17 (13) enter into lease agreements as lessor of any property  
18 owned or controlled by the college;

19 (14) adopt any rules and regulations, not inconsistent with  
20 any law or any rules and regulations of the state board of  
21 regents, which are necessary for the administration and operation  
22 of the college or for the conduct of business of the governing  
23 board;

24 (15) contract with one or more agencies, either public or  
25 private, whether located within or outside the territory of the  
26 college or whether located within or outside the state of Kansas  
27 for the conduct by any such agency of academic or vocational  
28 education for students of the college and to provide for the  
29 payment to any such agency for the contracted educational  
30 services from any funds or moneys of the college, including funds  
31 or moneys received from student tuition and fees;

32 (16) appoint as its resident agent for the purpose of  
33 service of process, either the president of the technical college  
34 or the chairperson of the governing board, or both;

35 (17) take any other action, not inconsistent with any law or

1 any rules and regulations of the state board of regents, which is  
2 necessary or incidental to the establishment, operation and  
3 maintenance of the college;

4 (18) issue bonds for capital improvement projects, enter  
5 into bond covenants and take such ancillary action as the  
6 governing board approves, relating thereto except that such bonds  
7 shall not be secured by a pledge of any property tax revenues of  
8 the technical college; and

9 (19) enter into agreements with counties relating to funding  
10 for capital improvement projects at technical colleges.

11 New Sec. 2. On or before September 15, 2005, the state board  
12 of regents shall determine the service territory of each  
13 technical college. The boundaries of service territories shall  
14 be drawn so that no county is split between two or more  
15 territories.

16 New Sec. 3. The governing body of any technical college and  
17 the board of education of any school district may enter into  
18 contracts relating to the provision of adult basic education  
19 programs.

20 New Sec. 4. The governing body of a technical college may  
21 charge fees and tuition at a rate that is higher for students who  
22 are not residents of the service territory of the technical  
23 college than the fees and tuition charged for residents of the  
24 service territory.

25 New Sec. 5. The state board of regents shall review and  
26 approve the budget of each technical college.

27 New Sec. 6. (a) The governing body of a technical college  
28 may adopt a local option budget in an amount not to exceed an  
29 amount equal to 25% of the amount of state financial aid received  
30 by the technical college. The governing body shall adopt a  
31 resolution adopting a local option budget and stating the amount  
32 of the proposed budget. Such resolution shall be published at  
33 least once in a newspaper having general circulation in each  
34 county within the service territory. Such local option budget may  
35 be adopted, unless a petition in opposition to the resolution,

1 signed by not less than 10% of the qualified electors of each  
2 county within the service territory of the technical college is  
3 filed with the county election officer of the home county of the  
4 technical college within 30 days after publication of the  
5 resolution. If a petition is filed, the county election officer  
6 of the home county of the technical college service territory  
7 shall submit the question of whether adoption of the local option  
8 budget shall be authorized to the electors of the service  
9 territory at an election called for the purpose or at the next  
10 general election, as is specified by the governing body. If a  
11 sufficient petition is not filed, the governing body may adopt a  
12 local option budget. If a sufficient petition is filed, the  
13 governing body may notify the county election officer of the date  
14 of an election to be held to submit the question of whether  
15 adoption of a local option budget shall be authorized. If the  
16 governing body fails to notify the county election officer within  
17 30 days after a petition is filed, the resolution shall be deemed  
18 abandoned and no like resolution shall be adopted within the nine  
19 months following publication of the resolution. Any such election  
20 shall be noticed, called and held in the manner provided by  
21 K.S.A. 10-120, and amendments thereto, for the noticing, calling  
22 and holding of elections upon the question of issuing bonds under  
23 the general bond law. If a sufficient petition is filed, and the  
24 resolution is submitted for approval of the electors, such  
25 resolution shall not be effective unless approved by a majority  
26 of the qualified electors of each county within the service  
27 territory voting at the election called and held thereon.

28 Once authorized to adopt a local option budget as provided  
29 under this subsection, a technical college may adopt a local  
30 option budget each year as long as such budget does not exceed  
31 the percentage of state financial aid as stated in the resolution  
32 for the adoption of the initial local option budget. Such budget  
33 shall not be subject to protest and election.

34 (b) A technical college may increase the amount of the local  
35 option budget in the same manner and subject to the same

1 conditions imposed under subsection (a) for the adoption of the  
2 initial local option budget. No technical college may adopt a  
3 local option budget under the provisions of this subsection in an  
4 amount which exceeds an amount equal to 25% of the amount of  
5 state financial aid received by the technical college.

6 (c) There is hereby established in every technical college  
7 that adopts a local option budget a fund which shall be called  
8 the supplemental general fund. The fund shall consist of all  
9 amounts deposited therein or credited thereto according to law.  
10 Amounts in the supplemental general fund may be expended for any  
11 purpose for which expenditures from the general fund are  
12 authorized or may be transferred to the general fund of the  
13 technical college or to any other fund of the technical college.

14 (d) Each year that the governing body has adopted a local  
15 option budget, the governing body may levy an ad valorem tax on  
16 the taxable tangible property of the service territory for the  
17 purpose of financing that portion of the local option budget of  
18 the technical college which is not financed from any other source  
19 provided by law and for the purpose of paying a portion of the  
20 principal and interest on bonds issued by cities under authority  
21 of K.S.A. 12-1774, and amendments thereto, for the financing of  
22 redevelopment projects upon property located within the service  
23 territory. The proceeds from the tax levied under authority of  
24 this section, except the proceeds of such tax levied for the  
25 purpose of paying a portion of the principal and interest on  
26 bonds issued by cities under authority of K.S.A. 12-1774, and  
27 amendments thereto, for the financing of redevelopment projects  
28 upon property located within the service territory district,  
29 shall be deposited in the supplemental general fund of the  
30 technical college.

31 (e) As used in this section, "state financial aid" means all  
32 money appropriated by the legislature for the operation and  
33 maintenance of a technical college.

34 New Sec. 7. (a) In lieu of utilizing the local option budget  
35 authorized by section 6, and amendments thereto, a technical

1 college may levy a tax in accordance with this section in a  
2 school district territory of one or more school districts that  
3 have entered into an agreement with the technical college to  
4 provide an adult basic education program in lieu of the school  
5 district providing such program. A school district which has  
6 entered into an agreement with a technical college to provide the  
7 adult basic education program shall be precluded from levying the  
8 tax authorized by K.S.A. 72-4523, and amendments thereto.

9 (b) Subject to the provisions of subsections (a) and (c),  
10 the board of any technical college may make an annual tax levy  
11 for a period of not to exceed five years upon the assessed  
12 taxable tangible property within the territory of the school  
13 district for which the technical college is providing an adult  
14 basic education program at a level approved by the state board  
15 and for the purpose of paying a portion of the principal and  
16 interest on bonds issued by cities under authority of K.S.A.  
17 12-1774, and amendments thereto, for the financing of  
18 redevelopment projects upon property located within the territory  
19 of such school district. Proceeds from the tax levy, except for  
20 an amount to pay a portion of the principal and interest on bonds  
21 issued by cities under authority of K.S.A. 12-1774, and  
22 amendments thereto, for the financing of redevelopment projects  
23 upon property located within such school district, shall be  
24 deposited in the adult education fund of the technical college,  
25 which fund is hereby established. Notwithstanding any other  
26 provision of law, all moneys received by the technical college  
27 from whatever source for adult basic education shall be credited  
28 to the adult education fund established by this section. The  
29 expenses of a technical college directly attributable to adult  
30 basic education shall be paid from the adult education fund.

31 (c) No tax levy shall be made under this section until a  
32 resolution authorizing the levy is passed by the board of the  
33 technical college and published once a week for three consecutive  
34 weeks in a newspaper having general circulation in the territory  
35 of the school district or school districts for which the

1 technical college will provide an adult basic education program.  
2 The resolution shall specify the millage rate of the tax levy and  
3 the period of time for which the tax levy shall be made under  
4 authority thereof. After adoption of the resolution, the levy  
5 may be made unless, within 90 days following the last publication  
6 of the resolution, a petition in opposition to the levy, signed  
7 by not less than 5% of the qualified electors of each school  
8 district for which the technical college has agreed to provide  
9 adult basic education, is filed with the county election officer  
10 of the home county of such school district or districts. In the  
11 event a petition is filed, the tax shall not be levied without  
12 the question of levying the same having been submitted to and  
13 approved by a majority of the qualified electors of the school  
14 district voting at an election which shall be called for that  
15 purpose or at the next general election.

16 (d) The board of any technical college which has made a tax  
17 levy authorized under the provisions of this section may initiate  
18 procedures to renew its authority to make such a tax levy at any  
19 time after the final levy under a current authorization is  
20 certified to the county clerk.

21 New Sec. 8. (a) The school board of any school district that  
22 operates an area vocational school, as defined by K.S.A. 72-4412,  
23 and amendments thereto, may levy a tax for the area vocational  
24 school in an amount not to exceed an amount equal to 1% of the  
25 general fund budget of the district. The school board shall adopt  
26 a resolution stating the amount of the proposed levy for the area  
27 vocational school. Such resolution shall be published at least  
28 once in a newspaper having general circulation in each county  
29 within the school district. Such levy may be made, unless a  
30 petition in opposition to the resolution, signed by not less than  
31 10% of the qualified electors of each county within the territory  
32 of the school district is filed with the county election officer  
33 of the home county of the school within 30 days after publication  
34 of the resolution. If a petition is filed, the county election  
35 officer of the home county of the school district shall submit



1 the question of whether the tax levy shall be authorized to the  
2 electors of the territory at an election called for the purpose  
3 or at the next general election, as is specified by the school  
4 board. If a sufficient petition is not filed, the school board  
5 may make the levy. If a sufficient petition is filed, the school  
6 board may notify the county election officer of the date of an  
7 election to be held to submit the question to the voters. If the  
8 school district fails to notify the county election officer  
9 within 30 days after a petition is filed, the resolution shall be  
10 deemed abandoned and no like resolution shall be adopted within  
11 the nine months following publication of the resolution. Any such  
12 election shall be noticed, called and held in the manner provided  
13 by K.S.A. 10-120, and amendments thereto, for the noticing,  
14 calling and holding of elections upon the question of issuing  
15 bonds under the general bond law. If a sufficient petition is  
16 filed, and the resolution is submitted for approval of the  
17 electors, such resolution shall not be effective unless approved  
18 by a majority of the qualified electors of each county within the  
19 territory voting at the election called and held thereon.

20 Once authorized to make a tax levy for the area vocational  
21 school as provided under this subsection, a school district may  
22 make such levy each year as long as such levy does not exceed the  
23 amount as stated in the resolution for the initial levy. Such  
24 levy shall not be subject to protest and election.

25 (b) A school district may increase the amount of the levy in  
26 the same manner and subject to the same conditions imposed under  
27 subsection (a) for the adoption of the initial levy. No school  
28 district may make a levy under the provisions of this subsection  
29 in an amount which exceeds an amount equal to 1% of the school  
30 district general fund budget.

31 (c) There is hereby established in every school district  
32 that makes a levy pursuant to this section a fund which shall be  
33 called the area vocational school levy fund. The fund shall  
34 consist of all amounts deposited therein or credited thereto  
35 according to law. Amounts in the fund may be expended for any

1 purpose in support of the area vocational school.

2 (d) Each year that the school board may levy an ad valorem  
3 tax on the taxable tangible property of the school district for  
4 the purpose of support of the area vocational school and for the  
5 purpose of paying a portion of the principal and interest on  
6 bonds issued by cities under authority of K.S.A. 12-1774, and  
7 amendments thereto, for the financing of redevelopment projects  
8 upon property located within the school district. The proceeds  
9 from the tax levied under authority of this section, except the  
10 proceeds of such tax levied for the purpose of paying a portion  
11 of the principal and interest on bonds issued by cities under  
12 authority of K.S.A. 12-1774, and amendments thereto, for the  
13 financing of redevelopment projects upon property located within  
14 the service territory district, shall be deposited in the area  
15 vocational school levy fund.

16 Sec. 9. K.S.A. 2004 Supp. 72-4470a is hereby repealed.

17 Sec. 10. This act shall take effect and be in force from and  
18 after its publication in the statute book.