

## HOUSE BILL No. 2414

By Committee on Appropriations

2-14

1 AN ACT concerning postsecondary education; relating to the university  
2 engineering initiative act; expanding the act to include certain private  
3 postsecondary educational institutions; amending K.S.A. 76-7,138, 76-  
4 7,140, 76-7,141, 76-7,142 and 76-7,143 and K.S.A. 2022 Supp. 76-  
5 7,137 and 76-7,139 and repealing the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2022 Supp. 76-7,137 is hereby amended to read as  
9 follows: 76-7,137. (a) The legislature of the state of Kansas hereby finds  
10 and declares that:

11 (1) Engineering intensive industries represent approximately one-  
12 third of the statewide payroll and tax base;

13 (2) under the university engineering initiative act, the secretary of  
14 commerce, in consultation with the board of regents, state educational  
15 institutions, *private postsecondary educational institutions* and private  
16 industry, shall develop a plan to ensure engineering industry partners find  
17 the new talent, designs and techniques needed to fuel economic growth  
18 and business success in Kansas;

19 (3) the goal of the university engineering initiative act is to increase  
20 the number of engineering graduates to 1,365 graduates per year in 2021  
21 and continue to generate this same number of graduates to meet the  
22 ongoing needs of the engineering workforce for as long as the university  
23 engineering initiative act is financed with annual transfers from the  
24 expanded lottery act revenues fund. All moneys appropriated pursuant to  
25 this act shall be used to meet this goal; and

26 (4) the needs of the citizens of the state of Kansas will be best served  
27 if the secretary of commerce, the board of regents and the state educational  
28 institutions under the control and supervision of the board of regents *and*  
29 *private postsecondary educational institutions* are granted specific  
30 authority to assist in the expansion of the engineering programs.

31 (b) The exercise of the powers authorized by this act are deemed an  
32 essential governmental function in matters of public necessity for the  
33 entire state to increase the number of engineering graduates.

34 Sec. 2. K.S.A. 76-7,138 is hereby amended to read as follows: 76-  
35 7,138. As used in this act, ~~the following words and phrases have the~~  
36 ~~following meanings~~ unless a different meaning clearly appears from the

1 content:

2 (a) "Board of regents" means the state board of regents of the state of  
3 Kansas established by K.S.A. 74-3202a, and amendments thereto.

4 (b) "Engineering initiative facility" means any facility, including real  
5 and personal property, for which the primary purpose is to educate  
6 additional engineers and which is under the control of a state educational  
7 institution.

8 (c) "*Private postsecondary educational institution*" means an entity  
9 that:

10 (1) *Is a business enterprise operated on a not-for-profit basis that has*  
11 *a physical presence in Kansas;*

12 (2) *is accredited by an agency approved and recognized by the*  
13 *United States department of education as a postsecondary educational*  
14 *accrediting agency;*

15 (3) *is not subject to the authority, control or supervision of the state*  
16 *or any agency or political subdivision thereof;*

17 (4) *maintains an enrollment policy that provides the opportunity for*  
18 *any student who meets such institution's academic and other reasonable*  
19 *enrollment requirements to enroll in such institution regardless of the race,*  
20 *gender, religion, creed or national origin of such student; and*

21 (5) *offers one or more undergraduate degree programs in*  
22 *engineering disciplines that are accredited by the accreditation board for*  
23 *engineering and technology.*

24 (d) "Secretary" means the secretary of commerce.

25 ~~(d)~~(e) "State" means the state of Kansas.

26 ~~(e)~~(f) "State educational institution" means Kansas state university of  
27 agriculture and applied science, university of Kansas and Wichita state  
28 university.

29 ~~(f)~~(g) "This act" means the university engineering initiative act.

30 Sec. 3. K.S.A. 2022 Supp. 76-7,139 is hereby amended to read as  
31 follows: 76-7,139. (a) The secretary, the board of regents ~~and~~, the state  
32 educational institutions *and the private postsecondary educational*  
33 *institutions* shall have all the powers necessary or convenient to carry out  
34 the purposes and provisions of this act.

35 (b) When reviewing plans of each state educational institution *and*  
36 *private postsecondary educational institution* and making decisions  
37 regarding expenditures from the Kan-grow engineering fund – KU, Kan-  
38 grow engineering fund – KSU ~~and~~, Kan-grow engineering fund – WSU  
39 *and Kan-grow engineering fund – KICA*, the secretary, in consultation with  
40 the board of regents, shall consider the different needs of each state  
41 educational institution *and private postsecondary educational institution* to  
42 expand such institution's program to increase the number of engineering  
43 graduates.

1       (c) ~~On or before the first day of the 2017 regular session, the~~  
2 ~~secretary shall conduct a review of each state educational institution's plan~~  
3 ~~to meet the goals established in the university engineering initiative act.~~  
4 ~~The report shall include an analysis of whether or not the institutions are~~  
5 ~~on course to meet the goals established in this act.~~

6       (d) On or before January 10, 2022, and annually thereafter, each state  
7 educational institution, *private postsecondary educational institution*, the  
8 board of regents and the secretary shall report to the committee on  
9 appropriations of the house of representatives and the committee on ways  
10 and means of the senate on how many engineering graduates remain in the  
11 state over the previous three years. Such report shall provide detail  
12 concerning all efforts to increase retention of graduates and opportunities  
13 for graduates in the state and shall include information regarding the  
14 number of engineering graduates from each state educational institution  
15 that were initially enrolled as in-state or out-of-state students.

16       Sec. 4. K.S.A. 76-7,140 is hereby amended to read as follows: 76-  
17 7,140. (a) The board of regents and the state educational institutions are  
18 authorized to acquire, construct and equip engineering facilities on state-  
19 owned property of the board of regents or any state educational institution  
20 for purposes of educating engineers from any moneys of the board of  
21 regents or the state educational institutions available therefor, except that  
22 no such engineering facilities shall be acquired, constructed or equipped  
23 and no moneys shall be expended therefor unless the board of regents has  
24 first advised and consulted with the secretary and the joint committee on  
25 state building construction regarding the proposed engineering facilities  
26 and each capital improvement project proposed therefor. The engineering  
27 facilities shall become the property of the state upon completion and  
28 acceptance by the board of regents.

29       (b) The board of regents and the state educational institutions are  
30 authorized to initiate and complete capital improvement projects to repair,  
31 remodel or renovate state buildings and facilities of the state educational  
32 institutions for use as engineering facilities from any moneys of the board  
33 of regents or the state educational institutions, except that no such capital  
34 improvement project for such repair, remodeling or renovation shall be  
35 initiated unless the board of regents has first advised and consulted with  
36 the secretary and the joint committee on state building construction  
37 regarding the proposed engineering facilities and each such capital  
38 improvement project proposed therefor.

39       (c) Each state educational institution shall submit to the secretary and  
40 the board of regents a plan to provide for the annual maintenance and  
41 operation costs of any newly constructed engineering facility or capital  
42 improvement of an existing engineering facility when seeking funding for  
43 the making of such construction or improvement from the secretary or the

1 board of regents.

2 (d) (1) *Private postsecondary educational institutions are authorized*  
3 *to expend funds appropriated to the Kan-grow engineering fund – KICA*  
4 *for the following:*

5 (A) *To repair, remodel or renovate facilities owned or operated by a*  
6 *private postsecondary educational institution for use as engineering*  
7 *facilities; and*

8 (B) *to acquire capital equipment for the purpose of providing courses*  
9 *in engineering disciplines.*

10 (2) *All such facilities and capital equipment shall remain under the*  
11 *ownership or control of the private postsecondary educational institution.*

12 (3) *No funds appropriated to the Kan-grow engineering fund – KICA*  
13 *shall be expended for the acquisition or construction of any facilities by a*  
14 *private postsecondary educational institution.*

15 Sec. 5. K.S.A. 76-7,141 is hereby amended to read as follows: 76-  
16 7,141. (a) (1) There is hereby created in the state treasury the Kan-grow  
17 engineering fund – KU. The secretary shall remit all moneys received  
18 under the university engineering initiative act for engineering initiative  
19 facilities at the university of Kansas; to the state treasurer in accordance  
20 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
21 receipt of each such remittance, the state treasurer shall deposit the entire  
22 amount in the state treasury to the credit of the Kan-grow engineering fund  
23 – KU.

24 (2) All expenditures from the Kan-grow engineering fund – KU shall  
25 be for purposes of the university engineering initiative act and shall be  
26 made in accordance with appropriation acts upon warrants of the director  
27 of accounts and reports issued pursuant to vouchers approved by the  
28 secretary or by a person designated by the secretary. Each expenditure  
29 from the Kan-grow engineering fund – KU ~~which~~ *that* is transferred from  
30 expanded lottery act revenues fund moneys shall be required to be  
31 matched on a ~~\$1-for-\$1~~ *\$1-for-\$1* basis from nonstate sources.

32 (b) (1) There is hereby created in the state treasury the Kan-grow  
33 engineering fund – KSU. The secretary shall remit all moneys received  
34 under the university engineering initiative act for engineering initiative  
35 facilities at Kansas state university; to the state treasurer in accordance  
36 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
37 receipt of each such remittance, the state treasurer shall deposit the entire  
38 amount in the state treasury to the credit of the Kan-grow engineering fund  
39 – KSU.

40 (2) All expenditures from the Kan-grow engineering fund – KSU  
41 shall be for purposes of the university engineering initiative act and shall  
42 be made in accordance with appropriation acts upon warrants of the  
43 director of accounts and reports issued pursuant to vouchers approved by

1 the secretary or by a person designated by the secretary. Each expenditure  
 2 from the Kan-grow engineering fund – KSU ~~which that~~ is transferred from  
 3 expanded lottery act revenues fund moneys shall be required to be  
 4 matched on a ~~\$1-for-\$1~~ *\$1-for-\$1* basis from nonstate sources.

5 (c) (1) There is hereby created in the state treasury the Kan-grow  
 6 engineering fund – WSU. The secretary shall remit all moneys received  
 7 under the university engineering initiative act for engineering initiative  
 8 facilities at Wichita state university; to the state treasurer in accordance  
 9 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
 10 receipt of each such remittance, the state treasurer shall deposit the entire  
 11 amount in the state treasury to the credit of the Kan-grow engineering fund  
 12 – WSU.

13 (2) All expenditures from the Kan-grow engineering fund – WSU  
 14 shall be for purposes of the university engineering initiative act and shall  
 15 be made in accordance with appropriation acts upon warrants of the  
 16 director of accounts and reports issued pursuant to vouchers approved by  
 17 the secretary or by a person designated by the secretary. Each expenditure  
 18 from the Kan-grow engineering fund – WSU ~~which that~~ is transferred  
 19 from expanded lottery act revenues fund moneys shall be required to be  
 20 matched on a ~~\$1-for-\$1~~ *\$1-for-\$1* basis from nonstate sources.

21 (d) (1) *There is hereby created in the state treasury the Kan-grow*  
 22 *engineering fund – KICA. The secretary shall remit all moneys received*  
 23 *under the university engineering initiative act for engineering initiative*  
 24 *facilities at any private postsecondary educational institution to the state*  
 25 *treasurer in accordance with the provisions of K.S.A. 75-4215, and*  
 26 *amendments thereto. Upon receipt of each such remittance, the state*  
 27 *treasurer shall deposit the entire amount in the state treasury to the credit*  
 28 *of the Kan-grow engineering fund – KICA.*

29 (2) *All expenditures from the Kan-grow engineering fund – KICA*  
 30 *shall be for purposes of the university engineering initiative act and shall*  
 31 *be made in accordance with appropriation acts upon warrants of the*  
 32 *director of accounts and reports issued pursuant to vouchers approved by*  
 33 *the secretary or by a person designated by the secretary. Each expenditure*  
 34 *from the Kan-grow engineering fund – KICA that is transferred from*  
 35 *expanded lottery act revenues fund moneys shall be required to be*  
 36 *matched on a \$1-for-\$1 basis from nonstate sources.*

37 (3) *The Kansas independent college association shall establish*  
 38 *procedures for the distribution of moneys from the Kan-grow engineering*  
 39 *fund – KICA to private postsecondary educational institutions. Such*  
 40 *procedures shall be submitted to the state board of regents prior to the*  
 41 *distribution of any moneys under this subsection.*

42 Sec. 6. K.S.A. 76-7,142 is hereby amended to read as follows: 76-  
 43 7,142. Purchases by the board of regents ~~or~~, the state educational

1 institutions *or the private postsecondary educational institutions* relating  
2 to engineering initiative facilities shall not be subject to sales tax under  
3 K.S.A. 79-3601 et seq., and amendments thereto, or use tax under K.S.A.  
4 79-3701 et seq., and amendments thereto.

5 Sec. 7. K.S.A. 76-7,143 is hereby amended to read as follows: 76-  
6 7,143. This act shall be liberally construed. Except as otherwise expressly  
7 provided, nothing contained in this act is or shall be construed as a  
8 restriction or limitation upon any powers which the secretary, the board of  
9 regents~~or~~, the state educational institutions *or the private postsecondary*  
10 *educational institutions* might otherwise have under other law of this state,  
11 and the provisions of this act are cumulative to such powers. The  
12 provisions of this act do and shall be construed to provide a complete,  
13 additional and alternative method for doing the things authorized and shall  
14 be regarded as supplemental and additional to any other laws. Insofar as  
15 the provisions of this act are inconsistent with the provisions of any other  
16 law, general, specific or local, the provisions of this act shall be  
17 controlling.

18 Sec. 8. K.S.A. 76-7,138, 76-7,140, 76-7,141, 76-7,142 and 76-7,143  
19 and K.S.A. 2022 Supp. 76-7,137 and 76-7,139 are hereby repealed.

20 Sec. 9. This act shall take effect and be in force from and after its  
21 publication in the statute book.