

SENATE BILL No. 31

By Committee on Education

1-12

1 AN ACT concerning municipal universities; relating to the membership of
2 the Washburn university board of regents; reapportioning the districts
3 of certain members thereof; amending K.S.A. 13-13a04 and 13-13a05
4 and repealing the existing sections.

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

7 Section 1. K.S.A. 13-13a04 is hereby amended to read as follows: 13-
8 13a04. (a) ~~Subject to the provisions of subsection (e),~~ (1) The board of
9 regents of a municipal university ~~which~~ *that* has a taxing district that
10 includes only territory lying within the corporate limits of the city where
11 the university is located; shall consist of nine members as follows:

12 (1)(A) Four members shall be appointed by the mayor with the
13 approval of the governing body of the city in which the university is
14 located and shall hold office as provided in K.S.A. 13-13a05, and
15 amendments thereto. Members appointed under this provision shall be
16 residents of the city in which the university is located; *and shall include*
17 one from each of the three *member* districts ~~from which state senators are~~
18 ~~elected by residents of the city, established under subsection (c)~~ and one
19 from the city at large.

20 (2)(B) Three members shall be appointed by the governor and shall
21 hold office as provided in K.S.A. 13-13a06, and amendments thereto.
22 Members appointed under this provision shall be residents of the state.

23 (3)(C) One member shall be the mayor of the city in which the
24 university is located or another member of the governing body of the city
25 who is selected by the mayor.

26 (4)(D) One member shall be a member of the state board of regents
27 selected by the state board at its regular meeting in September of each
28 year; to serve as a member of the board of regents of the municipal
29 university for the ensuing year.

30 (2) Resignations from the board of regents of the municipal university
31 shall be made to the chairperson of the board. The chairperson shall report
32 any vacancy occurring in the board to the authority ~~which~~ *that* appointed
33 the member whose position is vacant. All vacancies shall be filled; by the
34 authority ~~which~~ *that* appointed the member whose position is vacant, ~~by~~
35 ~~the appointment of a successor to~~ *and the appointed successor shall* hold
36 office for the remainder of the unexpired term and until a successor is

1 appointed and qualified.

2 (b) (1) The board of regents of a municipal university ~~which~~ *that* has
3 a taxing district for retailers' sales tax purposes that includes the entire
4 territory of the county where the university is located; shall consist of nine
5 members as follows:

6 ~~(1)(A)~~ (A) Three members shall be appointed by the mayor with the
7 approval of the governing body of the city in which the university is
8 located and shall hold office as provided in K.S.A. 13-13a05, and
9 amendments thereto. Members appointed under this provision shall be
10 residents of the city in which the university is located; *and shall include*
11 one from each of the three *member* districts ~~from which state senators are~~
12 ~~elected by residents of the city~~ *established under subsection (c).*

13 ~~(2)(B)~~ (B) Three members shall be appointed by the governor and shall
14 hold office as provided in K.S.A. 13-13a06, and amendments thereto. The
15 members appointed under this provision shall be residents of the state.

16 ~~(3)(C)~~ (C) One member shall be appointed by the board of county
17 commissioners of the county in which the university is located and shall
18 hold office as provided in K.S.A. 13-13a06, and amendments thereto. The
19 member appointed under this provision shall be a resident of the county
20 but shall reside outside the city in which the university is located.

21 ~~(4)(D)~~ (D) One member shall be the mayor of the city in which the
22 university is located or another member of the governing body of the city
23 who is selected by the mayor.

24 ~~(5)(E)~~ (E) One member shall be a member of the state board of regents
25 selected by the state board at its regular meeting in September of each
26 year; to serve as a member of the board of regents of the municipal
27 university for the ensuing year.

28 (2) Resignations from the board of regents of the municipal university
29 shall be made to the chairperson of the board. The chairperson shall report
30 any vacancy occurring in the board to the authority ~~which~~ *that* appointed
31 the member whose position is vacant. All vacancies shall be filled; by the
32 authority ~~which~~ *that* appointed the member whose position is vacant, ~~by~~
33 ~~the appointment of a successor to~~ *and the appointed successor shall* hold
34 office for the remainder of the unexpired term and until a successor is
35 appointed and qualified.

36 (c) (1) The board of regents of the municipal university shall ~~be~~
37 ~~composed of the members who are holding office and serving on the board~~
38 ~~on the effective date of this act until their successors are appointed.~~
39 ~~Thereafter the membership of the board of regents shall be composed as~~
40 ~~provided for in subsection (a) or subsection (b)~~ *establish the boundaries*
41 *for three member districts by resolution adopted at a meeting of the board.*
42 *Each district shall be wholly contained within the city in which the*
43 *university is located, and the territory of the districts collectively shall*

1 *encompass all of the territory of such city. The districts shall be as equal*
2 *in population and as compact and geographically contiguous as*
3 *practicable. The board may change the boundaries of board member*
4 *districts at any time the board determines such change is necessary.*

5 *(2) If the population of any board member district is at least 5%*
6 *above or 5% below the mean population of all board member districts*
7 *based on the most recently published federal decennial census, the board*
8 *shall change the boundaries of the board member districts so that the*
9 *population of any board member district is not greater than 5% above nor*
10 *5% below the mean population of all board member districts. If the board*
11 *does not change the boundaries as required by this section, the city*
12 *attorney of the city in which the university is located shall notify the board*
13 *of its duty to make such changes. If, within 60 days after receiving such*
14 *notification, the board fails to change the boundaries as required by this*
15 *section, the city attorney shall file an action in the district court of the*
16 *county in which the university is located requesting an order to compel the*
17 *board to change the board member district boundaries as required by this*
18 *section.*

19 *(3) Upon adoption of a resolution pursuant to this subsection, the*
20 *board shall send a copy of such resolution to the city clerk of the city in*
21 *which the university is located and shall publish such resolution one time*
22 *in a newspaper having general circulation in the county in which the*
23 *university is located, and such publication shall be made within two weeks*
24 *after the adoption of such resolution.*

25 *(4) Amendments to board member district boundaries may be made*
26 *to correct errors therein or to make the territory thereof more practicable.*
27 *In the event any territory is annexed or vacated by the city in which the*
28 *university is located, the board member districts shall be adjusted*
29 *accordingly by the board by resolution adopted at a meeting of the board*
30 *prior to the appointment of any member of the board under subsection (a)*
31 *(1) or (b)(1).*

32 *Sec. 2. K.S.A. 13-13a05 is hereby amended to read as follows: 13-*
33 *13a05. (a) Whenever the board of regents of a municipal university levies*
34 *a countywide retailers' sales tax pursuant to K.S.A. 13-13a38, and*
35 *amendments thereto, the term of the member appointed from the city-at-*
36 *large shall lapse. The terms of office of the members from the 18th, 19th and*
37 *20th state senatorial districts appointed by the mayor of the city prior to the*
38 *levying of a countywide retailer's sales tax shall expire on the dates of their*
39 *such members existing terms respectively. Each successor member shall be*
40 *appointed by the mayor from one of the three board member districts*
41 *established under K.S.A. 13-13a04, and amendments thereto, and hold*
42 *office for a term of four years and until a successor has been appointed and*
43 *qualified.*

1 (b) Whenever the board of regents of a municipal university levies a
2 countywide retailers' sales tax pursuant to the provisions of this act, the
3 board of county commissioners of the county in which the university is
4 located shall appoint a member of the board of regents who is a resident of
5 the county but not of the city. The term of office of the appointee shall be
6 for a term of four years and until a successor has been appointed and
7 qualified. Each successor member shall be appointed and hold office for a
8 term of four years and until a successor has been appointed and qualified.

9 Sec. 3. K.S.A. 13-13a04 and 13-13a05 are hereby repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.