

HOUSE BILL No. 2290

AN ACT concerning higher education; authorizing the affiliation of northwest Kansas technical college and north central Kansas technical college with Fort Hays state university; amending K.S.A. 74-32,452, 74-32,461, 74-32,464 and 76-6a13 and repealing the existing sections.

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

New Section 1. (a) Northwest Kansas technical college and north central Kansas technical college, authorized and designated as technical colleges pursuant to K.S.A. 74-32,464 and 74-32,461, and amendments thereto, respectively, with governing boards established pursuant to K.S.A. 74-32,452, and amendments thereto, are hereby affiliated with Fort Hays state university. The institutional infrastructures of these technical colleges are hereby officially designated as Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college and shall be governed by and operated as technical colleges within Fort Hays state university.

(b) The governing bodies of northwest Kansas technical college and north central Kansas technical college shall become industry or regional advisory boards to the president of Fort Hays state university for Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college. All of the powers and duties established in the governing body of such technical college by law shall be transferred to Fort Hays state university, subject to the rules and regulations and supervision of the state board of regents. The president of Fort Hays state university shall appoint the members of the industry or regional advisory boards. The members of the advisory boards shall represent industry sectors or regions that correspond to the programs offered by Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college.

(c) Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college shall offer programs approved by Fort Hays state university, including credential and degree programs that technical colleges are authorized by law to award. The industry or regional advisory boards shall:

(1) Review non-credit and credit programs with the president and senior leadership of Fort Hays state university, Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college to ensure such programs are aligned with current and emerging needs of industry and the community for an educated and trained workforce;

(2) provide input relating to changes in each advisory board member's industry sector or region that affect academic programs;

(3) perform any operational responsibilities or duties specified in the formal affiliation agreement referenced in subsection (j); and

(4) perform such other responsibilities as requested by the president of Fort Hays state university.

(d) Nothing in this section shall be construed as altering any admission requirements applicable to the respective educational institutions, and each affiliating institution shall continue to be subject to any applicable admission requirements imposed by law. Fort Hays state university shall not admit degree-seeking first-time freshmen or transfer students to university programs who do not meet the applicable qualified admission standards.

(e) Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college shall continue to be technical colleges and shall be eligible for funding that is available to technical colleges to the extent provided by law. The amounts of such funding are to be determined in the same manner as provided by law for technical colleges.

(f) Whenever northwest Kansas technical college, northwest Kansas technical school, northwest Kansas area vocational-technical school or northwest tech, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or

designation shall be deemed to apply to Fort Hays state university – northwest Kansas technical college. Whenever north central Kansas technical college, north central Kansas area vocational-technical school or NCK tech, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to Fort Hays state university – north central Kansas technical college. Except as otherwise provided in this section, the provisions of all statutes of general application to area vocational schools, area vocational technical schools or technical colleges shall apply to Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college. Whenever area vocational schools, area vocational-technical schools or technical colleges are defined, referred to or designated in a statute, such definition, referral or designation shall be deemed to apply to Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college.

(g) The formal affiliation agreement between northwest Kansas technical college, north central Kansas technical college and Fort Hays state university shall include provisions relating to the manner and terms upon which faculty, employees and students may be transferred to Fort Hays state university. Such provisions shall specify terms of employment and include other personnel matters. Subject to the authorization of the state board of regents, all personnel of northwest Kansas technical college and north central Kansas technical college who are necessary to the operation of Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college, in accordance with the needs of Fort Hays state university, may become personnel of Fort Hays state university. The employment of such personnel shall be deemed uninterrupted.

(h) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against northwest Kansas technical college or north central Kansas technical college prior to affiliation, or by or against any personnel of such technical colleges, shall abate by reason of such affiliation. Any such suit, action or other proceeding may be allowed to be maintained by or against Fort Hays state university – northwest Kansas technical college or Fort Hays state university – north central Kansas technical college, as the case may be. No criminal action commenced or that could have been commenced by northwest Kansas technical college or north central Kansas technical college prior to affiliation shall abate by reason of such affiliation.

(i) The affiliation provided for by this section shall not affect any contract, agreement or assurance in effect on the effective date of this section.

(j) The provisions of this section shall be effective upon approval of a formal affiliation agreement that is consistent with these provisions by the state board of regents and the governing bodies of northwest Kansas technical college and north central Kansas technical college and on and after the date the higher learning commission of the north central association of colleges and schools approves the affiliation described in subsection (a). If only one of the governing bodies of the technical colleges provides approval of a formal affiliation agreement as set forth herein, the provisions of this section shall still be considered effective as to the affiliation between Fort Hays state university and the technical college whose governing body provided approval of the formal affiliation agreement.

Sec. 2. K.S.A. 74-32,452 is hereby amended to read as follows: 74-32,452. (a) Except as provided in ~~subsection (d)~~ *subsections (d) and (e)*, all technical colleges shall establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

- (1) The composition of the independent governing board;
 - (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
 - (3) the method of election or appointment and the terms of service of the members of the independent governing board;
 - (4) the date upon which the independent governing board shall assume management and control of the technical college;
 - (5) the manner, terms upon which and extent to which the facilities will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
 - (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 74-32,466, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.
- (b) On the date determined in the approved plan, the independent governing board established under subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges. Any amendments to the plan shall be submitted to the state board of regents for approval.
- (c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:
- (1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
 - (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
 - (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;
 - (4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;
 - (5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;
 - (6) select a chairperson and such other officers as it deems desirable, from its membership;
 - (7) sue and be sued;
 - (8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;
 - (9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;
 - (10) enter into contracts;
 - (11) accept any gifts, grants or donations;
 - (12) acquire and dispose of real or personal property;
 - (13) enter into lease agreements as lessor of any property owned or controlled by the college;
 - (14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;
 - (15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the

contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;

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

(17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;

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

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

(20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board; and

(21) to acquire by lease-purchase any property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for technical college purposes. The term of any lease-purchase agreement entered into under authority of this subsection may be for not to exceed 10 years. Such lease-purchase agreement may provide for annual or other payment of rent or rental fees and may obligate the technical college to payment of maintenance or other expenses. Any lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease-purchase agreement and assignment thereof are subject to change or termination by the legislature.

(d) Pursuant to K.S.A. 74-32,459(b), and amendments thereto, Wichita state university campus of applied sciences and technology shall be governed by Wichita state university, subject to rules and regulations of the state board of regents.

(e) Pursuant to section 1(b), and amendments thereto, Fort Hays state university – northwest Kansas technical college and Fort Hays state university – north central Kansas technical college shall be governed by Fort Hays state university, subject to rules and regulations of the state board of regents.

Sec. 3. K.S.A. 74-32,461 is hereby amended to read as follows: 74-32,461. (a) The north central Kansas area vocational-technical school ~~is authorized to be previously converted to and established as a by law as north central Kansas technical college and, upon such conversion and establishment as provided by law,~~ shall be officially designated as ~~the Fort Hays state university – north central Kansas technical college.~~

(b) Whenever the north central Kansas area vocational-technical school *or north central Kansas technical college* is referred to or designated by or in any statute, contract or other document, such reference or designation shall be deemed to apply to ~~the Fort Hays state university – north central Kansas technical college.~~

(c) The designation of north central Kansas technical college as Fort Hays state university – north central Kansas technical college shall be effective upon approval of a formal affiliation agreement that is consistent with section 1, and amendments thereto, by the state board of regents and the governing body of north central Kansas technical college and on and after the date the higher learning commission of the north central association of colleges and schools approves the affiliation described in section 1(a), and amendments thereto.

Sec. 4. K.S.A. 74-32,464 is hereby amended to read as follows: 74-32,464. (a) The northwest Kansas area vocational-technical school, also known as the northwest Kansas technical school, ~~is authorized to be previously converted to and established as a by law as northwest~~

~~Kansas technical college and, upon such conversion and establishment as provided by law,~~ shall be officially designated as *the Fort Hays state university – northwest Kansas technical college*.

(b) Whenever the northwest Kansas area vocational-technical school, ~~or the northwest Kansas technical school, or northwest Kansas technical college~~ is referred to or designated by or in any statute, contract or other document, such reference or designation shall be deemed to apply to ~~the Fort Hays state university – northwest Kansas technical college~~.

(c) *The designation of northwest Kansas technical college as Fort Hays state university – northwest Kansas technical college shall be effective upon approval of a formal affiliation agreement that is consistent with section 1, and amendments thereto, by the state board of regents and the governing body of northwest Kansas technical college and on and after the date the higher learning commission of the north central association of colleges and schools approves the affiliation described in section 1(a), and amendments thereto.*

Sec. 5. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

- (a) "Board" means the:
- (1) State board of regents ~~or the~~;
 - (2) board of regents of a municipal university ~~or the~~;
 - (3) governing board of the northwest Kansas technical college or *Fort Hays state university as the governing board of the northwest Kansas technical college upon approval of a formal affiliation agreement pursuant to section 1, and amendments thereto*;
 - (4) governing board of the north central Kansas technical college or *Fort Hays state university as the governing board of the north central Kansas technical college upon approval of a formal affiliation agreement pursuant to section 1, and amendments thereto*; ~~or the~~
 - (5) board of trustees of any community college.
- (b) "Institution" means and includes:
- (1) Any state educational institution operated and managed under the control and supervision of the state board of regents;
 - (2) any municipal university organized under the laws of Kansas;
 - (3) any community college, ~~the~~;
 - (4) northwest Kansas technical college or *Fort Hays state university – northwest Kansas technical college upon approval of a formal affiliation agreement pursuant to section 1, and amendments thereto*; and ~~the~~
 - (5) north central Kansas technical college or *Fort Hays state university – north central Kansas technical college upon approval of a formal affiliation agreement pursuant to section 1, and amendments thereto*.
- (c) "Building," when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building, structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition, construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted

on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.

(d) "Revenue bonds" means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

(e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.

(f) "Building," when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.

Sec. 6. K.S.A. 74-32,452, 74-32,461, 74-32,464 and 76-6a13 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

President of the Senate.

Secretary of the Senate.

APPROVED

Governor.