

Higher Education Policy Promulgation Authority; HB 2560

HB 2560 authorizes the sale of certain property on behalf of Kansas State University (KSU) and amends statute to exempt state educational institutions from certain statutes upon promulgation of policy by the state educational institution and the subsequent approval by the Kansas Board of Regents (KBOR), including statutes concerning the execution of contracts, procurement of goods and services, transactions involving easements, disposition of surplus property, establishment of hospitality limitations, and participation in the Kansas Quality Program.

Sale of Property

The bill authorizes KBOR, on behalf of KSU, to sell and convey all rights, title, and interest, subject to all easements and appurtenances, of certain real property described in the bill. The bill also provides that, if KBOR determines the legal description of the real estate described in the bill is incorrect, then the conveyance may include the correct legal description.

The bill exempts the sale of the real property described within it from statutory appraisal and state surplus property requirements and direct all proceeds from the sale to be credited to the Housing System Repair, Equipment and Improvement Fund of KSU.

The bill requires the Attorney General to review and approve the deed, titles, and conveyances prior to KBOR making or accepting any conveyance of such property or upon the correction of the legal description of such property.

The bill also requires such real estate to be conveyed on or before July 1, 2028.

State Educational Institutions Contracts, Easements, and Procurement

For purposes of the bill, “state educational institution” means Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, University of Kansas, and Wichita State University.

Authorizing Promulgation of Certain Policies

The bill authorizes state educational institutions (institutions) to promulgate policies, approved by KBOR, to:

- Execute contracts and other agreements for the operation, management, or support of facilities, programs, or activities;
- Procure goods, services, materials, supplies, printing, and insurance, provided that:
 - The procurement policy provides for a competitive bid process;

- Prohibit a contractor from using an architect that is employed by, or a part of, the same business entity as such contractor unless the architectural drawings are reviewed by the institution's director of facilities, or their designee, to ensure compliance with contract documents and the institution's building standards; and
- Establish a qualifications-based selection process based upon the qualifications and competence of a firm for the procurement of architectural, engineering, surveying, and related design services and does not request or consider the price of services prior to commencing negotiations with the most qualified firm; and
- Grant or convey right-of-way easements on any land owned by the state educational institutions, provided that such policies safeguard public interest and protect use and provided that the easements are granted to a public entity or public utility.

The bill authorizes institutions to have policy reference the list of firms qualified to provide engineering or land surveying services prepared pursuant to continuing law.

The bill also states that institutions are exempt from any additional policy, process, or procedure requiring the submission, review, or approval of any such procurement, purchase, or contracting for goods or services or of any easement, provided that the policies relate to statutory requirements for which an institution would be exempt by having promulgated policies that have been approved by KBOR.

The bill also prohibits KBOR from granting or conveying right-of-way easements to any person and requires any such easements to be granted or conveyed to a public entity or utility.

Property Inventory

The bill requires the state educational institutions to maintain an inventory record showing all fixed and movable property.

Legislative Request

The bill allows a legislator to request and receive, from an institution and KBOR:

- A copy of all policies promulgated pursuant to this section of the bill; and
- A copy of any signed contract with public or private entities for the operation, management, or support of any state educational institution facilities, programs, or activities.

The bill requires each request to be acted upon no later than the end of the fifth business day following the date the request is received.

Exemptions from Certain Related Statutes

The bill also exempts a state educational institution from certain statutes that correspond to policies promulgated by a state educational institution and approved by KBOR concerning:

- Granting or conveying right-of-way easements on any land owned by the state educational institutions;
- Architectural, engineering, and land surveying services;
- Maintaining inventory records designed by the Director of Accounts and Reports, Department of Administration (Director), and taking physical inventory as directed by the Director;
- Determining limitations and procedures relating to official hospitality expenditures;
- Requiring certain contracts to be reviewed by the Attorney General, purchase orders to be made on forms prescribed by the Director, and purchase orders to be signed by the Director of Purchases, Department of Administration;
- The requirements of the Kansas Quality Program, including in rules and regulations;
- Following board policies concerning disposition of personal property of the institutions; and
- Following board policy concerning purchases, procurement, and competitive bidding; project architects; negotiating committee requirements; exemptions from local building codes, permits, and fees; and written program statements for the construction of buildings and major repairs.