Session of 2025

SENATE BILL No. 298

By Committee on Ways and Means

3-18

AN ACT concerning higher education; authorizing technical colleges and community colleges to affiliate with universities; amending K.S.A. 71-204, 71-501, 71-617, 71-1802, 72-3810, 74-32,413 and 76-712 and repealing the existing sections.

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

New Section 1. (a) Upon approval by the state board of regents or the governing body of a municipal university, as applicable, and a majority vote of the governing body of the technical college or community college, a state educational institution or municipal university may enter into agreements to affiliate with a technical college or a community college.

(b) As part of the affiliation, the technical college or community college may change its official designation. Whenever the technical college or community college, 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 the technical college or community college affiliated pursuant to this section.

(c) (1) Except as otherwise provided herein, all of the powers and duties established in the governing body of the technical college or the board of trustees of the community college by law shall be transferred to the affiliating state educational institution or municipal university, subject to the supervision of the governing board of the affiliating state educational institution or municipal university.

(2) Unless otherwise provided in the affiliation plan, the board of trustees of an affiliated community college shall:

(A) Oversee the operation of the community college campus; and

(B) administer the funds of the community college or moneys received from student tuition and fees, the state or the United States for the purpose of the operation of the community college campus.

(3) Except as provided in subsection (l)(2) and upon affiliation of a community college:

(A) No board of trustees of an affiliated community college or governing board, president or chancellor of a state educational institution or municipal university that affiliated with a community college pursuant to this section shall have the authority to levy any tax on the taxable tangible property of the community college district; and

(B) any funding responsibility for the support, operation and maintenance of the community college that had been provided through taxes imposed on the community college district prior to affiliation shall be imposed on the state.

(d) (1) The governing body of the technical college or the board of trustees of the community college shall become the industry advisory board to the president or chancellor of the affiliating state educational institution or municipal university.

(2) For each technical college that affiliates with a state educational institution or municipal university pursuant to this section, the president or chancellor of the affiliating state educational institution or municipal university shall appoint the members of the industry advisory board. The members of the advisory board shall represent the industry sectors that correspond to the programs offered by the technical college affiliated pursuant to this section. For each community college that affiliates with a state educational institution or municipal university pursuant to this section, the members of the board of trustees shall continue to be elected in accordance with the provisions of article 14 of chapter 71 of the Kansas statutes annotated, and amendments thereto.

(e) The industry advisory board shall:

(1) Review non-credit and credit programs with the president or chancellor and senior leadership of the state educational institution or municipal university to ensure such programs are aligned with current and emerging needs of industry and the community for an educated and trained workforce; and

(2) provide input relating to changes in each member's industry sector that affect academic programs.

(f) (1) Except as provided in paragraph (2), the following persons admitted by a state educational institution into a technical college or community college affiliated pursuant to this section shall not be subject to the admission requirements of K.S.A. 76-717, and amendments thereto, or the board of regents rules and regulations establishing qualified admission criteria for state educational institutions:

(A) Persons admitted as degree-seeking students in career technical education courses or programs terminating with an associate of applied science degree; and

(B) persons admitted as nondegree-seeking students in career technical education certificate programs.

(2) Persons admitted into a technical college or community college affiliated with a state educational institution pursuant to this section who subsequently seek to transfer into another school within the state educational institution, or into a bachelor's, master's or doctorate degree program shall be subject to the admission requirements of K.S.A. 76-717,

and amendments thereto, and the board of regents rules and regulations establishing qualified admission criteria for state educational institutions.

(g) (1) A technical college affiliated pursuant to this section shall continue to 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.

(2) A community college affiliated pursuant to this section shall continue to be eligible for funding that is available to community 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 community colleges.

(h) The affiliation plan between the technical college or community college and the affiliating state educational institution or municipal university shall include provisions relating to the manner and terms upon which faculty, employees and students will be transferred to the affiliating state educational institution or municipal university. Such provisions shall specify terms of employment and address other personnel matters. Subject to the authorization of the governing board of the affiliating state educational institution or municipal university, all personnel of a technical college or community college affiliated pursuant to this section who are necessary to the operation of such technical college or community college, in accordance with the needs of the affiliating state educational institution or municipal university, may become personnel of the affiliating state educational institution or municipal university. The employment of such personnel shall be deemed uninterrupted.

(i) The affiliation of a technical college or community college with a state educational institution or municipal university shall not affect any contract, agreement or assurance in effect on July 1, 2025.

(j) (1) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against a technical college or community college prior to affiliation, or by or against any personnel of such technical college or community college, shall abate by reason of such affiliation. Any such suit, action or other proceeding may be allowed to be maintained by or against the affiliating state educational institution or municipal university.

(2) No criminal action commenced or that could have been commenced by a technical college or community college prior to affiliation shall abate by reason of such affiliation.

(k) The affiliation plan between a community college and the affiliating state educational institution or municipal university shall include provisions relating to any bond indebtedness of the community college. The affiliation plan may provide that either:

(1) The affiliating state educational institution or municipal university

shall assume and agree to pay all of the bonded indebtedness of the affiliated community college; or

(2) the bonded indebtedness of the affiliated community college shall remain a charge upon the territory of the community college district.

(l) 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 a technical college affiliated pursuant to this section. Except as otherwise provided, the provisions of all statutes of general application to community colleges shall apply to a community college affiliated pursuant to this section.

(m) As used in this section:

(1) "Affiliation" means the association or connection of a technical college or community college with a state educational institution or municipal university where the technical college or community college is directly or indirectly under the control of the affiliating state educational institution or municipal university.

(2) "Community college" means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated, and amendments thereto.

(3) "Community college campus" means the grounds and buildings of the community college.

(4) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.

(5) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(6) "Technical college" means a technical college designated pursuant to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462, 74-32,464 or 74-32,465, and amendments thereto.

Sec. 2. K.S.A. 71-204 is hereby amended to read as follows: 71-204. (a) *(1)* For the purpose of community college maintenance and operation, the board of trustees is authorized to levy a tax on the taxable tangible property of the community college district*, except as provided in subsection (c)*.

(2) Such tax levy shall be the amount determined by the board of trustees to be sufficient to finance that part of the budget of the community college ~~which~~ *that* is not financed from any other source provided by law. The budget of the community college shall be prepared and adopted as provided by law, and the tax levy therefor shall be certified to the county clerk of every county a part of the territory of which is in the community college district.

(b) The tax levy authorized by subsection (a) shall be reduced ~~(1) in the 2001 fiscal year by an amount equal to 80% of the amount of the~~

~~difference between the amount of state aid received by the community college in the 2000 fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in such fiscal year and the amount of the state grant to which the community college is entitled in the 2001 fiscal year and (2) in fiscal years 2002, 2003 and 2004 by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in the 2000 fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year and (3)~~ in each fiscal year ~~after the 2004 fiscal year~~ by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year.

(c) This section shall not apply to any community college or board of trustees of a community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto.

Sec. 3. K.S.A. 71-617 is hereby amended to read as follows: 71-617. (a) *Except as provided in subsection (c),* the board of trustees of any community college may levy a tax in each year for a period of not to exceed five ~~(5)~~ years of not to exceed ~~one-fourth (1/4)~~ *1/4* mill on all taxable tangible property within the district to maintain and operate an adult basic education program at a level approved by the state board. In no event shall the tax levy authorized hereunder be at a rate ~~which~~ *that* will produce an amount in excess of ~~fifty thousand dollars~~ ($50,000~~)~~. Such tax levy shall be in addition to all other tax levies authorized or limited by law. Proceeds from such tax levy shall be deposited in the adult education fund of the community college which fund is hereby established. All moneys received by a community college for adult basic education shall be deposited in the adult education fund. The expenses of a community college attributable to adult basic education shall be paid from the adult education fund.

(b) No tax levy shall be made under authority of this section until a resolution authorizing such a levy is passed by the board of trustees and published once a week for three ~~(3)~~ consecutive weeks in a newspaper having general circulation in the community college district, and such resolution shall specify the millage rate of such tax levy and the period of time for which such tax levy shall be made under authority thereof. After the adoption of such resolution such levy may be made unless, within ~~ninety (~~90~~)~~ days following the last publication of the resolution, a petition in opposition to such levy, signed by not less than ~~five percent (~~5%~~)~~ of the

qualified electors of such community college district, is filed with the county election officer of the county in which the main campus of the community college is located. In the event such a petition is filed, such levy shall not be made without the question of levying the same having been submitted to and been approved by a majority of the qualified electors of the district voting at an election ~~which shall be~~ called for that purpose or at the next general election.

(c) This section shall not apply to any community college or board of trustees of a community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto.

Sec. 4. K.S.A. 71-501 is hereby amended to read as follows: 71-501. (a) *Except as provided in subsection (e),* the board of trustees of any community college is authorized to make an annual tax levy for a period of not to exceed five years of not to exceed two mills upon all taxable tangible property in the community college district for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of community college buildings, architectural expenses incidental thereto, and the acquisition of real property for use as building sites or for educational programs. No levy shall be made under this section until a resolution authorizing the levy is passed by the board of trustees and published once each week for three consecutive weeks in a newspaper having general circulation in the community college district. The resolution shall specify the mill rate of the tax levy and the period of time for which the tax levy shall be made under authority thereof. After adoption of the resolution, the levy may be made unless, within 60 days following the last publication of the resolution, a petition in opposition to the levy, signed by not less than 5% of the qualified electors of the community college district, is filed with the county election officer of the county in which the main campus of the community college is located. If a petition is filed, the levy shall not be made without the question of levying the same having been submitted to and approved by a majority of the qualified electors of the district voting at an election called for that purpose or at the next general election. If a petition is filed and no election is held, a new resolution authorizing a levy for the purposes specified in this section may not be adopted for a period of one year after the filing of the petition.

(b) *Except as provided in subsection (e),* whenever an initial resolution has been adopted under subsection (a) and the resolution specified a lesser mill rate than two mills, the board of trustees of the community college may adopt a second resolution under the same procedure as is provided in subsection (a) for the initial resolution and, subject to the same conditions and for the same purposes as provided in

subsection (a), shall be authorized to make an additional tax levy in an amount to be specified in the second resolution for the remainder of the period of time specified in the initial resolution for the making of the levy under authority thereof. Any second resolution shall be limited in amount as specified in subsection (a), less such amount as was authorized in the initial resolution, and not to exceed an aggregate amount of two mills in any one year. If any such resolution is adopted and the tax levy therein specified is authorized under the conditions specified in subsection (a), the amount of bonds which may be issued under K.S.A. 71-502, and amendments thereto, may be increased accordingly.

(c) *Except as provided in subsection (e),* the board of trustees of any community college ~~which~~ *that* has made a tax levy under this section may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to make a like annual tax levy in the amount, upon the conditions, and in the manner specified in subsection (a).

(d) As used in this act, "unconditionally authorized to make a tax levy under authority of article 5 of chapter 71 of Kansas Statutes Annotated" means that the board of trustees of the community college has adopted a resolution under this section, has published the same, and either that such resolution was not protested or that it was protested and an election was held by which the tax levy of the community college was approved.

(e) This section shall not apply to any community college or board of trustees of a community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto. If a community college board of trustees has authorized an annual tax levy pursuant to this section and affiliates with a state educational institution or municipal university pursuant to section 1, and amendments thereto, during the period in which such levy is authorized, the levy shall not be made after the date of affiliation. The board of trustees shall notify the county clerk of the termination of the levy.

Sec. 5. K.S.A. 71-1802 is hereby amended to read as follows: 71-1802. As used in K.S.A. 71-1801 through 71-1810, and amendments thereto:

(a) "Community college" means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated.

(b) "Community college operating grant" means the operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, prior to fiscal year 2012.

(c) (1) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered by an eligible institution at a postsecondary level not higher than those programs or courses normally offered to freshmen and sophomores in

four-year public institutions of postsecondary education, in a program that has been approved by the state board.

(2) The term "credit hour" does not include instruction in a program or course taken by a student enrolled for audit or not for postsecondary credit, or in any program or course not approved by the state board.

(3) The state board shall determine whether the programs and courses offered are at the level of freshmen and sophomore programs and courses offered in the state educational institutions and shall not approve for funding any program or course offered at a higher level.

(d) "Eligible institution" or "institution" means any community college, technical college ~~or~~, the institute of technology *or any technical college or community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto*.

(e) "Institute of technology," "institute" or "Washburn institute of technology" means the institute of technology at Washburn university.

(f) *"Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.*

(g) "Non-tiered course" means any postsecondary credit-bearing course offered by an eligible institution and identified by the state board as not meeting the definition of a tiered technical course. Non-tiered courses include courses that are generally designed to: (1) Contribute to academic knowledge or skills across multiple disciplines and occupations, such as communication, writing, mathematics, humanities, social or behavioral science and natural or physical science courses, some of which may be considered for transfer as general education credit toward a baccalaureate degree; (2) contribute to general knowledge or skills in areas such as critical thinking and reasoning, problem solving, use of technology and teamwork skills; (3) provide instruction in basic or foundational skills necessary for individuals to effectively participate in technical programs; (4) prepare individuals for certification or licensure exams or re-certifications and skill updates; or (5) allow individuals to explore various career opportunities. Seminars, workshops or other courses that are supplemental to the primary instruction required for the occupationally specific technical program shall be considered non-tiered courses, unless otherwise specified by the state board.

~~(g)~~*(h)* "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto.

~~(h)~~*(i) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.*

(j) "Technical college" means a technical college designated pursuant

to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462, 74-32,464 or 74-32,465, and amendments thereto.

~~(i)~~*(k)* "Technical program" means any program of study comprised of a sequence of tiered technical courses and non-tiered courses, which program is identified by the state board as a technical program for funding purposes. Technical programs must: (1) Be designed to prepare individuals for gainful employment in current or emerging technical occupations requiring other than a baccalaureate or advanced degree; (2) lead to technical skill proficiency, an industry-recognized credential, a certificate or an associate degree; and (3) be delivered by an eligible institution.

~~(j)~~*(l)* "Tiered technical course" means a postsecondary credit-bearing course included in the sequence of courses comprising a technical program, which course is itself designed to provide competency-based applied instruction to prepare individuals with occupationally specific knowledge and skills necessary for employment, and which the state board has identified as a tiered technical course.

~~(k)~~*(m)* "Tiered technical course credit hour" means a credit hour in a tiered technical course.

~~(l)~~*(n)* "Washburn institute of technology operating grant" means any legislative appropriation designated for non-tiered courses delivered by the Washburn institute of technology.

Sec. 6. K.S.A. 72-3810 is hereby amended to read as follows: 72-3810. (a) Students admitted to a career technical education course or program ~~which~~ *that* is conducted by the school district in which the student is enrolled may be charged fees but shall not be charged tuition.

(b) Postsecondary students admitted to a career technical education course or program shall pay tuition and fees as provided by laws applicable thereto.

(c) (1) Secondary students admitted to a career technical education course or program ~~which~~ *that* is conducted by a community college, technical college ~~or~~*,* institute of technology *or any technical college or community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto,* may be charged fees~~,~~ but shall not be charged tuition.

(2) Each ~~school~~ *academic* year, to the extent there are sufficient moneys appropriated to the career technical education secondary program, the state board of regents shall distribute state funds to community colleges, technical colleges*, any technical college or community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto,* and the Washburn institute of technology for the cost associated with secondary students enrolled in postsecondary career technical education programs as determined by the state board of regents.

(3) For purposes of this subsection:

(A) "Community college" means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated, and amendments thereto.

(B) "Fees" means those charges assessed against a student by a community college, technical college ~~or~~, the institute of technology, *a state educational institution or a municipal university* for student services, such as health clinics, athletic activities and technology services, or for books, supplies or other materials necessary for a particular course or program, the expense of which is not covered by tuition.

(C) "Institute of technology" means the institute of technology at Washburn university.

(D) *"Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.*

(E) "Secondary student" means a pupil who: (i) Has not attained a high school diploma or a general educational development (GED) credential; and (ii) is regularly enrolled in and attending a public or private secondary school.

(F) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

~~(E)~~*(G)* "Technical college" means a technical college designated pursuant to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462, 74-32,464 or 74-32,465, and amendments thereto.

~~(F)~~*(H)* "Tuition" means those charges assessed against a student by a community college, technical college*, any technical college or community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto,* or the institute of technology on a per credit hour, per course or per term basis, and that are charged to cover the general expense of providing instructional services.

(d) Students admitted to a ~~vocational~~ *career technical* education course or program ~~which~~ *that* is not conducted by the school district in which the student is enrolled shall be charged tuition and fees determined in accordance with subsection (e), subject ~~however~~ to the following:

(1) Tuition or fees, or tuition and fees may be paid for the student in accordance with any agreement made under K.S.A. 72-3814, and amendments thereto; or

(2) if *the* tuition of a student is not paid under paragraph (1) ~~of this subsection~~, the tuition of the student shall be paid by the school district in which the student is enrolled. No school district shall pay tuition for a student who is a postsecondary student, and no school district shall be required to pay tuition or fees of a student who is eligible to have tuition

and fees for the course or training the student selects paid by any state or federal agency from moneys, funds or appropriations made available under any one or more state or federal programs. Any state agency administering any one or more such programs shall pay such tuition and fees upon proper application by a student therefor.

(e) All tuition and fees charged for career technical education by any board shall be in such amounts as are authorized by rules and regulations adopted by the state board, which shall establish general guidelines for tuition and fee schedules in career technical education courses and programs~~, except that tuition of postsecondary students shall be fixed in accordance with K.S.A. 72-4433*, and amendments thereto~~. The particular tuition and fee schedule of every career technical education program shall be subject to annual approval of the state board. A current complete schedule of tuition and fees for each career technical education course and program of each board as approved by the state board shall be maintained on file in the office of the state board, and shall be open for public inspection at any reasonable time.

Sec. 7. K.S.A. 74-32,413 is hereby amended to read as follows: 74-32,413. As used in this act:

(a) "Board," "state board," "school year" and "technical college"~~ have the meanings respectively ascribed thereto~~ *mean the same as defined* in K.S.A. 74-32,407, and amendments thereto.

(b) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings, architectural expenses incidental thereto, the acquisition of buildings and building sites and the acquisition of equipment.

(c) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college~~ and~~, the institute of technology at Washburn university *and any technical college or community college that affiliated with a state educational institution or municipal university pursuant to section 1, and amendments thereto*.

(d) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.

(e) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

Sec. 8. K.S.A. 76-712 is hereby amended to read as follows: 76-712.

Except as otherwise provided by act of the legislature, the state educational institutions are separate state agencies and state institutions and shall be controlled by and operated and managed under the supervision of the board of regents. For such control, operation, management or supervision, the board of regents may make contracts and adopt orders, policies or rules and regulations and do or perform such other acts as are authorized by law or are appropriate for such purposes, except that no state educational institution, or campus thereof, shall be closed, combined or merged with any other state educational institution, for administrative or management or other purposes, except as *authorized in section 1, and amendments thereto, or* specifically authorized by appropriations or other act of the legislature.

Sec. 9. K.S.A. 71-204, 71-501, 71-617, 71-1802, 72-3810, 74-32,413 and 76-712 are hereby repealed.

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