

SENATE BILL No. 311

By Committee on Ways and Means

3-31

9 AN ACT concerning adult basic education programs; relating to tax levy
10 authority of governing bodies of technical colleges and school boards;
11 amending K.S.A. 72-4523 and K.S.A. 2004 Supp. 72-4470a and re-
12 pealing the existing sections.
13

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

15 Section 1. K.S.A. 2004 Supp. 72-4470a is hereby amended to read
16 as follows: 72-4470a. (a) On or before July 1, 2005, all technical college
17 boards shall develop and present to the state board of regents a plan to
18 replace the governing body described in K.S.A. 72-4470, and amend-
19 ments thereto, with a new governing board, which shall be separate and
20 independent of any board of education of any school district, to operate,
21 control and manage the technical college. The plan shall include, but not
22 be limited to, provisions relating to:

- 23 (1) The composition of the independent governing board;
24 (2) the territory *and the home county* of the technical college. ~~If the~~
25 ~~territory of the technical college includes more than one county, the plan~~
26 ~~shall designate a home county;~~
27 (3) the method of election or appointment and the terms of service
28 of the members of the independent governing board;
29 (4) the date upon which the independent governing board shall as-
30 sume management and control of the technical college;
31 (5) the manner, terms upon which and extent to which the facilities,
32 will be transferred to the independent governing board and the division
33 of other assets and indebtedness and other liabilities; and
34 (6) the manner and terms upon which faculty, employees and stu-
35 dents will be transferred to the independent governing board. Subject to
36 the provisions of K.S.A. 2004 Supp. 72-4478, and amendments thereto,
37 such provisions shall specify terms of employment and address other per-
38 sonnel matters.

39 (b) (1) Upon approval of the plan by the state board of regents and
40 the governing body of the technical college which submitted the plan,
41 and on the date determined in the approved plan, the independent gov-
42 erning board established under subsection (a) of this section shall operate
43 subject to the rules, regulations and supervision of the state board of

1 regents in the same manner as other technical colleges, technical schools
2 and area vocational technical schools.

3 (2) After June 30, 2007, if the governing body of the technical college
4 and the state board of regents have not approved a plan submitted pur-
5 suant to subsection (a), the state board of regents shall have the power
6 to approve the plan and upon such approval and on the date determined
7 in the approved plan, the independent governing board established pur-
8 suant to subsection (a) shall operate subject to the rules, regulations and
9 supervision of the state board of regents in the same manner as other
10 technical colleges, technical schools and area vocational technical schools.

11 (c) In addition to such other powers expressly granted by law and
12 subject to the provisions of subsection (b), the governing board shall have
13 the power to:

14 (1) Determine the vocational, technology and general education
15 courses of instruction that will comprise the associate of applied science
16 degree programs of the college;

17 (2) establish the requirements for satisfactory completion of the as-
18 sociate of applied science degree programs of the college;

19 (3) confer the associate of applied science degree upon students who
20 successfully complete an associate of applied science degree program of
21 the college and to award a certificate or diploma to students who suc-
22 cessfully complete a vocational education program of the college;

23 (4) appoint teaching staff and fix and determine teacher qualifica-
24 tions, duties and compensation. No teacher appointed to teach courses
25 comprising the associate of applied science degree programs of the col-
26 lege shall be required to meet certification requirements greater than
27 those required in the state educational institutions;

28 (5) have custody of, and be responsible for, the property of the col-
29 lege and be responsible for the operation, management and control of
30 the college;

31 (6) select a chairperson and such other officers as it deems desirable,
32 from its membership;

33 (7) sue and be sued;

34 (8) appoint and fix the compensation and term of office of a president
35 or chief administrative officer of the college;

36 (9) fix and determine, within state adopted standards, all other em-
37 ployees' qualifications, duties, compensation and all other items and con-
38 ditions of employment;

39 (10) enter into contracts;

40 (11) accept any gifts, grants or donations;

41 (12) acquire and dispose of real or personal property;

42 (13) enter into lease agreements as lessor of any property owned or
43 controlled by the college;

1 (14) adopt any rules and regulations, not inconsistent with any law or
2 any rules and regulations of the state board of regents, which are neces-
3 sary for the administration and operation of the college or for the conduct
4 of business of the governing board;

5 (15) contract with one or more agencies, either public or private,
6 whether located within or outside the territory of the college or whether
7 located within or outside the state of Kansas for the conduct by any such
8 agency of academic or vocational education for students of the college
9 and to provide for the payment to any such agency for the contracted
10 educational services from any funds or moneys of the college, including
11 funds or moneys received from student tuition and fees;

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

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

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

22 (19) enter into agreements with counties relating to funding for cap-
23 ital improvement projects at technical colleges; *and*

24 (20) *levy a tax in an amount deemed necessary by the governing*
25 *board on all taxable tangible property within the home county of the*
26 *technical college as designated pursuant to subsection (a)(2) to maintain*
27 *and operate an adult basic education program at a level approved by the*
28 *state board of regents and to pay a portion of the principal and interest*
29 *on bonds issued by cities under K.S.A. 12-1774, and amendments thereto,*
30 *for the financing of redevelopment projects upon property located within*
31 *the home county.*

32 Sec. 2. K.S.A. 72-4523 is hereby amended to read as follows: 72-
33 4523. (a) Subject to the provisions of subsection (b), the board of any
34 school district may make an annual tax levy for a period of not to exceed
35 five years in an amount not to exceed ½ mill upon the assessed taxable
36 tangible property within the school district to maintain and operate an
37 adult basic education program at a level approved by the state board and
38 for the purpose of paying a portion of the principal and interest on bonds
39 issued by cities under authority of K.S.A. 12-1774, and amendments
40 thereto, for the financing of redevelopment projects upon property lo-
41 cated within the school district. Proceeds from the tax levy, except for an
42 amount to pay a portion of the principal and interest on bonds issued by
43 cities under authority of K.S.A. 12-1774, and amendments thereto, for

1 the financing of redevelopment projects upon property located within the
2 school district, shall be deposited in the adult education fund of the school
3 district, which fund is hereby established. Notwithstanding any other pro-
4 vision of law, all moneys received by the school district from whatever
5 source for adult basic education shall be credited to the adult education
6 fund established by this section. The expenses of a school district directly
7 attributable to adult basic education shall be paid from the adult educa-
8 tion fund.

9 (b) No tax levy shall be made under this section until a resolution
10 authorizing the levy is passed by the board and published once a week
11 for three consecutive weeks in a newspaper having general circulation in
12 the school district. The resolution shall specify the millage rate of the tax
13 levy and the period of time for which the tax levy shall be made under
14 authority thereof. After adoption of the resolution, the levy may be made
15 unless, within 90 days following the last publication of the resolution, a
16 petition in opposition to the levy, signed by not less than 5% of the qual-
17 ified electors of the school district, is filed with the county election officer
18 of the home county of the school district. In the event a petition is filed,
19 the tax shall not be levied without the question of levying the same having
20 been submitted to and approved by a majority of the qualified electors
21 of the school district voting at an election which shall be called for that
22 purpose or at the next general election.

23 (c) *No tax levy shall be made under this section by the board of any*
24 *school district which is located within the home county, as designated in*
25 *the plan developed by the technical college board pursuant to subsection*
26 *(a)(2) of K.S.A. 72-4470a, and amendments thereto, of a technical college*
27 *which has levied a tax on all taxable tangible property within the home*
28 *county of such technical college to maintain and operate an adult basic*
29 *education program pursuant to K.S.A. 72-4470a, and amendments*
30 *thereto.*

31 (d) The board of any school district which has made a tax levy au-
32 thorized under the provisions of this section may initiate procedures to
33 renew its authority to make such a tax levy at any time after the final levy
34 under a current authorization is certified to the county clerk.

35 Sec. 3. K.S.A. 72-4523 and K.S.A. 2004 Supp. 72-4470a are hereby
36 repealed.

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