

Approved: March 8, 1994  
Date

## MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 11:00 a.m. on March 2, 1994 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department  
Scott Rothe, Legislative Research Department  
Diane Duffy, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Avis Swartzman, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

### **SB 779 -- WASHBURN UNIVERSITY, SEPARATE STATE EDUCATIONAL INSTITUTION UNDER STATE BOARD OF REGENTS**

Jim Wilson, Revisor of Statutes, presented an overview of SB 779. In answer to the Chairman's question, Steve Jordan, State Board of Regents, stated that the State Board of Regents will review all current graduate programs and will have to approve them by July 1, 1996 regardless of which institution offers the course.

New Sec. 2. (a) -- Concern was expressed by several members that the language in lines 3-5 would not allow the State Board of Regents flexibility in addressing any change in the educational focus at Washburn University. The revisor advised that if the Committee wished to make certain that the Regents would continue to have authority over Washburn's course offerings, language may need to be added to those lines of the bill. He noted that the designation of those schools is existing state law. It was moved by Senator Kerr and seconded by Senator Rock that page 2, lines 2-5 be amended by inserting a comma after the word "regents" on line 2, by striking lines 3, 4 and the words "applied studies." on line 5. In answer to Senator Salisbury, Senator Kerr noted that the intent of his motion would be that Washburn University would be accepted into the system with its current programs, but the control to review and authorize programs would go to the State Board of Regents on July 1, 1997. The motion carried on a voice vote.

New Sec. 3. (a) -- Senator Karr stated that he believed the proposed regents graduate center is a positive concept if the focus is to serve diverse graduate level programs that are already available, including those on the Washburn campus. The revisor noted that he did not believe that the proposed center would require the abolition of the existing center in Johnson County.

In answer to Senator Karr, Steve Jordan, State Board of Regents, stated that the Board's current policy regarding geographic limitations for service areas would not change. He noted that Shawnee County is the Washburn University service area, but added that any institution can petition the Board for an exception to its geographic boundaries. Mr. Jordan added that the policy is under discussion by all the universities. Senator Karr asked for clarification of the State Board of Regents policy regarding geographic boundaries for service areas of all institutions when a new institution becomes a part of the system.

New Sec. 4. -- In answer to Senator Karr, Dr. Thompson, President of Washburn University, stated that there is approximately \$6 million in bond commitments for general campus buildings. Mr. David Monical, Executive Assistant to the President of Washburn University, stated that he would provide information regarding the bond and interest costs, the amount of revenue generated by a 3 mill levy, and the amount that would be available for maintenance. It was stated that insurance on the Washburn buildings would be the

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 2, 1994.

same as for other state institutions after July 1, 1997; until that time Washburn will retain its own insurance.

New Sec. 6 -- It was noted that all employees of Washburn University are under TIAA-Cref. This section of the bill would make classified personnel come under KPERS after the affiliation, but they will retain what they've generated under their retirement system up to that point. Concern was expressed about the possible unfunded liability the state would incur as a result of this proposal. Senator Vancrum also expressed his opinion that the Committee should be realistic in regard to costs associated with picking up classified personnel in KPERS with no prior service credit. It was noted that part of the \$7 million could be used for sick and annual leave, though no funding source has been built into the bill.

Gloria Timmer, Director, Division of the Budget, reviewed costs associated with the affiliation of Washburn University into the Regents system and the assumptions upon which the costs were determined (Attachment 1). She stated that endowments in other universities do not provide general funding, and 1997 is the last year that the Washburn endowment will do so. She stated that Division of the Budget assumed that investment earnings stop on the \$7 million when spending of that fund begins. Thus, there is a slight understatement of earnings in the summary. By 2002, the \$7 million in reserve will be depleted, and the state will fund 31% of Washburn's operating budget, requiring a \$12.6 million SGF appropriation. In answer to a question, it was stated that municipal universities are required to have reserves, and the \$7 million figure is a reasonable estimate of the amount Washburn expects to have.

In answer to Senator Vancrum's concern that nothing in SB 779 limits Washburn's budget to a 3.5 % annual increase, Ms. Timmer stated that if the University's budget is approved at more than a 3.5% increase, it would have to be addressed in the appropriations process.

In answer to concerns, Steve Jordan, State Board of Regents, noted that Washburn University will have no participation in the Partnership for Excellence program because it will have been addressed by the time Washburn is affiliated. In answer to Senator Vancrum's question regarding Washburn tuition beyond 2002, Mr. Jordan stated that the crossover point on tuition would occur in 2008 with the larger universities and 2016 with the smaller universities. He stated that the Regents' assumption is that the rate of increase for tuition at Washburn will equal that of their peer institutions.

Chairman Bogina inquired whether the State Board of Regents would have control over the Washburn budget until July 1, 1997. Ms. Timmer stated that the bill does not make a change from current law in that regard, but the same review would occur.

In answer to Senator Petty, Ms. Timmer stated that SB 779 makes no change in the percentage of demand transfers. The \$378,143 from the LAVTR would be redistributed to other recipients.

Dr. Thompson, in answer to Senator Moran, stated that FTE positions at Washburn University are not calculated in the same manner as state FTE positions, but he estimated the headcount to be approximately 700 employees.

It was moved by Senator Salisbury and seconded by Senator Moran that SB 779 be amended by technical adjustments including page 16, line 26 by striking the word "eight" and substituting in its place the word "seven" and on page 11, lines 38-39 by striking the words "July 1" and substituting the words "the fiscal year ending June 30". The motion carried on a voice vote.

Senator Salisbury told members that she regretted that Representative Denise Everhart, President of the Shawnee County Delegation, could not appear before the Committee on behalf of the delegation because the House was in session. Senator Salisbury stated that the Shawnee County Delegation has met several times and unanimously supports Washburn's affiliation and the Partnership for Excellence for all state universities. Pertaining to SB 779, the delegation's support includes a continuation of the 18 mill levy, and the delegation has informed constituents that the delegation is binding them to an 18 mill levy. She stated that to even leave a perception that the delegation is shifting away from a local effort is incorrect. She added that the delegation's support for the proposal includes a continuation of the 3 mill levy for capital improvements and an understanding that local programs designed to meet the needs of an urban community will go under the control of the State Board of Regents. Senator Salisbury stated her opinion that Washburn University is already a state university, but it is not under the State Board of Regents and does not undergo the same review. To leave the perception that WU is outside that process if the Legislature passes SB 779 is incorrect. If SB 779 fails to pass, WU is outside that process.

Senator Petty added that the Shawnee County Delegation views Washburn's affiliation as an important piece of longterm planning for higher education.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 2, 1994.

It was moved by Senator Salisbury and seconded by Senator Petty that SB 779 as amended be recommended favorable for passage.

Senator Brady told members that he had worked on a task force that studied problems associated with funding for community colleges and stated his opinion that the Legislature should also address this issue because 43% of students in post secondary education attend community colleges. He noted that he would like to amend the provisions of HB 2567 (Attachment 2) into SB 779.

Senators Salisbury and Petty withdrew the motion and second.

It was moved by Senator Brady and seconded by Senator Rock that SB 779 be amended by including the provisions of HB 2567 and by reducing Topeka's property tax limit to 13.5 mills so the additional 1.5 mills (as provided in HB 2567) would not be in excess of 18 mills. Senator Salisbury inquired what impact the 1.5 mill reduction on Washburn's budget would have on state support for the University. Staff stated that the 1.5 mills would be deposited into the new community college fund; Senator Brady noted that his intent was to have the 1.5 mill continue to Washburn to offset the reduction. Staff clarified that if Senator Brady's intention were adopted, 1.5 mills would be assessed on every county and the 1.5 mills attributable to Topeka would continue to flow to Washburn University. The balance of the proceeds would go to the newly created community college fund.

In answer to Senator Kerr's question, staff reviewed the fiscal note and told members that HB 2567 would require an additional \$14 million over the Governor's recommendation regarding community colleges for FY 95. Though some members believed that community colleges need financial support, others could not support the bill or the amendment because they believed there is no overall plan for higher education in Kansas.

The Chairman noted that the Committee might want to consider adding a proviso in the Regents and/or Board of Education appropriations bills that would provide a study of higher education.

In answer to Senator Moran, Senator Brady noted that if his amendment failed in Committee, he would offer it on the floor.

The motion to amend failed on a voice vote.

Senator Salisbury moved, Senator Petty seconded, that SB 779 as amended be recommended favorable for passage. With Senators Lawrence and Morris noting that they would vote "aye" for the purpose of advancing the bill from Committee though it would not garner their support on the floor, the motion passed on a roll call vote.

Attachment 3 was provided at a later date in answer to Committee questions.

The meeting was adjourned at 1:00 P.M.

The next meeting is scheduled for March 7, 1994.



# GUEST LIST

COMMITTEE: SENATE WAYS AND MEANS

DATE: March 2 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Mike Bohnhoff	Topeka	Budget
Gena McFarland	Overland Park	OP Chamber
Merle Huer	Topeka	KACC
Vic Brader	Topeka	KACC
Bill Folpe	Manhattan	Marsh M. Searcy
J. Bodden	Capitol Blvd	Capitol Jones
Libby Quaid		AP
Stephen Jordan	Topeka	HSOR
TED D. AYRES	TOPEKA	Regents Staff
ERIC L. Sexton	Wichita	Wichita State
Susan Peterson	Manhattan	Kansas State University
JOHN CONARD	Lecompton	AARP
Jon Josserrano	Lawrence	KU
Russ Frey	Manhattan	KUMA
RAY Schick	TOPEKA	CITIZEN
Ed Walkman	Topeka	Walkmanell
Kris Maple	Topeka	Washburn U.
Hugh Thompson	Topeka	" "
David G. Monical	Topeka	" "
Dan Hermes	Topeka	Division of Budget
Christy Young	Topeka	Topeka Chamber of Comm
Charles Clark	Kansas City	Hallmark
Shirley Ann	Topeka	OK of Topeka
Jim Kauf	Topeka	City of Topeka
Marisa Larson	Topeka	KTKA
Tara Eubanks	Manhattan	KSU
Tim Carpenter	Lawrence	Lawrence Journal
Rdy Hader	Topeka	Staff - Ks Board of Regents
Shirley Folpe	Emporia	ESU
Jeff Brownell	Emporia	Senate
Danell Trueman	Topeka	Citizen
Marjorie VanBuren	Topeka	Corp. in Charge
Larry McBride	Topeka	Observer
Jim Masey	"	KBA

# Washburn University Affiliation Costs

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Mill Levy									
General Fund Levy	\$4,378,225	\$4,487,681	\$4,599,873	\$4,714,869	\$4,832,736	\$4,953,554	\$5,077,393	\$5,204,328	\$11,430,934
Employee Benefit Levy	4,978,857	5,103,328	5,230,912	5,361,684	5,523,126	5,661,205	5,802,735	5,947,803	0
LAVTRF	378,143	378,143	378,143	378,143	0	0	0	0	0
Tuition and Fees	13,580,253	13,987,661	14,407,290	14,839,509	15,284,694	15,743,235	16,215,532	16,701,998	17,203,058
Local Out District Tuition	543,789	543,789	543,789	543,789	0	0	0	0	0
Investment Earnings	470,000	470,000	470,000	470,000	0	0	0	0	0
Endowments	704,000	704,000	704,000	704,000	0	0	0	0	0
Transfer from Washburn's General Fund	0	0	0	0	1,750,000	1,750,000	1,750,000	1,750,000	0
State General Fund Support	6,349,568	6,806,633	7,284,071	7,782,715	8,621,968	9,164,969	9,731,857	10,323,601	12,691,208
Total General Use Budget	\$31,382,835	\$32,481,235	\$33,618,078	\$34,794,709	\$36,012,524	\$37,272,963	\$38,577,517	\$39,927,730	\$41,325,200
Percent Increase from previous year		3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%
Increase in State General Fund support from previous year		\$457,065 7.2%	\$477,438 7.0%	\$498,644 6.8%	\$839,253 10.8%	\$543,001 6.3%	\$566,888 6.2%	\$591,744 6.1%	\$2,367,607 22.9%
Estimated State General Fund support if Washburn becomes a Regents institution	\$6,349,568	\$6,806,633	\$7,284,071	\$7,782,715	\$8,621,968	\$9,164,969	\$9,731,857	\$10,323,601	\$12,691,208
Estimated State General Fund support if Washburn remains a municipal institution	\$6,349,568	\$6,571,803	\$6,801,816	\$7,039,880	\$7,286,275	\$7,541,295	\$7,805,240	\$8,078,424	\$8,361,169
Difference		\$234,830	\$482,255	\$742,835	\$1,335,693	\$1,623,674	\$1,926,617	\$2,245,177	\$4,330,039

Assumptions: The University's total budget will increase by 3.5 percent per year, Topeka's assessed valuation will increase by 2.5 percent per year, tuition expenditures will increase by 3.0 percent per year, and State General Fund support for Washburn will increase by 3.5 percent per year if Washburn remains a municipal university.

Source: Kansas Board of Regents

SWAM - March 2, 1994 - Attachment 1

**SUMMARY OF MAIN PROVISIONS OF 1994 H.B. 2567**

H.B. 2567 pertains to the financing of community colleges. It contains the community college funding recommendations of the Task Force on the Funding of Community Colleges and the Kansas Postsecondary Vocational and Technical Training System. Following is a summary of the principal provisions of the bill:

- (Sec. 3) 1. Commencing in FY 1995, the minimum resident student tuition a community college may charge is \$23 per credit hour. This minimum is increased to \$25 in FY 1996 and to \$27 in FY 1997 and thereafter. The statutory maximum rate of resident student tuition is abolished. (Presently, the minimum rate is \$19 per credit hour and the maximum is \$27 per credit hour.) Also, the minimum credit hour tuition rate that may be charged to nonresident students is set at \$70 for FY 1995, \$72.50 for FY 1996, and \$75 for FY 1997 and thereafter. (The current minimum credit hour nonresident student tuition charge is not less than 2.5 times the statutory resident maximum rate -- \$67.50.)
- (Sec. 3) 2. The system of billings to counties by community colleges for out-district tuition paid on behalf of students who are residents of the county and who are enrolled in a community college located in another county is abolished. This change is effective for FY 1995. Counties no longer will levy property taxes to pay out-district tuition to community colleges.
- (Sec. 7) 3. Community college credit hour state aid is increased from \$28 to \$30 per credit hour for academic enrollments of resident students and from either \$42 or \$56 per credit hour (depending on whether the school is designated by the State Board of Education as an area vocational school) to \$60 per credit hour for vocational program enrollments of resident students, effective for FY 1995.
- (Sec. 10) 4. The rate of out-district state aid to which community colleges are entitled is increased from \$24 per credit hour for Kansas resident enrollments to \$50 per credit hour. In addition, the 64/72 hour cap on this aid, applicable to academic enrollments, is abolished. Outdistrict state aid is increased to both replace outdistrict tuition counties now pay and to further increase the funding provided through this aid program.)
- (Sec. 11) 5. Current law provides that in order to qualify for out-district state aid for courses taught in a county in which the main campus of a state educational institution is located, the approval of the chief executive officer of the institution must be secured. The law is amended to clarify that this requirement is applicable in Saline County where the Kansas State University-Salina campus is located.
- (Sec. 20 & 21) 6. Beginning in 1994 and in each year thereafter, the county commission of each county must impose a county-wide property tax levy of 1.5 mills on the taxable tangible property in the county.

In counties in which no community college is located, the proceeds of this levy are deposited in the state treasury to the credit of the State Community College Finance

SWAM  
March 2, 1994  
Attachment 2

Fund. These funds are to be appropriated by the Legislature, as needed, for financing the operation of community colleges.

In counties in which a community college is located, the proceeds of the levy are paid to the treasurer of the community college who credits the money to the community college general fund. In Montgomery County, where two community colleges are located, the payments are made proportionately based upon the tax levies attributable to the property located in the taxing district of each community college.

Existing law is amended to specify that counties may not exempt themselves from this levy and the related provisions. (Sec. 22)

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As compared to current appropriations for FY 1994, the Task Force recommendations contained in H.B. 2567 represents for FY 1995:

• An increase in credit hour state aid of	\$10.48 million
• An increase in outdistrict state aid of	14.95 million
Total	<hr/> \$25.43 million

Notes:

1. Of the \$14.95 million increase in outdistrict state aid, about \$11.31 million is outdistrict tuition replacement revenue. The actual increase in outdistrict revenues to community colleges would be about \$3.64 million.
2. In FY 1995, about \$9.2 million would be produced from the 1.5 mill property tax levy to offset the \$25.43 million increase (leaving \$16.23 million). This \$9.2 million represents about 65 percent of the amount that actually would be produced by the 1994 levy. An estimated \$14.2 million would be received from this source in FY 1996, the first year in which a full year's receipts from this source would be received.
3. The amount of the 1.5 mill property tax retained by community colleges is estimated at \$5.3 million in FY 1995. Community colleges would receive in FY 1996 for the first full year about \$8.2 million from this revenue source.

As compared to the Governor's recommendations for FY 1995, which assume no change in current law, adoption of the Task Force plan would constitute an increase of \$23.06 million, of which \$13.86 million would be from the State General Fund (SGF) or some combination of SGF and the State Gaming Fund.

**H.B. 2567**  
**COMPARISON: MAIN PROVISIONS OF THE BILL AS INTRODUCED**  
**AND AS PROPOSED BY HOUSE EDUCATION SUBCOMMITTEE**

	Present Law	H.B. 2567 As Introduced	Subcommittee Recommendation
1. Student Tuition (credit hour rate)			
• Resident	minimum \$19; maximum \$27	minimum only, no maximum FY 1995 -- \$23 FY 1996 -- \$25 FY 1997 and thereafter -- \$27	minimum only, no maximum FY 1995 -- \$24 FY 1996 -- \$26 FY 1997 and thereafter -- \$28
• Nonresident	minimum \$67.50 per credit hour	minimum: FY 1995 -- \$70 FY 1996 -- \$72.50 FY 1997 and thereafter -- \$75	FY 1995 -- \$71 FY 1996 -- \$73.50 FY 1997 and thereafter -- \$76
2. Outdistrict Tuition (credit hour)	counties pay community colleges at \$24 for residents attending community college in another county	outdistrict tuition eliminated	outdistrict tuition eliminated
3. Community College Credit Hour State Aid	\$28 for academic hours \$42/\$56 for vocational hours  (higher rate where community college is designated as an area vocational school)	\$30 for academic hours \$60 for vocational hours	\$28 for academic hours \$56 for vocational hours
4. Outdistrict State Aid (credit hours)	\$24  subject to 64/72 hour cap for academic enrollments  (community colleges only)	\$50  64/72 hour cap removed  (community colleges only)	\$48 for community colleges  subject to 64/72 hour cap for academic enrollments  \$24 for Washburn University  subject to 64/72 hour cap
5. Statewide Uniform Mill Rate	None	1.5 mills imposed by county: proceeds to the state for community college aid, except in 18 community college counties where proceeds go to the community college general fund	1.5 mill imposed by county: proceeds to the state for community college and Washburn aid, except in 18 community college counties where proceeds go to the community college general fund and in Shawnee County where proceeds from the Washburn University taxing district go to Washburn



# FISCAL 1995 COMPARISON

	Governor's Recommendation	Full Funding of Present Law	H.B. 2567	H.B. 2567 Subcommittee Version
Credit Hour State Aid	\$ 37,979,351	\$ 39,415,460	\$ 46,660,740	\$ 43,550,024
Outdistrict State Aid				
Community Colleges	\$ 11,875,807	12,218,976	26,256,200	\$ 24,437,952
Washburn	--	--	--	543,789 <sup>1</sup>
TOTAL	\$ 49,855,158	\$ 51,634,436	\$ 72,916,940	\$ 68,531,765

Increase over Governor FY 1995	NA	\$ 1,779,278	\$ 23,061,782 <sup>2</sup>	\$ 18,676,607 <sup>3</sup>
Less Outdistrict Tuition Replacement Revenue	NA	NA	-12,218,976	-12,762,765
Net Increase to Schools	NA	\$ 1,779,278	\$ 10,842,806	\$ 5,913,842

1. Outdistrict tuition budgeted for FY 1994.
2. In FY 1995, about \$9.2 million would be produced from the 1.5 mill levy to meet the state aid requirement, thus leaving the Task Force plan \$13.9 million above the Governor's recommendation from current resources. An estimated \$14.2 million would be received by the state from the 1.5 mill levy in FY 1996.
3. In FY 1995, about \$8.7 million would be produced from the 1.5 mill levy to meet the state aid requirement, thus leaving the Subcommittee plan \$10.0 million above the Governor's recommendation from current resources. An estimated \$13.4 million would be received by the state from the 1.5 mill levy in FY 1996.

Prepared at the request of the House Education Subcommittee on H.B. 2567:

Representative Cindy Empson, Chair  
Representative Ellen Samuelson  
Representative Ed McKechnie

Kansas Legislative Research Department

February 23, 1994

**KANSAS COMMUNITY COLLEGE  
1993-1994 TUITION & FEE SCHEDULE**

COLLEGE	RESIDENCE	TUITION <i>per credit hour</i>	FEES <i>per credit hour</i>
ALLEN CO.	RESIDENT	24.00	6.00
	NON-RESIDENT	67.50	6.00
BARTON CO.	RESIDENT	24.00	10.00
	NON-RESIDENT	67.50	10.00
BUTLER CO.	RESIDENT	22.25	9.75
	NON-RESIDENT	67.50	9.75
CLOUD CO.	RESIDENT	22.00	10.00
	NON-RESIDENT	67.50	5.00
COFFEYVILLE	RESIDENT	20.00	10.00
	NON-RESIDENT	68.00	10.00
COLBY	RESIDENT	25.00	8.00
	NON-RESIDENT	73.00	8.00
COWLEY CO.	RESIDENT	22.00	8.00
	NON-RESIDENT	67.50	8.00
DODGE CITY	RESIDENT	27.00	9.00
	NON-RESIDENT	70.00	9.00
FORT SCOTT	RESIDENT	20.00	7.00
	NON-RESIDENT	74.00	7.00
GARDEN CITY	RESIDENT	26.00	7.00
	NON-RESIDENT	70.00	7.00
HIGHLAND	RESIDENT	25.00	18.00*
	NON-RESIDENT	70.00	18.00*
HUTCHINSON	RESIDENT	26.00	6.00
	NON-RESIDENT	69.50	6.00
INDEPENDENCE	RESIDENT	25.00	9.00
	NON-RESIDENT	73.50	9.00
	INTERNATIONAL	93.50	9.00
JOHNSON CO.	RESIDENT	27.00	6.00
	NON-RESIDENT	93.00	6.00
KANSAS CITY	RESIDENT	27.00	3.00
	NON-RESIDENT	75.00	3.00
LABETTE	RESIDENT	23.00	6.00
	NON-RESIDENT	80.00	6.00
NEOSHO CO.	RESIDENT	22.00	6.00
	NON-RESIDENT	67.50	6.00
PRATT	RESIDENT	20.00	11.00
	NON-RESIDENT	68.00	11.00
SEWARD CO.	RESIDENT	23.00	7.00
	NON-RESIDENT	68.00	7.00

\* Includes \$8.00 textbook rental fee.

**1992-93 Estimated Millage Equivalency of  
County Out-District Tuition Billings for Community Colleges**

County	Amount Paid to Community Colleges	Community College Millage Equiv	County	Amount Paid to Community Colleges	Community College Millage Equiv
ALLEN	21,158	0.39	LOGAN	35,558	1.38
ANDERSON	88,488	2.35	LYON	67,944	0.53
ATCHISON	92,868	1.55	MARION	67,824	1.16
BARBER	73,256	1.36	MARSHALL	71,892	1.34
BARTON	6,384	0.04	MCPHERSON	162,360	1.02
BOURBON	9,360	0.18	MEADE	65,736	1.13
BROWN	111,252	2.22	MIAMI	273,192	2.76
BUTLER	8,424	0.04	MITCHELL	78,996	2.34
CHASE	19,032	0.87	MONTGOMERY	58,764	0.42
CHAUTAUQUA	57,432	2.66	MORRIS	33,912	1.00
CHEROKEE	226,200	2.89	MORTON	25,260	0.24
CHEYENNE	28,112	0.95	NEMAHA	88,236	1.76
CLARK	35,364	1.22	NEOSHO	28,416	0.51
CLAY	84,348	2.09	NESS	38,280	0.79
CLOUD	2,592	0.06	NORTON	59,968	2.20
COFFEY	85,380	0.16	OSAGE	144,348	2.48
COMANCHE	24,636	0.08	OSBORNE	38,928	1.50
COWLEY	10,836	0.08	OTTAWA	38,120	1.10
CRAWFORD	254,808	2.42	PAWNEE	102,684	2.15
DECATUR	40,536	1.53	PHILLIPS	49,416	1.26
DICKINSON	109,368	1.35	POTTAWATOMIE	72,696	0.27
DONIPHAN	4,968	0.14	PRATT	6,924	0.10
DOUGLAS	441,186	1.18	RAWLINS	39,828	1.31
EDWARDS	52,224	1.49	RENO	5,760	0.02
ELK	35,112	2.00	REPUBLIC	69,600	1.86
ELLIS	87,720	0.82	RICE	134,808	1.91
ELLSWORTH	99,436	1.60	RILEY	119,160	0.73
FINNEY	3,516	0.01	ROOKS	37,416	0.77
FORD	4,152	0.03	RUSH	51,012	1.58
FRANKLIN	249,912	2.98	RUSSELL	72,900	1.19
GEARY	109,836	1.25	SALINE	146,592	0.65
GOVE	25,908	0.80	SCOTT	48,504	1.13
GRAHAM	34,620	0.96	SEDGWICK	1,702,462	0.84
GRANT	73,632	0.29	SEWARD	2,328	0.01
GRAY	87,528	1.98	SHAWNEE	29,544	0.04
GREELEY	16,152	0.59	SHERIDAN	37,824	1.32
GREENWOOD	68,976	1.60	SHERMAN	70,872	1.82
HAMILTON	21,948	0.53	SMITH	38,736	1.38
HARPER	65,828	1.34	STAFFORD	66,832	1.21
HARVEY	209,664	1.66	STANTON	23,784	0.37
HASKELL	64,956	0.57	STEVENS	57,996	0.22
HODGEMAN	30,324	1.20	SUMNER	307,884	2.80
JACKSON	85,512	2.07	THOMAS	1,128	0.02
JEFFERSON	107,040	1.69	TREGO	20,952	0.69
JEWELL	31,284	1.19	WABAUNSEE	23,748	0.70
JOHNSON	58,528	0.02	WALLACE	28,092	1.30
KEARNY	63,300	0.36	WASHINGTON	67,732	1.38
KINGMAN	108,324	1.57	WICHITA	23,664	0.93
KIOWA	60,672	1.22	WILSON	119,414	2.60
LABETTE	24,288	0.34	WOODSON	42,696	1.81
LANE	31,584	1.22	WYANDOTTE	31,608	0.05
LEAVENWORTH	608,424	3.01			
LINCOLN	22,524	0.95			
LINN	115,668	0.88			
			<b>Total</b>	<b>9,496,424</b>	

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County	Assessed Tangible Valuation	1993 Comm. College Out- District Tuition Mill Rate	1993 Comm. College Out- District Tuition Levied
Allen	54,472,190	0.062	\$3,377
Anderson	37,878,932	1.932	73,182
Atchison	59,877,020	1.573	94,187
Barber	51,251,433	1.091	55,915
Barton	140,021,488		
Bourbon	50,475,317	0.251	12,669
Brown	50,439,018	2.164	109,150
Butler	229,485,533		
Chase	22,281,891	1.303	29,033
Chautauqua	22,013,714	2.487	54,748
Cherokee	82,202,427	2.411	198,190
Cheyenne	26,607,119	0.640	17,029
Clark	30,314,486	0.707	21,432
Clay	40,743,388	2.324	94,688
Cloud	44,433,553	0.013	578
Coffey	579,676,805	0.162	93,908
Comanche	26,720,446	0.854	22,819
Cowley	145,065,372	0.058	8,414
Crawford	107,744,847	0.100	10,774
Decatur	25,630,238	1.290	33,063
Dickinson	79,192,103	1.451	114,908
Doniphan	35,745,597	0.175	6,255
Douglas	399,405,807	0.770	307,542
Edwards	34,786,157	1.105	38,439
Elk	18,194,146	2.104	38,280
Ellis	140,147,338	0.601	84,229
Ellsworth	57,185,442	1.512	86,464
Finney	275,543,142	0.010	2,755
Ford	144,628,738	0.028	4,050
Franklin	84,084,297	2.395	201,382
Geary	86,509,506	1.547	133,830
Gove	31,193,491	0.620	19,340
Graham	34,830,347	0.830	28,909
Grant	294,681,977		
Gray	42,652,571	2.009	85,689
Greeley	27,299,485		
Greenwood	45,112,622	1.412	63,699
Hamilton	44,091,522	0.517	22,795
Harper	46,258,143	1.432	66,242
Harvey	125,664,783	1.575	197,922
Haskell	128,639,635	0.630	81,043
Hodgeman	24,333,541	1.466	35,673
Jackson	43,323,434	2.295	99,427
Jefferson	64,166,320	1.743	111,842
Jewell	25,958,078	1.305	33,875
Johnson	2,809,495,863		
Kearny	193,955,096	0.319	61,872
Kingman	68,671,365	0.200	13,734
Kiowa	50,610,981	0.534	27,026
Labette	71,559,940	0.485	34,707
Lane	23,347,215	1.481	34,577
Leavenworth	209,608,192	2.482	520,248
Lincoln	22,406,408	1.068	23,930
Linn	145,381,960	0.661	96,097
Logan	25,307,820	1.034	26,168
Lyon	127,698,683	0.585	74,704
Marion	57,496,799	1.335	76,758
Marshall	54,320,058	0.946	51,387
McPherson	159,103,680	1.004	159,740
Meade	68,164,300		
Miami	102,940,472	2.691	277,013
Mitchell	32,547,011	2.190	71,278
Montgomery	139,557,902	0.313	43,682
Morris	34,971,507	1.255	43,889
Morton	126,468,284	0.230	29,088
Nemaha	52,396,030	1.911	100,129
Neosho	55,139,111	0.524	28,893
Ness	46,948,199		
Norton	27,032,961	1.710	46,226
Osage	58,597,045	3.041	178,194
Osborne	24,725,108	1.491	36,865
Ottawa	32,457,714	1.230	39,923
Pawnee	46,414,435	2.244	104,154
Phillips	38,906,110	1.198	46,610
Pottawatomie	296,913,421		
Pratt	71,715,356	0.033	2,367
Rawlins	27,231,063	1.363	37,116
Reno	280,772,079		
Republic	34,224,171	1.801	61,638
Rice	71,925,322	1.973	141,909
Riley	172,258,988		
Rooks	46,210,082	0.687	31,746
Rush	32,395,883	1.735	56,207
Russell	58,509,597	1.182	69,158
Saline	229,746,512	0.695	159,674
Scott	41,485,478	1.026	42,564
Sedgwick	2,007,037,441	0.810	1,625,700
Seward	177,214,112		
Shawnee	760,451,786		
Sheridan	27,083,383	1.202	32,554
Sherman	42,679,288	1.316	56,166
Smith	28,079,540		
Stafford	53,735,286	1.252	67,277
Stanton	83,645,395	0.280	23,421
Stevens	295,946,056		
Sumner	106,777,217	3.253	347,346
Thomas	57,448,075		
Trego	28,892,516	0.616	17,798
Wabaunsee	35,369,567	0.920	32,540
Wallace	19,682,099	1.475	29,031
Washington	42,718,140	1.421	60,702
Wichita	23,794,495	0.993	23,628
Wilson	41,807,256	2.184	91,307
Woodson	23,801,225	1.211	28,823
Wyandotte	583,341,498	0.048	28,000
\$8,111,311			



## PROPOSED AMENDMENTS TO SENATE BILL NO. 779

Be amended:

On page 10, in line 41, by striking "15" and inserting in lieu thereof "13.5";

On page 27, following line 40, by inserting the following sections to read as follows:

"Sec. 35. K.S.A. 71-201 is hereby amended to read as follows: 71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of education, shall have custody of and be responsible for the property of the community college and shall be responsible for the management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of education. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of education is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their

specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet certification requirements greater than those required in the state universities under the control and supervision of the state board of regents.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease 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 made under this act shall contain a citation of this section and a recitation that the lease agreement and assignment thereof are subject to change or termination by the legislature. The provisions of the cash basis and budget laws shall not apply to any lease made under authority of this subsection in such a manner as to prevent the intention of this act from being made effective. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of education, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of education which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper

having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any general use funds or moneys of the community college, including funds or moneys received from student tuition, ~~out-district-tuition, fees, funds received~~ from the state of Kansas or the United States for academic or vocational education, or taxes collected levied under K.S.A. 71-204 and 72-4424, and amendments thereto, and under section 55, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more



than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community

college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may not purchase or otherwise acquire land or land and improvements outside the community college district. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district and owned or being acquired by the community college on the effective date of this act, but no board of trustees may enter into a contract for the construction of improvements on any such land after the effective date of this act.

Sec. 36. K.S.A. 71-204 is hereby amended to read as follows: 71-204. For ~~all~~ the purpose of community college maintenance and operation ~~purposes~~, the board of trustees is authorized to levy a tax on the taxable tangible property of the community college district.

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 is not financed by ~~either--(a) anticipated-state--aid--of--any--type,--(b)--anticipated--student tuition,--or--(c)--anticipated--out-district--tuition,--or--(d) anticipated-federal--aid--of--any--type~~ 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 all or a part of the territory of which is in the community college district.

Sec. 37. K.S.A. 1993 Supp. 71-301 is hereby amended to read as follows: 71-301. (a) ~~{1}~~ Except as otherwise provided in this ~~subsection~~ section, the board of trustees shall charge to and collect from each in-state student tuition at rates per credit hour enrolled which shall be established at an amount: For the 1995 fiscal year, not less than \$19 \$23 per credit hour; for the 1996 fiscal year, not less than \$25 per credit hour; for the 1997 fiscal year and for each fiscal year thereafter, not more less than \$27 per credit hour.

~~{2}~~ (b) Subject to the provisions of K.S.A. 71-302, and amendments thereto, the board of trustees shall charge to and collect from each out-of-state and foreign student tuition at rates per credit hour enrolled which shall be established at an amount: For the 1995 fiscal year, not less than 2-1/2--times--the maximum--amount \$70 per credit hour prescribed-by-provision-{1}; for the 1996 fiscal year, not less than \$72.50 per credit hour; for the 1997 fiscal year and for each fiscal year thereafter, not less than \$75 per credit hour.

~~{3}~~ (c) The board of trustees may charge to and collect from each student who is eligible for admission to a community college at in-state tuition rates but who resides within a federal military reservation tuition at rates per credit hour enrolled which, if established, shall be established at an amount not less than \$36 per credit hour.

~~{4}~~ (d) The board of trustees may charge to and collect from each student who is eligible for admission to a community college at in-state tuition rates, but who is taught any subject or course at Fort Hays state university, tuition at rates per credit hour enrolled in each such subject or course which, if established, shall be established at an amount not less than \$36 per each such credit hour. This provision shall expire on June 30, 1995, unless amended by act of the legislature prior to such

date.

(b)--The-board-of-trustees,--in--accordance--with--rules--and regulations--of--the--state--board,--shall-determine-an-amount-of out-district-tuition-to-be-charged-for-each-out-district--student attending---the---community---college.---The---board---of--county commissioners-of-any-county-charged-with-payment-of--out-district tuition--shall--levy--a-tax-on-all-of-the-taxable-property-of-the county--sufficient--to--pay--all--out-district--tuition---charges authorized--by--this-act.---The-proceeds-from-the-tax-levied-under authority-of-this-section-shall-be-deposited-in--a--special--fund for--payment--of-out-district-tuition. Upon-receiving-a-statement of--charges--for--out-district--tuition,--the--board--of---county commissioners--shall-allow-and-pay-the-same-from-the-special-fund within-45-days-from-the-receipt-of-such-statement.---If--there--is insufficient--or--no--money--in--the--special--fund, out-district tuition-shall-be-paid-from-the-county-general-fund--or--from--the proceeds--of--the-sale-of-no-fund-warrants-issued-for-the-purpose of-the-payment-of-out-district-tuition. If-the--board--of--county commissioners-fails-to-pay-such-amount-at-the-time-required-under this--subsection,--the--board--of-trustees-shall-notify-the-state board-of-such-failure-to-pay-and-shall-certify-to-the-state-board the-amount-to-be-paid. Upon-receipt-by-the-state--board--of--such notification,--the--amount--to--be-paid-as-certified-to-the-state board-shall-become-an-amount-due-and-owing-to--the--state--board. The--state--board--shall-notify-the-board-of-county-commissioners that-this-amount-is-now-due-and-owing-to-the-state-board. If--the board--of--county--commissioners--fails-to-pay-such-amount-to-the state-board-within-14-days-of-the-receipt-of--such--notification, the--state--board-shall-initiate-proceedings-under-K.S.A.-75-6201 et-seq. for-the-collection--of--such--money. Money--paid--to--or collected--by--the--state--board--under--this-subsection-shall-be deposited-in-the-out-district-tuition-suspense-account--which--is hereby--created--in-the-state-treasury. The-state-board-shall-pay moneys--from--this--account,--in--accordance---with---rules---and regulations--of--the--state--board,--to--the--community--colleges



entitled-to-receive-such-money-

{c}--The--total--out-district--tuition-charged-by-a-community college-shall-be-an-amount-equal-to-the-number-of--duly--enrolled out-district-students-times-\$24-for-each-credit-hour-of-each-such student-

{d}-{1}--Out-district--tuition--shall--only--be--charged--for credit--hours--of--out-district--students--if--such--students,as determined-by-the-state-board,have-not-more-than-64-credit-hours from-any-institution-of-postsecondary-education-or--the--students have--not--more-than-72-credit-hours-and-are-enrolled-in-terminal type-nursing-courses-or-freshman-sophomore--level--preengineering courses-

{2}--The--credit-hour-limitations-prescribed-by-provision-{1} of-this-subsection-do-not-apply-to-credit-hours--of--out-district students--if-such-students,as-determined-by-the-state-board,are enrolled--in--an--approved--vocational--education--program--at--a community-college-for-the--purpose--of--receiving--vocational--or technical--training--or--retraining--in--preparation--for-gainful employment-

{e}--In-May-of-each-fiscal-year, the-board-of-trustees--shall notify--the--board--of--county--commissioners--of-the-approximate amount-of-out-district-tuition--which--will--be--charged--to--the county-in-the-succeeding-fiscal-year-

{f}--Expenditures--for--out-district--tuition-shall-be-exempt from-the-budget-law-of-this-state-to-the-extent-of-such--payments not-anticipated-in-the-budget-of-the-county-

Sec. 38. K.S.A. 71-302 is hereby amended to read as follows: 71-302. (a) Subject to the other provisions of this section, tuition shall be charged to out-of-state and foreign students at rates which shall be set by the board of trustees in accordance with the provisions of subsection {a}{2} (b) of K.S.A. 71-301, and amendments thereto.

(b) The following persons, or any class or classes thereof, and their spouses and dependents, may be admitted to a community college at the same rate of tuition as in-state students: (1)

Persons who are in active military service of the United States; (2) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of K.S.A. 71-406, and amendments thereto; (3) persons who are employees of a community college; (4) persons having special domestic relations circumstances; (5) persons who have lost their resident status within six months of enrollment; (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment at a community college, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto; and (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of K.S.A. 71-406, and amendments thereto, and who are not otherwise eligible under this subsection for admission at in-state student tuition rates.

(c) As used in this section:

(1) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(2) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(d) The state board of education shall adopt rules and regulations for administration of the provisions of this section. Such rules and regulations shall prescribe criteria and guidelines for determination by a board of trustees of the eligibility of persons specified in subsection (b) for admission at in-state student tuition rates and shall specify the evidence necessary to be submitted by such persons to a board of trustees as proof of eligibility. Evidence submitted by a person as proof of eligibility claimed under subsection (b)(7) must include, but not by way of limitation, certification of the claim by the employer of the person.

Sec. 39. K.S.A. 71-401 is hereby amended to read as follows:  
71-401. Persons enrolling in a community college who, if adults, have not been, or if minors, whose parents have not been residents of the county in which is located the principal campus of such community college for at least six (6) months prior to enrollment for any term or session are nonresidents of such the community college district ~~for---out-district---state---aid~~ entitlement7-out-district-tuition-and-fee-purposes.

Sec. 40. K.S.A. 71-403 is hereby amended to read as follows:  
71-403. The state board of education may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students ~~for-the-purpose-of-determining-liability~~ ~~of--counties--for--out-district--tuition-of-students~~ in community colleges--and--out-district--state---aid---entitlements college districts. The state board may make conclusive determination of any residence matter ~~for--the--purpose--of--determination---of~~ ~~out-district-tuition-and-out-district-state-aid-entitlement.~~

Sec. 41. K.S.A. 71-602 is hereby amended to read as follows:  
71-602. (a) Each community college is entitled to receive credit hour state aid. The basis for distribution payments of credit hour state aid for ~~community-colleges-for~~ each credit hour of each duly enrolled student ~~who-was-a-bona-fide--resident--of--the~~

~~state--of--Kansas--during--the--current--school--session~~ shall be: (1) ~~Twenty-eight~~ Thirty dollars for each credit hour in any subject or course which is not part of a vocational education program approved by the state board under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated; and (2) an amount which shall be determined by the state board by multiplying by ~~1-1/2~~ two the amount specified in provision (1) for each credit hour in any subject or course which is part of a vocational education program approved by the state board ~~under article 44, except that the amount specified in provision (1) for each credit hour of each student shall be multiplied by two if the credit hour is in any subject or course which is part of an approved vocational education program which is offered in a community college which is also officially designated as an area vocational school by the state board or if the credit hour is in any subject or course which is part of an approved vocational education program transferred to a community college in accordance with an agreement made and entered into under authority of K.S.A. 71-1507.~~

(b) Credit hour state aid payments shall be made only for credit hours of duly enrolled students if such students, as determined by the state board, are bona fide residents of the state of Kansas, or are considered bona fide residents of the state of Kansas under the provisions of K.S.A. 71-618, and amendment thereto.

~~(b)~~ (c) The determination of credit hours of duly enrolled students shall be made at times prescribed by the state board of education.

Sec. 42. K.S.A. 71-604 is hereby amended to read as follows: 71-604. (a) From the reports and information submitted under K.S.A. 71-603, and amendments thereto, and from other information available to it, the state board shall determine the amount the community college is entitled to receive as ~~provided in K.S.A. 71-602 and 71-607 and K.S.A. 71-619, and amendments to such sections~~ state aid.



(b) If the amount of any appropriation for ~~credit-hour~~ state aid ~~shall--be~~ is insufficient to pay in full the amount each community college is entitled to receive ~~for--credit--hour--state aid,~~ then the amount so appropriated shall be prorated among all community colleges in proportion to the amount each is entitled to receive. ~~If-the-amount-of-any-appropriation-for-out-district state-aid-shall-be-insufficient-to-pay-in-full--the--amount--each community--college--is-entitled-to-receive-for-out-district-state aid,--then-the-amount-so-appropriated-shall-be-prorated-among--all community--colleges--in-proportion-to-the-amount-each-is-entitled to-receive-~~

(c) The state board may audit the records of any community college applying for a part of any money appropriated for state aid, to verify the accuracy of the reports submitted by the community college. The state board may adopt rules and regulations for the administration of this act and acts amendatory thereof.

(d) In the event any community college is paid more than the amount it is entitled to receive ~~under-any-distribution-made under-this-act-or-acts-amendatory-thereof~~ as state aid, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and it shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.

(e) In the event any community college is paid less than the amount ~~to-which~~ it is entitled ~~under-any-distribution-made-under this-act-and-acts-amendatory-thereof~~ to receive as state aid, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

Sec. 43. K.S.A. 71-605 is hereby amended to read as follows:  
71-605. (a) The distribution of the appropriation for credit hour

state aid and out-district state aid shall be made three times each ~~school~~ fiscal year as follows: The first payment shall be made on October 1 and shall be in an amount equal to 50% of the preceding ~~school~~ fiscal year's credit hour state aid entitlement ~~of-the-community-college--Subject-to-the-provisions-of-subsection (c)7.~~ The second payment shall be made on December 1 and shall be in an amount ~~which-is~~ equal to the balance of the summer and fall sessions' total credit hour state aid entitlement and the full amount of the summer and fall sessions' out-district state aid entitlement, with adjustment for any overpayment or underpayment resulting from computation of the first payment. The third payment shall be made on April 1 and shall be the full amount of the spring session's credit hour state aid entitlement and the spring session's out-district state aid entitlement, with adjustment for any underpayments or overpayments theretofore occurring. The state board shall certify, on or before November 25 and March 25 of each year, to the director of accounts and reports the amount due to each community college ~~from--such appropriation on the first day of December,--or-for-the-December 17-1987,--payment-on-the-date-specified-in-subsection--(c)~~ or on the first day of April, as the case may be, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the same to the general fund of the community college.

(b) The distribution of the appropriation for general state aid shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each community college from such appropriation, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the same to the general fund of the community college.

~~{c}--The--credit-hour-state-aid-and-out-district-state-aid-to be-paid-December-17-1987,shall-be-deferred--and--shall--be--paid January-47-1988.~~

Sec. 44. K.S.A. 1993 Supp. 71-607 is hereby amended to read as follows: 71-607. (a) Each community college is entitled to receive out-district state aid. The basis for payments in ~~amounts-determined-as-provided-in-this-section--From-reports--and information--provided--by--each--community-college7-and-from-such additional-audits-and-investigations--as--are--conducted--by--the state--department--of--education7-the-state-board-shall-determine the-amount-of-out-district--tuition--each--community--college--is entitled--to--bill--to-counties-each-year7-and-the-entitlement-to out-district-state-aid-of-each--community--college--shall--be--an amount--equal--thereto--plus--(1)-an-amount-equal-to-the-amount-of out-district-tuition-disallowed-under-the--provisions--of--K.S.A. 71-3047--and--amendments--thereto7-and--(2)-an-amount-equal-to-the amount-of-out-district-tuition-disallowed-under-the-provisions-of subsection-(c)-of-K.S.A.-71-6097-and-amendments-thereto7-and--(3) an--amount--equal-to-the-number-of-duly-enrolled-out-of-state-and foreign-students-considered-bona--fide--residents--of--the--state under--the--provisions--of-K.S.A.-71-6187-and-amendments-thereto7 times-the-amount-specified-in-subsection-(c)--of--K.S.A.-71-3017 and--amendments--thereto7--for-each-credit-hour-of-each-such-duly enrolled-student-if-such-student7--as--determined--by--the--state board7--qualifies--as--an-out-district-student-for-the-purpose-of determination-of-the-amount of out-district state aid entitlement shall be \$50 for each credit hour of each duly enrolled out-district student.~~

(b) ~~(1)~~ Out-district state aid payments shall be made only for credit hours of out-district students ~~specified-in-provision (3)-of-subsection-(a)~~ if such students, as determined by the state board, ~~have--not--more--than--64--credit--hours--from-any institution-of-postsecondary-education-or-the-students--have--not more--than--72--credit--hours--and--are-enrolled-in-terminal-type nursing--courses--or--freshman-sophomore---level---preengineering~~

courses are bona fide residents of the state of Kansas, or are considered bona fide residents of the state of Kansas under the provisions of K.S.A. 71-618, and amendments thereto.

~~{2}--The--credit-hour-limitations-prescribed-by-provision-{1} of this subsection do not apply to credit hours--of--students--if such--students,--as-determined-by-the-state-board,--are-enrolled-in an-approved-vocational-education-program-at-a--community--college for--the-purpose-of-receiving-vocational-or-technical-training-or retraining-in-preparation-for-gainful-employment--~~

Sec. 45. K.S.A. 1993 Supp. 71-609 is hereby amended to read as follows: 71-609. (a) No out-district state aid entitlement, no credit hour state aid entitlement, and no general state aid entitlement shall be based upon credit hours in any subject or course all or the principal part of which is taught at a location outside of the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of education.

(b) (1) No out-district ~~tuition~~ state aid entitlement shall be based upon ~~or-charged-for~~ credit hours in any subject or course all or the principal part of which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.

(2) For the provisions purposes of this subsection are subject-to-the-provisions--of--subsection--{c}, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

~~(c) No out-district tuition shall be based upon or charged for credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university under an agreement entered into by a community college and the university. The provisions of this subsection shall expire on June 30, 1995, unless amended by act of the legislature prior to such date.~~

Sec. 46. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No out-district state aid entitlement, no credit hour state aid entitlement, and no general state aid entitlement of a community college shall be based upon any course or program if such course or program is taught in an area vocational school or an area vocational-technical school under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school or the area vocational-technical school under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, ~~and no such course or program shall be counted in determining the number of credit hours of out-district students for the purpose of computing the amount of out-district tuition to be charged by a community college.~~

Sec. 47. K.S.A. 71-610 is hereby amended to read as follows: 71-610. Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, whenever there are two community college districts located within one county, no ~~out-district tuition shall be charged for any student residing in such county and attending either such community college. No~~ out-district state aid entitlement shall be based upon enrollment of any student who resides in such a county and attends either community college located therein.

Sec. 48. K.S.A. 71-611 is hereby amended to read as follows: 71-611. (a) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a community college during a ~~school~~ fiscal year for all purposes.

(b) "Legally adopted budget of operating expenses" means the amount legally authorized and budgeted for ~~such~~ operating



expenses in the budget general fund of a community college.

(c) "General fund" means the fund of a community college from which operating expenses are paid and, subject to the provisions of K.S.A. 71-613a, and amendments thereto, to which all amounts of ~~credit-hour-state--aid,--out-district--state--aid,~~ general state aid, property taxes for general purposes, ~~out-district-tuition,~~ student tuition, ~~tuition--of--out-of-state and--foreign--students,~~ and other moneys provided for by law are credited.

Sec. 49. K.S.A. 71-613a is hereby amended to read as follows: 71-613a. All amounts of credit hour state aid, out-district state aid, general state aid, ~~out-district--tuition,~~ student tuition, and tuition of out-of-state and foreign students received by a community college for any program authorized by article 44 of chapter 72 of Kansas Statutes Annotated may be deposited in the vocational education fund of the community college.

Sec. 50. K.S.A. 71-618 is hereby amended to read as follows: 71-618. Out-of-state and foreign students authorized to be admitted to a community college at the same rate of student tuition as in-state students, as provided in K.S.A. 71-302, and amendments thereto, shall be considered bona fide residents of the state of Kansas for the purpose of determination of the amount of ~~out-district-state-aid-entitlement,--credit-hour--state aid--entitlement,--and-general~~ state aid entitlement of community colleges.

Sec. 51. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act, ~~--unless--the--context--otherwise~~ requires:

(a) ~~The--term~~ "Community college" means a public community college established under the provisions of this act. The official name of such community college shall be "the \_\_\_\_\_ community college" and the blank shall be filled with the name of the city or county.

(b) ~~The---~~term "State board" means the state board of

education.

(c) ~~The-term~~ "Community college district" means the taxing district of a community college.

(d) ~~The-term~~ "Board of trustees" means the governing body of a community college.

(e) ~~The--term~~ "State plan" means the plan adopted for community colleges as heretofore provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the "community college act" and acts amendatory thereof, or supplemental thereto.

(f) ~~The--term~~ "Campus" means the location of all or part of the buildings and facilities of a community college.

(g) ~~The-term~~ "Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.

(h) ~~The--term~~ "State department of education" means the department of~~7--and~~ which is administered by and under the direction of~~7~~ the state board.

(i) ~~The--term~~ "Director" means the person appointed by the state board to be responsible for staff duties of the supervision of community colleges.

(j) ~~The-term~~ "Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participation in the institutional program.

(k) ~~The--term~~ "Chief school administrator" means the president or one so appointed by the board of trustees.

(l) "Out-district student" means a duly enrolled student of a community college who is a nonresident of the community college district.

Sec. 52. K.S.A. 71-1508 is hereby amended to read as follows: 71-1508. (a) There is hereby established in every community college conducting a motorcycle driver safety course a fund which shall be called the "motorcycle driver safety" fund. The motorcycle driver safety fund shall consist of all moneys deposited therein or transferred thereto according to law. All

moneys received by community colleges from distributions made from the motorcycle safety fund and from tuition, fees or charges for motorcycle driver safety courses shall be credited to the motorcycle driver safety fund. The expenses of community colleges directly attributable to motorcycle driver safety courses shall be paid from the motorcycle driver safety fund.

(b) ~~No out-district tuition-shall-be-charged-or-paid-for-any student--on-the-basis-of-enrollment-in-a-motorcycle-driver-safety course-and-no-out-district~~ state aid entitlement, credit hour state aid entitlement, or general state aid entitlement of a community college shall be based upon a motorcycle driver safety course conducted by the community college.

Sec. 53. K.S.A. 71-1702 is hereby amended to read as follows: 71-1702. (a) The governing body of an area vocational school or area vocational-technical school which is consolidated with and made a part of a community college in accordance with the provisions of this act shall enter into a consolidation agreement with the board of trustees of the community college with which such area vocational school or area vocational-technical school is consolidated.

(b) Every consolidation agreement entered into under this section shall provide for:

(1) The disposition of all real property of the affected area vocational school or area vocational-technical school, which disposition shall not be in contravention of the provisions of subsection (d) of K.S.A. 71-201, and amendments thereto;

(2) the disposition of all personal property, records and moneys, including state and federal financial aid, of the affected area vocational school or area vocational-technical school;

(3) the payment of all lawful debts of the affected area vocational school or area vocational-technical school, including any outstanding bonded indebtedness attributable to the operation thereof;

(4) the payment of all accrued compensation or salaries of

all personnel of the affected area vocational school or area vocational-technical school;

(5) the transfer of personnel, if such personnel are deemed necessary, in the employment of the affected area vocational school or area vocational-technical school to the employment of the community college; and

(6) such other matters as may need to be addressed as the result of such consolidation by the affected area vocational school or area vocational-technical school and the community college.

(c) Immediately upon execution of each consolidation agreement entered into under this section, the state board of education shall be notified thereof by the board of trustees of the affected community college. The state board shall review and approve such consolidation agreement ~~and-upon-approval-of-such agreement, the state board, for purpose of determining credit hour state aid under K.S.A. 71-602, and amendments thereto, shall issue an order officially designating the community college as an area vocational school.~~

(d) When any conflict arises as to the proper disposition of property, records or funds or as to the assumption and payment of any debts as a result of any consolidation effected under this act, such conflict shall be determined and resolved by the state board of education and such determination and resolution shall be final.

New Sec. 54. (a) There hereby is established the state community college finance fund which shall consist of (1) all amounts credited to such fund under the provisions of section 55, and amendments thereto, and (2) all amounts transferred to such fund.

(b) The state community college finance fund shall be used for the purpose of community college finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of

K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) Amounts in the state community college finance fund shall be allocated and distributed to community colleges as a portion of state aid entitlements provided for by law.

New Sec. 55. (a) There shall be levied in each year by the board of county commissioners of each county a tax of 1.5 mills upon all taxable tangible property in the county. The tax shall be levied for the benefit of the community colleges established and operating under the laws of this state. The proceeds of such tax levy shall be used to pay a portion of the costs of operation and maintenance of such community colleges.

(b) The county treasurer of each county in which there is not located a community college shall make the proceeds of the tax levy provided for in this section available to the state treasurer immediately upon collection. When made available, the state treasurer shall withdraw such proceeds from each such county and shall deposit the same in the state treasury to the credit of the state community college finance fund to be appropriated by the legislature as needed for financing the operation of community colleges.

(c) The county treasurer of each county in which there is located a community college shall pay the entire amount of the proceeds of the tax levy provided for in this section to the treasurer of the community college. The county treasurer of the county in which there are located two community colleges shall pay to the treasurer of each such community college the amount of that portion of the proceeds of the tax levy provided for in this section that is attributable, respectively, to the property located in the taxing district of each such community college. The tax levy proceeds provided for in this subsection shall be paid in the manner and at the times provided by law for the payment of the proceeds of taxes levied by the community colleges. Upon receipt of the tax levy proceeds provided for in this subsection, the treasurer of a community college shall credit the entire amount thereof to the general fund of the

community college.

Sec. 56. K.S.A. 1993 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271--74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any

redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 to 19-4625, inclusive, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(17) Counties may not exempt from or effect changes in



~~K.S.A.--71-301 section 55, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A.--71-301, and amendments thereto, is null and void.~~

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter resolution adopted by a county prior to the effective date of this act, exempting from or effecting changes in such sections is null and void.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 1993 Supp. 12-1260 to 12-1270, inclusive, and 12-1276.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 1993 Supp. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 1993 Supp. 79-1494, and amendments thereto.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county

commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

Sec. 57. K.S.A. 1993 Supp. 79-5028 is hereby amended to read as follows: 79-5028. The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto, shall not apply to or limit the levy of taxes for the payment of:

(a) Principal and interest upon state infrastructure loans, bonds, temporary notes, no-fund warrants and payments made to a public building commission;

(b) judgments, settlements and expenses for protection against liability to the extent such expenses are authorized by article 61 of chapter 75 of the Kansas Statutes Annotated and amendments thereto;

(c) employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs;

(d) expenses incurred by counties for district court operations under the provisions of K.S.A. 20-348 or 20-349, and amendments thereto, and expenses incurred by counties for the detention of juveniles; or

(e) expenses incurred by counties ~~for---payment---of out-district-tuition-to-community--colleges--pursuant--to--K.S.A. 71-3017-and-amendments-thereto,~~ and expenses incurred by counties and townships for payment of out-district tuition to municipal universities pursuant to K.S.A. 13-13a26, and amendments thereto.

The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto, do not apply to the tax levies authorized or required under K.S.A. 19-4004, 19-4011, 65-212 and 65-215 and under section 55 and amendments thereto to such sections.

Amounts produced from any taxes levied for purposes specified in this section shall not be used in computing any aggregate limitation under the provisions of this act. In addition, amounts needed to be produced from the levy of taxes by a taxing subdivision to replace the difference between the amount of revenue estimated to be received by such taxing subdivision pursuant to K.S.A. 79-5101 et seq., and amendments thereto, in 1990, and the amount of such revenue estimated to be received by such taxing subdivision in each year thereafter shall not be used in computing any aggregate limitation under the provisions of this act. On or before June 1 of each year, information necessary to make such computation shall be provided to each taxing subdivision by the appropriate county treasurer.";

And by renumbering the remaining sections accordingly;

Also on page 27, in line 41, following "41-719," by inserting "71-201, 71-204, 71-302, 71-304, 71-305, 71-306, 71-401, 71-403, 71-602, 71-604, 71-605, 71-609a, 71-610, 71-611, 71-613a, 71-618, 71-701, 71-1508, 71-1702, 71-1705,"; in line 43, following "Supp." by inserting "19-101a, 71-301, 71-607, 71-609,";

On page 28, in line 1, by striking "and" and inserting in lieu thereof a comma; also in line 1, following "76-756" by inserting "and 79-5028";

On page 1, in the title, in line 8, following "ACT" by inserting "concerning postsecondary educational institutions,"; also in line 8, by striking "Washburn university of Topeka" and inserting in lieu thereof "the financing and governance thereof; affecting certain state aid entitlements"; in line 18, preceding "amending" by inserting "establishing the state community college finance fund,"; also in line 18, following "41-719," by inserting "71-201, 71-204, 71-302, 71-401, 71-403, 71-602, 71-604, 71-605, 71-609a, 71-610, 71-611, 71-613a, 71-618, 71-701, 71-1508,

71-1702,"; in line 20, following "Supp." by inserting "19-101a, 71-301, 71-607, 71-609,"; in line 21, by striking "and" where it appears for the first time and inserting a comma in lieu thereof; also in line 21, following "76-756" by inserting "and 79-5028"; in line 27, following "13-13a37," by inserting "71-304, 71-305, 71-306, 71-1705,";

And the bill be passed as amended.

\_\_\_\_\_  
Chairperson

# MEMORANDUM

TO: David Monical, Executive Assistant to the President and  
Director of Governmental Relations  
FROM: Ken Hackler, University Counsel and Secretary to the Board of Regents  
DATE: March 3, 1994  
RE: Legislative Information Request

Attached are materials responding to the requests for information to be supplied to the Chairperson of the Senate Ways & Means Committee. All responses are based on the latest available data.

Exhibit A is a description of the University's FTE employees based on data provided me by the Director of Institutional Research, Al Dickes. The data was taken from the Fall, 1993 semester and does include in the calculation of faculty employees all part-time and adjunct faculty based on the teaching load of each. For these purposes, a nine month faculty employee is treated as a 1.0 FTE employee.

Exhibit B is a spreadsheet of information concerning the University's actual and projected revenue and expenditures from the debt retirement and contruction mill levy (authorized by K.S.A. 13-13a23) for FY 91-99. This is an update of material from the current five year plan document. Included with Exhibit B is a schedule from Vice President Mosiman's annual financial report for FY '93 which shows the University's bonded indebtedness as of June 30, 1993. Please note that payments on bonded indebtedness due and owing on September 1, 1993 and March 1, 1994 have been made so the corresponding subtotals and grand total amounts should be reduced.

Exhibit C is a statement of the accrued personal and sick leave as of July 1, 1992. This data was taken from a report submitted to our auditors, Berberich & Trahan, in connection with accounting standards and treatment of personal and sick leave. The University, unlike the state of Kansas, does not make payment of accrued sick leave at retirement. Additionally, as you know, our faculty employees do not accrue personal or sick leave unless they are serving in an administrative capacity. Faculty of the Regents institutions do accrue sick leave.

Exhibit D is a summary of the University's retirement plan. Our plan, as you know, covers all of our employees and is similar to the retirement program provided unclassified employees of the Kansas Board of Regents. The distinctions between the two plans, besides the type of employees covered, are that the University's contribution rate is 9% versus the KBOR contribution of 8 1/2%; that we have no "matching" contribution requirement; and, our program has just one Fund Sponsor while there are four or more 403(b) providers for the KBOR unclassified employees.

SWAM  
March 2, 1994  
Attachment 3

WASHBURN UNIVERSITY OF TOPEKA  
FTE EMPLOYEES

Information furnished by the Director of Institutional Research, based on data for the Fall, 1993 semester, discloses there are 676.38 FTE employees at Washburn University of Topeka. By category they are:

Wage & Hour Staff:	267.44
Administrative & Professional	143.32
Faculty	<u>265.62</u>
Total FTE Employees	676.38

Faculty employees for this calculation includes all part-time and adjunct faculty. Also, all full-time faculty, whether nine month or twelve month faculty, are treated as 1.0 FTE faculty.

3 March 1994

Washburn University of Topeka  
Actual, Budget and Projections of the Debt Retirement and Construction Fund  
for 1990-91 through 1998-99

	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	BUDGET FY 1993-94	ESTIMATE FY 1994-95	ESTIMATE FY 1995-96	ESTIMATE FY 1996-97	ESTIMATE FY 1997-98	ESTIMATE FY 1998-99
<b>REVENUE:</b>									
Ad Valorem Taxes, Cash	\$1,049,162	\$1,098,657	\$1,078,836	\$1,037,607	\$1,058,360	\$1,079,527	\$1,101,117	\$1,123,140	\$1,145,603
Ad Valorem Taxes, Receivable	581,317	595,718	590,787	558,712	569,885	581,283	592,909	604,767	616,862
Sub-Total	\$1,630,479	\$1,694,375	\$1,669,623	\$1,596,319	\$1,628,245 (1)	\$1,660,810	\$1,694,026	\$1,727,907	\$1,762,465
	-----	-----	-----	-----	-----	-----	-----	-----	-----
Motor Vehicle Tax	\$ 183,889	\$ 224,241	\$ 226,095	\$ 237,036	\$ 225,000	\$ 225,000	\$ 225,000	\$ 225,000	\$ 225,000
Estimated Taxes	(1,995)	---	9,455	---	---	---	---	---	---
Back Taxes	42,654	19,144	38,232	25,000	25,000	25,000	25,000	25,000	25,000
Earnings from Investments	628,478	324,617	246,484	175,000	150,000 (2)	150,000	150,000	150,000	150,000
Fees for Parking Improvement	26,929	25,338	25,168	25,038	25,038	25,038	25,038	25,038	25,038
Miscellaneous	---	6,867	---	2,000	2,500	2,500	2,500	2,500	2,500
<b>TOTAL REVENUES</b>	<b>\$2,510,434</b>	<b>\$2,294,582</b>	<b>\$2,215,057</b>	<b>\$2,060,393</b>	<b>\$2,055,783</b>	<b>\$2,088,348</b>	<b>\$2,121,564</b>	<b>\$2,155,445</b>	<b>\$2,190,003</b>
	=====	=====	=====	=====	=====	=====	=====	=====	=====
<b>EXPENDITURES/TRANSFERS</b>									
Maturity of Bonds - 1982 Petro	\$ 230,000	\$ 255,000	\$ 280,000	\$ 305,000	---	---	---	---	---
Interest on Bonds - 1982 Petro	111,325	88,325	62,188	32,788	---	---	---	---	---
Service Fees on Bonds - 1982 Petro	57	64	70	80	---	---	---	---	---
Maturity of Bonds 1989-90 Law	---	230,000	245,000	260,000	275,000	295,000	315,000	335,000	360,000
Interest on Bonds 1989-90 Law	266,828	257,053	151,362	131,363	113,457	96,140	77,457	57,385	35,660
Service Fees on Bonds 1989-90 Law	---	16	25	30	35	35	40	45	50
Maturity of Bonds 1992 Issue	---	---	200,000	200,000	200,000	200,000	200,000	200,000	240,000
Interest on Bonds 1992 Issue	---	---	182,985	183,700	176,100	167,775	158,900	149,300	138,237
Service Fees on Bonds 1992 Issue	---	---	18	25	30	35	40	45	50
Parking Fees to B&C Fund	26,929	25,338	25,168	25,038	25,038	25,038	25,038	25,038	25,038
Capital Improvement to B&C Fund	1,434,585	1,000,000	980,000	824,227 (3)	1,266,123 (3)	1,304,325 (3)	1,345,089 (3)	1,388,632 (3)	1,390,968 (3)
Prin. Payment Dorm Lease Purchase	13,472	---	---	---	---	---	---	---	---
Int. Payment Dorm Lease Purchase	64,528	4,500	---	---	---	---	---	---	---
Internal Loan/Int. Pymnt for Acad. Comp. Ctr. (4)	150,000	150,000	150,000	98,142	---	---	---	---	---
	-----	-----	-----	-----	---	---	---	---	---
<b>TOTAL EXPENDITURES &amp; TRANSFERS</b>	<b>\$2,297,724</b>	<b>\$2,010,296</b>	<b>\$2,276,816</b>	<b>\$2,060,393</b>	<b>\$2,055,783</b>	<b>\$2,088,348</b>	<b>\$2,121,564</b>	<b>\$2,155,445</b>	<b>\$2,190,003</b>
Difference	\$ 212,710	\$ 284,286	\$ (61,759)	\$ ---	\$ ---	\$ ---	\$ ---	\$ ---	\$ ---
Surplus Avail., Beginning of Year	\$1,074,754	\$2,171,750	\$2,171,750	\$2,060,393	\$2,060,393	\$2,060,393	\$2,060,393	\$2,060,393	\$2,060,393
Surplus Avail., End of Year	\$1,887,464	\$2,171,750	\$2,109,991	\$2,060,393	\$2,060,393	\$2,060,393	\$2,060,393	\$2,060,393	\$2,060,393

(1) It is assumed valuations will increase approximately 2% per year after FY 1994.

(2) Assume there is \$5 million to invest at 3.0% interest.

(3) Amount estimated to be available for capital expenditures (Transfer to B&C Fund) including 1982 Bond payment.

(4) On November 13, 1985, the Board of Regents approved a funding plan for the Academic Computer Center which included an internal loan from Endowed Funds (unrestricted). This loan is to be paid back with interest from the DR&C Fund. It is anticipated this will be paid after fiscal 1993-94.

(5) Approximately \$430,000 per year available for a new bond issue or other capital expenditures.

Prepared 3 March 1994



## Statement of BONDED INDEBTEDNESS as of June 30, 1993

Purpose of Bonds	Interest Rate	Prin- cipal Due	Principal Amount	-----Interest-----		Due Fiscal Year
				September 1	March 1	
I. Issued 3-1-82						
G.O. Build. & Equip. for Allied Health Center	.1075%	3/1/94	\$ 305,000	\$ 16,393.75	\$ 16,393.75	\$ 337,787.50 -
SUB-TOTAL OUTSTANDING 6-30-93			\$ 305,000	\$ 16,393.75	\$ 16,393.75	\$ 337,787.50 -
II. Issued 3-1-90	.07375%	9/1/93	260,000.00	70,475.26	60,887.50	391,362.76 -
G.O. Build. & Equip. for Law	.06050%	9/1/94	275,000.00	60,887.50	52,568.75	388,456.25 -
Library Build. Proj.	.06100%	9/1/95	295,000.00	52,568.75	43,571.25	391,140.00 -
	.06150%	9/1/96	315,000.00	43,571.25	33,885.00	392,456.25
	.06200%	9/1/97	335,000.00	33,885.00	23,500.00	392,385.00
	.06300%	9/1/98	360,000.00	23,500.00	12,160.00	395,660.00
	.06400%	9/1/99	380,000.00	12,160.00	---	392,160.00
SUB-TOTAL OUTSTANDING 6-30-93			\$2,220,000.00	\$297,047.76	\$226,572.50	\$2,743,620.26
III. Issued 3-19-92	.03500%	9/1/93	100,000.00	92,725.00	---	---
G.O. Refunding & Improvement Bonds (KTWU, West Hall, Partial Refund- ing of Law School Bond.	.03900%	3/1/94	100,000.00	---	90,975.00	383,700.00 -
	.03900%	9/1/94	100,000.00	89,025.00	---	---
	.04250%	3/1/95	100,000.00	---	87,075.00	376,100.00 -
	.04250%	9/1/95	100,000.00	84,950.00	---	---
	.04500%	3/1/96	100,000.00	---	82,825.00	367,775.00
	.04500%	9/1/96	100,000.00	80,575.00	---	---
	.04900%	3/1/97	100,000.00	---	78,325.00	358,900.00
	.04900%	9/1/97	100,000.00	75,875.00	---	---
	.05300%	3/1/98	100,000.00	---	73,425.00	349,300.00
	.05300%	9/1/98	125,000.00	70,775.00	---	---
	.05450%	3/1/99	115,000.00	---	67,462.50	378,237.50
	.05450%	9/1/99	130,000.00	64,328.75	---	---
	.05650%	3/1/00	120,000.00	---	60,786.25	375,115.00
	.05650%	9/1/00	535,000.00	57,396.25	---	---
	.05800%	3/1/01	125,000.00	---	42,282.50	759,678.75
	.05800%	9/1/01	565,000.00	38,657.50	---	---
	.05900%	3/1/02	135,000.00	---	22,272.50	760,930.00
	.05900%	9/1/02	620,000.00	18,290.00	---	638,290.00
SUB-TOTAL OUTSTANDING 6-30-93			\$3,470,000.00	\$672,597.50	\$605,428.75	\$4,748,026.25
III. GRAND TOTAL OUTSTANDING 6-30-93			\$5,995,000.00	\$986,039.01	\$848,395.00	\$7,829,434.01

As of March 19, 1992 the University accomplished several things related to its long term debt. These included:

- Refunding of \$1,305,000.00 of the Series 1990 Law Library G.O. Callable Bonds, by means of an escrow account placed with a Trustee, Security Bank of Kansas City, KS This account consists of SLG securities purchased from the Federal Reserve.
- Issued the Series 1992 G.O. Refunding and Improvement Bonds. This Bond issue is for the purpose of:
  - Partially funding the KTWU Building Project in the amount of \$1,600,000.00.
  - Providing funds to terminate the Lease/Purchase Agreement in the amount of \$625,500.00. (total buy-out cost was \$630,000.00)
  - Provide \$1,305,000.00 to refund the Callable Bonds of 1990 Law Library Bond Series.
  - The Series 1992 Bonds includes the cost of issuance.
- The University has determined that the ultimate gain on the defeasance is \$235,000. It will be realized over the life of the bonds.

SUMMARY  
OF THE  
WASHBURN UNIVERSITY  
RETIREMENT PLAN

There is a single retirement plan provided for all Washburn University of Topeka employees, regardless whether they are faculty, administrative or wage and hour employees. The plan is a defined contribution plan under the provisions of Section 403(b) of the Internal Revenue Code. Participation in the plan is mandatory for all eligible employees who have completed one year of service with the University.

Fund Sponsor/Funding Vehicles

Employer contributions are placed with the Teachers Insurance and Annuity Association/College Retirement Equities Fund (TIAA/CREF). Employees may elect to have the contributions placed, in whatever allocation percentage they wish in one or more of the following funding vehicles offered by TIAA/CREF:

- TIAA Retirement Annuity
- CREF Stock Account
- CREF Money Market Account
- CREF Bond Market Account
- CREF Social Choice Account
- CREF Global Equities Account

Employer Contribution

Washburn University contribution to each employee's retirement plan is nine percent (9%) of the employee's annual basic salary. For faculty, one's annual basic salary is the salary stated in one academic appointment. For all other employees it is the salary/wages paid exclusive of overtime or benefits.

Employee Elective Deferral

There is no mandatory "matching" contribution for employees although employees are encouraged to contribute via salary reduction or salary deduction to their retirement program. Employee contributions may be directed to either the "regular" retirement plan, into which all University contributions are deposited, or in an employee's supplemental retirement annuity program.

Vesting

Participants are fully and immediately vested as contributions are made.

Cash withdrawals

In accordance with, and subject to, federal tax law, employees who retire or who terminate the employment relationship with the University may withdraw all contributions from their retirement plan as provided for by the funding sponsor. In instances of "financial hardship," employees may withdraw cash from their supplemental retirement annuity program without severing their employment.

Eligible employees

All employees whose employment is not temporary or seasonal, who is a half-time or greater (requiring 1,000 hours or more of work per year) employee and who has completed one year of service at Washburn is required to participate in the Washburn University Defined Contribution Retirement Plan.

Prepared 3 March 1994

WASHBURN UNIVERSITY  
ACCRUED LEAVE BALANCES  
As of July 1, 1992

A. Personal Leave

Type	# of Employees	Days/Hours P.L. Bal.	Avg. P.L. Balance	Per Employee P.L. Bal. in Dollars	Avg. P.L. Bal. in \$
W & H	260	22,408 (H) +	86.18 (H)	\$183,294.73	\$ 704.98
Admin.	109	1817.45 (D)	16.67 (D)	\$235,719.56	\$2,162.56
Faculty*	38	732.78 (D)	19.28 (D)	\$166,167.39	\$4,372.83
Totals	407	5351.23	13.10 (D)	\$585,181.38	\$1,437.79

\* These persons are administrators with faculty rank. Faculty otherwise do not accrue personal leave.

+ Wage & hour employees accrue personal leave on an hourly basis. Administrative and Professional employees accrue personal leave on a per day basis.

Only employees whose employment is 1,000 or more per year are awarded personal leave. Personal leave regulations are found in Chapter I, Section 3.2.1. of the University's Business and Financial Affairs Handbook. Photocopies of the applicable personal leave regulations are attached. Employees who terminate employment at Washburn University receive payment for accrued personal leave.

B. Sick Leave

Type	# of Employees	Day/Hours S.L. Bal.	Avg. S.L. Balance	Per Employee S.L. Bal. in Dollars	Avg. S.L. Bal. in \$
W & H	260	37,380 (H)	143.79 (H)	\$442,143.48	\$1,700.55
Admin.	109	5,662 (D)	51.94 (D)	\$766,577.92	\$7,032.82
Faculty*	38	2,686.5 (D)	70.70 (D)	\$648,376.56	\$17,062.54
Totals	497	13,021 (D)	31.99 (D)	\$1,857,097.96	\$8,598.63

\* These persons are administrators with faculty rank. Faculty otherwise do not accrue sick leave.

+ Wage & hour employees accrue sick leave on an hourly basis. Administrative and Professional employees accrue personal leave on a per day basis.

Only employees whose employment is 1,000 or more per year are awarded sick leave. Employees who retire from Washburn University do not receive payment for accrued sick leave. Sick leave regulations are found in Chapter I, Section 3.2.2. of the University's Business and Financial Affairs Handbook. Photocopies of the applicable personal leave regulations are attached.

Memorial Day, last Monday in May

\* When Christmas Day falls on Saturday, Sunday or Monday, there will be no Christmas Eve Day paid holiday.

- 3.1.2 Eligible employees shall receive paid holidays subject to the following:
- a. Employees who are eligible for paid holidays include persons who have basic annual contracts of 1,000 hours or more, exclusive of non-reoccurring overtime, overload or other extra work.
  - b. All employees are eligible for the same number of paid holidays.
  - c. The holiday would be paid to the employee on a prorated basis. Employees scheduled to work 4 hours would receive 4 hours holiday pay; if scheduled to work 6 hours, they would receive 6 hours of holiday pay, etc, up to a maximum of 8 hours.
  - d. Faculty who have less than 12 month contracts are not eligible for paid holidays under this section.
  - e. Employees not in a pay status on the business day preceding the holiday shall not receive holiday pay.
- 3.1.3 When a holiday listed in paragraph 3.1.1 falls on a Sunday, the following Monday is observed as a holiday. When a holiday falls on a Saturday, the preceding Friday is observed as a holiday.
- 3.1.4 If an employee, at the request of the University, is required to work on a University-observed holiday, the employee will be compensated for each hour worked. This is not in any way to be interpreted as a means of authorizing an extra holiday University-wide. Employees are not entitled each year to more than those paid holidays authorized in paragraph 3.1.1 above.
- 3.2 Leaves of Absence
- 3.2.1 Personal Leave
- 3.2.1.1 The University provides for a personal paid leave accrual plan for eligible employees so that those employees who are in a pay status may earn periods of paid absences from their jobs for the purposes of vacation, funerals and other emergency situations requiring absences beyond their control. Leave requests are subject to the right of the employer to plan and control work schedules and to authorize absence only at such times as the individual can best be spared.
- 3.2.1.2 Employees, other than faculty, who have basic annual contracts of 1,000 hours or more, but less than full-time, are eligible for personal leave accrual on a prorated basis of their employment contract to full-time, exclusive of non-reoccurring overtime, overload or other extra work. For eligible part-time employees, the years of service commence July 1, 1989 or date of employment, whichever is

later and does not include retroactive service. Personal leave accrual will be prorated in a ratio of the percent of full-time. As an illustration, if the employment contract is for one-half time (1,000 hours in a fiscal year) then the personal leave accrual would be at one-half time and the maximum allowed accrual as listed in 3.2.1.3 or 3.2.1.4 could not exceed one-half of the maximum accrual allowed.

- 3.2.1.3 Positions with the title of President, Vice President, or Major Academic Unit Dean and those full-time employees who have both faculty rank and twelve-month contracts shall accrue personal leave as follows. This policy change is effective July 1, 1989 and is not retroactive for past accruals.

<u>Years of Service</u>	<u>Annual Accrual</u>	<u>Maximum Annual Accrual</u>	<u>Maximum Accrual Allowed</u>
Less than 15	1.75 working days per month	21 working days	26 working days
More than 15	2.00 working days per month	24 working days	29 working days

- 3.2.1.4 All other eligible personnel covered by these policies employed on a fiscal year appointment basis shall accrue paid personal leave on the following basis:

<u>Years of Service</u>	<u>Annual Accrual</u>	<u>Maximum Annual Accrual</u>	<u>Maximum Accrual Allowed</u>
Less than 5	1.25 working days per month	15 working days	20 working days
Less than 10	1.50 working days per month	18 working days	23 working days
Less than 15	1.75 working days per month	21 working days	26 working days
More than 15	2.00 working days per month	24 working days	29 working days

- 3.2.1.5 Personnel not eligible to participate in this program include: less than 12-month faculty members, part-time employees whose basic annual contract is for less than 1,000 hours, temporary employees and employees on contingent appointments unless the granting agencies have funded these benefits.

- 3.2.1.6 There is a probationary waiting period of six months for new employees before being eligible to participate in the personal leave program. At the end of the first six months, employees who are allowed to continue their fiscal year appointment receive retroactive credit for personal leave. The employee is eligible to request personal leave at this time.

- 3.2.1.7 Fifteen calendar days or more of active employment in a month will be considered a complete month in computing earned personal leave. Less than 15 calendar days in a month of active employment will be disregarded.
- 3.2.1.8 Personal leave without pay may be granted to employees, under certain conditions, i.e., an employee is ineligible for or has insufficient personal leave accumulated to cover a period of justifiable absence. The Area Head may authorize leave without pay up to thirty calendar days. For a longer period, a request must be sent through the Department Head for approval of the Area Head and to the President for final approval, with a copy forwarded to the Vice President for Administration Office.
- 3.2.1.9 Employees will not accrue personal paid leave during any month of which more than 15 calendar days are spent in leave without pay status.
- 3.2.1.10 It shall be the responsibility of the Department and Area Head to administer this program for the employees in their organization. Complete records of beginning balances, leave taken, accumulated leave and ending balances are to be kept by the Area Head, who may delegate the responsibility to Department Heads under their supervision which records are subject to audit by Vice President for Administration.
- 3.2.1.11 Terminated employees shall be paid for accrued personal leave in their last paycheck. The employee may elect to have his/her accrued leave calculated from the last day actually worked or the last day in pay status.
- 3.2.1.12 The terms and conditions of the Mary B. Sweet Sabbatical Program and the Mabel Kline Law School Sabbatical Leave Program shall apply for those employees for personal paid leave accrual under Section 3.2. For purposes of this Section, a person who is on one of the above sabbaticals in excess of paid personal leave and who is not remunerated by the University for the period in excess of his or her paid personal leave, shall be considered to continue to be in a pay status (even though he/she is not paid) so long as he/she continues to be on one of the sabbatical leaves and he/she returns to his/her regular employment immediately following the termination of his/her sabbatical leave.
- 3.2.2 **Sick Leave**  
(Effective July 1, 1977, amended July 1, 1989)
- 3.2.2.1 Employees who are eligible for personal paid leave in Section 3.2.1 above are also eligible for paid sick leave under this Section when the paid sick leave is earned. (Also, see Section 3.4.1, Workers' Compensation Benefits Policy.)
- (a) Full-time eligible employees, other than faculty, shall accrue one working day of sick leave per month, regardless of longevity, with a maximum accumulation of 130 working days. Employees who have basic annual contracts of 1,000 hours or more, exclusive of non-reoccurring overtime, overload or other extra work are

eligible to accrue sick leave credits prorated in a ratio of their employment contract to full-time. As an illustration, part-time employees who have a contract for 1,000 hours would accrue sick leave at one-half of one 8 hour day per month for each month they are in a pay status. If their contract does not require employment for any month then no sick leave accrual would be earned. The maximum accrual of 130 days for full-time employees would be reduced for part-time employees in a ratio of their employment contract to full-time. When part-time employees who are eligible for this sick leave benefit are sick, they should record the sick leave on the Employee Personal/Sick Leave Record in the same manner as it is accrued, i.e., if sick leave is accrued on the basis of one-half time, sick leave used is recorded on the same basis, etc. Faculty who have less than 12-month contracts are not eligible for sick leave under this policy.

- (b) Sick leave is normally defined as leave granted because of the illness or temporary disability of an employee. It may be granted, however, if the employee must be absent because of serious illness or death in the immediate family which includes (1) spouse, (2) children, (3) parents, foster parents and parents-in-law and (4) other members of the family who reside within the home of the employee. A medical certificate may be required for any sick leave period, and/or the returning employee may be required to undergo a physical examination by the University physician or the employee may use his or her own physician at personal expense.
- (c) Sick leave will be granted for pregnancies, termination of pregnancy or recovery therefrom and administered in the same manner as sick leave for other temporary disabilities.
- (d) When employees have exhausted their accrued sick leave, they may be placed on leave of absence (leave without pay) for the remainder of their illness (if requested and found justifiable), unless they request to use accrued personal leave for this purpose.

3.2.2.2 Employees who join or leave the employment of the University and work 15 calendar days in a month or more will be credited with a full month in computing earned sick leave. Less than 15 calendar days in a month of active employment will be disregarded. Employees will not accrue paid sick leave during any month in which more than 15 calendar days are spent in leave without pay status.

3.2.2.3 Periods of leave of absence without pay may be granted to eligible employees under certain conditions; i.e., an employee has insufficient sick leave and personal leave accumulated to cover a period of absence caused by illness. The Area Head may authorize leave without pay up to thirty calendar days. For a longer period, a request must be sent to the President for approval.



**NOTE:** Employees who are requesting leave without pay for more than 15 calendar days in a month must contact the Personnel Office regarding the effect the leave of absence will have on the various fringe benefits.

3.2.2.4 In computing the use of sick leave for an employee, Sundays, holidays or other nonwork days shall not be counted. In using accumulated sick leave, absence from work for a full work day is charged as one day. Periods of sick leave of less than one full work day will be recognized as a sick leave, prorated. Special approval must be given for an individual to work less than full-time, on a regular schedule, due to an illness. In such cases, sick leave will be used on a prorated basis.

3.2.2.5 An employee will not be compensated for accumulated sick leave on resignation or separation from University employment. An employee does not receive credit for previously accumulated sick leave if rehired after an interruption of employment.

3.2.2.6 This program shall be administered in the same manner as Personal Leave as stated in Section 3.2.1.10. In addition, when the pattern of sick leave used by an employee indicates abuse of the privilege, corrective action will be taken by the Area Head.

**3.2.3 Military Leave**  
(Effective July 1, 1977)

3.2.3.1 An employee who is an active member of the National Guard or Naval Militia or the reserve components of the Army, Navy, Marine Corps, Air Force or Coast Guard shall be granted a leave of absence for training or other service upon submitting a request for such leave along with copies of orders to Department or Area Head and for approval by the President.

(a) If requested, such leave shall be with pay and charged to the employee's personal leave provided there is personal leave available. Otherwise, the employee will be placed on leave of absence without pay.

(b) In case of call to active military duty, this policy will not apply. Each case in that event will be considered on its own merit and in accordance with applicable Federal and State Laws.

**3.2.4 Family and Medical Leave Policy**

In order to comply with the Family and Medical Leave Act of 1993 (FMLA), Washburn hereby establishes its family and medical leave policy. Nothing herein is intended to prevent an employee from requesting other types of leave as authorized in Section I.3. The entire Family and Medical Leave Policy can be found in Appendices, Appendix H.