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MEMORANDUM

To: Chairman Turk and members of the Higher Education Budget Committee

From: Office of Revisor of Statutes

Date: February 9, 2026

Subject: **House Bill 2523:** Authorizing technical colleges and community colleges to affiliate with Kansas universities or colleges, authorizing state educational institutions to affiliate with accredited independent institutions and providing procedures for such affiliations. – As Introduced

House Bill 2523 establishes 4 new sections of law that provide the framework for technical and community colleges and accredited independent institutions to affiliate with Kansas universities or colleges. The bill establishes definitions, the requirements for affiliation for such accredited independent institutions and technical and community colleges. The bill also amends governing statutes related to each institution for the implementation of an affiliation agreement.

New section 1 establishes definitions to be used in the act. Definitions include: Accredited independent institution, affiliation, community college campus, governing body, municipal university, state educational institution, and technical college. As the bill allows for affiliation of institutions, “Affiliation” means “(1) The association or connection of a state educational institution or municipal university with another Kansas university or college in which the direct or indirect control of the affiliating Kansas university or college is determined by the affiliation agreement; and (2) the association or connection of a technical college or community college with a Kansas university or college in which the technical college or community college is directly or indirectly under the control of the affiliating Kansas university or college.”

In new section 2, once approved by the state board of regents or the applicable governing board of a municipal university and a majority vote of the governing body of an accredited independent institution, such entities may enter into an agreement to affiliate. Any affiliation entered into shall not affect any agreement or contract that is in effect on July 1, 2026. As a part of the affiliation, the state educational institution or municipal university may change its official designation.

Also, for such affiliation, all powers and duties established by law of the state education institution or municipal university shall be transferred to the affiliating institution or municipal university. Unless otherwise provided for in the agreement, the board of regents of the governing

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body of a municipal university shall oversee operation of the state education institution or municipal university camps, administer funds of such institution or university from tuition and fees and the government for the operation of such institution or university. Affiliations should provide provisions relating to terms for transferring faculty, employees and students and any indebtedness. Additionally, upon affiliation, no suit, action or proceeding by or against the affiliating institutions before affiliation or criminal action commenced by an affiliating institution before affiliation shall abate due to the affiliation.

Section 3 allows for a Kansas university or college to enter into agreements for affiliation with a technical college or community college, a Kansas university or college, upon approval of the applicable governing bodies. Any affiliation entered into shall not affect any agreement or contract that is in effect on July 1, 2026. The technical college or community college may change its official designation due to such affiliation. All powers and duties established by a technical college or community college shall be transferred to the affiliating Kansas university or college, subject to such entity's governing board.

An affiliating technical college or community college's board of trustees shall oversee operation of the technical or community college's campus and administer funds received from tuition and fees and the government for the operation of the college. There shall be no authority to levy a tax on tangible property of such college's district and any funding provided through taxes prior to affiliation shall be imposed on the state.

An affiliating technical college or community college's board shall serve as an industry advisory board to the president or chancellor of the affiliated Kansas university or college. Such a board is tasked with reviewing programs to meet needs of the industry and workforce and provide input relating to changes in the industry that affect programs. The section exempts students from requirements for admission found in K.S.A. 76-717 to the state educational institutions that are seeking career technical education courses or programs terminating with an associate of applied science degree or in career technical education certificate program. Such students transferring to seek a bachelor's or master's shall become subject to such admission requirements.

Affiliating technical and community colleges shall still be eligible for funding that such colleges are eligible for as provided for in law. Affiliations should provide provisions relating to terms for transferring faculty, employees and students and any indebtedness. Additionally, upon affiliation, no suit, action or proceeding by or against the affiliating institutions before affiliation or criminal action commenced by an affiliating institution before affiliation shall abate due to the affiliation.

Section 4 voids policies or rules and regulations adopted concerning a service area. The section also prohibits the state board of regents or any governing body of an affiliated Kansas university or college from creating and implementing any service area for any state educational institution, municipal university, community college, technical college or affiliated Kansas university or college.

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Section 5 amends K.S.A. 71-201 to insert references to an affiliation agreement that has been entered into. Additionally, nothing under the power of the board of trustees of a community college pursuant to the section to acquire or improve land shall be construed or operate in any manner to require a board to sell convey or otherwise dispose of land or land and improvements located outside the service area of the community college and owned or being acquired by the community college on the effective date of any affiliation agreement entered into.

Section 6 amends K.S.A. 71-204 to prohibit the authorization of levying a tax otherwise authorized to any community college or board of trustees that affiliated with a Kansas university or college. The bill also removes outdated provisions related to the tax that is authorized to be levied.

Section 7 amends K.S.A. 71-222 to remove the enrollment percentage of students residing in the service area of the community college from the required information that a board of trustees shall annually publish on such community college's website homepage labeled as "taxpayer and student transparency data."

Section 8 amends K.S.A. 71-501 to exclude any community colleges or board of trustees that affiliated with a Kansas university of college pursuant to new section 3 from levying a tax as provided for the statute. The new subsection provides that if such board has authorized a tax and affiliates during the period of the levy, the levy shall not be made after the date of affiliation. The board is required to provide notice of such levy termination to the county clerk.

Section 9 amends K.S.A. 71-617 to exclude any community colleges or board of trustees that affiliated with a Kansas university of college from levying a tax as provided for in the statute.

Section 10 amends K.S.A. 71-1802 to include definition for eligible institution to include "or any technical college or community college that affiliated with a Kansas university or college," "'Kansas university or college' means the same as defined in section 1," "'Municipal university' means Washburn university of Topeka or any other municipal university established under the laws of this state," and "'State educational institution' means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university."

Section 11 amends K.S.A. 72-3810 to allow any technical college or community college that affiliated with a Kansas university or college to charge fees to secondary students admitted. Additionally, each academic year, the board of regents shall distribute state funds to any technical college or community college that affiliated with a Kansas university or college for costs associated with secondary students enrolled in postsecondary career technical education programs determined by the board. The bill also adds the same definitions for "Kansas university or college," "municipal university" and "state educational institution" in the section. Tutiton is further amended to include charges assessed against a student to include charges from "any technical college or community college that affiliated with a Kansas university or college."

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Section 12 amends K.S.A. 74-32,413 to include that “eligible institution” or “institution” also mean “any technical college or community college that affiliated with a Kansas university or college.” The section also includes the same definitions for “Kansas university or college,” “municipal university” and “state educational institution” as throughout the bill.

Section 13 amends K.S.A. 76-712, which currently prohibits “state educational institution, or campus [under control and operation of the board of regents], shall be closed, combined or merged with any other state educational institution, for administrative or management or other purposes” except as authorized by the affiliation process.