

HOUSE BILL No. 2798

By Committee on Appropriations

Requested by Representative Croft

3-11

1 AN ACT concerning postsecondary education; establishing research
2 universities; granting such universities authority to conduct transactions
3 involving real property, buildings, infrastructure, easements and the
4 procurement of goods and services; exempting such universities from
5 statutes governing such transactions; amending K.S.A. 74-3254, 74-
6 3264, 75-1251, 75-2131, 75-3043a, 75-3729, 75-3731a, 75-3743, 75-
7 3744, 75-3763, 75-3765, 75-3768, 75-3773, 75-37,115, 75-5274, 75-
8 5802, 75-6607, 76-769 and 76-790 and K.S.A. 2025 Supp. 76-756, 76-
9 7,126 and 76-7,152 and repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) As used in this section:

13 (1) "Research university" means the university of Kansas, Kansas
14 state university and Wichita state university, including all campuses,
15 extension facilities, schools, divisions and units of such institutions.

16 (2) "State board" means the state board of regents.

17 (3) "State moneys" means any funds received by a research university
18 from the state or any agency thereof.

19 (b) Pursuant to policies promulgated by the research university and,
20 to the extent such policies involve the expenditure of state moneys, also
21 approved by the state board, each research university shall have the power,
22 which may be exercised as necessary and practical for the operation and
23 mission of such research university, to:

24 (1) Execute contracts, guarantees and other instruments and
25 agreements necessary or convenient for the exercise of the research
26 university's powers and functions, including, but not limited to, making
27 and executing contracts with public or private entities for the operation,
28 management or support of any research university facilities, programs or
29 activities, incurring liabilities and securing the obligations of any entity or
30 individual;

31 (2) purchase, acquire, hold, lease, as lessor or lessee, license,
32 improve, trade, exchange, encumber, sell, convey, transfer, contribute and
33 dispose of any research university property of any type or nature and any
34 interest therein, whether tangible or intangible, personal or real, including,
35 but not limited to, intellectual property and any interest in any entity, and

1 determine and direct the application of the proceeds from any such
2 transaction;

3 (3) procure goods, services, materials, supplies, printing and
4 insurance, including, but not limited to, all vendor relationships and
5 construction and development services, provided, the procurement policies
6 of each research university provide for a competitive bid process;

7 (4) plan, construct, own, remove, improve, remodel, equip, repair,
8 survey, appraise and maintain research university buildings, grounds and
9 infrastructure, except that nothing in this section shall restrict, condition or
10 otherwise affect a research university's ability to continue to receive
11 deferred maintenance moneys from the state; and

12 (5) grant or convey right-of-way easements, with or without
13 consideration, across, over, upon or under any land that is in the custody
14 and control of such research university and belongs to such research
15 university or the state of Kansas. Such easements may include rights for
16 parking, playground or other related uses and rights of ingress or egress for
17 the purpose of constructing, maintaining or removing any facility,
18 equipment, pipeline, power line, sewer or other public utility installation or
19 any equipment or appurtenances necessary to the operation thereof.

20 (c) Notwithstanding any law to the contrary, subject to policies
21 promulgated by the research university and, to the extent such policies
22 relate to statutory requirements from which research universities are
23 exempt, also approved by the state board, each research university shall
24 not be subject to any process or procedure that requires any additional
25 submission, review or approval of any capital expenditure, including
26 expenditures related to capital projects, or to any additional capital
27 planning or capital budgeting processes. Each research university shall
28 ensure that nationally recognized fire prevention code and life safety
29 inspections of any capital project are conducted and such projects are
30 inspected by the state fire marshal or the state fire marshal's designee prior
31 to certification for building occupancy in accordance with K.S.A. 31-132
32 et seq., and amendments thereto.

33 (d) Notwithstanding any law to the contrary, subject to policies
34 promulgated by the research university and, to the extent such policies
35 relate to statutory requirements from which research universities are
36 exempt, also approved by the state board, each research university shall
37 not be subject to any additional policy, process or procedure that requires
38 the submission, review or approval of the procurement, purchase or
39 contracting for goods or services or of any real property transaction,
40 including, but not limited to, leases, easements, licenses, transfers and
41 conveyances.

42 (e) Pursuant to policies promulgated by the research university and
43 approved by the state board, each research university shall maintain an

1 inventory record showing all fixed and movable property of such research
2 university.

3 (f) No research university shall be sold or merged with any other
4 institution unless approved by the state board or the legislature.

5 New Sec. 2. The provisions of K.S.A. 75-3737b through 75-3740c,
6 and amendments thereto, shall not apply to any research university as
7 defined in section 1, and amendments thereto.

8 New Sec. 3. The provisions of K.S.A. 75-3741 through 75-3742, and
9 amendments thereto, shall not apply to any research university as defined
10 in section 1, and amendments thereto.

11 New Sec. 4. The provisions of the state surplus property act shall not
12 apply to any research university as defined in section 1, and amendments
13 thereto.

14 Sec. 5. K.S.A. 74-3254 is hereby amended to read as follows: 74-
15 3254. (a) The state board of regents is hereby authorized to sell, convey,
16 transfer title to the investing agent of a state educational institution or
17 otherwise dispose of any devise received by the board or a state
18 educational institution subject to ~~its~~ *the board's* supervision and control
19 without further legislative authorization, subject to any conditions imposed
20 by the testator. The proceeds of any such sale and conveyance may be
21 invested in accordance with K.S.A. 76-156a, and amendments thereto.

22 (b) As used in this section;:

23 (1) "Investing agent" means the entity authorized to act as the
24 investing agent of a state educational institution pursuant to K.S.A. 76-
25 156a, and amendments thereto; *and*

26 (2) "*state educational institution*" means *Emporia state university,*
27 *Pittsburg state university and Fort Hays state university.*

28 Sec. 6. K.S.A. 74-3264 is hereby amended to read as follows: 74-
29 3264. (a) In addition to the authority provided for the granting or
30 conveying of right-of-way easements under K.S.A. 75-2131, and
31 amendments thereto, the state board of regents or a designee, with or
32 without receiving consideration therefor, may grant or convey right-of-way
33 easements across, over, under, upon or through any land belonging to the
34 state; and under the custody and control of the board of regents; to any
35 person. Such easements may permit use of the land for purposes of access,
36 convenience or necessity and such other right-of-way purposes as are
37 customarily related to such easements. Such easements may be granted or
38 conveyed by the board of regents or a designee without further legislative
39 authorization but, before becoming operative, ~~must~~ *shall* be submitted to
40 the attorney general for approval as to form.

41 (b) The state board of regents may designate the chief executive
42 officers of the state educational institutions to act on behalf of the state
43 board in exercising the authority provided for the granting or conveying of

1 right-of-way easements under subsection (a).

2 (c) The provisions of K.S.A. 75-2132, 75-2133 and 75-2134, and
3 ~~amendments of such sections thereto~~, apply to the granting or conveying
4 of easements under authority of this section.

5 (d) *As used in this section, "state educational institution" means*
6 *Emporia state university, Pittsburg state university and Fort Hays state*
7 *university.*

8 Sec. 7. K.S.A. 75-1251 is hereby amended to read as follows: 75-
9 1251. As used in K.S.A. 75-1250 through 75-1267, and amendments
10 thereto, unless the context otherwise requires, the following terms shall be
11 defined as follows:

12 (a) "Firm" means any individual, firm, partnership, corporation,
13 association, or other legal entity that is permitted by law to practice the
14 profession of architecture, engineering or land surveying.

15 (b) "Negotiating committee" means a committee to negotiate as
16 provided in this act; and consisting of the following members:

17 (1) The head of the state agency for which the proposed project is
18 planned or of the state agency that controls and supervises the operation
19 and management of the institution for which the proposed project is
20 planned, if such is the case, or a person designated by the head of the
21 agency;

22 (2) the head of the institution for which the proposed project is
23 planned, or a person designated by the head of the institution. When the
24 proposed project is not planned for an institution, the state agency head
25 shall designate a second person in lieu of the head of an institution; and

26 (3) the secretary of administration, or a person designated by the
27 secretary, who shall act as chairperson of the committee.

28 (c) "Architectural services" means any of the following:

29 (1) The practice of architecture, as defined in K.S.A. 74-7003, and
30 amendments thereto;

31 (2) the practice of landscape architecture, as defined in K.S.A. 74-
32 7003, and amendments thereto; and

33 (3) interior design services.

34 (d) "Project architect, engineer or land surveyor" means a firm
35 employed under K.S.A. 75-1250 through 75-1267, and amendments
36 thereto, for a particular project.

37 (e) "State building advisory commission" means the state building
38 advisory commission created by K.S.A. 75-3780, and amendments thereto,
39 or any duly authorized officer or employee of such commission.

40 (f) (1) "State agency" ~~includes~~ means, except as otherwise provided,
41 any state institution.

42 (2) "State agency" does not include any research university as
43 defined in section 1, and amendments thereto.

1 (g) "Engineering services" means ~~those~~ services described as the
2 "practice of engineering," as defined in K.S.A. 74-7003, and amendments
3 thereto, as related to building construction ~~defined in this section~~.

4 (h) "Land surveying" means ~~those~~ services described as "professional
5 surveying," as defined in K.S.A. 74-7003, and amendments thereto, as
6 related to building construction ~~defined in this section~~.

7 (i) "Agency head" means the chief administrative officer of a state
8 agency, as the term is defined in ~~subsection (3)~~ of K.S.A. 75-3701(3), and
9 amendments thereto, ~~but shall~~. "Agency head" does not include the chief
10 administrative officer of any state institution.

11 (j) "Building construction" means furnishing and utilizing labor,
12 equipment, materials or supplies used or consumed for the construction,
13 alteration, renovation, repair or maintenance of a building or structure.
14 "Building construction" does not include highways, roads, bridges, dams,
15 turnpikes or related structures, including, but not limited to, rest areas and
16 visitor centers or stand-alone parking lots.

17 Sec. 8. K.S.A. 75-2131 is hereby amended to read as follows: 75-
18 2131. (a) Any agency head, as defined in K.S.A. 75-3208, and
19 amendments thereto, or the governing body of any state board or agency
20 having custody and control of any land belonging to the state of Kansas,
21 with or without receiving consideration therefor, may grant or convey
22 right-of-way easements across, over, upon or under any such state land to
23 any municipal corporation, quasi-municipal corporation, the secretary of
24 transportation or to any person, firm or corporation owning or operating
25 any public utility. Such easements may include rights for municipal
26 parking, playground or other municipal uses and rights of ingress or egress
27 for the purpose of constructing, maintaining or removing any pipeline,
28 power line, sewer or other public utility installation or any equipment or
29 appurtenances necessary to the operation thereof. Any such easement,
30 before becoming operative, shall be submitted to the attorney general for
31 approval as to form.

32 (b) *This section shall not apply to any research university as defined*
33 *in section 1, and amendments thereto.*

34 Sec. 9. K.S.A. 75-3043a is hereby amended to read as follows: 75-
35 3043a. (a) Except as otherwise specifically provided by statute or rule and
36 regulation, prior to the state of Kansas or any agency thereof purchasing or
37 disposing of any real property, by deed, mortgage, gift or other means of
38 conveyance, transfer or exchange, such property shall be appraised by one
39 disinterested appraiser, to be appointed by the director of property
40 valuation, to determine the market-value appraisal of such property.

41 (b) Nothing in this section shall be construed as establishing or
42 limiting the consideration for the acquisition or disposition of any such
43 property. If the value of the real property is over \$200,000 as determined

1 by the county assessment value of such property, the director of property
2 valuation may appoint three disinterested appraisers to determine the
3 market-value appraisal of such real property.

4 (c) Any appraiser selected pursuant to this section shall receive
5 reasonable fees or compensation from legislative appropriations made
6 available therefor.

7 (d) *This section shall not apply to any research university as defined
8 in section 1, and amendments thereto.*

9 Sec. 10. K.S.A. 75-3729 is hereby amended to read as follows: 75-
10 3729. (a) The director of accounts and reports shall design, devise and
11 direct the use of inventory records by all state agencies to show all fixed
12 and movable property of the state. The records shall be based on a physical
13 inventory ~~and shall be~~, charged with all subsequent purchases,
14 manufacture of property or other methods of acquisition ~~and shall be~~
15 reduced by all property traded in, condemned or otherwise disposed of.
16 The accuracy of such property record shall be verified periodically by
17 actual inspection of such property by the state agency ~~and shall be~~ verified
18 periodically by the division of accounts and reports. The state agencies
19 may be required to take physical inventory of such properties annually and
20 at such other times as the director of accounts and reports may direct.

21 (b) *This section shall not apply to any research university as defined
22 in section 1, and amendments thereto.*

23 Sec. 11. K.S.A. 75-3731a is hereby amended to read as follows: 75-
24 3731a. (a) Subject to the approval of the secretary of administration, the
25 director of accounts and reports may prescribe limitations and procedures
26 relating to expenditures for official hospitality by agencies within the
27 executive branch of state government.

28 (b) *This section shall not apply to any research university as defined
29 in section 1, and amendments thereto.*

30 Sec. 12. K.S.A. 75-3743 is hereby amended to read as follows: 75-
31 3743. (a) Whenever the secretary of administration or any division head of
32 the department of administration shall so require, certain specified
33 contracts and leases of any state agency shall be approved as to form or
34 execution by the attorney general. All orders or requisitions for supplies,
35 materials and equipment shall be made on forms prescribed by the director
36 of accounts and reports, unless a purchase order is required for each
37 payment against a contract.

38 (b) *This section shall not apply to any research university as defined
39 in section 1, and amendments thereto.*

40 Sec. 13. K.S.A. 75-3744 is hereby amended to read as follows: 75-
41 3744. (a) Except as otherwise provided in this act and rules and
42 regulations adopted thereunder:

43 (a)(1) Every contract subject to the approval of the attorney general

1 shall be signed by the administrative head of the affected state agency. No
2 such contract shall be valid or effective without the approval and signature
3 of the director of purchases.

4 ~~(b)~~(2) All other purchase orders and contracts issued or entered into
5 by the division of purchases shall be signed by the director of purchases.
6 Such purchase orders shall show on their face that an appropriation fund or
7 allotment has been encumbered for the full amount of the liability.

8 *(b) This section shall not apply to any research university as defined*
9 *in section 1, and amendments thereto.*

10 Sec. 14. K.S.A. 75-3763 is hereby amended to read as follows: 75-
11 3763. (a) The secretary of administration shall be responsible for the
12 maintenance, repair and upkeep of any buildings, the charge, care,
13 management and control of which is conferred by law upon the secretary.
14 Notwithstanding the foregoing provisions of this section, maintenance,
15 repair and upkeep including changes and improvements in space and
16 facilities in the state capitol building assigned to the legislature and staff
17 offices, departments and agencies thereof shall be accomplished and
18 conducted in accordance with instructions or approval of the legislative
19 coordinating council.

20 *(b) The provisions of this section and K.S.A. 75-3764, and*
21 *amendments thereto, shall not apply to any research university as defined*
22 *in section 1, and amendments thereto.*

23 Sec. 15. K.S.A. 75-3765 is hereby amended to read as follows: 75-
24 3765. (a) (1) The secretary of administration shall assign space and
25 facilities in all state-owned or operated property or buildings in Shawnee
26 county, Kansas, except the state capitol, Topeka correctional facility, the
27 Kansas neurological institute, the Topeka juvenile correctional facility, the
28 Kansas juvenile correctional complex, the employment security
29 administrative office building, 401 Topeka avenue, Kansas state
30 employment service building, 1309 Topeka avenue, state highway shops
31 and laboratory and property of the Kansas national guard for the use of the
32 various state agencies. The secretary may determine, fix and establish a
33 system of rental charges by the square foot and collect the same monthly
34 for space and facilities occupied by each state agency whenever any
35 appropriation for rental for space and facilities is made therefor, in an
36 amount not to exceed the amount appropriated.

37 (2) The secretary of administration may assign space and facilities,
38 establish a system of rental charges and collect rents for property and
39 buildings owned or controlled by the department of administration in other
40 parts of the state.

41 (3) The amounts collected under paragraphs (1) and (2) shall be
42 remitted by the secretary of administration to the state treasurer in
43 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall
2 deposit the entire amount in the state treasury to the credit of the state
3 buildings operating fund or other funds of the department of
4 administration as prescribed by the secretary of administration.

5 (4) On or before December 31 of each year, the secretary of
6 administration shall present a report to the joint committee on state
7 building construction concerning any actions taken by the secretary
8 pursuant to authority granted to the secretary under this subsection. The
9 report shall describe the action taken and the statutory authority
10 authorizing such action.

11 (b) The secretary of administration shall require five-year building
12 space utilization plans from all state agencies and develop a database of all
13 state-owned or leased building and storage space. This database shall serve
14 as the central repository of state-owned or leased building and storage
15 space information. All changes made in the ownership or leasing status of
16 all building space utilized by state agencies shall be reported to the
17 secretary of administration and entered into this database. The database
18 shall include the actual and budgeted amount of money paid by state
19 agencies for building and storage space. The database may include any
20 other information related to the building space needs of the state as
21 determined to be necessary by the secretary of administration.

22 All state agencies shall cooperate with requests for information
23 concerning building space and storage space made by the secretary of
24 administration or the secretary of administration's designee.

25 On or before December 31 of each year, the secretary of administration
26 shall present a report of state-owned or leased building and storage space
27 information to the joint committee on state building construction and shall
28 provide notice at the same time to the secretary of the senate and to the
29 chief clerk of the house of representatives that such report is available to
30 members of the legislature.

31 (c) (1) As used in this section, "state agencies"~~also shall include~~
32 *includes* any quasi-state agency.

33 (2) *As used in this section and K.S.A. 75-3765a, 75-3765b and 75-*
34 *3766, and amendments thereto, "state agency" does not include any*
35 *research university as defined in section 1, and amendments thereto.*

36 Sec. 16. K.S.A. 75-3768 is hereby amended to read as follows: 75-
37 3768. (a) Any rents or charges for the use of any parking facilities owned
38 by the state shall be remitted by the secretary of administration to the state
39 treasurer in accordance with the provisions of K.S.A. 75-4215, and
40 amendments thereto. Upon receipt of each such remittance, the state
41 treasurer shall deposit the entire amount in the state treasury to the credit
42 of the building and grounds fund created by K.S.A. 75-3765, and
43 amendments thereto.

1 (b) *This section shall not apply to any research university as defined*
2 *in section 1, and amendments thereto.*

3 Sec. 17. K.S.A. 75-3773 is hereby amended to read as follows: 75-
4 3773. (a) The secretary of administration is authorized to enter into
5 contracts for the furnishing of heat, lights, water, telephone service and all
6 other utilities that may be required to render the buildings and grounds
7 under the care and control of the secretary, fully serviceable to the state
8 officers and agencies occupying them. To effectuate this section the
9 secretary of administration may enter into contracts and agreements with
10 any state agency or subdivision of government of this state, or with any
11 private person, firm or corporation to provide for the furnishing of and
12 payment for such utility services.

13 (b) *This section shall not apply to any research university as defined*
14 *in section 1, and amendments thereto.*

15 Sec. 18. K.S.A. 75-37,115 is hereby amended to read as follows: 75-
16 37,115. (a) There is hereby established the Kansas quality program within
17 the department of administration for the purposes of providing procedures
18 and incentives for the enhancement of quality in the business of state
19 government. The secretary of administration shall administer the program
20 and shall promote and assist the creation and development of Kansas
21 quality teams in each state agency. The secretary of administration shall
22 develop and coordinate appropriate training programs for state officers and
23 employees in total quality management principles, which may include
24 presentations by existing total quality management programs in firms and
25 other organizations operating in Kansas.

26 (b) (1) The Kansas quality program shall be based on the principles
27 of total quality management. The program shall provide opportunities for
28 involvement of as many officers and employees of each state agency in
29 Kansas quality teams as practicable to examine and improve the operations
30 and activities of the state agency, except that no Kansas quality team shall
31 be composed of more than 40 members unless specifically authorized by
32 the secretary of administration. The Kansas quality program shall provide
33 opportunities for individual quality improvement activities and recognition
34 where such activities are determined to be more efficient and effective than
35 establishing a Kansas quality team.

36 (2) In accordance with this section and with policies, procedures and
37 guidelines prescribed by rules and regulations adopted by the secretary of
38 administration, each state agency shall prepare a quality improvement plan
39 containing proposed activities and quality goals for the state agency during
40 a specified fiscal year or a portion thereof. Each quality improvement plan
41 shall include comprehensive goals and specific goals for individual
42 achievement or team achievement, shall be based on performance
43 standards and other objective measures and shall be submitted for review

1 and approval by the secretary of administration. All performance standards
2 and other objective measures shall be stated in terms of quantitative
3 measures in accordance with rules and regulations adopted by the
4 secretary of administration under this section.

5 (c) The secretary of administration shall adopt rules and regulations
6 for the administration and implementation of the Kansas quality program.

7 (d) As used in this section, "state agency" ~~has the meaning ascribed~~
8 ~~thereto by means the same as defined in K.S.A. 75-3701, and amendments~~
9 ~~thereto, except that "state agency" does not include any research~~
10 ~~university as defined in section 1, and amendments thereto.~~

11 Sec. 19. K.S.A. 75-5274 is hereby amended to read as follows: 75-
12 5274. As used in the prison-made goods act of Kansas, ~~the following~~
13 ~~words and terms shall have, respectively, the meanings ascribed to them by~~
14 ~~this section:~~

15 (a) "Local agency" means any county, city, township, school district
16 and any other political subdivision or taxing district in this state.

17 (b) (1) "State agency" means any state office or officer, department,
18 board, commission, institution, bureau, or any agency, division or unit
19 within any office, department, board, commission or other authority of this
20 state.

21 (2) "State agency" does not include any research university as
22 defined in section 1, and amendments thereto.

23 (c) "Other state" means any other state or political subdivision
24 thereof.

25 (d) "Federal government" means the federal government or any
26 agency thereof.

27 (e) "Organization" means any church or any not-for-profit
28 corporation organized for eleemosynary purposes.

29 Sec. 20. K.S.A. 75-5802 is hereby amended to read as follows: 75-
30 5802. As used in this act ~~unless the context specifically requires otherwise:~~

31 (a) "Firm" means any individual, firm, partnership, corporation,
32 association, or other legal entity permitted by law to practice the
33 profession of engineering and provide engineering services or practice the
34 profession of land surveying and provide land surveying services.

35 (b) "Engineering services" means ~~those~~ services described as the
36 "practice of engineering," as defined in K.S.A. 74-7003, and amendments
37 thereto.

38 (c) "Land surveying" means ~~those~~ services described as "professional
39 surveying," as defined in K.S.A. 74-7003, and amendments thereto.

40 (d) "Agency head" means the chief administrative officer of a state
41 agency, as that term is defined in ~~subsection (3) of K.S.A. 75-3701(3), and~~
42 ~~amendments thereto, but shall.~~ "Agency head" does not include the chief
43 administrative officer of any state institution.

1 (e) "Negotiating committee" means a committee designated to
2 negotiate as provided in this act; and consisting of:

3 (1) The agency head of the state agency for which the proposed
4 project is planned; or a person designated by such agency head;

5 (2) the secretary of administration; or a person designated by such
6 secretary; and

7 (3) the chief administrative officer of the state institution for which
8 the proposed project is planned; or, when the proposed project is not
9 planned for a state institution, the agency head shall designate a second
10 person in lieu of the chief administrative officer of a state institution.

11 (f) "Project" means any capital improvement project or any study,
12 plan, survey or program activity of a state agency, including development
13 of new or existing programs and preparation of federal grant applications.

14 (g) "State building advisory commission" means the state building
15 advisory commission created by K.S.A. 75-3780, and amendments thereto,
16 or any duly authorized officer or employee of such commission.

17 (h) *"State agency" means the same as defined in K.S.A. 75-3701, and*
18 *amendments thereto, except that "state agency" does not include any*
19 *research university as defined in section 1, and amendments thereto.*

20 Sec. 21. K.S.A. 75-6607 is hereby amended to read as follows: 75-
21 6607. K.S.A. 75-6601 through ~~75-6605~~ and K.S.A. 75-6606 and K.S.A.
22 74-2124, and amendments thereto, *and section 2, and amendments thereto,*
23 shall be known as the state surplus property act.

24 Sec. 22. K.S.A. 2025 Supp. 76-756 is hereby amended to read as
25 follows: 76-756. As used in this act:

26 (a) "State educational institution" means Fort Hays state university,
27 ~~Kansas state university of agriculture and applied science, Kansas state~~
28 ~~university veterinary medical center, Emporia state university, and~~
29 ~~Pittsburg state university, university of Kansas, university of Kansas~~
30 ~~medical center, Wichita state university and Kansas state university Salina.~~

31 (b) "Endowment association" means:

32 (1) For the Fort Hays state university, the Fort Hays state university
33 foundation;

34 (2) ~~for the Kansas state university of agriculture and applied science,~~
35 ~~the Kansas state university veterinary medical center, and the Kansas state~~
36 ~~university Salina, the Kansas state university foundation;~~

37 (3) ~~for the Emporia state university, the Emporia state university~~
38 ~~foundation; and~~

39 (4)(3) for the Pittsburg state university, the Pittsburg state university
40 foundation;

41 (5) ~~for the university of Kansas and the university of Kansas medical~~
42 ~~center, the Kansas university endowment association; and~~

43 (6) ~~for the Wichita state university, the Wichita state university board~~

1 of trustees and the Wichita state university foundation.

2 Sec. 23. K.S.A. 76-769 is hereby amended to read as follows: 76-769.

3 (a) As used in this section:

4 (1) "State educational institution" means ~~any state educational~~
5 ~~institution as defined in K.S.A. 76-711, and amendments thereto~~ *Emporia*
6 *state university, Pittsburg state university and Fort Hays state university.*

7 (2) "Professional services" means professional services as defined in
8 K.S.A. 75-37,131, and amendments thereto.

9 (3) "State board" means the state board of regents.

10 (4) (A) "Services" means any professional services or other
11 contractual services.

12 (B) "Services" does not mean architectural services, engineering
13 services, construction, construction management or ancillary technical
14 services.

15 (5) "Municipality" means any political or taxing subdivision of the
16 state and any agency or instrumentality of a political or taxing subdivision
17 of the state.

18 (6) "Lease of real property" means:

19 (A) Any agreement to lease real property:

20 (1) Between a state educational institution and one or more of its
21 affiliated corporations;

22 (2) between a state educational institution and a municipality;

23 (3) between a state educational institution and any other party for
24 vacant space that is less than 10,000 square feet; or

25 (4) between a state educational institution and any other party for a
26 term not to exceed 24 months.

27 (B) "Lease of real property" includes any agreement to lease real
28 property from a state educational institution and any agreement to lease
29 real property to a state educational institution.

30 (b) Any supplies, materials, equipment, goods, property, printing or
31 services may be acquired by a state educational institution, and any lease
32 of real property may be entered into by a state educational institution. Any
33 such acquisition or lease shall be in accordance with policies adopted by
34 the state board and shall not be subject to K.S.A. 75-1005, 75-3737a
35 through 75-3741b, 75-3742 through 75-3744 and 75-37,130 through 75-
36 37,134, and amendments thereto, or any rules and regulations or policies
37 adopted thereunder. Nothing in this subsection shall be construed as
38 prohibiting a state educational institution from using contracts established
39 or services offered by the director of purchases.

40 (c) The acquisition of any articles or products produced by inmates in
41 the custody of the secretary of corrections that may be required by a state
42 educational institution may be acquired in accordance with policies
43 adopted by the state board. Any such acquisition shall not be subject to the

1 provisions of the prison-made goods act of Kansas requiring any such
2 acquisition to be made from the secretary of corrections as provided in
3 K.S.A. 75-5273 through 75-5282, and amendments thereto, or any rules
4 and regulations or policies adopted thereunder.

5 Sec. 24. K.S.A. 76-790 is hereby amended to read as follows: 76-790.

6 (a) As used in this section:

7 (1) "State educational institution" ~~has the meaning ascribed thereto by~~
8 ~~K.S.A. 76-711, and amendments thereto~~ means Emporia state university,
9 Pittsburg state university and Fort Hays state university.

10 (2) "Private moneys" means moneys from nongovernmental sources.

11 (3) "Improvement" means new construction of a building or other
12 capital improvement of which at least 51% of the cost is financed with
13 private moneys.

14 (4) "State board" means the state board of regents.

15 (b) (1) Each state educational institution shall provide for the future
16 annual maintenance and operation costs for an improvement. From and
17 after July 1, 2007, the state board shall not request any moneys from the
18 state general fund to pay for the cost of maintenance and operation of
19 improvements which exceed the amount of moneys paid from the state
20 general fund in fiscal year 2007 for such purpose.

21 (2) The provisions of this subsection shall apply to any improvement
22 approved by the state board after January 31, 2007.

23 (c) Each state educational institution shall submit to the state board a
24 plan to provide for the annual maintenance and operation costs of an
25 improvement when seeking approval for the making of such improvement
26 from the state board.

27 Sec. 25. K.S.A. 2025 Supp. 76-7,126 is hereby amended to read as
28 follows: 76-7,126. As used in this act, ~~unless the context expressly~~
29 ~~provides otherwise:~~

30 (a) "State educational institution" or "institution" means Fort Hays
31 state university, ~~Kansas state university of agriculture and applied science,~~
32 ~~Kansas state university veterinary medical center,~~ Emporia state university;
33 ~~and Pittsburg state university, university of Kansas, university of Kansas~~
34 ~~medical center, Wichita state university and Kansas state university Salina.~~

35 (b) "Alternative project delivery" means an integrated comprehensive
36 building design and construction process, including all procedures, actions,
37 sequences of events, contractual relations, obligations, interrelations and
38 various forms of agreement all aimed at the successful completion of the
39 design and construction of buildings and other structures whereby a
40 construction manager or general contractor team is selected based on a
41 qualifications and best value approach.

42 (c) "Ancillary technical services" ~~include, but shall~~ includes, but is
43 ~~not~~ be limited to, geology services and other soil or subsurface

1 investigation and testing services, surveying, adjusting and balancing air
2 conditioning, ventilating, heating and other mechanical building systems
3 and testing and consultant services that are determined by the institution to
4 be required for the project.

5 (d) "Architectural services" means ~~those~~ services described as the
6 "practice of architecture," as defined in K.S.A. 74-7003, and amendments
7 thereto.

8 (e) "Best value selection" means a selection based upon project cost,
9 qualifications and other factors.

10 (f) (1) "Building construction" means furnishing labor, equipment,
11 material or supplies used or consumed for the design, construction,
12 alteration, renovation, repair or maintenance of a building or structure.

13 (2) "Building construction" does not include highways, roads,
14 bridges, dams, turnpikes or related structures or stand-alone parking lots.

15 (g) "Construction project services" means the process of planning,
16 acquiring, building, equipping, altering, repairing, improving, or
17 demolishing any structure or appurtenance thereto, including facilities,
18 utilities or other improvements to any real property, excluding highways,
19 roads, bridges, dams, turnpikes or related structures or stand-alone parking
20 lots.

21 (h) "Construction management at-risk services" means the services
22 provided by a firm which has entered into a contract with the institution to
23 be the construction manager or general contractor for the value and
24 schedule of the contract for a project, which is to hold the trade contracts
25 and execute the work for a project in a manner similar to a general
26 contractor, and which is required to solicit competitive bids for the trade
27 packages developed for the project and to enter into the trade contracts for
28 a project with the lowest responsible bidder therefor. Construction
29 management at-risk services may include, but are not limited to
30 scheduling, value analysis, system analysis, constructability reviews,
31 progress document reviews, subcontractor involvement and
32 prequalification, subcontractor bonding policy, budgeting and price
33 guarantees and construction coordination.

34 (i) "Construction management at-risk contract" means a contract
35 under which an institution acquires from a construction manager or
36 general contractor a series of preconstruction services and an at-risk
37 financial obligation to carry out construction under a specified cost
38 agreement.

39 (j) "Construction manager or general contractor" means any
40 individual, partnership, joint venture, corporation, or other legal entity who
41 is a member of the integrated project team with the institution, design
42 professional and other consultants that may be required for the project,
43 who utilizes skill and knowledge of general contracting to perform

1 preconstruction services and competitively procures and contracts with
2 specialty contractors assuming the responsibility and the risk for
3 construction delivery within a specified cost and schedule terms including
4 a guaranteed maximum price.

5 (k) "Design criteria consultant" means a person, corporation,
6 partnership, or other legal entity duly registered and authorized to practice
7 architecture or professional engineering in this state pursuant to K.S.A. 74-
8 7003, and amendments thereto, and who is employed by contract to the
9 institution to provide professional design and administrative services in
10 connection with the preparation of the design criteria package.

11 (l) "Engineering services" means ~~those~~ services described as the
12 "practice of engineering," as defined in K.S.A. 74-7003, and amendments
13 thereto.

14 (m) "Guaranteed maximum price" means the cost of the work as
15 defined in the contract.

16 (n) "Non-state moneys" means any funds received by a state
17 educational institution from any source other than the state of Kansas or
18 any agency thereof.

19 (o) "Parking lot" means a designated area constructed on the ground
20 surface for parking motor vehicles. A parking lot included as part of a
21 building construction project shall be subject to the provisions of this act.
22 A parking lot designed and constructed as a stand-alone project shall not
23 be subject to the provisions of this act.

24 (p) "Preconstruction services" means a series of services including,
25 but not limited to: Design review, scheduling, cost control, value
26 engineering, constructability evaluation and preparation and coordination
27 of bid packages.

28 (q) (1) "Construction project" or "project" means the process of
29 designing, constructing, reconstructing, altering or renovating a building or
30 other structure.

31 (2) "Construction project" or "project" does not mean the process of
32 designing, constructing, altering or repairing a public highway, road,
33 bridge, dam, turnpike or related structure.

34 (r) "Procurement committee" means the state educational institution
35 procurement committee established by K.S.A. 76-7,131, and amendments
36 thereto.

37 (s) "State board" means the state board of regents.

38 Sec. 26. K.S.A. 2025 Supp. 76-7,152 is hereby amended to read as
39 follows: 76-7,152. (a) Upon specific authorization of the state board of
40 regents and in accordance with policies adopted pursuant to this section, a
41 state educational institution may sell and convey real property given as an
42 endowment, bequest or gift to such institution.

43 (b) The state board of regents shall adopt policies governing the

1 procedures and conditions under which state educational institutions may
2 sell and convey real property given as an endowment, bequest or gift to
3 such institution. Such policies shall include the disposition of the proceeds
4 of such sale and conveyance.

5 (c) The state board of regents shall submit to the legislature at each
6 regular session a report listing any such real property transfers that
7 occurred during the previous fiscal year pursuant to this section.

8 (d) Any sale and conveyance authorized pursuant to this section shall
9 not be subject to the provisions of K.S.A. 75-6609, and amendments
10 thereto.

11 (e) As used in this section, "state educational institution" means ~~the~~
12 ~~same as defined in K.S.A. 76-711, and amendments thereto~~ *Emporia state*
13 *university, Pittsburg state university and Fort Hays state university.*

14 New Sec. 27. The provisions of this act are declared severable. Any
15 provision of this act or the application thereof to any person or
16 circumstance that is held to be unconstitutional or invalid shall not affect
17 the validity of any remaining provisions of this act or the applicability of
18 such provisions to any person or circumstance.

19 Sec. 28. K.S.A. 74-3254, 74-3264, 75-1251, 75-2131, 75-3043a, 75-
20 3729, 75-3731a, 75-3743, 75-3744, 75-3763, 75-3765, 75-3768, 75-3773,
21 75-37,115, 75-5274, 75-5802, 75-6607, 76-769 and 76-790 and K.S.A.
22 2025 Supp. 76-756, 76-7,126 and 76-7,152 are hereby repealed.

23 Sec. 29. This act shall take effect and be in force from and after its
24 publication in the statute book.