

HOUSE BILL No. 2290

By Committee on Appropriations

2-3

1 AN ACT concerning higher education; authorizing the affiliation of
2 northwest Kansas technical college and north central Kansas technical
3 college with Fort Hays state university; amending K.S.A. 74-32,452,
4 74-32,461, 74-32,464 and 76-6a13 and repealing the existing sections.
5

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

7 New Section 1. (a) Northwest Kansas technical college and north
8 central Kansas technical college, authorized and designated as technical
9 colleges pursuant to K.S.A. 74-32,464 and 74-32,461, and amendments
10 thereto, respectively, with governing boards established pursuant to K.S.A.
11 74-32,452, and amendments thereto, are hereby affiliated with Fort Hays
12 state university. The institutional infrastructures of these technical colleges
13 are hereby officially designated as Fort Hays state university – northwest
14 Kansas technical college and Fort Hays state university – north central
15 Kansas technical college and shall be governed by and operated as
16 technical colleges within Fort Hays state university.

17 (b) The governing bodies of northwest Kansas technical college and
18 north central Kansas technical college shall become industry or regional
19 advisory boards to the president of Fort Hays state university for Fort Hays
20 state university – northwest Kansas technical college and Fort Hays state
21 university – north central Kansas technical college. All of the powers and
22 duties established in the governing body of such technical college by law
23 shall be transferred to Fort Hays state university, subject to the rules and
24 regulations and supervision of the state board of regents. The president of
25 Fort Hays state university shall appoint the members of the industry or
26 regional advisory boards. The members of the advisory boards shall
27 represent industry sectors or regions that correspond to the programs
28 offered by Fort Hays state university – northwest Kansas technical college
29 and Fort Hays state university – north central Kansas technical college.

30 (c) Fort Hays state university – northwest Kansas technical college
31 and Fort Hays state university – north central Kansas technical college
32 shall offer programs approved by Fort Hays state university, including
33 credential and degree programs that technical colleges are authorized by
34 law to award. The industry or regional advisory boards shall:

35 (1) Review non-credit and credit programs with the president and
36 senior leadership of Fort Hays state university, Fort Hays state university –

1 northwest Kansas technical college and Fort Hays state university – north
2 central Kansas technical college to ensure such programs are aligned with
3 current and emerging needs of industry and the community for an educated
4 and trained workforce;

5 (2) provide input relating to changes in each advisory board member's
6 industry sector or region that affect academic programs;

7 (3) perform any operational responsibilities or duties specified in the
8 formal affiliation agreement referenced in subsection (j); and

9 (4) perform such other responsibilities as requested by the president
10 of Fort Hays state university.

11 (d) Nothing in this section shall be construed as altering any
12 admission requirements applicable to the respective educational
13 institutions, and each affiliating institution shall continue to be subject to
14 any applicable admission requirements imposed by law. Fort Hays state
15 university shall not admit degree-seeking first-time freshmen or transfer
16 students to university programs who do not meet the applicable qualified
17 admission standards.

18 (e) Fort Hays state university – northwest Kansas technical college
19 and Fort Hays state university – north central Kansas technical college
20 shall continue to be technical colleges and shall be eligible for funding that
21 is available to technical colleges to the extent provided by law. The
22 amounts of such funding are to be determined in the same manner as
23 provided by law for technical colleges.

24 (f) Whenever northwest Kansas technical college, northwest Kansas
25 technical school, northwest Kansas area vocational-technical school or
26 northwest tech, or words of like effect, is referred to or designated by any
27 statute, contract or other document, such reference or designation shall be
28 deemed to apply to Fort Hays state university – northwest Kansas
29 technical college. Whenever north central Kansas technical college, north
30 central Kansas area vocational-technical school or NCK tech, or words of
31 like effect, is referred to or designated by any statute, contract or other
32 document, such reference or designation shall be deemed to apply to Fort
33 Hays state university – north central Kansas technical college. Except as
34 otherwise provided in this section, the provisions of all statutes of general
35 application to area vocational schools, area vocational technical schools or
36 technical colleges shall apply to Fort Hays state university – northwest
37 Kansas technical college and Fort Hays state university – north central
38 Kansas technical college. Whenever area vocational schools, area
39 vocational-technical schools or technical colleges are defined, referred to
40 or designated in a statute, such definition, referral or designation shall be
41 deemed to apply to Fort Hays state university – northwest Kansas
42 technical college and Fort Hays state university – north central Kansas
43 technical college.

1 (g) The formal affiliation agreement between northwest Kansas
2 technical college, north central Kansas technical college and Fort Hays
3 state university shall include provisions relating to the manner and terms
4 upon which faculty, employees and students may be transferred to Fort
5 Hays state university. Such provisions shall specify terms of employment
6 and include other personnel matters. Subject to the authorization of the
7 state board of regents, all personnel of northwest Kansas technical college
8 and north central Kansas technical college who are necessary to the
9 operation of Fort Hays state university – northwest Kansas technical
10 college and Fort Hays state university – north central Kansas technical
11 college, in accordance with the needs of Fort Hays state university, may
12 become personnel of Fort Hays state university. The employment of such
13 personnel shall be deemed uninterrupted.

14 (h) No suit, action or other proceeding, judicial or administrative,
15 lawfully commenced, or that could have been commenced, by or against
16 northwest Kansas technical college or north central Kansas technical
17 college prior to affiliation, or by or against any personnel of such technical
18 colleges, shall abate by reason of such affiliation. Any such suit, action or
19 other proceeding may be allowed to be maintained by or against Fort Hays
20 state university – northwest Kansas technical college or Fort Hays state
21 university – north central Kansas technical college, as the case may be. No
22 criminal action commenced or that could have been commenced by
23 northwest Kansas technical college or north central Kansas technical
24 college prior to affiliation shall abate by reason of such affiliation.

25 (i) The affiliation provided for by this section shall not affect any
26 contract, agreement or assurance in effect on the effective date of this
27 section.

28 (j) The provisions of this section shall be effective upon approval of a
29 formal affiliation agreement that is consistent with these provisions by the
30 state board of regents and the governing bodies of northwest Kansas
31 technical college and north central Kansas technical college and on and
32 after the date the higher learning commission of the north central
33 association of colleges and schools approves the affiliation described in
34 subsection (a). If only one of the governing bodies of the technical
35 colleges provides approval of a formal affiliation agreement as set forth
36 herein, the provisions of this section shall still be considered effective as to
37 the affiliation between Fort Hays state university and the technical college
38 whose governing body provided approval of the formal affiliation
39 agreement.

40 Sec. 2. K.S.A. 74-32,452 is hereby amended to read as follows: 74-
41 32,452. (a) Except as provided in ~~subsection (d)~~ *subsections (d) and (e)*, all
42 technical colleges shall establish and maintain a plan for a governing
43 board, which shall be separate and independent of any board of education

1 of any school district, to operate, control and manage the technical college.

2 The plan shall include, but not be limited to, provisions relating to:

3 (1) The composition of the independent governing board;

4 (2) the territory of the technical college. If the territory of the
5 technical college includes more than one county, the plan shall designate a
6 home county;

7 (3) the method of election or appointment and the terms of service of
8 the members of the independent governing board;

9 (4) the date upon which the independent governing board shall
10 assume management and control of the technical college;

11 (5) the manner, terms upon which and extent to which the facilities
12 will be transferred to the independent governing board and the division of
13 other assets and indebtedness and other liabilities; and

14 (6) the manner and terms upon which faculty, employees and students
15 will be transferred to the independent governing board. Subject to the
16 provisions of K.S.A. 74-32,466, and amendments thereto, such provisions
17 shall specify terms of employment and address other personnel matters.

18 (b) On the date determined in the approved plan, the independent
19 governing board established under subsection (a) shall operate subject to
20 the rules, regulations and supervision of the state board of regents in the
21 same manner as other technical colleges. Any amendments to the plan
22 shall be submitted to the state board of regents for approval.

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

26 (1) Determine the career technical and general education courses of
27 instruction that will comprise the associate of applied science degree
28 programs of the college;

29 (2) establish the requirements for satisfactory completion of the
30 associate of applied science degree programs of the college;

31 (3) confer the associate of applied science degree upon students who
32 successfully complete an associate of applied science degree program of
33 the college and to award a certificate or diploma to students who
34 successfully complete a career technical education program of the college;

35 (4) appoint teaching staff and fix and determine teacher
36 qualifications, duties and compensation. No teacher appointed to teach
37 courses comprising the associate of applied science degree programs of the
38 college shall be required to meet licensure requirements greater than those
39 required in the state educational institutions;

40 (5) have custody of, and be responsible for, the property of the
41 college and be responsible for the operation, management and control of
42 the college;

43 (6) select a chairperson and such other officers as it deems desirable,

- 1 from its membership;
- 2 (7) sue and be sued;
- 3 (8) appoint and fix the compensation and term of office of a president
- 4 or chief administrative officer of the college;
- 5 (9) fix and determine, within state adopted standards, all other
- 6 employees' qualifications, duties, compensation and all other items and
- 7 conditions of employment;
- 8 (10) enter into contracts;
- 9 (11) accept any gifts, grants or donations;
- 10 (12) acquire and dispose of real or personal property;
- 11 (13) enter into lease agreements as lessor of any property owned or
- 12 controlled by the college;
- 13 (14) adopt any rules and regulations, not inconsistent with any law or
- 14 any rules and regulations of the state board of regents, which are necessary
- 15 for the administration and operation of the college or for the conduct of
- 16 business of the governing board;
- 17 (15) contract with one or more agencies, either public or private,
- 18 whether located within or outside the territory of the college or whether
- 19 located within or outside the state of Kansas, for the conduct by any such
- 20 agency of academic or career technical education for students of the
- 21 college and to provide for the payment to any such agency for the
- 22 contracted educational services from any funds or moneys of the college,
- 23 including funds or moneys received from student tuition and fees;
- 24 (16) appoint as its resident agent for the purpose of service of
- 25 process, either the president of the technical college or the chairperson of
- 26 the governing board, or both;
- 27 (17) take any other action, not inconsistent with any law or any rules
- 28 and regulations of the state board of regents, which is necessary or
- 29 incidental to the establishment, operation and maintenance of the college;
- 30 (18) issue bonds for capital improvement projects, enter into bond
- 31 covenants and take such ancillary action as the governing board approves,
- 32 relating thereto, except that such bonds shall not be secured by a pledge of
- 33 any property tax revenues of the technical college;
- 34 (19) enter into agreements with counties relating to funding for
- 35 capital improvement projects at technical colleges;
- 36 (20) fix different rates per hour of tuition, fees and charges for the
- 37 different postsecondary programs administered by such board; and
- 38 (21) to acquire by lease-purchase any property, whether real,
- 39 personal, or mixed, or any interest therein, which is necessary or desirable
- 40 for technical college purposes. The term of any lease-purchase agreement
- 41 entered into under authority of this subsection may be for not to exceed 10
- 42 years. Such lease-purchase agreement may provide for annual or other
- 43 payment of rent or rental fees and may obligate the technical college to

1 payment of maintenance or other expenses. Any lease-purchase agreement
 2 entered into under authority of this subsection shall be subject to change or
 3 termination at any time by the legislature. Any assignment of rights in any
 4 lease-purchase made under this subsection shall contain a citation of this
 5 section and a recitation that the lease-purchase agreement and assignment
 6 thereof are subject to change or termination by the legislature.

7 (d) Pursuant to K.S.A. 74-32,459(b), and amendments thereto,
 8 Wichita state university campus of applied sciences and technology shall
 9 be governed by Wichita state university, subject to rules and regulations of
 10 the state board of regents.

11 (e) Pursuant to section 1(b), and amendments thereto, Fort Hays
 12 state university – northwest Kansas technical college and Fort Hays state
 13 university – north central Kansas technical college shall be governed by
 14 Fort Hays state university, subject to rules and regulations of the state
 15 board of regents.

16 Sec. 3. K.S.A. 74-32,461 is hereby amended to read as follows: 74-
 17 32,461. (a) The north central Kansas area vocational-technical school ~~is~~
 18 ~~authorized to be previously~~ converted to and established ~~as a by law as~~
 19 ~~north central Kansas technical college and, upon such conversion and~~
 20 ~~establishment as provided by law,~~ shall be officially designated as ~~the Fort~~
 21 ~~Hays state university – north central Kansas technical college.~~

22 (b) Whenever the north central Kansas area vocational-technical
 23 school *or north central Kansas technical college* is referred to or
 24 designated by or in any statute, contract or other document, such reference
 25 or designation shall be deemed to apply to ~~the Fort Hays state university –~~
 26 ~~north central Kansas technical college.~~

27 (c) *The designation of north central Kansas technical college as Fort*
 28 *Hays state university – north central Kansas technical college shall be*
 29 *effective upon approval of a formal affiliation agreement that is consistent*
 30 *with section 1, and amendments thereto, by the state board of regents and*
 31 *the governing body of north central Kansas technical college and on and*
 32 *after the date the higher learning commission of the north central*
 33 *association of colleges and schools approves the affiliation described in*
 34 *section 1(a), and amendments thereto.*

35 Sec. 4. K.S.A. 74-32,464 is hereby amended to read as follows: 74-
 36 32,464. (a) The northwest Kansas area vocational-technical school, also
 37 known as the northwest Kansas technical school, ~~is authorized to be~~
 38 ~~previously~~ converted to and established ~~as a by law as northwest Kansas~~
 39 ~~technical college and, upon such conversion and establishment as provided~~
 40 ~~by law,~~ shall be officially designated as ~~the Fort Hays state university –~~
 41 ~~northwest Kansas technical college.~~

42 (b) Whenever the northwest Kansas area vocational-technical school,
 43 ~~or the northwest Kansas technical school,~~ *or northwest Kansas technical*

1 college is referred to or designated by or in any statute, contract or other
 2 document, such reference or designation shall be deemed to apply to ~~the~~
 3 *Fort Hays state university – northwest Kansas technical college.*

4 (c) *The designation of northwest Kansas technical college as Fort*
 5 *Hays state university – northwest Kansas technical college shall be*
 6 *effective upon approval of a formal affiliation agreement that is consistent*
 7 *with section 1, and amendments thereto, by the state board of regents and*
 8 *the governing body of northwest Kansas technical college and on and*
 9 *after the date the higher learning commission of the north central*
 10 *association of colleges and schools approves the affiliation described in*
 11 *section 1(a), and amendments thereto.*

12 Sec. 5. K.S.A. 76-6a13 is hereby amended to read as follows: 76-
 13 6a13. As used in this act, unless the context otherwise requires:

14 (a) "Board" means the:

15 (1) State board of regents ~~or the~~;

16 (2) board of regents of a municipal university ~~or the~~;

17 (3) governing board of the northwest Kansas technical college or
 18 *Fort Hays state university as the governing board of the northwest Kansas*
 19 *technical college upon approval of a formal affiliation agreement*
 20 *pursuant to section 1, and amendments thereto;*

21 (4) governing board of the north central Kansas technical college or
 22 *Fort Hays state university as the governing board of the north central*
 23 *Kansas technical college upon approval of a formal affiliation agreement*
 24 *pursuant to section 1, and amendments thereto; or ~~the~~*

25 (5) board of trustees of any community college.

26 (b) "Institution" means and includes:

27 (1) Any state educational institution operated and managed under the
 28 control and supervision of the state board of regents;

29 (2) any municipal university organized under the laws of Kansas;

30 (3) any community college, ~~the~~;

31 (4) northwest Kansas technical college or *Fort Hays state university*
 32 *– northwest Kansas technical college upon approval of a formal affiliation*
 33 *agreement pursuant to section 1, and amendments thereto; and ~~the~~*

34 (5) north central Kansas technical college or *Fort Hays state*
 35 *university – north central Kansas technical college upon approval of a*
 36 *formal affiliation agreement pursuant to section 1, and amendments*
 37 *thereto.*

38 (c) "Building," when heretofore or hereafter acquired or constructed
 39 by the state board of regents for any state educational institution under the
 40 control and supervision of the state board of regents, means and includes
 41 one or more dormitories, kitchens, dining halls, student union buildings,
 42 field houses, student hospitals, libraries, on-campus parking, hospital
 43 buildings or facilities for the university of Kansas medical center,

1 including outpatient treatment or support facilities and acquisition of any
2 real estate therefor, additions heretofore or hereafter erected in connection
3 therewith, or rehabilitation or renovation of an existing building, or any
4 combination thereof, or any stadium, structure or facility when the same is
5 deemed necessary by the state board of regents to carry out the purposes of
6 the institution, or additions heretofore or hereafter erected in connection
7 with such stadium, structure or facility. The state board of regents shall not
8 issue any revenue bonds for acquisition or construction of any building,
9 structure or facility or additions erected in connection therewith, or for
10 rehabilitation or renovation of an existing building, as authorized by this
11 section, unless such acquisition, construction or rehabilitation or
12 renovation has been authorized by appropriation or other act of the
13 legislature and the state board of regents has first advised and consulted on
14 such acquisition, construction or rehabilitation or renovation with the joint
15 committee on state building construction.

16 (d) "Revenue bonds" means bonds issued by a board under authority
17 of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both
18 principal and interest solely and only out of (1) the income and revenues
19 arising from the operation of the building for which such bonds are issued,
20 or (2) in the case of a building to be constructed for an institution under the
21 control and supervision of the state board of regents and upon a
22 determination by the state board of regents that the best interests of the
23 state and the institution will be served thereby, the revenues derived from
24 student fees levied for this purpose or for other bonds after such other
25 bonds are retired, or both, (3) any combination of the revenues described
26 in clause (1) or (2), and (4) in addition to the revenues described in clauses
27 (1), (2) or (3), in the discretion of the board, out of one or both of the
28 following additional sources: (A) The proceeds of any grant in aid of such
29 project which may be received from any source, and (B) the net income
30 and revenues arising from the operation of another building already owned
31 and operated by the board and located on the same campus of the
32 institution where the building for which bonds are to be issued will be
33 located.

34 (e) "Net income and revenue" means the income arising from the
35 operation of a building remaining after providing for the costs of operation
36 of such building and the costs of maintenance thereof.

37 (f) "Building," when heretofore or hereafter acquired or constructed
38 by a board other than the state board of regents, means and includes one or
39 more dormitories, kitchens, dining halls, student union buildings, field
40 houses, student hospitals, libraries, on-campus parking or additions
41 heretofore or hereafter erected in connection therewith, or any
42 combination thereof.

43 Sec. 6. K.S.A. 74-32,452, 74-32,461, 74-32,464 and 76-6a13 are

1 hereby repealed.

2 Sec. 7. This act shall take effect and be in force from and after its
3 publication in the statute book.