

SENATE BILL No. 174

AN ACT concerning higher education; authorizing the affiliation of Wichita area technical college with Wichita state university; amending K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a and repealing the existing sections.

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

New Section 1. (a) The Wichita area technical college, authorized and designated as a technical college pursuant to K.S.A. 72-4472, and amendments thereto, with a governing board established pursuant to K.S.A. 72-4470a, and amendments thereto, is hereby affiliated with Wichita state university and the institutional infrastructure of the college is hereby officially designated as the Wichita state university campus of applied sciences and technology. Except as otherwise provided in this section, the Wichita state university campus of applied sciences and technology shall be governed by and operated as a technical college campus within Wichita state university.

(b) The governing board of the Wichita area technical college, established pursuant to K.S.A. 72-4470a, and amendments thereto, shall become the industry advisory board to the president of Wichita state university for the Wichita state university campus of applied sciences and technology, and all the powers and duties established in the governing board of any technical college by law shall be transferred to Wichita state university, subject to the rules and regulations and supervision of the state board of regents. The president of Wichita state university shall appoint the members of the industry advisory board. Advisory board members shall represent an industry sector that corresponds to a program offered by the Wichita state university campus of applied sciences and technology.

(c) The Wichita state university campus of applied sciences and technology shall offer programs that focus on critical areas of regional competitiveness, including credential and degree programs ranging from a general educational development (GED) credential to associate of applied science degrees. The industry advisory board shall:

(1) Review non-credit and credit programs with the president and senior leadership of the campus of applied sciences and technology to ensure such programs are aligned with the current and emerging needs of the industry for an educated and trained workforce; and

(2) provide input relating to changes in each advisory board member's industry sector that affect academic programs.

(d) (1) Except as otherwise provided in this subsection, the following persons admitted by Wichita state university into the campus of applied sciences and technology shall not be subject to the admission requirements set forth in K.S.A. 76-717, and amendments thereto:

(A) Persons admitted as degree-seeking students in career technical education courses or programs terminating with an associate of applied studies degree; and

(B) persons admitted as nondegree-seeking students in career technical education certificate programs.

(2) Persons admitted into the campus of applied sciences and technology who subsequently seek to transfer into another school within Wichita state university, or into a bachelor's, masters, doctorate or non-technical associate degree or certificate program offered at Wichita state university, shall, at the time of such transfer, be subject to the admission requirements set forth in K.S.A. 76-717, and amendments thereto.

(3) Persons admitted by Wichita state university seeking a non-technical certificate, non-technical associate degree or any bachelor's, masters or doctorate degree shall be subject to the admission requirements set forth in K.S.A. 76-717, and amendments thereto.

(e) The Wichita state university campus of applied sciences and technology shall continue to be a technical college and shall be eligible for funding that is available to technical colleges to the extent provided by law. The amounts of such funding are to be determined in the same manner as provided by law for technical colleges.

(f) Whenever the Wichita area technical college, Wichita area vocational school or the Wichita area vocational-technical school, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Wichita state university campus of applied sciences and technology. Except as otherwise provided in this section, the provisions of all statutes of general application to area vocational schools, area vocational-technical schools and technical colleges shall apply to the Wichita state university

campus of applied sciences and technology. Whenever area vocational schools, area vocational-technical schools or technical colleges are defined, referred to or designated in a statute, such definition, referral or designation shall be deemed to apply to the Wichita state university campus of applied sciences and technology.

(g) The affiliation effected by this section shall not affect any contract, agreement or assurance in effect on the effective date of this section.

(h) Subject to authorization by the state board of regents, all personnel of the Wichita area technical college, who are necessary to the operation of the Wichita state university campus of applied sciences and technology, in the opinion of the president of Wichita state university, shall become personnel of Wichita state university. The employment of such personnel shall be deemed uninterrupted.

(i) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against the Wichita area technical college, or by or against any personnel of the Wichita area technical college, shall abate by reason of the affiliation effected by this section. Any such suit, action or other proceeding may be allowed to be maintained by or against Wichita state university. No criminal action commenced or that could have been commenced by the Wichita area technical college shall abate by reason of the affiliation effected by this section.

(j) The provisions of this section shall be effective on and after the date the higher learning commission of the north central association of colleges and schools approves the affiliation described in subsection (a).

Sec. 2. K.S.A. 2016 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) *Except as provided in subsection (d)*, all technical college boards colleges shall establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

- (1) The composition of the independent governing board;
- (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2016 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

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

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

- (1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
- (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
- (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;
- (4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses

comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;

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

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

(7) sue and be sued;

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

(9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;

(10) enter into contracts;

(11) accept any gifts, grants or donations;

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

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

(14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;

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

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

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

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

(19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges;

(20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board; and

(21) to acquire by lease-purchase any property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for technical college purposes. The term of any lease-purchase agreement entered into under authority of this subsection may be for not to exceed 10 years. Such lease-purchase agreement may provide for annual or other payment of rent or rental fees and may obligate the technical college to payment of maintenance or other expenses. Any lease-purchase 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-purchase made under this subsection shall contain a citation of this section and a recitation that the lease-purchase agreement and assignment thereof are subject to change or termination by the legislature.

(d) Pursuant to section 1(b), and amendments thereto, Wichita state university campus of applied sciences and technology shall be governed by Wichita state university, subject to rules and regulations of the state board of regents.

Sec. 3. K.S.A. 72-4472 is hereby amended to read as follows: 72-4472.

(a) The Wichita area vocational school, also known as the Wichita area vocational-technical school, is authorized to be previously converted to and established by law as a Wichita area technical college and, upon such conversion and establishment as provided by law, shall be officially des-

ignated as the ~~Wichita area technical college~~ *state university campus of applied sciences and technology*.

(b) Whenever the Wichita area vocational school, ~~or the Wichita area vocational-technical school or Wichita area technical college~~, is referred to or designated by or in any statute, contract or other document, such reference or designation shall be deemed to apply to the ~~Wichita area technical college~~ *state university campus of applied sciences and technology*.

(c) *The designation of Wichita area technical college as Wichita state university campus of applied sciences and technology shall be effective on and after the date the higher learning commission of the north central association of colleges and schools approves the affiliation described in section 1(a), and amendments thereto.*

Sec. 4. K.S.A. 74-4931 is hereby amended to read as follows: 74-4931. On the effective date of this act, the following shall be eligible employers as defined in ~~subsection (13) of K.S.A. 74-4902(13)~~, *and amendments thereto*, and as further defined herein:

- (1) Kansas public school districts;
- (2) ~~Kansas area vocational-technical schools~~ *technical colleges*;
- (3) Kansas community junior colleges; *or*
- (4) the state of Kansas for state agencies having employees who are members of the state school retirement system on December 31, 1970.

Such eligible employers shall become participating employers as defined in ~~subsection (24) of K.S.A. 74-4902(24)~~, *and amendments thereto*. The entry date into the Kansas public employees retirement system of such eligible employers shall be January 1, 1971.

Sec. 5. K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.