

SENATE BILL No. 432

By Committee on Ways and Means

3-10

1 AN ACT concerning postsecondary education; enacting the SUCCESS act;
2 relating to the funding of certain community colleges; making and
3 concerning appropriations for the fiscal years ending June 30, 2015,
4 and June 30, 2016, for the state board of regents; amending K.S.A. 71-
5 204, 71-501, 71-502, 71-507 and 71-617 and repealing the existing
6 sections.

7

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

9 New Section 1. (a) The board of trustees for Cloud county
10 community college and Fort Scott community college, respectively, shall
11 each work in conjunction with the state board of regents, one or more state
12 educational institutions, one or more technical colleges and one or more
13 school districts to develop a detailed plan to provide educational programs
14 that will integrate career technical education from the secondary education
15 level through attainment of a postsecondary industry certification or
16 advanced degree, including a bachelor's degree. Such plans shall be
17 designed to expedite the learning process to directly benefit students and
18 Kansas technology-driven employers by helping students attain their
19 educational goals as soon as possible and helping employers meet their
20 technical workforce needs. The primary objectives of such plans shall be
21 to:

22 (1) Develop single source management of all career technical
23 education in the region, including career technical education provided
24 through school districts;

25 (2) improve articulation between programs at postsecondary
26 educational institutions;

27 (3) encourage dual enrollment in high school, technical training
28 programs and postsecondary courses;

29 (4) encourage cooperation, improved efficiency and utilization of
30 resources, including personnel, facilities and equipment, in the delivery of
31 educational programs at postsecondary educational institutions;

32 (5) improve the transferability and reverse transfer of credit hours
33 among postsecondary educational institutions; and

34 (6) develop a structure for governance of the new integrated system
35 capable of oversight, yet able to meet the needs of rapidly changing
36 industries and to remain focused on locally accessible higher education

1 success paths from the secondary level through full completion of
2 postsecondary education.

3 (b) On January 15, 2015, and January 15, 2016, the board of trustees
4 for Cloud county community college and Fort Scott community college,
5 respectively, shall prepare and submit a report to the governor and the
6 legislature on the detailed plan developed pursuant to subsection (a). Such
7 report shall describe the progress made in the immediately preceding year
8 on developing the plan and the implementation of any portion of such
9 plan. Such report shall also include the following:

10 (1) A description of any cost savings, either actual or proposed, by
11 any school district or postsecondary educational institution as a result of
12 implementation of the plan or any portion thereof;

13 (2) a description of any financial benefits, either actual or proposed,
14 achieved as a result of economies of scale being utilized by any school
15 district or postsecondary educational institution as a result of
16 implementation of the plan or any portion thereof; and

17 (3) a description of any changes in governance structure for
18 postsecondary educational institutions that would provide for better
19 implementation of the plan.

20 (c) For purposes of this section:

21 (1) "Postsecondary educational institution" shall have the same
22 meaning as that term is defined in K.S.A. 74-3201b, and amendments
23 thereto.

24 (2) "School district" means a unified school district organized and
25 operating under the laws of this state.

26 (3) "State educational institution" shall have the same meaning as that
27 term is defined in K.S.A. 74-3201b, and amendments thereto.

28 (4) "Technical college" shall have the same meaning as that term is
29 defined in K.S.A. 74-3201b, and amendments thereto.

30 New Sec. 2. (a) During the time period of January 1, 2016 through
31 June 30, 2016, the board of county commissioners of Cloud county and
32 Crawford county by resolution shall submit to the qualified voters of their
33 respective counties a proposition to continue funding the community
34 college located in such county as provided by this act. The proposition
35 shall be submitted to the voters at a special election of the county.

36 (b) Upon the adoption of a resolution calling for an election pursuant
37 to subsection (a), the county election officer shall cause the following
38 proposition to be placed on the ballot at the special election: "Shall
39 _____ Community College continue to be funded as provided
40 by the SUCCESS Act?"

41 (c) The election provided for by subsection (a) shall be conducted,
42 and the votes counted and canvassed in the manner provided by law for
43 question submitted elections of the county.

1 (d) If a majority of the votes cast and counted at an election under
2 subsection (a) is in favor of continuing to fund the community college
3 located in such county as provided by this act, then on and after July 1,
4 2016, the community college located in such county shall continue to be
5 funded as provided by this act.

6 (e) If a majority of the votes cast and counted at an election under
7 subsection (a) is against continuing to fund the community college located
8 in such county as provided by this act, then on and after July 1, 2016, the
9 community college located in such county may be funded from other
10 sources of revenue as provided by law.

11 (f) The clerk of the county in which an election is held pursuant to
12 this section shall certify the results of such election and send a copy of
13 such certification to the director of the budget and the director of
14 legislative research.

15 New Sec. 3.

16 STATE BOARD OF REGENTS

17 (a) There is appropriated for the above agency from the state general
18 fund for the fiscal year ending June 30, 2015, the following:

19 Fort Scott community college SUCCESS.....\$2,500,000

20 *Provided, That, during fiscal year 2015, expenditures shall be made*
21 *from the Fort Scott community college SUCCESS account of the state*
22 *general fund for fiscal year 2015 by the state board of regents to fund the*
23 *operating expenses for Fort Scott community college: Provided further;*
24 *That the board of trustees for Fort Scott community college shall work in*
25 *conjunction with the state board of regents, one or more state educational*
26 *institutions, one or more technical colleges and one or more school*
27 *districts to develop a detailed plan to provide educational programs that*
28 *will integrate career technical education from the secondary education*
29 *level through attainment of a postsecondary industry certification or*
30 *advanced degree in accordance with the provisions of section 1, and*
31 *amendments thereto.*

32 Cloud county community college SUCCESS\$2,100,000

33 *Provided, That, during fiscal year 2015, expenditures shall be made*
34 *from the Cloud county community college SUCCESS account of the state*
35 *general fund for fiscal year 2015 by the state board of regents to fund the*
36 *operating expenses for Cloud county community college: Provided further;*
37 *That the board of trustees for Cloud county community college shall work*
38 *in conjunction with the state board of regents, one or more state*
39 *educational institutions, one or more technical colleges and one or more*
40 *school districts to develop a detailed plan to provide educational programs*
41 *that will integrate career technical education from the secondary education*
42 *level through attainment of a postsecondary industry certification or*
43 *advanced degree in accordance with the provisions of section 1, and*

1 amendments thereto.
 2 Board of regents SUCCESS\$700,000
 3 *Provided, That, during fiscal year 2015, expenditures shall be made*
 4 *from the board of regents SUCCESS account of the state general fund for*
 5 *fiscal year 2015 by the state board of regents to implement and administer*
 6 *the provisions of section 1, and amendments thereto: *Provided further,**
 7 *That the board of regents shall work in conjunction with Fort Scott*
 8 *community college and Cloud county community college on the*
 9 *development of a detailed plan to provide educational programs that will*
 10 *integrate career technical education from the secondary education level*
 11 *through attainment of a postsecondary industry certification or advanced*
 12 *degree in accordance with the provisions of section 1, and amendments*
 13 *thereto.*

14 New Sec. 4.

15 STATE BOARD OF REGENTS

16 (a) There is appropriated for the above agency from the state general
 17 fund for the fiscal year ending June 30, 2016, the following:

18 Fort Scott community college SUCCESS \$2,500,000

19 *Provided, That, during fiscal year 2016, expenditures shall be made*
 20 *from the Fort Scott community college SUCCESS account of the state*
 21 *general fund for fiscal year 2015 by the state board of regents to fund the*
 22 *operating expenses for Fort Scott community college: *Provided further,**
 23 *That the board of trustees for Fort Scott community college shall work in*
 24 *conjunction with the state board of regents, one or more state educational*
 25 *institutions, one or more technical colleges and one or more school*
 26 *districts to develop a detailed plan to provide educational programs that*
 27 *will integrate career technical education from the secondary education*
 28 *level through attainment of a postsecondary industry certification or*
 29 *advanced degree in accordance with the provisions of section 1, and*
 30 *amendments thereto.*

31 Cloud county community college SUCCESS \$2,100,000

32 *Provided, That, during fiscal year 2015, expenditures shall be made*
 33 *from the Cloud county community college SUCCESS account of the state*
 34 *general fund for fiscal year 2015 by the state board of regents to fund the*
 35 *operating expenses for Cloud county community college: *Provided further,**
 36 *That the board of trustees for Cloud county community college shall work*
 37 *in conjunction with the state board of regents, one or more state*
 38 *educational institutions, one or more technical colleges and one or more*
 39 *school districts to develop a detailed plan to provide educational programs*
 40 *that will integrate career technical education from the secondary education*
 41 *level through attainment of a postsecondary industry certification or*
 42 *advanced degree in accordance with the provisions of section 1, and*
 43 *amendments thereto.*

1 Board of regents SUCCESS\$700,000
2 *Provided*, That, during fiscal year 2016, expenditures shall be made
3 from the board of regents SUCCESS account of the state general fund for
4 fiscal year 2016 by the state board of regents to implement and administer
5 the provisions of section 1, and amendments thereto: *Provided further*;
6 That the board of regents shall work in conjunction with Fort Scott
7 community college and Cloud county community college on the
8 development of a detailed plan to provide educational programs that will
9 integrate career technical education from the secondary education level
10 through attainment of a postsecondary industry certification or advanced
11 degree in accordance with the provisions of section 1, and amendments
12 thereto.

13 New Sec. 5. The provisions of sections 1 through 5, and amendments
14 thereto, shall be known and may be cited as the SUCCESS act.

15 New Sec. 6. (a) (1) For fiscal year 2015 and fiscal year 2016, the
16 provisions of K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and
17 amendments thereto, shall not apply to Cloud county community college.
18 In fiscal year 2015 and fiscal year 2016, the board of trustees for Cloud
19 county community college shall not levy any tax on the taxable tangible
20 property of the community college district pursuant to the provisions of
21 K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and amendments
22 thereto.

23 (2) The provisions of this subsection shall expire on:

24 (A) June 30, 2015, if appropriations made for Cloud county
25 community college from the state general fund to the Cloud county
26 community college SUCCESS account are rescinded either in whole, or in
27 part, by any appropriation act for fiscal year 2015 or fiscal year 2016; or

28 (B) June 30, 2016, if a majority of the votes cast and counted at an
29 election held under section 2, and amendments thereto, is against the
30 question submitted at such election.

31 (b) (1) For fiscal year 2015 and fiscal year 2016, the provisions of
32 K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and amendments
33 thereto, shall not apply to Fort Scott community college. In fiscal year
34 2015 and fiscal year 2016, the board of trustees for Fort Scott community
35 college shall not levy any tax on the taxable tangible property of the
36 community college district pursuant to the provisions of K.S.A. 71-204,
37 71-501, 71-502, 71-507 and 71-617, and amendments thereto.

38 (2) The provisions of this subsection shall expire on:

39 (A) June 30, 2015, if appropriations made for Fort Scott community
40 college from the state general fund to the Fort Scott community college
41 SUCCESS account are rescinded either in whole, or in part, by any
42 appropriation act for fiscal year 2015 or fiscal year 2016; or

43 (B) June 30, 2016, if a majority of the votes cast and counted at an

1 election held under section 2, and amendments thereto, is against the
2 question submitted at such election.

3 Sec. 7. K.S.A. 71-204 is hereby amended to read as follows: 71-204.

4 (a) For the purpose of community college maintenance and operation, the
5 board of trustees is authorized to levy a tax on the taxable tangible
6 property of the community college district.

7 Such tax levy shall be the amount determined by the board of trustees
8 to be sufficient to finance that part of the budget of the community college
9 which is not financed from any other source provided by law. The budget
10 of the community college shall be prepared and adopted as provided by
11 law, and the tax levy therefor shall be certified to the county clerk of every
12 county a part of the territory of which is in the community college district.

13 (b) The tax levy authorized by subsection (a) shall be reduced ~~(1) in~~
14 ~~the 2001 fiscal year by an amount equal to 80% of the amount of the~~
15 ~~difference between the amount of state aid received by the community~~
16 ~~college in the 2000 fiscal year less an amount equal to 25% of the amount~~
17 ~~of out-district tuition received by the community college in such fiscal~~
18 ~~year and the amount of the state grant to which the community college is~~
19 ~~entitled in the 2001 fiscal year and (2) in fiscal years 2002, 2003 and 2004~~
20 ~~by an amount equal to 80% of the amount of the difference between the~~
21 ~~amount of the state grant received by the community college in the~~
22 ~~preceding fiscal year less an amount equal to 25% of the amount of out-~~
23 ~~district tuition received by the community college in the 2000 fiscal year~~
24 ~~and the amount of the state grant to which the community college is~~
25 ~~entitled in the current fiscal year and (3) in each fiscal year after the 2004~~
26 ~~fiscal year by an amount equal to 80% of the amount of the difference~~
27 ~~between the amount of the state grant received by the community college~~
28 ~~in the preceding fiscal year and the amount of the state grant to which the~~
29 ~~community college is entitled in the current fiscal year.~~

30 (c) *The provisions of this section are subject to the provisions of*
31 *section 6, and amendments thereto.*

32 Sec. 8. K.S.A. 71-501 is hereby amended to read as follows: 71-501.

33 (a) The board of trustees of any community college is authorized to make
34 an annual tax levy for a period of not to exceed five years of not to exceed
35 two mills upon all taxable tangible property in the community college
36 district for the purpose of construction, reconstruction, repair, remodeling,
37 additions to, furnishing and equipping of community college buildings,
38 architectural expenses incidental thereto, and the acquisition of real
39 property for use as building sites or for educational programs. No levy
40 shall be made under this section until a resolution authorizing the levy is
41 passed by the board of trustees and published once each week for three
42 consecutive weeks in a newspaper having general circulation in the
43 community college district. The resolution shall specify the mill rate of

1 the tax levy and the period of time for which the tax levy shall be made
2 under authority thereof. After adoption of the resolution, the levy may be
3 made unless, within 60 days following the last publication of the
4 resolution, a petition in opposition to the levy, signed by not less than 5%
5 of the qualified electors of the community college district, is filed with the
6 county election officer of the county in which the main campus of the
7 community college is located. If a petition is filed, the levy shall not be
8 made without the question of levying the same having been submitted to
9 and approved by a majority of the qualified electors of the district voting at
10 an election called for that purpose or at the next general election. If a
11 petition is filed and no election is held, a new resolution authorizing a levy
12 for the purposes specified in this section may not be adopted for a period
13 of one year after the filing of the petition.

14 (b) Whenever an initial resolution has been adopted under subsection
15 (a) and the resolution specified a lesser mill rate than two mills, the board
16 of trustees of the community college may adopt a second resolution under
17 the same procedure as is provided in subsection (a) for the initial
18 resolution and, subject to the same conditions and for the same purposes as
19 provided in subsection (a), shall be authorized to make an additional tax
20 levy in an amount to be specified in the second resolution for the
21 remainder of the period of time specified in the initial resolution for the
22 making of the levy under authority thereof. Any second resolution shall be
23 limited in amount as specified in subsection (a), less such amount as was
24 authorized in the initial resolution, and not to exceed an aggregate amount
25 of two mills in any one year. If any such resolution is adopted and the tax
26 levy therein specified is authorized under the conditions specified in
27 subsection (a), the amount of bonds which may be issued under K.S.A. 71-
28 502, and amendments thereto, may be increased accordingly.

29 (c) The board of trustees of any community college which has made a
30 tax levy under this section may initiate, at any time after the final levy is
31 certified to the county clerk under any current authorization, procedures to
32 renew its authority to make a like annual tax levy in the amount, upon the
33 conditions, and in the manner specified in subsection (a).

34 (d) *The provisions of this section are subject to the provisions of*
35 *section 6, and amendments thereto.*

36 ~~(d)~~ (e) As used in this act, "unconditionally authorized to make a tax
37 levy under authority of article 5 of chapter 71 of *the* Kansas Statutes
38 Annotated, *and amendments thereto*" means that the board of trustees of
39 the community college has adopted a resolution under this section, has
40 published the same, and either that such resolution was not protested or
41 that it was protested and an election was held by which the tax levy of the
42 community college was approved.

43 Sec. 9. K.S.A. 71-502 is hereby amended to read as follows: 71-502.

1 (a) Any moneys in the capital outlay fund of any community college
2 district and any moneys received from issuance of bonds under this section
3 may be used for the purposes specified in K.S.A. 71-501, and
4 amendments thereto. The board of trustees of any community college
5 district which is unconditionally authorized to make a tax levy under
6 authority of article 5 of chapter 71 of *the Kansas Statutes Annotated, and*
7 *amendments thereto*, in lieu of making all or part of such tax levy, may
8 issue and sell general obligation bonds as now provided by law for the
9 issuance of general obligation bonds for buildings by such board of
10 trustees, except that such bonds shall be issued to mature in not more than
11 five ~~(5)~~ years and except that no election shall be required. In the event
12 that bonds are issued under authority of this section, the amount of such
13 bonds which may be issued shall be determined as follows:

14 (1) The amount of such bonds shall not exceed the amount of the
15 product which results from multiplying the remaining number of years
16 provided in the resolution authorizing the capital outlay fund tax levy and
17 adopted under K.S.A. 71-501, and amendments thereto, times the mill rate
18 provided in ~~said~~ *such* resolution times the assessed valuation of the taxable
19 tangible property of the district at the time the bonds are issued, less the
20 sum of all amounts specified in paragraphs (2) and (3) of this subsection.

21 (2) The maximum amount of bonds authorized by this section to be
22 issued shall be reduced by all amounts which have been or will be received
23 by such community college district from any tax levy made under
24 authority of ~~said~~ *such* resolution prior to the issuance of such bonds, and
25 such maximum amount shall be further reduced by the estimated amount
26 of interest to be paid on such bonds.

27 (3) The maximum amount of bonds authorized by this section to be
28 issued shall be reduced by an amount equal to the amount of unpaid
29 principal on bonds which have ~~heretofore~~ been issued under this section.

30 (b) Bonds issued under the authority conferred by this section by the
31 board of trustees of any community college shall not be subject to or
32 within any bonded debt limitation prescribed by law and, in determining
33 the amount of bonded indebtedness of any such community college in
34 applying any such bonded debt limitation, bonds issued under this section
35 shall not be considered.

36 (c) *The provisions of this section are subject to the provisions of*
37 *section 6, and amendments thereto.*

38 Sec. 10. K.S.A. 71-507 is hereby amended to read as follows: 71-507.

39 (a) If any community college is unconditionally authorized to make a tax
40 levy under authority of article 5 of chapter 71 of *the Kansas Statutes*
41 *Annotated, and amendments thereto*, but the board of trustees of the
42 community college chooses, in any year, not to make the levy, or chooses
43 to make a lesser levy than authorized, the board of trustees may do so. If

1 the board of trustees of the community college refrains from making a levy
2 in any one or more years or from making the full levy which it is
3 authorized to make under K.S.A. 71-501, and amendments thereto, and the
4 resolution adopted thereunder, the authority of the community college to
5 make a tax levy under K.S.A. 71-501, and amendments thereto, shall not
6 thereby be extended beyond the period of time specified in the resolution,
7 nor shall the mill rate of the tax levy authorized for any succeeding year be
8 increased thereby.

9 *(b) The provisions of this section are subject to the provisions of*
10 *section 6, and amendments thereto.*

11 Sec. 11. K.S.A. 71-617 is hereby amended to read as follows: 71-617.

12 (a) The board of trustees of any community college may levy a tax in each
13 year for a period of not to exceed five ~~(5)~~ years of not to exceed ~~one-fourth~~
14 ~~(¹/₄)~~ mill on all taxable tangible property within the district to maintain and
15 operate an adult basic education program at a level approved by the state
16 board. In no event shall the tax levy authorized hereunder be at a rate
17 which will produce an amount in excess of ~~fifty thousand dollars~~
18 ~~(\$50,000)~~. Such tax levy shall be in addition to all other tax levies
19 authorized or limited by law. Proceeds from such tax levy shall be
20 deposited in the adult education fund of the community college which fund
21 is hereby established. All moneys received by a community college for
22 adult basic education shall be deposited in the adult education fund. The
23 expenses of a community college attributable to adult basic education shall
24 be paid from the adult education fund.

25 (b) No tax levy shall be made under authority of this section until a
26 resolution authorizing such a levy is passed by the board of trustees and
27 published once a week for three ~~(3)~~ consecutive weeks in a newspaper
28 having general circulation in the community college district, and such
29 resolution shall specify the millage rate of such tax levy and the period of
30 time for which such tax levy shall be made under authority thereof. After
31 the adoption of such resolution such levy may be made unless, within
32 ~~ninety (90)~~ days following the last publication of the resolution, a petition
33 in opposition to such levy, signed by not less than ~~five percent (5%)~~ of the
34 qualified electors of such community college district, is filed with the
35 county election officer of the county in which the main campus of the
36 community college is located. In the event such a petition is filed, such
37 levy shall not be made without the question of levying the same having
38 been submitted to and been approved by a majority of the qualified
39 electors of the district voting at an election which shall be called for that
40 purpose or at the next general election.

41 *(c) The provisions of this section are subject to the provisions of*
42 *section 6, and amendments thereto.*

43 Sec. 12. K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617 are

1 hereby repealed.

2 Sec. 13. This act shall take effect and be in force from and after its
3 publication in the Kansas register.