

**HOUSE BILL No. 2164**

By Committee on Education

1-25

1 AN ACT concerning community college boards of trustees; providing an  
2 additional member to the Cowley county community college board of  
3 trustees; amending K.S.A. 71-1403 and repealing the existing section.  
4

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

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

7 (1) "Cowley county community college district" means the taxing  
8 district of Cowley county community college.

9 (2) "Sumner county election officer" means the county clerk of  
10 Sumner county.

11 (3) "Additional member" means the additional trustee position on the  
12 board of trustees of Cowley county community college elected by the  
13 qualified electors residing in Sumner county.

14 (b) Subject to the provisions of subsection (e):

15 (1) The board of trustees of Cowley county community college shall  
16 be composed of board members from Cowley county community college  
17 elected pursuant to K.S.A. 71-1401 et seq., and amendments thereto, and  
18 an additional member elected by the qualified electors of Sumner county.  
19 The board of trustees of Cowley county community college shall adopt  
20 and implement an additional member plan as provided in this section. The  
21 board's additional member plan shall include a determination as to whether  
22 the board has adopted a six or seven member plan for member elections in  
23 the Cowley county community college district. The provisions of K.S.A.  
24 71-1401 et seq., and amendments thereto, shall apply to the member  
25 elections in the Cowley county community college district.

26 (2) The general election for the additional member shall be conducted  
27 as an at large election in Sumner county and held on the Tuesday  
28 following the first Monday in November of each odd-numbered year.

29 (3) Any primary election for the additional member shall be  
30 conducted as an at large election in Sumner county and held on the first  
31 Tuesday of August of each odd-numbered year in accordance with K.S.A.  
32 25-205, and amendments thereto.

33 (4) Notice of the time and place of holding each primary and general  
34 election shall be published by the Sumner county election officer in  
35 accordance with K.S.A. 25-105 and 25-209, and amendments thereto.

36 (5) If there are more than three candidates for the additional member,

1 the Sumner county election officer shall call and hold a primary election.  
2 The names of the two candidates who receive the greatest number of votes  
3 at the primary election shall appear on the ballots in the general election. If  
4 there are three or fewer candidates, there shall not be a primary election  
5 and the names of the candidates shall be placed on the ballots in the  
6 general election.

7 (6) If an additional member is to be elected to fill an unexpired term,  
8 the Sumner county election officer shall call and hold a primary election if  
9 there are more than three candidates for such unexpired term. The names  
10 of two candidates for such unexpired term receiving the greatest number of  
11 votes shall appear on the ballots in the general election. If there are three  
12 or fewer candidates for the unexpired term of the additional member, there  
13 shall not be a primary election and the names of the candidates shall be  
14 placed on the ballots in the general election.

15 (7) In general elections for the additional member, one blank line for  
16 the names of write-in candidates shall be printed on the ballots at the end  
17 of the list of candidates. The purpose of such blank line shall be to permit  
18 the voter to insert the name of any person not printed on the ballot for  
19 whom such voter desires to vote for such position. No lines for write-in  
20 candidates shall appear on primary election ballots for the additional  
21 member.

22 (8) All qualified electors who reside in Sumner county may vote in  
23 both the primary and general elections for the additional member.

24 (9) The provisions of K.S.A. 71-1419, and amendments thereto, shall  
25 apply to elections for the additional member.

26 (c) (1) A person may become a candidate for election to the additional  
27 member trustee of the Cowley county community college board of trustees  
28 by either one of the following methods:

29 (A) Any person who is an elector of Sumner county may petition to  
30 be a candidate for the additional member trustee by filing with the Sumner  
31 county election officer a petition for such person's candidacy signed by not  
32 less than 50 electors residing in Sumner county; or

33 (B) any person who is an elector of Sumner county may become a  
34 candidate for the additional member trustee by filing with the Sumner  
35 county election officer a declaration of intent to be such a candidate and  
36 payment of a filing fee in the amount of \$20.

37 (2) Every petition or declaration of intent filed under this subsection  
38 shall be filed on or before 12 p.m. on June 1 of each odd-numbered year as  
39 provided in K.S.A. 2016 Supp. 25-21a03, and amendments thereto, and  
40 K.S.A. 25-205, and amendments thereto.

41 (d) The first additional member shall be elected for a two-year term  
42 commencing on the second Monday in January, 2018, following the  
43 election. All subsequent additional members shall be elected for a four-

1 year term commencing on the second Monday in January following the  
2 election.

3 (e) The Cowley county community college board of trustees shall be  
4 composed of those members elected pursuant to K.S.A. 71-1401 et seq.,  
5 and amendments thereto, and the additional member, for so long as  
6 Sumner county provides financial support for the benefit of Cowley  
7 county community college in the form of a countywide retailers' sales tax  
8 or an ad valorem property tax levied on all taxable tangible property  
9 located in Sumner county. If Sumner county terminates such financial  
10 support or if the financial support lapses:

11 (1) The Cowley county community college board of trustees shall  
12 discontinue implementation of the additional member plan at the  
13 expiration of the additional member's term or upon the vacancy of the  
14 additional member position;

15 (2) the Cowley county community college board of trustees shall  
16 send notice of discontinued financial support to the Sumner county  
17 election officer;

18 (3) upon receipt of such notice, the Sumner county election officer  
19 shall not conduct or authorize any general or primary election to fill the  
20 expiring term of the additional member or to fill any vacancy of the  
21 additional member position; and

22 (4) the additional member may continue to serve as the additional  
23 member on the Cowley county board of trustees until the expiration of  
24 such member's term of office or until a vacancy occurs in the additional  
25 member position.

26 (f) Elections for the board of trustee members from the Cowley  
27 county community college district shall continue to be conducted pursuant  
28 to K.S.A. 71-1401 et seq., and amendments thereto.

29 Sec. 2. K.S.A. 71-1403 is hereby amended to read as follows: 71-  
30 1403. (a) The governing body of a community college is and shall be a  
31 board of trustees.

32 (b) (1) Subject to ~~provision~~ *paragraphs (2) and (3)*, the board of  
33 trustees of a community college shall be composed of six members.

34 (2) If a community college adopts and implements a seven member  
35 board of trustees plan, the board of trustees of the community college shall  
36 be composed of seven members.

37 (3) *If a community college adopts and implements an additional*  
38 *member board of trustees plan pursuant to section 1, and amendments*  
39 *thereto, the board of trustees of the community college may be composed*  
40 *of seven or eight members.*

41 (c) The members of a board of trustees may be elected:

42 (1) By any one of the four methods provided for in this act which are:  
43 (†) (A) Election-at-large method, ~~(2)~~; (B) six-district method, ~~(3)~~; (C)

- 1 three-district method;~~(4)~~; or (D) two-district method; or
- 2 (2) in accordance with paragraph (1) and the provisions of section 1,
- 3 and amendments thereto.
- 4 (d) No member of the board of trustees of a community college shall
- 5 be an employee of the community college.
- 6 Sec. 3. K.S.A. 71-1403 is hereby repealed.
- 7 Sec. 4. This act shall take effect and be in force from and after its
- 8 publication in the Kansas register.