

**As Amended by House Committee**

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**As Amended by Senate Committee**

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*Session of 2004*

## **SENATE BILL No. 314**

By Committee on Education

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12 AN ACT **relating to education**; concerning technical colleges; relating  
13 to the powers and duties of the governing bodies thereof; **concerning**  
14 **counties providing certain funds for technical colleges**; amend-  
15 ing K.S.A. 2003 Supp. 72-4470a, **72-4478 and 74-8724** and repealing  
16 the existing ~~section~~ **sections**.

17  
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 2003 Supp. 72-4470a is hereby amended to read  
20 as follows: 72-4470a. (a) On or before July 1, 2005, all technical college  
21 boards shall develop and present to the state board of regents a plan to  
22 replace the governing body described in K.S.A. 72-4470, and amend-  
23 ments thereto, with a new governing board, which shall be separate and  
24 independent of any board of education of any school district, to operate,  
25 control and manage the technical college. The plan shall include, but not  
26 be limited to, provisions relating to:

- 27 (1) The composition of the independent governing board;  
28 (2) the territory of the technical college. If the territory of the tech-  
29 nical college includes more than one county, the plan shall designate a  
30 home county;  
31 (3) the method of election or appointment and the terms of service  
32 of the members of the independent governing board;  
33 (4) the date upon which the independent governing board shall as-  
34 sume management and control of the technical college;  
35 (5) the manner, terms upon which and extent to which the facilities,  
36 will be transferred to the independent governing board and the division  
37 of other assets and indebtedness and other liabilities; and  
38 (6) the manner and terms upon which faculty, employees and stu-  
39 dents will be transferred to the independent governing board. Subject to  
40 the provisions of K.S.A. 2003 Supp. 72-4478, and amendments thereto,  
41 such provisions shall specify terms of employment and address other per-  
42 sonnel matters.

43 (b) (1) Upon approval of the plan by the state board of regents and

1 the governing body of the technical college which submitted the plan,  
2 and on the date determined in the approved plan, the independent gov-  
3 erning board established under subsection (a) of this section shall operate  
4 subject to the rules, regulations and supervision of the state board of  
5 regents in the same manner as other technical colleges, technical schools  
6 and area vocational technical schools.

7 (2) After June 30, 2007, if the governing body of the technical college  
8 and the state board of regents have not approved a plan submitted pur-  
9 suant to subsection (a), the state board of regents shall have the power  
10 to approve the plan and upon such approval and on the date determined  
11 in the approved plan, the independent governing board established pur-  
12 suant to subsection (a) shall operate subject to the rules, regulations and  
13 supervision of the state board of regents in the same manner as other  
14 technical colleges, technical schools and area vocational technical schools.

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

18 (1) Determine the vocational, technology and general education  
19 courses of instruction that will comprise the associate of applied science  
20 degree programs of the college;

21 (2) establish the requirements for satisfactory completion of the as-  
22 sociate of applied science degree programs of the college;

23 (3) confer the associate of applied science degree upon students who  
24 successfully complete an associate of applied science degree program of  
25 the college and to award a certificate or diploma to students who suc-  
26 cessfully complete a vocational education program of the college; ~~and~~

27 (4) appoint teaching staff and ~~to~~ fix and determine teacher qualifi-  
28 cations, duties and compensation. No teacher appointed to teach courses  
29 comprising the associate of applied science degree programs of the col-  
30 lege shall be required to meet certification requirements greater than  
31 those required in the state educational institutions;

32 (5) *have custody of, and be responsible for, the property of the college*  
33 *and ~~shall~~ be responsible for the operation, management and control of the*  
34 *college;*

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

37 (7) *sue and be sued;*

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

40 (9) *fix and determine, within state adopted standards for, ~~employee~~*  
41 **all other employees'** *qualifications, duties, compensation, ~~terms of office~~*  
42 *and all other items and conditions of employment;*

43 (10) *enter into contracts;*

1 ~~(11) accept grants or contributions of money or property which the~~  
2 ~~governing board may use for or in aid of any of its purposes;~~

3 ~~(12) acquire by gift, purchase, lease-purchase or otherwise, and to~~  
4 ~~own, lease, use and operate property, whether real, personal, or mixed,~~  
5 ~~necessary or desirable for college purposes;~~

6 **(11) accept any gifts, grants or donations;**

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

8 ~~(13) enter into lease agreements as lessor of any property, whether~~  
9 ~~real, personal or mixed, which is owned or controlled by the college. Any;~~  
10 ~~such agreement may specify the purposes for which the property may be~~  
11 ~~used, require that the property be maintained and operated by the lessee,~~  
12 ~~and may contain such restrictions or limitations on the use of the property,~~  
13 ~~be entered into for such period of time and include such other terms and~~  
14 ~~conditions which the governing board determines to be necessary and~~  
15 ~~proper;~~

16 ~~(14) determine whether any property owned by the college is no~~  
17 ~~longer necessary for college purposes and to dispose of the same in such~~  
18 ~~manner and upon such terms and conditions as determined by the gov-~~  
19 ~~erning board;~~

20 ~~(15) adopt any rules and regulations, not inconsistent with the pro-~~  
21 ~~visions of law or with rules and regulations of the state board of regents,~~  
22 ~~that are necessary and proper for the administration and operation of a~~  
23 ~~college and for the conduct of business of the governing board;~~

24 ~~(16) exercise all powers not inconsistent with the provisions of law or~~  
25 ~~with the rules and regulations of the state board of regents which may be~~  
26 ~~necessary or incidental to the establishment, maintenance and operation~~  
27 ~~of a college;~~

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

32 ~~(17) (15) contract with one or more agencies, either public or private,~~  
33 ~~whether located within or outside the territory of the college or whether~~  
34 ~~located within or outside the state of Kansas for the conduct by any such~~  
35 ~~agency of academic or vocational education for students of the college and~~  
36 ~~to provide for the payment to any such agency for the contracted edu-~~  
37 ~~cational services from any funds or moneys of the college, including funds~~  
38 ~~or moneys received from student tuition and fees;~~

39 ~~(18) hold title to property and contract in the name of the governing~~  
40 ~~board of the college; and~~

41 ~~(19) (16) appoint as its resident agent for the purpose of service of~~  
42 ~~process, either the president of the technical college or the chairperson of~~  
43 ~~the governing board, or both; and~~

1     **(17) take any other action, not inconsistent with any law or any**  
2 **rules and regulations of the state board of regents, which is neces-**  
3 **sary or incidental to the establishment, operation and maintenance**  
4 **of the college;**

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

10    **(19) enter into agreements with counties relating to funding**  
11 **for capital improvement projects at technical colleges.**

12    **New Sec. 2. By approval of a majority vote of the county com-**  
13 **missioners of any county, the county may enter into agreements**  
14 **with a technical college in this state providing funds for capital**  
15 **improvement projects of such a technical college.**

16    **Sec. 3. K.S.A. 2003 Supp. 72-4478 is hereby amended to read**  
17 **as follows: 72-4478. (a) Any faculty member or employee of a**  
18 **school district whose employment is transferred to a technical col-**  
19 **lege pursuant to K.S.A. 2003 Supp. 72-4470a, and amendments**  
20 **thereto, shall retain all accrued sick leave, vacation leave and per-**  
21 **sonal leave accrued at the time of such transfer.**

22    **(b) Any faculty member or employee of a school district whose**  
23 **employment is transferred to a technical college pursuant to K.S.A.**  
24 **2003 Supp. 72-4470a, and amendments thereto, shall remain eli-**  
25 **gible for any early retirement incentive program or benefits as if**  
26 **no transfer had occurred.**

27    **(c) Any faculty member or employee of a school district whose**  
28 **employment is transferred to a technical college pursuant to K.S.A.**  
29 **2003 Supp. 72-4470a, and amendments thereto, shall retain salary**  
30 **as if no transfer had occurred.**

31    **(d) Any faculty member or employee of a school district whose**  
32 **employment is transferred to a technical college pursuant to K.S.A.**  
33 **2003 Supp. 72-4470a, and amendments thereto, shall retain**  
34 **earned due process and collective bargaining protections and rights**  
35 **as if no transfer had occurred. Organizations representing technical**  
36 **college faculty members shall continue to represent such faculty members,**  
37 **subject to K.S.A. 72-5413 et seq., and amendments thereto. Organizations**  
38 **representing technical college employees shall continue to represent such**  
39 **employees unless rescinded pursuant to subsection (c) of K.S.A. 75-4321,**  
40 **and amendments thereto, by an elected governing board.**

41    **New Sec. 4. As used in this act:**

42    **(a) “Faculty member” means any employee of a technical col-**  
43 **lege who, before their employment was transferred from a school**

1 district to the technical college pursuant to K.S.A. 2003 Supp. 72-  
2 4470a, and amendments thereto, was a professional employee of  
3 a school district, as that term is defined by subsection (c) of K.S.A.  
4 72-5413, and amendments thereto.

5 (b) “Employee” means any employee of the technical college  
6 who is not a faculty member.

7 Sec. 5. K.S.A. 2003 Supp. 74-8724 is hereby amended to read  
8 as follows: 74-8724. (a) Notwithstanding any provision of law to the  
9 contrary, the Kansas lottery commission shall establish an instant  
10 lottery scratch-off ~~game~~ *games* designated as the veterans benefit  
11 ~~game~~ *games*, which shall be conducted by the Kansas lottery. Tickets  
12 for the veterans benefit game established by this section shall be offered  
13 for sale only between May 1 through November 30, 2003, and May 1  
14 through November 30, 2004. *Four such games shall be offered in the year*  
15 *after May 1, 2004, in a timing sequence specified by the Kansas lottery*  
16 *commission.*

17 (b) The Kansas lottery commission shall adopt rules and reg-  
18 ulations governing the establishment of the veterans benefit game  
19 pursuant to K.S.A. 74-8710, and amendments thereto, except that  
20 subsection (b) of K.S.A. 74-8710, and amendments thereto, shall  
21 not apply to the veterans benefit ~~game~~ *games* established by this  
22 section.

23 (c) Notwithstanding the provisions of K.S.A. 79-4801 *et seq.*,  
24 and K.S.A. 74-8711, and amendments thereto, all net profits, re-  
25 ceived from the sale of veterans benefit ~~game~~ *games* lottery tickets,  
26 materials and games, as prescribed by rules and regulations  
27 adopted pursuant to subsection (b) of this section, shall be depos-  
28 ited in the state treasury and credited, as follows: (1) An amount  
29 equal to 50% of such net profits to the national guard assistance  
30 account of the state general fund of the state board of regents to  
31 be used for Kansas national guard educational assistance act schol-  
32 arships pursuant to K.S.A. 74-32,145 *et seq.*, and amendments  
33 thereto, and (2) an amount equal to 50% of such net profits to the  
34 soldiers’ home fee fund and the veterans’ home fee fund in an  
35 amount or amounts determined by the executive director of the  
36 Kansas commission on veterans affairs to be used for operating  
37 expenditures and capital improvements for the Kansas veterans’  
38 home, the Kansas soldiers’ home and the state veterans cemetery  
39 system.

40 (d) The Kansas lottery commission shall change the design or  
41 theme of the veterans benefit ~~game~~ *games* regularly so that the  
42 game remains competitive with the other instant lottery scratch-  
43 off games offered by such commission. The tickets for the instant

1 **lottery game authorized by this section shall clearly state that the**  
2 **profits derived from the game shall be used to benefit veterans**  
3 **and veterans issues in this state.**

4 **New Sec. 6. The state board of regents shall undertake a com-**  
5 **prehensive study of funding for higher education including finan-**  
6 **cial aid. Such study shall be submitted to the governor and legis-**  
7 **lature on or before January 10, 2005.**

8 **Sec. ~~7~~. K.S.A. 2003 Supp. 72-4470a ~~is~~, 72-4478 and 74-8724 are**  
9 **hereby repealed.**

10 **Sec. ~~8~~. This act shall take effect and be in force from and after its**  
11 **publication in the ~~statute book~~ **Kansas register.****