

(Corrected)
[As Amended by House Committee of the Whole]

As Amended by House Committee

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 143

By Committee on Education

2-8

1 AN ACT concerning postsecondary technical education; creating the
2 postsecondary tiered technical education state aid act; amending ~~K.S.A.~~
3 ~~71-601, 71-620, 72-4480 and 72-6503~~ and ~~repealing the existing~~
4 ~~sections; also repealing K.S.A. 71-613, 71-613a and 71-1706~~ and
5 ~~K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432.~~ **K.S.A. 71-601, 71-**
6 **601, as amended by section 18 of this act, 71-604, 71-609, 71-609a,**
7 **71-613, 71-614, 71-620, 71-620, as amended by section 24 of this act,**
8 **71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-**
9 **4454, 72-4480, 72-4480, as amended by section 39 of this act, 72-**
10 **6214, 72-6503, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201,**
11 **71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-**
12 **3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222**
13 **and 76-768 and repealing the existing sections; also repealing**
14 **K.S.A. 71-613, [as amended by section 22 of this act,] 71-613a, 71-**
15 **1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A.**
16 **2010 Supp. 72-4430, 72-4431, 72-4432, 72-4433 and 76-781.**
17

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

19 New Section 1. **(a)** Sections 1 through 10, and amendments thereto,
20 shall be known and may be cited as the postsecondary tiered technical
21 education state aid act.

22 **(b) This section shall take effect and be in force on and after July**
23 **1, 2011.**

24 New Sec. 2. As used in sections 1 through 10, and amendments
25 thereto:

26 (a) "Community college" means any community college established
27 in accordance with chapter 71 of the Kansas Statutes Annotated.

28 (b) "Community college operating grant" means the operating grant
29 provided for under subsection (a) of K.S.A. 71-620, and amendments
30 thereto, prior to fiscal year 2012.

31 (c) (1) "Credit hour" means the basic unit of collegiate level
32 instruction, as determined by the state board, in a subject or course offered

1 by an eligible institution at a postsecondary level not higher than those
2 programs or courses normally offered to freshmen and sophomores in
3 four-year public institutions of postsecondary education, in a program that
4 has been approved by the state board.

5 (2) The term "credit hour" does not include instruction in a program
6 or course taken by a student enrolled for audit or not for postsecondary
7 credit, or in any program or course not approved by the state board.

8 (3) The state board shall determine whether the programs and courses
9 offered are at the level of freshmen and sophomore programs and courses
10 offered in the state educational institutions and shall not approve for
11 funding any program or course offered at a higher level.

12 (d) "Eligible institution" or "institution" means any community
13 college, technical college or the institute of technology.

14 (e) "Institute of technology," "institute" or "Washburn institute of
15 technology" means the institute of technology at Washburn university.

16 (f) "Non-tiered course" means any postsecondary credit-bearing
17 course offered by an eligible institution and identified by the state board as
18 not meeting the definition of a tiered technical course. Non-tiered courses
19 include courses that are generally designed to: (1) Contribute to academic
20 knowledge or skills across multiple disciplines and occupations, such as
21 communication, writing, mathematics, humanities, social or behavioral
22 science and natural or physical science courses, some of which may be
23 considered for transfer as general education credit toward a baccalaureate
24 degree; (2) contribute to general knowledge or skills in areas such as
25 critical thinking and reasoning, problem solving, use of technology and
26 teamwork skills; (3) provide instruction in basic or foundational skills
27 necessary for individuals to effectively participate in technical programs;
28 (4) prepare individuals for certification or licensure exams or re-
29 certifications and skill updates; or (5) allow individuals to explore various
30 career opportunities. Seminars, workshops or other courses that are
31 supplemental to the primary instruction required for the occupationally
32 specific technical program shall be considered non-tiered courses, unless
33 otherwise specified by the state board.

34 (g) "State board of regents" or "state board" means the state board of
35 regents provided for in the constitution of this state and established by
36 K.S.A. 74-3202a, and amendments thereto.

37 (h) "Technical college" means a technical college designated pursuant
38 to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-4477a, and
39 amendments thereto.

40 (i) "Technical program" means any program of study comprised of a
41 sequence of tiered technical courses and non-tiered courses, which
42 program is identified by the state board as a technical program for funding
43 purposes. Technical programs must: (1) Be designed to prepare

1 individuals for gainful employment in current or emerging technical
2 occupations requiring other than a baccalaureate or advanced degree; (2)
3 lead to technical skill proficiency, an industry-recognized credential, a
4 certificate or an associate degree; and (3) be delivered by an eligible
5 institution.

6 (j) “Tiered technical course” means a postsecondary credit-bearing
7 course included in the sequence of courses comprising a technical
8 program, which course is itself designed to provide competency-based
9 applied instruction to prepare individuals with occupationally specific
10 knowledge and skills necessary for employment, and which the state
11 board has identified as a tiered technical course.

12 (k) “Tiered technical course credit hour” means a credit hour in a
13 tiered technical course.

14 (l) “Washburn institute of technology operating grant” means any
15 legislative appropriation designated for non-tiered courses delivered by the
16 Washburn institute of technology.

17 **This section shall take effect and be in force on and after July 1,**
18 **2011.**

19 New Sec. 3. (a) In each fiscal year, commencing with the 2012
20 fiscal year, each community college, technical college and the Washburn
21 institute of technology is eligible for postsecondary tiered technical
22 education state aid from the state general fund for postsecondary tiered
23 technical course credit hours approved by the state board and delivered by
24 the institution to students who are residents of the state of Kansas, in an
25 amount to be determined by the state board using a credit hour cost
26 calculation model that: (1) Is tiered to recognize and support cost
27 differentials in providing high-demand, high-tech training; (2) takes into
28 consideration target industries critical to the Kansas economy; (3) is
29 responsive to program growth; (4) takes into consideration local taxing
30 authority for credit hours generated by in-district students; and (5) includes
31 other factors and considerations as deemed necessary or advisable by the
32 state board. The state board shall establish the rates to be used as the
33 state’s share in a given year, as well as in the actual distribution.

34 (b) For purposes of sections 1 through 10, and amendments thereto,
35 residency for all community college students shall be determined in
36 accordance with K.S.A. 71-406 and 71-407, and amendments thereto, and
37 residency for all technical college and Washburn institute of technology
38 students shall be determined in accordance with laws or policies applicable
39 to those institutions.

40 (c) In fiscal year 2012, any portion of the appropriation for
41 postsecondary tiered technical education state aid that an institution
42 actually receives that is in excess of the amount of community college
43 operating grant or postsecondary aid that the institution received for fiscal

1 year 2011 shall be considered new state funds for purposes of K.S.A. 74-
2 3202d, and amendments thereto.

3 **(d) This section shall take effect and be in force on and after July**
4 **1, 2011.**

5 New Sec. 4. **(a)** In accordance with deadlines established and
6 published by the state board of regents, the chief administrative officer of
7 each eligible institution shall certify under oath to the state board any
8 information the state board deems necessary to carry out the provisions of
9 sections 1 through 10, and amendments thereto, in such form as required
10 by the state board.

11 **(b) This section shall take effect and be in force on and after July**
12 **1, 2011.**

13 New Sec. 5. **(a)** One-half of the distribution of the appropriation for
14 postsecondary tiered technical education state aid shall be made on August
15 1, and the remaining one-half shall be made on January 1 of each fiscal
16 year, or as soon thereafter as possible. The state board shall certify, on or
17 before July 20 and December 20 of each fiscal year, to the director of
18 accounts and reports the amount due on August 1 or on January 1, as the
19 case may be, to each institution eligible for postsecondary tiered technical
20 education state aid from such appropriation, and the director of accounts
21 and reports shall draw a warrant upon the state treasurer in favor of the
22 eligible institution for such amount. Upon receipt of the warrant, the
23 treasurer of each community college and the institute of technology shall
24 credit the amount of the warrant to the postsecondary technical education
25 fund of the community college or institute, and the treasurer of each
26 technical college shall credit the amount of the warrant to the general
27 operating fund of the technical college.

28 **(b) This section shall take effect and be in force on and after July**
29 **1, 2011.**

30 New Sec. 6. **(a)** No amount of postsecondary tiered technical
31 education state aid shall be based upon any credit hour for which the
32 eligible institution is receiving or eligible to receive state aid for non-tiered
33 course credit hours.

34 **(b) This section shall take effect and be in force on and after July**
35 **1, 2011.**

36 New Sec. 7. **(a)** At any time, if the state board of regents finds that
37 an eligible institution previously approved or deemed approved has failed
38 to comply with the provisions of sections 1 through 10, and amendments
39 thereto, or with any provision of a policy adopted pursuant to sections 1
40 through 10, and amendments thereto, or otherwise fails to meet the
41 standards contained in sections 1 through 10, and amendments thereto, the
42 state board of regents shall so advise the institution. If such institution fails
43 to correct the deficiency within 12 months from the date such institution

1 was so notified, the state board of regents shall withdraw approval of the
2 institution and the institution shall not be entitled to postsecondary tiered
3 technical education state aid during any such period of withdrawal. Any
4 action of the state board of regents in denying or withdrawing approval of
5 an institution shall be subject to review by the legislature.

6 **(b) This section shall take effect and be in force on and after July**
7 **1, 2011.**

8 New Sec. 8. (a) There is hereby established a postsecondary
9 technical education fund in each community college and at Washburn
10 university for the Washburn institute of technology. All moneys received
11 by a community college or for the institute of technology for establishing,
12 conducting, maintaining and administering any technical program shall be
13 deposited in the postsecondary technical education fund, unless required
14 by federal or state law to be deposited in the institution's general fund. The
15 expenses of a community college or the institute of technology that are
16 attributable to career technical education shall be paid from the
17 postsecondary technical education fund.

18 (b) There is hereby established a general operating fund in each
19 technical college budget. All moneys received by a technical college for
20 delivering tiered technical course credit hours and non-tiered course credit
21 hours shall be deposited in the general operating fund of the college. The
22 expenses of a technical college that are attributable to career technical
23 education shall be accounted for separately from the expenses of the
24 college that are not attributable to career technical education.

25 (c) Community colleges, technical colleges and the Washburn
26 institute of technology shall maintain fund accounting procedures as may
27 be necessary to assure proper accounting for funds for career technical
28 education courses, whether received directly from the federal government
29 or any of its agencies, or received through the state or any of its agencies.

30 **(d) This section shall take effect and be in force on and after July**
31 **1, 2011.**

32 New Sec. 9. (a) Any lawful transfer of money from the general
33 fund of a community college or the Washburn institute of technology to
34 the postsecondary technical education fund of such institution shall be an
35 operating expense in the year the transfer is made. The board of any
36 community college or the Washburn institute of technology may transfer
37 moneys from its general fund to its postsecondary technical education
38 fund. Expenditures for career technical education shall not be made from
39 the general fund of a community college or the Washburn institute of
40 technology.

41 **(b) This section shall take effect and be in force on and after July**
42 **1, 2011.**

43 New Sec. 10. (a) The state board may adopt such policies as are

1 necessary or desirable to implement and administer this act.

2 **(b) This section shall take effect and be in force on and after July**
3 **1, 2011.**

4 New Sec. 11. **(a)** On or before November 1 and on or before March
5 1 of each year, the chief administrative officer of each technical college
6 shall certify under oath to the state board the total number of duly enrolled
7 credit hours of students of the technical college during the current session
8 who are state residents. Each November 1 and March 1, certification for
9 payment shall set forth separately the credit hour enrollment for preceding
10 sessions and for the current fall session. The state board may require the
11 technical college to furnish any additional information deemed necessary
12 by it to carry out the provisions of sections 11, 12 and K.S.A. 72-4480, and
13 amendments thereto, and shall prescribe such forms and policies as may be
14 necessary for making such reports.

15 **(b) This section shall take effect and be in force on and after July**
16 **1, 2011.**

17 New Sec. 12. **(a)** If the amount of any appropriation for non-tiered
18 course credit hour grant aid is insufficient to pay in full the amount each
19 technical college is eligible to receive, the amount appropriated shall be
20 prorated among all technical colleges in proportion to the amount each is
21 eligible to receive.

22 **(b)** If any technical college is paid more than the amount it is eligible
23 to receive, the state board shall notify the technical college of the amount
24 of the overpayment and the technical college shall remit the same to the
25 state board and the state board shall deposit the same in the state treasury
26 to the credit of the general fund, and if any such technical college fails to
27 remit, the state board shall deduct the excess amount so paid from future
28 payments becoming due to such technical college.

29 **(c)** If any technical college is paid less than the amount it is eligible to
30 receive, the state board shall pay the additional amount due at any time
31 within the fiscal year in which the underpayment was made or within 60
32 days after the end of such fiscal year.

33 **(d)** As used in this section, the term "non-tiered course" shall have the
34 same meaning ascribed thereto in section 2, and amendments thereto.

35 **(e) This section shall take effect and be in force on and after July**
36 **1, 2011.**

37 ~~Sec. 13. K.S.A. 71-601 is hereby amended to read as follows: 71-601.~~
38 ~~(a) "Credit hour" means the basic unit of collegiate level instruction, as~~
39 ~~determined by the state board, in a subject or course offered at a level not~~
40 ~~higher than those subjects or courses normally offered to freshmen and~~
41 ~~sophomores in four-year institutions of postsecondary education which~~
42 ~~subject or course is approved by the state board.~~

43 ~~(b) The term "credit hour" does not include within its meaning~~

1 instruction in a subject or course taken by a student enrolled for audit or in
2 any subject or course not approved by the state board.

3 ~~(e) The state board shall determine whether the subjects and courses~~
4 ~~offered in the community colleges are at the level of freshmen and~~
5 ~~sophomore subjects and courses offered in the state educational~~
6 ~~institutions and shall not approve for funding any subject or course offered~~
7 ~~at a higher level.~~

8 ~~(b) "Full-time equivalent enrollment" or "FTE enrollment" means the~~
9 ~~quotient obtained by dividing by 30 the total credit hour enrollment in a~~
10 ~~fiscal year of students of a community college who are residents of the~~
11 ~~state of Kansas, or are considered residents of the state of Kansas pursuant~~
12 ~~to the provisions of K.S.A. 71-407, and amendments thereto.~~

13 ~~(c) "State grant" means the operating grant provided for under~~
14 ~~subsection (a) of K.S.A. 71-620, and amendments thereto, and if~~
15 ~~entitlement is determined, the quality performance grant provided for~~
16 ~~under subsection (b) of K.S.A. 71-620, and amendments thereto.~~

17 ~~Sec. 14. K.S.A. 71-620 is hereby amended to read as follows: 71-620.~~

18 ~~(a) In each fiscal year, commencing with the 2001-2012 fiscal year, each~~
19 ~~community college is entitled to an operating eligible for a grant from the~~
20 ~~state general fund, in an amount to be determined by the state board, for~~
21 ~~non-tiered course credit hours, as defined in section 2, and amendments~~
22 ~~thereto, approved by the state board and delivered by the community~~
23 ~~college. The method of distribution of such funds shall be established by~~
24 ~~the state board after dialogue with the community college presidents. The~~
25 ~~state board shall:~~

26 ~~(1) Determine the average amount of moneys from the state general~~
27 ~~fund expended per FTE lower division undergraduate student in the~~
28 ~~preceding fiscal year at the regional state educational institutions;~~

29 ~~(2) (A) in the 2001 fiscal year, compute 50% of the amount~~
30 ~~determined under (1); (B) in the 2002 fiscal year, compute 55% of the~~
31 ~~amount determined under (1); (C) in the 2003 fiscal year, compute 60% of~~
32 ~~the amount determined under (1); in the 2004 fiscal year and in each fiscal~~
33 ~~year thereafter, compute 65% of the amount determined under (1);~~

34 ~~(3) determine the total number of FTE students of all the community~~
35 ~~colleges;~~

36 ~~(4) multiply the amount computed under (2) by the total number of~~
37 ~~FTE students determined under (3). Subject to the provisions of subsection~~
38 ~~(c) of K.S.A. 74-3202d, and amendments thereto, the product is the total~~
39 ~~amount of operating grants the community colleges are entitled to receive~~
40 ~~for the fiscal year.~~

41 ~~(5) Each community college which is not an officially designated area~~
42 ~~vocational school shall receive an amount equivalent to the difference~~
43 ~~between credit hour state aid received in the 1999 fiscal year for credit~~

1 hours in any subject or course approved as a vocational education subject
2 or course and 1 1/6 times the amount of credit hour state aid received in
3 the 1999 fiscal year for credit hours in any subject or course approved as a
4 vocational education subject or course. The amount determined under this
5 provision shall be distributed in equal installments in the 2001 through
6 2004 fiscal years as a part of the community college's operating grant, but
7 shall not be subject to the provisions of K.S.A. 71-204, and amendments
8 thereto.

9 ~~(6) In each fiscal year, the state board, for the purpose of allocating~~
10 ~~the amount determined under (4) to the community colleges, shall deduct~~
11 ~~the total of the amounts determined under (5) from the amount determined~~
12 ~~under (4).~~

13 ~~(7) In the 2001 fiscal year, the remaining balance determined under~~
14 ~~(6) shall be allocated to each community college according to the ratio the~~
15 ~~total amount of state aid received by the community college in the 2000~~
16 ~~fiscal year bears to the total amount of state aid received by all community~~
17 ~~colleges in the 2000 fiscal year, subject to adjustments for changes in each~~
18 ~~community college's FTE enrollment from the 2000 fiscal year to the 2001~~
19 ~~fiscal year.~~

20 ~~(8) In the 2002 fiscal year and in each fiscal year thereafter, the~~
21 ~~remaining balance determined under (6) shall be allocated to each~~
22 ~~community college according to the ratio the amount of the operating grant~~
23 ~~received by the community college in the prior fiscal year bears to the total~~
24 ~~amount of operating grants received by all community colleges in the prior~~
25 ~~fiscal year, subject to adjustments for changes in each community college's~~
26 ~~FTE enrollment from the prior fiscal year to the current fiscal year.~~

27 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, each~~
28 ~~community college is eligible to receive a quality performance grant from~~
29 ~~the state general fund. If the state board determines that the community~~
30 ~~college has demonstrated effectiveness in complying with its role and~~
31 ~~mission statement and has met or exceeded the core indicators of quality~~
32 ~~performance for community colleges identified and approved by the state~~
33 ~~board, the community college shall receive a quality performance grant in~~
34 ~~an amount which shall be determined by the state board by computing 2%~~
35 ~~of the amount of the operating grant the community college received in the~~
36 ~~preceding fiscal year. The computed amount is the amount of the quality~~
37 ~~performance grant the community college shall receive for the fiscal year.~~
38 ~~No amount of grant under this section shall be based upon any credit hour~~
39 ~~for which the community college is receiving or is eligible to receive~~
40 ~~postsecondary tiered technical education state aid in accordance with~~
41 ~~section 3, and amendments thereto. Only the credit hours of students who~~
42 ~~are residents of the state of Kansas enrolled in courses for postsecondary~~
43 ~~credit shall be considered for funding.~~

1 ~~(c) For the purposes of this section, the FTE enrollment of the~~
2 ~~community college shall be based on: (1) Enrollment of students who are~~
3 ~~residents of the state of Kansas, or are considered residents of the state of~~
4 ~~Kansas pursuant to the provisions of K.S.A. 71-407, and amendments~~
5 ~~thereto; and (2) the greater of FTE enrollment of the community college in~~
6 ~~the current fiscal year or FTE enrollment in the preceding fiscal year. For~~
7 ~~purposes of this section, residency for all community college students shall~~
8 ~~be determined in accordance with K.S.A. 71-406 and 71-407, and~~
9 ~~amendments thereto.~~

10 ~~(d) As used in this section, the term regional state educational~~
11 ~~institutions means Emporia state university, Fort Hays state university and~~
12 ~~Pittsburg state university and the term lower division undergraduate~~
13 ~~student means a freshman or sophomore.~~

14 ~~Sec. 15. K.S.A. 72-4480 is hereby amended to read as follows: 72-~~
15 ~~4480. (a) In each fiscal year, commencing with the 2012 fiscal year, each~~
16 ~~technical college, as defined in section 2, and amendments thereto, is~~
17 ~~eligible for a grant from the state general fund, in an amount to be~~
18 ~~determined by the state board of regents, for non-tiered course credit~~
19 ~~hours, as defined in section 2, and amendments thereto, approved by the~~
20 ~~state board and delivered by the technical college. The method of~~
21 ~~distribution of such funds shall be established by the state board after~~
22 ~~dialogue with the technical college presidents.~~

23 ~~(b) No amount of grant under this section shall be based upon any~~
24 ~~credit hour for which the technical college is receiving or is eligible to~~
25 ~~receive postsecondary tiered technical education state aid in accordance~~
26 ~~with section 3, and amendments thereto. Only the credit hours of students~~
27 ~~who are residents of the state of Kansas enrolled in courses for~~
28 ~~postsecondary credit shall be considered for funding.~~

29 ~~(c) The state board of regents shall identify and approve core~~
30 ~~indicators of quality performance for vocational education schools and~~
31 ~~technical colleges and shall establish and implement a data management~~
32 ~~system that includes a process and format for collecting, aggregating and~~
33 ~~reporting common and institution-specific information documenting~~
34 ~~effectiveness of the schools and colleges in meeting the role and mission~~
35 ~~thereof.~~

36 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, each~~
37 ~~vocational education school and technical college is eligible to receive a~~
38 ~~quality performance grant from the state general fund. If the state board~~
39 ~~determines that the school or college has demonstrated effectiveness in~~
40 ~~complying with its role and mission statement and has met or exceeded the~~
41 ~~core indicators of quality performance for vocational education schools~~
42 ~~and technical colleges identified and approved by the state board, the~~
43 ~~school or college shall receive a quality performance grant in an amount~~

1 which shall be determined by the state board by computing 2% of the
 2 amount of postsecondary aid the school or college received in the
 3 preceding fiscal year. The computed amount is the amount of the quality
 4 performance grant the school or college shall receive for the fiscal year.

5 ~~(c) (d) One half of the distribution of the appropriation for quality~~
 6 ~~performance grants under this section to vocational education schools and~~
 7 ~~technical colleges entitled to eligible for such grants shall be made at a~~
 8 ~~time to be determined by the state board, on August 1, and the remaining~~
 9 ~~one-half shall be made on January 1 of each fiscal year, or as soon~~
 10 ~~thereafter as possible. The state board shall certify, on or before July 20~~
 11 ~~and December 20 of each fiscal year, to the director of accounts and~~
 12 ~~reports the amount due on August 1 or January 1, as the case may be, to~~
 13 ~~each vocational education school and technical college entitled to eligible~~
 14 ~~for a grant, and the director of accounts and reports shall draw a warrant~~
 15 ~~upon the state treasurer in favor of the school or technical college for such~~
 16 ~~amount. Upon receipt of the warrant, the treasurer of the school or~~
 17 ~~technical college shall credit the amount of the warrant to the general fund~~
 18 ~~of the technical college.~~

19 **Sec. 13.** *On July 1, 2011, K.S.A. 71-601, as amended by section 18 of*
 20 *this act, is hereby amended to read as follows: 71-601. (a) "Credit hour"*
 21 *means the basic unit of collegiate level instruction, as determined by the*
 22 *state board, in a subject or course offered at a level not higher than those*
 23 *subjects or courses normally offered to freshmen and sophomores in four-*
 24 *year institutions of postsecondary education which subject or course is*
 25 *approved by the state board. ~~Credit hour-~~*

26 *(b) **The term "credit hour" does not include within its meaning***
 27 ***instruction in a subject or course taken by a student enrolled for audit***
 28 ***or in any subject or course not approved by the state board.***

29 *(c) **The state board shall determine whether the subjects and***
 30 ***courses offered in the community colleges are at the level of freshmen***
 31 ***and sophomore subjects and courses offered in the state educational***
 32 ***institutions and shall not approve for funding any subject or course***
 33 ***offered at a higher level.***

34 *(b) "Full-time equivalent enrollment" or "FTE enrollment" means the*
 35 *quotient obtained by dividing by 30 the total credit hour enrollment in a*
 36 *fiscal year of students of a community college who are residents of the*
 37 *state of Kansas, or are considered residents of the state of Kansas pursuant*
 38 *to the provisions of K.S.A. 71-407, and amendments thereto.*

39 *(c) "State operating grant" means the community college operating*
 40 *grant provided for under subsection (a) of K.S.A. 71-620, and amendments*
 41 *thereto, and if eligibility is determined, the quality performance grant*
 42 *provided for under subsection (b) of K.S.A. 71-620, and amendments*
 43 *thereto.*

1 **Sec. 14.** *On July 1, 2011, K.S.A. 71-620, as amended by section 24 of*
2 *this act, is hereby amended to read as follows: 71-620. (a) In each fiscal*
3 *year, commencing with the 2001 2012 fiscal year, each community college*
4 *is eligible to receive an operating for a grant from the state general fund in*
5 *an amount to be determined by the state board, for non-tiered course*
6 *credit hours, as defined in section 2, and amendments thereto, approved by*
7 *the state board and delivered by the community college. The method of*
8 *distribution of such funds shall be established by the state board after*
9 *dialogue with the community college presidents. The state board shall:*

10 (1) ~~Determine the average amount of moneys from the state general~~
11 ~~fund expended per FTE lower division undergraduate student in the~~
12 ~~preceding fiscal year at the regional state educational institutions;~~

13 (2) (A) ~~in the 2001 fiscal year, compute 50% of the amount~~
14 ~~determined under (1); (B) in the 2002 fiscal year, compute 55% of the~~
15 ~~amount determined under (1); (C) in the 2003 fiscal year, compute 60% of~~
16 ~~the amount determined under (1); (D) in the 2004 fiscal year and in each~~
17 ~~fiscal year thereafter, compute 65% of the amount determined under (1);~~

18 (3) ~~determine the total number of FTE students of all the community~~
19 ~~colleges;~~

20 (4) ~~multiply the amount computed under (2) by the total number of~~
21 ~~FTE students determined under (3). Subject to the provisions of subsection~~
22 ~~(e) of K.S.A. 74-3202d, and amendments thereto, the product is the total~~
23 ~~amount of operating grants the community colleges are entitled to receive~~
24 ~~for the fiscal year.~~

25 (5) ~~In the 2002 fiscal year and in each fiscal year thereafter, the~~
26 ~~amount determined under (4) shall be allocated to each community college~~
27 ~~according to the ratio the amount of the operating grant received by the~~
28 ~~community college in the prior fiscal year bears to the total amount of~~
29 ~~operating grants received by all community colleges in the prior fiscal~~
30 ~~year, subject to adjustments for changes in each community college's FTE~~
31 ~~enrollment from the prior fiscal year to the current fiscal year.~~

32 (b) ~~In each fiscal year, commencing with the 2003 fiscal year, each~~
33 ~~community college is eligible to receive a quality performance grant from~~
34 ~~the state general fund. If the state board determines that the community~~
35 ~~college has demonstrated effectiveness in complying with its role and~~
36 ~~mission statement and has met or exceeded the core indicators of quality~~
37 ~~performance for community colleges identified and approved by the state~~
38 ~~board, the community college shall receive a quality performance grant in~~
39 ~~an amount which shall be determined by the state board by computing 2%~~
40 ~~of the amount of the operating grant the community college received in the~~
41 ~~preceding fiscal year. The computed amount is the amount of the quality~~
42 ~~performance grant the community college shall receive for the fiscal year.~~
43 *No amount of grant under this section shall be based upon any credit hour*

1 *for which the community college is receiving or is eligible to receive*
 2 *postsecondary tiered technical education state aid in accordance with*
 3 *section 3, and amendments thereto. Only the credit hours of students who*
 4 *are residents of the state of Kansas enrolled in courses for postsecondary*
 5 *credit shall be considered for funding.*

6 ~~(c) For the purposes of this section, the FTE enrollment of the~~
 7 ~~community college shall be based on: (1) Enrollment of students who are~~
 8 ~~residents of the state of Kansas, or are considered residents of the state of~~
 9 ~~Kansas pursuant to the provisions of K.S.A. 71-407, and amendments~~
 10 ~~thereto; and (2) the greater of FTE enrollment of the community college in~~
 11 ~~the current fiscal year or FTE enrollment in the preceding fiscal year. For~~
 12 ~~purposes of this section, residency for all community college students shall~~
 13 ~~be determined in accordance with K.S.A. 71-406 and 71-407, and~~
 14 ~~amendments thereto.~~

15 ~~(d) As used in this section, the term "regional state educational~~
 16 ~~institutions" means Emporia state university, Fort Hays state university~~
 17 ~~and Pittsburg state university and the term "lower division undergraduate~~
 18 ~~student" means a freshman or sophomore.~~

19 **Sec. 15.** *On July 1, 2011, K.S.A. 72-4480, as amended by section 39*
 20 *of this act, is hereby amended to read as follows: 72-4480. (a) In each*
 21 *fiscal year, commencing with the 2012 fiscal year, each technical college,*
 22 *as defined in section 2, and amendments thereto, is eligible for a grant*
 23 *from the state general fund, in an amount to be determined by the state*
 24 *board of regents, for non-tiered course credit hours, as defined in section*
 25 *2, and amendments thereto, approved by the state board and delivered by*
 26 *the technical college. The method of distribution of such funds shall be*
 27 *established by the state board after dialogue with the technical college*
 28 *presidents.*

29 *(b) No amount of grant under this section shall be based upon any*
 30 *credit hour for which the technical college is receiving or is eligible to*
 31 *receive postsecondary tiered technical education state aid in accordance*
 32 *with section 3, and amendments thereto. Only the credit hours of students*
 33 *who are residents of the state of Kansas enrolled in courses for*
 34 *postsecondary credit shall be considered for funding.*

35 ~~(a)~~ *(c) The state board of regents shall identify and approve core*
 36 *indicators of quality performance for technical colleges and shall*
 37 *establish and implement a data management system that includes a*
 38 *process and format for collecting, aggregating and reporting common and*
 39 *institution-specific information documenting effectiveness of the colleges*
 40 *in meeting the role and mission thereof.*

41 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, each~~
 42 ~~technical college is eligible to receive a quality performance grant from the~~
 43 ~~state general fund. If the state board determines that the college has~~

1 demonstrated effectiveness in complying with its role and mission
 2 statement and has met or exceeded the core indicators of quality
 3 performance for technical colleges identified and approved by the state
 4 board, the college shall receive a quality performance grant in an amount
 5 which shall be determined by the state board by computing 2% of the
 6 amount of state aid the college received in the preceding fiscal year. The
 7 computed amount is the amount of the quality performance grant the
 8 college shall receive for the fiscal year.

9 (e) (d) *The One-half of the distribution of the appropriation for*
 10 *quality performance grants under this section to technical colleges entitled*
 11 *to eligible for such grants shall be made at a time to be determined by the*
 12 *state board. On August 1, and the remaining one half shall be made on*
 13 *January 1 of each fiscal year, or as soon thereafter as possible. The state*
 14 *board shall certify, on or before July 20 and December 20 of each fiscal*
 15 *year to the director of accounts and reports the amount due on August 1 or*
 16 *January 1, as the case may be, to each technical college entitled to eligible*
 17 *for a grant, and the director of accounts and reports shall draw a warrant*
 18 *upon the state treasurer in favor of the technical college for such amount.*
 19 *Upon receipt of the warrant, the treasurer of the technical college shall*
 20 *credit the amount of the warrant to the general fund of the technical*
 21 *college.*

22 Sec. 16. [On July 1, 2011,] K.S.A. 72-6503 is hereby amended to
 23 read as follows: 72-6503. (a) *Except to the extent provided in subsection*
 24 *(4), in each fiscal year, the university is entitled to an operating grant from*
 25 *the state general fund in an amount to be determined by the state board.*
 26 *The state board shall:*

27 (1) Determine the average amount of moneys from the state general
 28 fund expended per FTE lower division undergraduate student in the
 29 preceding fiscal year at the regional state educational institutions;

30 (2) (A) in the 2002 fiscal year, compute 55% of the amount
 31 determined under (1); (B) in the 2003 fiscal year, compute 60% of the
 32 amount determined under (1); (C) in the 2004 fiscal year and in each fiscal
 33 year thereafter, compute 65% of the amount determined under (1);

34 (3) multiply the amount computed under (2) by the number of FTE
 35 students of the university. Subject to the provisions of subsection (e) of
 36 K.S.A. 74-3202d, and amendments thereto, the product is the amount of
 37 the operating grant the university is entitled to receive for the fiscal year.

38 (4) *Notwithstanding the foregoing provisions, no amount of the*
 39 *university's operating grant shall be based upon any credit hour for which*
 40 *the university or its affiliated institute of technology is receiving or is*
 41 *eligible to receive postsecondary tiered technical education state aid in*
 42 *accordance with section 3, and amendments thereto.*

43 (b) ~~In each fiscal year, commencing with the 2003 fiscal year, the-~~

1 university is eligible to receive a quality performance grant from the state
 2 general fund. If the state board determines that the university has
 3 demonstrated effectiveness in complying with its mission and goals
 4 statement and has met or exceeded the core indicators of quality
 5 performance identified and approved for the university by the state board,
 6 the university shall receive a quality performance grant in an amount
 7 which shall be determined by the state board by computing 2% of the
 8 amount of the operating grant the university received in the preceding
 9 fiscal year. The computed amount is the amount of the quality performance
 10 grant the university shall receive for the fiscal year.

11 (e) (1) For the purposes of this section, the FTE enrollment of the
 12 university shall be based on: (A) Enrollment of students who are residents
 13 of the state of Kansas; and (B) the greater of FTE enrollment in the second
 14 or third fiscal year preceding the fiscal year for which the appropriation for
 15 the operating grant is made.

16 (2) As used in this section, the term "regional state educational
 17 institutions" means Emporia state university, Fort Hays state university
 18 and Pittsburg state university, and the term "lower division undergraduate
 19 student" means a freshman or sophomore.

20 (d) (c) Moneys received as state grants from the state general fund
 21 shall not be expended for the purpose of expansion of graduate programs
 22 or for the purpose of expansion of off-campus programs without the prior
 23 approval of the state board.

24 **Sec. 17. K.S.A. 2010 Supp. 71-201 is hereby amended to read as**
 25 **follows: 71-201. (a) The board of trustees, in accordance with the**
 26 **provisions of law and the rules and regulations of the state board of**
 27 **regents, shall have custody of and be responsible for the property of**
 28 **the community college and shall be responsible for the operation,**
 29 **management and control of the college. The board of trustees shall**
 30 **hold at least one regular meeting each month at a time prescribed by**
 31 **the board. The board shall make an annual report in the manner**
 32 **prescribed by the state board of regents. Members of the board of**
 33 **trustees shall be paid subsistence allowances, mileage and other actual**
 34 **and necessary expenses incurred in the performance of their official**
 35 **duties.**

36 (b) For effectuation of the purposes of this act, the board of
 37 trustees in addition to such other powers expressly granted to it by law
 38 and subject to the rules and regulations of the state board of regents is
 39 hereby granted the following powers:

40 (1) To select its own chairperson and such other officers as it may
 41 deem desirable, from among its own membership. The secretary may
 42 be chief administrative officer of the college.

43 (2) To sue and be sued.

1 **(3) To determine the educational program of the college subject**
2 **to prior approval thereof as provided in this act and to grant**
3 **certificates of completion of courses or curriculum.**

4 **(4) To appoint and fix the compensation and term of office of a**
5 **president or chief administrative officer of the college.**

6 **(5) To appoint upon nomination of the president or the chief**
7 **administrative officer members of the administrative and teaching**
8 **staffs, to fix and determine within state adopted standards their**
9 **specifications, define their duties, and to fix their compensation and**
10 **terms of employment. No community college teacher shall be required**
11 **to meet licensure requirements greater than those required in the state**
12 **educational institutions.**

13 **(6) Upon recommendation of the chief administrative officer, to**
14 **appoint or employ such other officers of the college, agents and**
15 **employees as may be required to carry out the provisions of law and to**
16 **fix and determine within state adopted standards their qualifications,**
17 **duties, compensation, terms of office or employment and all other**
18 **items and conditions of employment.**

19 **(7) To enter into contracts.**

20 **(8) To accept from any government or governmental agency, or**
21 **from any other public or private body, or from any other source,**
22 **grants or contributions of money or property which the board may**
23 **use for or in aid of any of its purposes.**

24 **(9) To acquire by gift, purchase, lease-purchase, condemnation or**
25 **otherwise, and to own, lease, use and operate property, whether real,**
26 **personal, or mixed, or any interest therein, which is necessary or**
27 **desirable for community college purposes. Any lease-purchase**
28 **agreement entered into under authority of this subsection shall be**
29 **subject to the conditions set forth in K.S.A. 10-1116c, and amendments**
30 **thereto. The term of any lease entered into under authority of this**
31 **subsection may be for not to exceed 10 years. Such lease may provide**
32 **for annual or other payment of rent or rental fees and may obligate**
33 **the community college to payment of maintenance or other expenses.**
34 **Any lease or lease-purchase agreement entered into under authority of**
35 **this subsection shall be subject to change or termination at any time**
36 **by the legislature. Any assignment of rights in any lease or lease-**
37 **purchase made under this subsection shall contain a citation of this**
38 **section and a recitation that the lease or lease-purchase agreement and**
39 **assignment thereof are subject to change or termination by the**
40 **legislature. To the extent that the provisions of the cash-basis and**
41 **budget laws conflict with this subsection in such a manner as to**
42 **prevent the intention of this subsection from being made effective, the**
43 **provisions of this subsection shall control. This provision is subject to**

1 the provisions of subsection (d).

2 (10) To enter into lease agreements as lessor of any property,
3 whether real, personal, or mixed, which is owned or controlled by the
4 community college. Any such agreement may specify the purposes for
5 which the property may be used, require that the property be
6 maintained and operated by the lessee, and may contain such
7 restrictions or limitations on the use of the property, be entered into
8 for such period of time, and include such other terms and conditions
9 as the board of trustees determines to be necessary and proper. Every
10 such agreement shall be subject to change or termination at any time
11 by the legislature. Any assignment of rights under any such agreement
12 shall be subject to approval by the board of trustees and shall contain
13 a citation of this section and a recitation that the lease agreement and
14 assignment of rights thereunder are subject to change or termination
15 by the legislature.

16 (11) To determine that any property owned by the college is no
17 longer necessary for college purposes and to dispose of the same in
18 such manner and upon such terms and conditions as provided by law.

19 (12) To exercise the right of eminent domain, pursuant to chapter
20 26 of Kansas Statutes Annotated.

21 (13) To make and promulgate such rules and regulations, not
22 inconsistent with the provisions of law or with rules and regulations of
23 the state board of regents, that are necessary and proper for the
24 administration and operation of the community college, and for the
25 conduct of the business of the board of trustees.

26 (14) To exercise all other powers not inconsistent with the
27 provisions of law or with the rules and regulations of the state board
28 of regents which may be reasonably necessary or incidental to the
29 establishment, maintenance and operation of a community college.

30 (15) To appoint a member to fill any vacancy on the board of
31 trustees for the balance of the unexpired term. When a vacancy
32 occurs, the board shall publish a notice one time in a newspaper
33 having general circulation in the community college district stating
34 that the vacancy has occurred and that it will be filled by appointment
35 by the board not sooner than 15 days after such publication.

36 (16) To contract with one or more agencies, either public or
37 private, whether located within or outside the community college
38 district or whether located within or outside the state of Kansas for the
39 conduct by any such agencies of ~~academic or vocational~~ education for
40 students of the community college, and to provide for the payment to
41 any such agencies for their contracted educational services from any
42 funds or moneys of the community college, including funds or moneys
43 received from student tuition and fees, funds received from the state of

1 Kansas or the United States for academic or vocational education, or
2 taxes collected under K.S.A. 71-204, and amendments thereto. Any
3 contract made under this subsection with an institution of another
4 state shall be subject to the provisions of K.S.A. 71-202, and
5 amendments thereto.

6 (17) To authorize by resolution the establishment of a petty cash
7 fund in an amount not to exceed \$1,000, and to designate in such
8 resolution an employee to maintain such petty cash fund. The
9 employee designated in any resolution provided for in this subsection
10 receiving such funds shall keep a record of all receipts and
11 expenditures from the fund, and shall from time to time, and at the
12 end of the fiscal year, prepare a statement for the board showing all
13 receipts, expenditures, and the balance in the petty cash fund. The
14 board of trustees may authorize the employee designated to maintain
15 any petty cash fund to make a claim for replenishment of the fund to
16 its original amount in advance of approval by the board of trustees if,
17 at any time during the period between regular monthly meetings of
18 the board of trustees, the balance remaining in the fund is insufficient
19 to make needed expenditures for any purpose for which the petty cash
20 fund is maintained. No petty cash fund may be replenished more than
21 one time during each period between regular monthly meetings of the
22 board of trustees. If a petty cash fund is replenished prior to the end
23 of the fiscal year in accordance with the foregoing authorization, the
24 employee authorized to maintain the petty cash fund shall keep an
25 accurate record of all expenditures made therefrom, and the purpose
26 therefor, and shall submit the record to the board of trustees at the
27 next regular monthly meeting thereof. The petty cash fund shall be
28 replenished by payment from the appropriate funds of the community
29 college to the petty cash fund upon proper claim. The fund shall be
30 kept separate from all other funds and shall be used only for
31 authorized expenditures and itemized receipts shall be taken for each
32 expenditure. No part of such fund may be loaned or advanced against
33 the salary of an employee. All employees entrusted with such funds
34 under this subsection shall be bonded by the community college
35 district.

36 (c) Subject to the provisions of subsection (d), the board of
37 trustees may purchase or otherwise acquire land or land and
38 improvements and may acquire, construct, reconstruct, repair or
39 remodel improvements thereon or additions thereto, including
40 furnishings, equipment, and architectural and incidental expense
41 related thereto, and for such purposes the board of trustees is
42 authorized to issue and sell general obligation bonds, the cumulative
43 total not to exceed the following amounts: Where the community

1 college district has a taxable tangible valuation of less than
2 \$90,000,000 or is located in a county designated as urban under the
3 provisions of K.S.A. 19-3524, and amendments thereto, not to exceed
4 5% of the taxable tangible property of the community college district,
5 and where the community college district has a taxable tangible
6 valuation of more than \$90,000,000 not to exceed 3% except as
7 provided above for any community college district located in a county
8 designated as urban under the provisions of K.S.A. 19-3524, and
9 amendments thereto, of the taxable tangible property of the
10 community college district. If any increase in the valuation of a
11 community college district results in an outstanding bonded
12 indebtedness in excess of that provided in this subsection, such
13 increase shall not constitute a violation of this subsection. No such
14 bonds shall be issued until the question of their issuance shall have
15 been submitted to a vote of the electors of the community college
16 district at a regular election or at a special election called for that
17 purpose and the majority of the electors voting on the proposition in
18 such community college district shall have voted in favor of the
19 issuance of the bonds. Such election shall be called, noticed and held
20 and the bonds issued, sold, delivered and retired in accordance with
21 the provisions of the general bond law except as herein otherwise
22 expressly provided.

23 (d) The board of trustees of a community college may purchase or
24 otherwise acquire land or land and improvements within: (1) The
25 community college district; or (2) the service area of the community
26 college. Nothing in this subsection shall be construed or operate in any
27 manner to require a board of trustees to sell, convey or otherwise
28 dispose of land or land and improvements located outside the
29 community college district or the service area of the community
30 college and owned or being acquired by the community college on the
31 effective date of this act.

32 For the purposes of this subsection, "service area" means *a*
33 designated geographic area of the state established pursuant to
34 agreement of the presidents of the community colleges and adopted in
35 policy by the state board of regents.

36 Sec. 18. K.S.A. 71-601 is hereby amended to read as follows: 71-
37 601. (a) "Credit hour" means the basic unit of collegiate level
38 instruction, as determined by the state board, in a subject or course
39 offered at a level not higher than those subjects or courses normally
40 offered to freshmen and sophomores in four-year institutions of
41 postsecondary education which subject or course is approved by the
42 state board. Credit hour does not include within its meaning
43 instruction in a subject or course taken by a student enrolled for audit

1 or in any subject or course not approved by the state board. The state
2 board shall determine whether the subjects and courses offered in the
3 community colleges are at the level of freshmen and sophomore
4 subjects and courses offered in the state educational institutions and
5 shall not approve any subject or course offered at a higher level.

6 (b) "Full-time equivalent enrollment" or "FTE enrollment"
7 means the quotient obtained by dividing by 30 the total credit hour
8 enrollment in a fiscal year of students of a community college who are
9 residents of the state of Kansas, or are considered residents of the state
10 of Kansas pursuant to the provisions of K.S.A. 71-407, and
11 amendments thereto.

12 (c) "State operating grant" means the *community college operating*
13 *grant* provided for under subsection (a) of K.S.A. 71-620, and
14 amendments thereto, and if ~~entitlement~~ *eligibility* is determined, the
15 quality performance grant provided for under subsection (b) of K.S.A.
16 71-620, and amendments thereto.

17 Sec. 19. K.S.A. 71-604 is hereby amended to read as follows: 71-
18 604. (a) If the amount of any appropriation for state ~~entitlements~~ *aid* is
19 insufficient to pay in full the amount each community college is
20 ~~entitled~~ *otherwise eligible* to receive, the amount appropriated shall be
21 prorated among all community colleges in proportion to the amount
22 each is ~~entitled~~ *eligible* to receive.

23 (b) If any community college is paid more than the amount it is
24 ~~entitled~~ *eligible* to receive, the state board shall notify the community
25 college of the amount of the overpayment and the community college
26 shall remit the same to the state board and the state board shall
27 deposit the same in the state treasury to the credit of the general fund,
28 and if any such community college fails so to remit, the state board
29 shall deduct the excess amount so paid from future payments
30 becoming due to such community college.

31 (c) If any community college is paid less than the amount it is
32 ~~entitled~~ *eligible* to receive, the state board shall pay the additional
33 amount due at any time within the fiscal year in which the
34 underpayment was made or within 60 days after the end of such fiscal
35 year.

36 Sec. 20. K.S.A. 71-609 is hereby amended to read as follows: 71-
37 609. (a) No amount of a state ~~entitlement~~ *funding* shall be based upon
38 enrollment in any subject or course the principal part of which is
39 taught at a location outside the county of the main campus of the
40 community college, unless the location of such subject or course is
41 specifically authorized by the state board of regents.

42 (b) (1) No amount of a state ~~entitlement~~ *funding* shall be based
43 upon enrollment in any subject or course which is taught in a county

1 in which the main campus of a state educational institution is located,
 2 unless the teaching of such subject or course is specifically authorized
 3 by the chief executive officer of the state educational institution or by
 4 a designee of the chief executive officer. The chief executive officer of
 5 each state educational institution may designate and authorize a
 6 person or committee to act on behalf of the chief executive officer in
 7 granting the authorizations required by this subsection.

8 (2) For the purposes of this subsection, the term "main campus of
 9 a state educational institution" as applied to Kansas state university of
 10 agriculture and applied science means and includes the campus of the
 11 university located in Riley county and the campus of the university's
 12 college of technology located in Saline county.

13 Sec. 21. K.S.A. 71-609a is hereby amended to read as follows: 71-
 14 609a. No amount of the state entitlement *operating grant* of a
 15 community college shall be based upon any course or program if such
 16 course or program is taught in an area vocational school, an area
 17 vocational-technical school, or a technical college under an agreement
 18 with such community college and for which payments of state or federal
 19 moneys are made to the area vocational school, the area vocational-
 20 technical school, or the technical college under the provisions of article 44
 21 of chapter 72 of Kansas Statutes Annotated. *credit hour for which the*
 22 *community college is receiving or is eligible to receive postsecondary*
 23 *tiered technical education state aid.*

24 Sec. 22. K.S.A. 71-613 is hereby amended to read as follows: 71-
 25 613. (a) The vocational education fund of a community college,
 26 established by K.S.A. 72-4424, and amendments thereto, which
 27 statutory section shall expire on June 30, 2000, is hereby continued in
 28 existence in each community college, *and shall be known as the career*
 29 *technical education fund. All moneys received by a community college*
 30 **for establishing, conducting, maintaining and administering any**
 31 ~~vocational education~~ *career technical* program authorized under article 44
 32 of chapter 72 of Kansas Statutes Annotated *approved by the state board of*
 33 *regents shall be deposited in the vocational career technical education*
 34 **fund, unless required to be deposited in the general fund. The**
 35 **expenses of a community college attributable to vocational career**
 36 **technical education shall be paid from the vocational career technical**
 37 **education fund.**

38 (b) Community colleges shall maintain fund accounting
 39 procedures as may be necessary to assure proper accounting for
 40 federal funds for ~~vocational career technical~~ education special projects,
 41 whether received directly from the federal government or any of its
 42 agencies, or received through the state or any of its agencies.

43 Sec. 23. K.S.A. 71-614 is hereby amended to read as follows: 71-

1 614. Any lawful transfer of money from the general fund of a
 2 community college to the ~~vocational~~ *career technical* education fund,
 3 adult education fund, adult supplementary education fund or
 4 motorcycle driver safety fund shall be an operating expense in the
 5 year the transfer is made. The board of trustees of any community
 6 college may transfer moneys from its general fund to its ~~vocational~~
 7 *career technical* education fund, adult education fund, adult
 8 supplementary education fund or motorcycle driver safety fund.
 9 Expenditures for ~~vocational~~ *career technical* education, adult basic
 10 education, adult supplementary education and motorcycle driver
 11 safety shall not be made from the general fund of a community
 12 college.

13 Sec. 24. K.S.A. 71-620 is hereby amended to read as follows: 71-
 14 620. (a) In each fiscal year, commencing with the 2001 fiscal year, each
 15 community college is ~~entitled~~ *eligible to receive* an operating grant
 16 from the state general fund in an amount to be determined by the
 17 state board. The state board shall:

18 (1) Determine the average amount of moneys from the state
 19 general fund expended per FTE lower division undergraduate student
 20 in the preceding fiscal year at the regional state educational
 21 institutions;

22 (2) (A) in the 2001 fiscal year, compute 50% of the amount
 23 determined under (1); (B) in the 2002 fiscal year, compute 55% of the
 24 amount determined under (1); (C) in the 2003 fiscal year, compute
 25 60% of the amount determined under (1); (D) in the 2004 fiscal year
 26 and in each fiscal year thereafter, compute 65% of the amount
 27 determined under (1);

28 (3) determine the total number of FTE students of all the
 29 community colleges;

30 (4) multiply the amount computed under (2) by the total number
 31 of FTE students determined under (3). Subject to the provisions of
 32 subsection (e) of K.S.A. 74-3202d, and amendments thereto, the
 33 product is the total amount of operating grants the community
 34 colleges are entitled to receive for the fiscal year.

35 (5) ~~Each community college which is not an officially designated area~~
 36 ~~vocational school shall receive an amount equivalent to the difference~~
 37 ~~between credit hour state aid received in the 1999 fiscal year for credit~~
 38 ~~hours in any subject or course approved as a vocational education subject~~
 39 ~~or course and 1 1/6 times the amount of credit hour state aid received in~~
 40 ~~the 1999 fiscal year for credit hours in any subject or course approved as a~~
 41 ~~vocational education subject or course. The amount determined under this~~
 42 ~~provision shall be distributed in equal installments in the 2001 through~~
 43 ~~2004 fiscal years as a part of the community college's operating grant, but~~

1 shall not be subject to the provisions of K.S.A. 71-204, and amendments
2 thereto.

3 ~~(6) In each fiscal year, the state board, for the purpose of allocating~~
4 ~~the amount determined under (4) to the community colleges, shall deduct~~
5 ~~the total of the amounts determined under (5) from the amount determined~~
6 ~~under (4).~~

7 ~~(7) In the 2001 fiscal year, the remaining balance determined under~~
8 ~~(6) shall be allocated to each community college according to the ratio the~~
9 ~~total amount of state aid received by the community college in the 2000~~
10 ~~fiscal year bears to the total amount of state aid received by all community~~
11 ~~colleges in the 2000 fiscal year, subject to adjustments for changes in each~~
12 ~~community college's FTE enrollment from the 2000 fiscal year to the 2001~~
13 ~~fiscal year.~~

14 **(8) (5) In the 2002 fiscal year and in each fiscal year thereafter,**
15 **the remaining balance amount determined under (6) (4) shall be**
16 **allocated to each community college according to the ratio the amount**
17 **of the operating grant received by the community college in the prior**
18 **fiscal year bears to the total amount of operating grants received by**
19 **all community colleges in the prior fiscal year, subject to adjustments**
20 **for changes in each community college's FTE enrollment from the**
21 **prior fiscal year to the current fiscal year.**

22 **(b) In each fiscal year, commencing with the 2003 fiscal year, each**
23 **community college is eligible to receive a quality performance grant**
24 **from the state general fund. If the state board determines that the**
25 **community college has demonstrated effectiveness in complying with**
26 **its role and mission statement and has met or exceeded the core**
27 **indicators of quality performance for community colleges identified**
28 **and approved by the state board, the community college shall receive**
29 **a quality performance grant in an amount which shall be determined**
30 **by the state board by computing 2% of the amount of the operating**
31 **grant the community college received in the preceding fiscal year. The**
32 **computed amount is the amount of the quality performance grant the**
33 **community college shall receive for the fiscal year.**

34 **(c) For the purposes of this section, the FTE enrollment of the**
35 **community college shall be based on: (1) Enrollment of students who**
36 **are residents of the state of Kansas, or are considered residents of the**
37 **state of Kansas pursuant to the provisions of K.S.A. 71-407, and**
38 **amendments thereto; and (2) the greater of FTE enrollment of the**
39 **community college in the current fiscal year or FTE enrollment in the**
40 **preceding fiscal year.**

41 **(d) As used in this section, the term "regional state educational**
42 **institutions" means Emporia state university, Fort Hays state**
43 **university and Pittsburg state university and the term "lower division**

1 **undergraduate student" means a freshman or sophomore.**

2 **Sec. 25. K.S.A. 71-701 is hereby amended to read as follows: 71-**
3 **701. As used in this act:**

4 (a) *"Board of trustees" means the governing body of a community*
5 *college.*

6 (b) *"Campus" means the location of all or part of the buildings and*
7 *facilities of a community college.*

8 (c) *"Chief administrative officer" means the president or one so*
9 *appointed by the board of trustees.*

10 (a) (d) **"Community college" means a public community college**
11 **established under the provisions of this act. The official name of a**
12 **community college shall be "the _____ community college" and the**
13 **blank shall be filled with the name of the city or county.**

14 (b) ~~"State board" means the state board of regents.~~

15 (e) (e) **"Community college district" means the taxing district of a**
16 **community college.**

17 (d) ~~"Board of trustees" means the governing body of a community~~
18 ~~college.~~

19 (e) ~~"State plan" means the plan adopted for community colleges as~~
20 ~~provided by law, and such plan as it is from time to time amended by the~~
21 ~~state board upon recommendation of the advisory council; such plan may~~
22 ~~include other matters listed in the community college act and acts~~
23 ~~amendatory thereof, or supplemental thereto.~~

24 (f) ~~"Campus" means the location of all or part of the buildings and~~
25 ~~facilities of a community college.~~

26 (g) ~~"Advisory council" means the advisory council provided for by~~
27 ~~K.S.A. 71-901, and amendments thereto.~~

28 (f) *"State board" means the state board of regents.*

29 (h) (g) **"Student tuition" means the charge made to and paid by**
30 **students for the privilege of attending a community college and**
31 **participating in the institutional program.**

32 (i) ~~"Chief administrative officer" means the president or one so~~
33 ~~appointed by the board of trustees.~~

34 **Sec. 26. K.S.A. 71-802 is hereby amended to read as follows: 71-**
35 **802. At any time, if the state board of regents finds that a community**
36 **college previously approved or deemed approved has failed to comply**
37 **with the provisions of this act or with any provision of a rule or**
38 **regulation adopted pursuant to this act, or fails to meet the standards**
39 **contained in this act, the state board of regents shall so advise the**
40 **board of trustees. If after 12 calendar months after any such**
41 **notification such board of trustees has failed to correct the deficiency**
42 **noted, the state board of regents shall withdraw approval of the**
43 **community college and it shall not be entitled to eligible for state aid**

1 during the continuance of any such period of withdrawal. Any action
2 of the state board of regents in granting, denying or withdrawing
3 approval of a community college shall be subject to review by the
4 legislature.

5 Sec. 27. K.S.A. 71-1201 is hereby amended to read as follows: 71-
6 1201. Territory may be added to any community college district which
7 has been established under this act either by deemed approval or by
8 election approval by one of the following methods:

9 (a) The board of education of any unified district a part of which
10 is in the community college district or which touches and adjoins a
11 community college district may petition the state board for
12 attachment of the territory of such unified district to the community
13 college district for community college purposes. Upon receiving any
14 petition under this subsection, the same shall be submitted to the
15 advisory council for its advice and recommendations which, together with
16 the petition, shall be presented to the state board. After considering the
17 petition, the state board may approve such attachment; if the advisory
18 council has so recommended. If the advisory council has not so
19 recommended. The state board shall so inform *may seek the*
20 *recommendation* of the board of trustees of the community college
21 involved and may request its recommendation as to such attachment. If
22 such request is made and if such board of trustees recommends such
23 attachment, the same may be approved by the state board. Upon
24 granting any approval for attachment of territory the state board shall
25 so inform the county election officers of counties in which the territory
26 to be attached is located, and such county election officers shall
27 conduct an election for approval for such attachment in the area
28 petitioned for attachment. Such election shall be conducted in
29 accordance with the procedure for approval for establishment of a
30 community college as specified in this act. The question submitted
31 shall be: "Shall the proposed attachment of territory to the _____
32 community college district be approved?", and the blank shall be
33 filled with the name of the community college. The expenses of the
34 election shall be paid by the community college. In the event that such
35 attachment is so approved by such election the state board shall issue
36 an order attaching the same to the community college district. The
37 provisions of subsection (b) of K.S.A. 71-1102, and amendments
38 thereto, shall also apply to this subsection.

39 (b) Any board of trustees may petition the state board for the
40 attachment of any adjoining territory to the community college
41 district. Such petition shall be processed as *set forth* in subsection (a) of
42 this section, except that in the event of disapproval by the advisory council
43 the state board shall so inform the board of trustees and in such case such

1 attachment shall not be made. If the advisory council state board
 2 approves such petition, the state board shall notify the county election
 3 officers of counties in which the territory to be attached is located, and
 4 such county election officers shall conduct an election for approval of
 5 such attachment in the area petitioned for attachment. No attachment
 6 of territory shall be made under this subsection unless such
 7 attachment has been approved by a majority of those voting in the
 8 territory to be attached. Such election shall be conducted in
 9 accordance with the procedure for approval of the establishment of
 10 community colleges as specified in this act. The question submitted
 11 shall be: "Shall the proposed attachment of territory to the _____
 12 community college district be approved?", and the blank shall be
 13 filled with the name of the community college. In the event that such
 14 attachment is so approved by such election the state board shall issue
 15 an order attaching the same to the community college district. The
 16 expenses of the election shall be paid by the community college.

17 (c) No territory shall be attached to any community college
 18 district within 120 days prior to the general election of members of the
 19 board of trustees.

20 (d) If the community college attaching territory under subsection
 21 (a) or (b) has member district method of election, no approval thereof
 22 shall be given by the state board and no proposition for approval
 23 thereof shall be submitted to any election until new proposed member
 24 districts for the community college territory as the same will exist
 25 after the addition of territory have been established by the state
 26 board.

27 **Sec. 28. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as**
 28 **follows: 71-1507. (a) The board of trustees of any community college**
 29 **and the board of any area vocational school or area vocational-technical**
 30 **school technical college or the institute of technology at Washburn**
 31 **university, may make and enter into agreements providing for the**
 32 **transfer from the area vocational school or area vocational-technical**
 33 **school technical college or the institute of technology to the community**
 34 **college of any approved career technical education program being**
 35 **offered and taught at the postsecondary level in the area vocational**
 36 **school or area vocational-technical school. technical college or the**
 37 **institute of technology.**

38 (b) In the event the board of trustees of a community college and
 39 the board of an area vocational school or area vocational-technical school
 40 any technical college or the institute of technology at Washburn university
 41 enter into an agreement authorized under subsection (a), the following
 42 conditions shall apply:

43 (1) The state board of regents shall be notified of the agreement

1 at the time the agreement is executed.

2 (2) The agreement shall be effective only after approval by the
3 state board of regents.

4 (3) Any career technical education program transferred in
5 accordance with the agreement shall be offered and taught in the
6 community college only after approval of the program by the state
7 board of regents.

8 (4) The agreement shall be subject to change or termination by
9 the legislature.

10 (5) (A) The duration of the agreement shall be perpetual unless
11 terminated in accordance with provision (B).

12 (B) Termination of the agreement may be accomplished only
13 upon approval by the state board of regents of a joint petition to it for
14 termination by the contracting boards after adoption of a resolution to
15 that effect by each such board. The state board of regents shall
16 consider the petition and approve or disapprove termination of the
17 agreement. Upon termination of the agreement, any program
18 transferred thereunder shall be discontinued.

19 **Sec. 29. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as**
20 **follows: 72-4412. As used in this act:**

21 (a) *"Associate of applied science degree program" means a program*
22 *that is offered and maintained by a technical college, composed of career*
23 *technical and general education courses of instruction for which*
24 *individuals may earn college credit, designed to prepare individuals for*
25 *gainful employment in technical or technological occupations requiring*
26 *other than a baccalaureate or advanced degree or to qualify individuals*
27 *for transfer to another college or university and, after satisfactory*
28 *completion of the requirements for graduation, results in the conferral of*
29 *an associate of applied science degree. For the purpose of awarding*
30 *college credit for completion of coursework leading to the conferral of an*
31 *associate of applied science degree, the state board of regents shall*
32 *determine the number of clock hours of instruction in general education*
33 *courses or career technical education courses which shall be equivalent to*
34 *a credit hour.*

35 ~~(a)~~ (b) "Board" means the board of education of any school district,
36 the board of trustees of any community college, the board of regents of
37 any municipal university, ~~the board of control of any area vocational-~~
38 ~~technical school,~~ the governing body of any technical college, or the chief
39 executive officer of any state educational institution.

40 ~~(b) "Area vocational school" means any vocational education school~~
41 ~~established under authority of the laws of this state, approved and~~
42 ~~officially designated as an area vocational school by the state board, and~~
43 ~~operated under any board. Any area vocational school, except for purposes~~

1 of the construction of this act, may retain and use the name given to such
2 school prior to the effective date of this act, even though such name
3 includes the words "area vocational-technical school."

4 ~~(e) "Area vocational-technical school" means any vocational~~
5 ~~education school which was classified as a type II area vocational-~~
6 ~~technical school under authority of former laws or which is established and~~
7 ~~classified as a type II area vocational-technical school under authority of~~
8 ~~this act. The school to which this definition applies is the Southeast Kansas~~
9 ~~area vocational-technical school.~~

10 The state board may adopt special rules and regulations applicable to
11 the conduct, operation and administration of area vocational-technical
12 schools. Nothing in this act shall be construed to authorize the
13 establishment or operation of any area vocational-technical school not
14 specifically designated in this subsection.

15 *(c) "Career technical education" means organized educational*
16 *programs offering a sequence of courses which are directly related to the*
17 *preparation of individuals in paid or unpaid employment in current or*
18 *emerging occupations requiring other than a baccalaureate or advanced*
19 *degree. Such programs shall include competency-based applied learning*
20 *which contributes to an individual's academic knowledge, higher-order*
21 *reasoning, and problem-solving skills, work attitudes, general*
22 *employability skills, and the occupational-specific skills necessary for*
23 *economic independence as a productive and contributing member of*
24 *society. The term "career technical education" also includes technology*
25 *education and career and technical education as referenced in the Carl D.*
26 *Perkins career and technical education act of 2006.*

27 ~~(d) "School district" means any school district organized under the~~
28 ~~laws of this state.~~

29 ~~(e)~~ **(d) "Community college" means any community college**
30 **organized and operating under the laws of this state.**

31 *(e) "Institute of technology" or "Washburn institute of technology"*
32 *means the institute of technology at Washburn university.*

33 **(f) "Municipal university" means a municipal university**
34 **established under the provisions of article 13a of chapter 13 of Kansas**
35 **Statutes Annotated.**

36 *(g) "School district" means any school district organized under the*
37 *laws of this state.*

38 *(h) "School year" means the 12-month period ending on June 30.*

39 *(i) "State board" means the state board of regents.*

40 ~~(g)~~ **(j) "State educational institution" means the university of**
41 **Kansas, Kansas state university of agriculture and applied science,**
42 **Wichita state university, Emporia state university, Pittsburg state**
43 **university and Fort Hays state university.**

1 (k) "State plan" means a document or set of documents, together with
2 attachments and supplements thereto, containing such provisions as are
3 authorized by this act and required by the Carl D. Perkins career and
4 technical education act of 2006, and acts amendatory thereof or
5 supplemental thereto.

6 (h) (l) **"Technical college" means an educational institution that**
7 **formerly was an area vocational school or an area vocational-technical**
8 **school and that has been converted to, established as, and officially**
9 **designated a technical college under authority of this act.**

10 (i) ~~"State board" means the state board of regents.~~

11 (j) ~~"School year" means the twelve-month period ending on June 30.~~

12 (k) ~~"Career technical education" means organized educational~~
13 ~~programs offering a sequence of courses which are directly related to the~~
14 ~~preparation of individuals in paid or unpaid employment in current or~~
15 ~~emerging occupations requiring other than a baccalaureate or advanced~~
16 ~~degree. Such programs shall include competency-based applied learning~~
17 ~~which contributes to an individual's academic knowledge, higher-order~~
18 ~~reasoning, and problem-solving skills, work attitudes, general~~
19 ~~employability skills, and the occupational-specific skills necessary for~~
20 ~~economic independence as a productive and contributing member of~~
21 ~~society. The term "career technical education" also includes technology~~
22 ~~education and career and technical education as referenced in the Carl D.~~
23 ~~Perkins career and technical education act of 2006.~~

24 (h) (m) **"Technology education" means an applied discipline**
25 **designed to promote technological literacy which provides knowledge**
26 **and understanding of the impacts of technology including its**
27 **organizations, techniques, tools and skills to solve practical problems**
28 **and extend human capabilities in technological areas.**

29 (m) ~~"State plan" means a document or set of documents, together~~
30 ~~with attachments and supplements thereto, containing such provisions as~~
31 ~~are authorized by this act and required by the Carl D. Perkins career and~~
32 ~~technical education act of 2006, and acts amendatory thereof or~~
33 ~~supplemental thereto.~~

34 (n) ~~"Associate of applied science degree program" means a program~~
35 ~~that is offered and maintained by a technical college, composed of career~~
36 ~~technical and general education courses of instruction for which~~
37 ~~individuals may earn college credit, designed to prepare individuals for~~
38 ~~gainful employment in technical or technological occupations requiring~~
39 ~~other than a baccalaureate or advanced degree or to qualify individuals for~~
40 ~~transfer to another college or university and, after satisfactory completion~~
41 ~~of the requirements for graduation, results in the conferral of an associate~~
42 ~~of applied science degree. For the purpose of awarding college credit for~~
43 ~~completion of coursework leading to the conferral of an associate of~~

1 applied science degree, the state board of regents shall determine the
 2 number of clock hours of instruction in general education courses or career
 3 technical education courses which shall be equivalent to a credit hour.

4 **Sec. 30. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as**
 5 **follows: 72-4415. The state board shall be responsible for the**
 6 **allocation and distribution of the state and federal funds for career and**
 7 **technical education provided for pursuant to the Carl D. Perkins career**
 8 **and technical education act of 2006 in accordance with the state plan.**
 9 **Moneys allocated and distributed under the provisions of this section**
 10 **shall be expended only in accordance with and for the purposes**
 11 **specified in federal or state law or the state plan. Payments under this**
 12 **act may be made in installments and in advance or by way of**
 13 **reimbursement, with necessary adjustments on account of**
 14 **overpayments or underpayments. Federal funds for career and**
 15 **technical education shall be deposited in the state treasury.**

16 **Sec. 31. K.S.A. 72-4440 is hereby amended to read as follows: 72-**
 17 **4440. As used in this act:**

18 (a) ~~"Area vocational school," "area vocational technical school,"~~
 19 **"Board," "state board," and "school year" and "technical college"**
 20 **have the meanings respectively ascribed thereto in K.S.A. 72-4412,**
 21 **and amendments thereto.**

22 (b) ~~"Operating budget" shall have the meaning ascribed thereto in~~
 23 ~~K.S.A. 72-4430, and amendments thereto.~~

24 (c) ~~"School" means any area vocational school and any area~~
 25 ~~vocational technical school.~~

26 (d) ~~"Vocational-~~(b) **"Career technical education capital outlay**
 27 **aid" means state financial aid distributed under this act by the state**
 28 **board to a school an eligible institution for the purpose of construction,**
 29 **reconstruction, repair, remodeling, additions to, furnishing and**
 30 **equipping of school buildings, architectural expenses incidental**
 31 **thereto, the acquisition of buildings for school purposes and school**
 32 **building sites and the acquisition of equipment.**

33 (e) ~~"Eligible institution" or "institution" means any technical college,~~
 34 ~~Coffeyville community college, Cowley county community college, Dodge~~
 35 ~~City community college, Highland community college, Hutchinson~~
 36 ~~community college, Johnson county community college, Kansas City,~~
 37 ~~Kansas community college, Pratt community college, Seward county~~
 38 ~~community college and the institute of technology at Washburn university.~~

39 **Sec. 32. K.S.A. 72-4441 is hereby amended to read as follows: 72-**
 40 **4441. (a) There is hereby established in every area vocational technical**
 41 **school eligible institution a fund which shall be called the "vocational-**
 42 **career technical education capital outlay fund," which fund shall**
 43 **consist of all moneys deposited therein or transferred thereto**

1 according to law. All moneys received by an ~~area vocational-technical~~
 2 ~~school~~ *eligible institution* from distributions made under this act shall
 3 be credited to the ~~vocational~~ *career technical* education capital outlay
 4 fund.

5 (b) Any moneys received, prior to or after the effective date of
 6 this act, by an ~~area vocational-technical~~ *school eligible institution* from
 7 donations, gifts, grants or bequests, subject to any terms or conditions
 8 to the contrary imposed by the donor thereof, may be transferred to
 9 or deposited in the ~~vocational~~ *career technical* education capital outlay
 10 fund and may be expended by the ~~area vocational-technical~~ *school*
 11 *institution* for any purpose for which ~~vocational~~ *career technical*
 12 education capital outlay aid may lawfully be expended.

13 Sec. 33. K.S.A. 72-4442 is hereby amended to read as follows: 72-
 14 4442. The amount of ~~vocational~~ *career technical* education capital
 15 outlay aid for each ~~school~~ *eligible institution* shall be determined by the
 16 state board on the basis of need and the condition of existing facilities
 17 and equipment and payments thereof shall be distributed on payment
 18 dates to be determined by the state board. The state board shall
 19 certify to the director of accounts and reports the amount due as
 20 ~~vocational~~ *career technical* education capital outlay aid to each ~~school~~
 21 *eligible institution* five days before each payment date. The director of
 22 accounts and reports shall draw warrants on the state treasurer
 23 payable to the treasurer of each ~~school~~ *entitled to institution eligible for*
 24 payment of ~~vocational~~ *career technical* education capital outlay aid,
 25 pursuant to vouchers approved by the state board or by a person or
 26 persons designated by the state board. Upon receipt of such warrant,
 27 the treasurer of each ~~area vocational~~ *school* shall deposit the amount
 28 thereof to the credit of the ~~area vocational~~ *school* fund. The treasurer of
 29 each ~~area vocational-technical~~ *school eligible insitution* shall deposit the
 30 amount of such warrant to the credit of the ~~vocational~~ *career technical*
 31 education capital outlay fund established by this act.

32 In the event any ~~school~~ *eligible institution* is paid more than it is
 33 entitled to receive under any distribution made under this act, the
 34 state board shall notify the ~~school~~ *institution* of the amount of such
 35 overpayment, and such ~~school~~ *institution* shall remit the same to the
 36 state board. The state board shall remit any moneys so received to the
 37 state treasurer in accordance with the provisions of K.S.A. 75-4215,
 38 and amendments thereto. Upon receipt of each such remittance, the
 39 state treasurer shall deposit the entire amount in the state treasury to
 40 the credit of the state general fund. If any such ~~school~~ *institution* fails
 41 so to remit, the state board shall deduct the excess amounts so paid
 42 from future payments becoming due to such ~~school~~ *institution*. In the
 43 event any ~~school~~ *institution* is paid less than the amount to which it is

1 entitled under any distribution made under this act, the state board
2 shall pay the additional amount due at any time within the ~~school~~
3 *academic year* in which the underpayment was made or within 60 days
4 after the end of such ~~school~~ *academic year*.

5 Sec. 34. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as
6 follows: 72-4450. As used in this act:

7 (a) "Career technical education program" means a program of
8 vocational or technical training or retraining which is operated at the
9 postsecondary level and is designed to prepare persons for gainful
10 employment.

11 (b) "Career technical education institution" means any ~~area-~~
12 ~~vocational school, area vocational-technical school,~~ technical college,
13 community college, municipal university, or any state educational
14 institution which operates one or more career technical education
15 programs.

16 (c) ~~"Area vocational school," "area vocational-technical school,"~~
17 "Community college," "institute of technology," "municipal
18 university," "state educational institution," "technical college," and
19 "state board" have the meanings respectively ascribed thereto in
20 K.S.A. 72-4412, and amendments thereto.

21 (d) "Private postsecondary educational institution" and "out-of-
22 state postsecondary educational institution" have the meanings
23 ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments
24 thereto.

25 (e) "Program" means the Kansas training information program
26 established by this act.

27 Sec. 35. K.S.A. 72-4453 is hereby amended to read as follows: 72-
28 4453. (a) The board of trustees of every community college and the
29 governing board of every ~~area vocational school or area vocational-~~
30 ~~technical school~~ *technical college and the institute of technology* shall
31 make and enter into agreements providing the transferability of
32 substantially equivalent courses of study and programs which are
33 offered at such educational institutions in order to facilitate the
34 articulation of students to and among such educational institutions.

35 (b) The following conditions shall apply to the agreements
36 required under subsection (a):

37 (1) The state board of regents shall be notified of the agreement
38 at the time the agreement is executed; and

39 (2) the agreement shall be effective only after approval by the
40 state board of regents.

41 (c) The state board of regents shall prescribe criteria or
42 guidelines for the purpose of determining which courses of study and
43 programs offered in the ~~area vocational schools and area vocational-~~

1 ~~technical schools~~ *technical colleges and the institute of technology* are: (1)
2 **Substantially equivalent to courses of study and programs offered in**
3 **the community colleges; and (2) transferable to the community**
4 **colleges.** ~~A current, complete list of such courses of study and programs~~
5 ~~shall be maintained on file in the office of the state board of regents and~~
6 ~~shall be open for public inspection at any reasonable time.~~

7 **Sec. 36. K.S.A. 72-4454 is hereby amended to read as follows: 72-**
8 **4454. The state board of regents shall adopt a policy requiring**
9 **articulation agreements among area vocational schools, area vocational-**
10 **technical schools, community colleges, technical colleges, *the institute of***
11 ***technology* and state educational institutions providing for the**
12 **transferability of substantially equivalent courses of study and**
13 **programs which are offered at area vocational schools, area vocational-**
14 **technical schools, community colleges, technical colleges, *the institute of***
15 ***technology* and state educational institutions in order to facilitate**
16 **articulation of students in technical programs to and among area**
17 **vocational schools, area vocational-technical schools, community**
18 **colleges, technical colleges, *the institute of technology* and state**
19 **educational institutions.**

20 **Sec. 37. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as**
21 **follows: 72-4466. As used in this act:**

22 (a) ~~"Area vocational school", "area vocational-technical school", and~~
23 **"Community college," *technical college* and *institute of technology*"**
24 **have the meanings respectively ascribed thereto in K.S.A. 72-4412,**
25 **and amendments thereto.**

26 (b) **"Career technical education institution" means any area-**
27 **vocational school, area vocational-technical school or community college,**
28 ***technical college or the institute of technology.***

29 (c) **"Board" means the state board of regents.**

30 (d) **"Program" means Kansas technology innovation and**
31 **internship program.**

32 **Sec. 38. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as**
33 **follows: 72-4470a. (a) ~~On or before July 1, 2005, All technical college~~**
34 **boards shall develop and present to the state board of regents a plan to**
35 **replace the governing body described in K.S.A. 72-4470, and amendments**
36 **thereto, with a new *establish and maintain a plan for a governing board,***
37 **which shall be separate and independent of any board of education of**
38 **any school district, to operate, control and manage the technical**
39 **college. The plan shall include, but not be limited to, provisions**
40 **relating to:**

41 (1) **The composition of the independent governing board;**

42 (2) **the territory of the technical college. If the territory of the**
43 **technical college includes more than one county, the plan shall**

1 designate a home county;

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

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

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

9 (6) the manner and terms upon which faculty, employees and
10 students will be transferred to the independent governing board.
11 Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and
12 amendments thereto, such provisions shall specify terms of
13 employment and address other personnel matters.

14 (b) ~~(1) Upon approval of the plan by the state board of regents and~~
15 ~~the governing body of the technical college which submitted the plan, and~~
16 **On the date determined in the approved plan, the independent**
17 **governing board established under subsection (a) of this section shall**
18 **operate subject to the rules, regulations and supervision of the state**
19 **board of regents in the same manner as other technical colleges,**
20 ~~technical schools and area vocational technical schools. Any amendments~~
21 ~~to the plan shall be submitted to the state board of regents for approval.~~

22 ~~(2) After June 30, 2007, if the governing body of the technical~~
23 ~~college and the state board of regents have not approved a plan submitted~~
24 ~~pursuant to subsection (a), the state board of regents shall have the power~~
25 ~~to approve the plan and upon such approval and on the date determined in~~
26 ~~the approved plan, the independent governing board established pursuant~~
27 ~~to subsection (a) shall operate subject to the rules, regulations and~~
28 ~~supervision of the state board of regents in the same manner as other~~
29 ~~technical colleges, technical schools and area vocational technical schools.~~

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

33 (1) **Determine the career technical and general education courses**
34 **of instruction that will comprise the associate of applied science degree**
35 **programs of the college;**

36 (2) **establish the requirements for satisfactory completion of the**
37 **associate of applied science degree programs of the college;**

38 (3) **confer the associate of applied science degree upon students**
39 **who successfully complete an associate of applied science degree**
40 **program of the college and to award a certificate or diploma to**
41 **students who successfully complete a career technical education**
42 **program of the college;**

43 (4) **appoint teaching staff and fix and determine teacher**

1 qualifications, duties and compensation. No teacher appointed to teach
2 courses comprising the associate of applied science degree programs
3 of the college shall be required to meet licensure requirements greater
4 than those required in the state educational institutions;

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

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

10 (7) sue and be sued;

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

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

16 (10) enter into contracts;

17 (11) accept any gifts, grants or donations;

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

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

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

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

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

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

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

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

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

5 **Sec. 39. K.S.A. 72-4480 is hereby amended to read as follows: 72-**
6 **4480. (a) The state board of regents shall identify and approve core**
7 **indicators of quality performance for ~~vocational education schools and~~**
8 **technical colleges and shall establish and implement a data**
9 **management system that includes a process and format for collecting,**
10 **aggregating and reporting common and institution-specific**
11 **information documenting effectiveness of the schools and colleges in**
12 **meeting the role and mission thereof.**

13 **(b) In each fiscal year, commencing with the 2003 fiscal year, each**
14 **~~vocational education school and~~ technical college is eligible to receive a**
15 **quality performance grant from the state general fund. If the state**
16 **board determines that the ~~school or~~ college has demonstrated**
17 **effectiveness in complying with its role and mission statement and has**
18 **met or exceeded the core indicators of quality performance for**
19 **~~vocational education schools and~~ technical colleges identified and**
20 **approved by the state board, the ~~school or~~ college shall receive a**
21 **quality performance grant in an amount which shall be determined by**
22 **the state board by computing 2% of the amount of ~~postsecondary aid~~**
23 **~~state aid~~ the ~~school or~~ college received in the preceding fiscal year. The**
24 **computed amount is the amount of the quality performance grant the**
25 **school or college shall receive for the fiscal year.**

26 **(c) The distribution of the appropriation for quality performance**
27 **grants to ~~vocational education schools and~~ technical colleges entitled to**
28 **such grants shall be made at a time to be determined by the state**
29 **board. The state board shall certify to the director of accounts and**
30 **reports the amount due to each ~~vocational education school and~~**
31 **technical college entitled to a grant, and the director of accounts and**
32 **reports shall draw a warrant upon the state treasurer in favor of the**
33 **~~school or~~ college for such amount. Upon receipt of the warrant, the**
34 **treasurer of the ~~school or~~ college shall credit the amount of the**
35 **warrant to the general fund.**

36 **Sec. 40. K.S.A. 72-6214 is hereby amended to read as follows: 72-**
37 **6214. (a) As used in this section, the following terms shall have the**
38 **meanings respectively ascribed to them unless the context requires**
39 **otherwise:**

40 **(1) "Board" means the state board of regents, the state board of**
41 **education, the board of trustees of any public community ~~junior~~**
42 **college, the board of regents of any municipal university, ~~the board of~~**
43 **~~control of any area vocational-technical school~~ *the governing board of any***

1 *technical college* and the board of education of any school district.

2 (2) "Student" means a person who has attained ~~eighteen (18)-18~~
3 years of age, or is attending an institution of postsecondary education.

4 (3) "Pupil" means a person who has not attained ~~eighteen (18)-18~~
5 years of age and is attending an educational institution below the
6 postsecondary level.

7 (b) Every board shall adopt a policy in accordance with
8 applicable federal laws and regulations to protect the right of privacy
9 of any student, or pupil and ~~his or her~~ *such pupil's* family regarding
10 personally identifiable records, files and data directly related to such
11 student or pupil. The board shall adopt and implement procedures to
12 effectuate such policy by January 1, 1977. Such procedures shall
13 provide for: (1) Means by which any student or parent of a pupil, as
14 the case may be, may inspect and review any records or files directly
15 related to the student or pupil; and (2) restricting the accessibility and
16 availability of any personally identifiable records or files of any
17 student or pupil and preventing disclosure thereof unless made upon
18 written consent of such student or parent of such pupil, as the case
19 may be. To the extent that any other provision of law conflicts with
20 this section, this section shall control.

21 Sec. 41. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as
22 follows: 73-1217. The board of trustees of every community college,
23 the board of regents of Washburn university of Topeka, the ~~board of~~
24 ~~control of every area vocational school~~ *governing board of every technical*
25 *college* and the governing body of every other institution of post-high
26 school education which is supported by any state moneys shall provide
27 for enrollment without charge of tuition or fees for any dependent of a
28 prisoner of war or a person missing in action, so long as such
29 dependent is eligible, but not to exceed 12 semesters of instruction or
30 the equivalent thereof at all such institutions for any person if the
31 person started such instruction prior to July 1, 2005, or 10 semesters if
32 the person started such instruction on or after July 1, 2005. Once a
33 person qualifies as a dependent under the terms and provisions of this
34 act, no occurrence, such as the return of the dependent's ~~father~~ *parent*
35 or ~~his~~ *such parent's* reported death, shall disqualify the dependent from
36 the provisions or benefits of this act. The state board of regents, the
37 board of trustees of any community college, or the governing body of
38 any other institution which grants tuition for fees without charge to a
39 dependent under this act may file a claim with the ~~Kansas veterans'~~
40 ~~commission~~ *Kansas commission on veterans affairs* for reimbursement
41 of the amount of such tuition or fees. The ~~Kansas veterans' commission~~
42 *Kansas commission on veterans affairs* shall administer this act and
43 qualifications of persons as dependents shall be determined by such

1 commission. Such commission may adopt rules and regulations
2 making more specific the definitions herein contained and for the
3 administration of this act.

4 **Sec. 42. K.S.A. 73-1218 is hereby amended to read as follows: 73-**
5 **1218. The state board of regents, the board of trustees of every**
6 **community junior college, the board of regents of Washburn university**
7 **of Topeka, the board of every area vocational school, the board of control**
8 **of every area vocational-technical school governing board of every**
9 **technical college and the governing body of every other institution of**
10 **post-high school education which is supported by any state moneys**
11 **shall provide for enrollment without charge of tuition or fees for any**
12 **dependent of a person who died as the result of a service-connected**
13 **disability suffered during the Vietnam conflict as a result of such**
14 **conflict, so long as such dependent is eligible, but not to exceed twelve**
15 **(12) 12 semesters of instruction or the equivalent thereof at all such**
16 **institutions for any person. Once a person qualifies as a dependent**
17 **under the terms and provisions of this act, no occurrence, such as the**
18 **return of the dependent's father or mother, shall disqualify the**
19 **dependent from the provisions or benefits of this act. The governing**
20 **body of every institution of post-high school education which is**
21 **supported by any state moneys and which grants tuition or fees**
22 **without charge to a dependent under this act may file a claim with the**
23 **Kansas veterans' commission on veterans affairs for reimbursement of**
24 **the amount of such tuition or fees. The Kansas veterans' commission**
25 **on veterans affairs shall administer this act and the qualification of**
26 **persons as dependents shall be determined by such commission. Such**
27 **commission may adopt rules and regulations making more specific the**
28 **definition herein contained and for the administration of this act.**

29 "Dependent" as used in this act shall mean any child born to,
30 legally adopted by, or in the legal custody of a person who was a
31 resident of the state of Kansas at the time such person entered service
32 of the United States armed forces and who, while serving in said U. S.
33 armed forces in the geographical area of the Vietnam conflict, has
34 been declared to be a person who died as the result of a service-
35 connected disability suffered during the Vietnam conflict as a result of
36 such conflict.

37 **Sec. 43. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as**
38 **follows: 74-3201b. As used in the Kansas higher education**
39 **coordination act:**

40 (a) "Adult basic education program" and "adult supplementary
41 education program" have the meanings respectively ascribed thereto in
42 K.S.A. 72-4517, and amendments thereto.

43 (b) "Community college" means any community college established

1 under the laws of this state.

2 (c) "Institute of technology" or "Washburn institute of technology"
3 means the institute of technology at Washburn university.

4 (d) "Municipal university" means Washburn university of Topeka or
5 any other municipal university established under the laws of this state.

6 (e) "Postsecondary educational institution" means any public
7 university, municipal university, community college and technical college,
8 and includes any entity resulting from the consolidation or affiliation of
9 any two or more of such postsecondary educational institutions.

10 (f) "Private postsecondary educational institution" and "out-of-state
11 postsecondary educational institution" have the meanings ascribed thereto
12 in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

13 (g) "Public university" means any state educational institution.

14 (h) "Representative of a postsecondary educational institution"
15 means any person who is the holder of an associate degree, a bachelor's
16 degree, or a certificate of completion awarded by a postsecondary
17 educational institution.

18 **(a) (i) "State board of regents" or "state board" means the state
19 board of regents provided for in the constitution of this state and
20 established by K.S.A. 74-3202a, and amendments thereto, except as
21 otherwise specifically provided in this act.**

22 **(b) (j) "State educational institution" means any state educational
23 institution, as defined in K.S.A. 76-711, and amendments thereto.**

24 ~~(e) "Municipal university" means Washburn university of Topeka or
25 any other municipal university established under the laws of this state.~~

26 ~~(d) "Community college" means any community college established
27 under the laws of this state.~~

28 ~~(e)—(k) "Technical college" means any technical college
29 established under the laws of this state.~~

30 ~~(f) "Career technical education school" means any area vocational
31 school or area vocational-technical school established under the laws of
32 this state.~~

33 ~~(g) "Public university" means any state educational institution.~~

34 ~~(h) "Postsecondary educational institution" means any public
35 university, municipal university, community college, technical college and
36 career technical education school, and includes any entity resulting from
37 the consolidation or affiliation of any two or more of such postsecondary
38 educational institutions.~~

39 ~~(i) "Private postsecondary educational institution" and "out-of-state
40 postsecondary educational institution" have the meanings ascribed thereto
41 in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.~~

42 ~~(j) "Adult basic education program" and "adult supplementary
43 education program" have the meanings respectively ascribed thereto in~~

1 K.S.A. 72-4517, and amendments thereto.

2 (k) ~~"Representative of a postsecondary educational institution" means~~
3 ~~any person who is the holder of an associate degree, a bachelor's degree, or~~
4 ~~a certificate of completion awarded by a postsecondary educational~~
5 ~~institution.~~

6 **Sec. 44. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read**
7 **as follows: 74-32,146. As used in the Kansas national guard**
8 **educational assistance act:**

9 (a) **"Kansas educational institution" means and includes area-**
10 **vocational schools, area vocational-technical schools, community**
11 **colleges, the municipal university, state educational institutions,**
12 **technical colleges, *the institute of technology at Washburn university* and**
13 **accredited independent institutions.**

14 (b) **"Eligible guard member" means a newly enlisted or reenlisted**
15 **member of the Kansas national guard with not more than 20 years of**
16 **service and who is enrolled at a Kansas educational institution. The**
17 **term eligible guard member does not include within its meaning any**
18 **member of the Kansas national guard who is the holder of a**
19 **baccalaureate or higher academic degree, who does not hold a high**
20 **school diploma or general educational development (GED)**
21 **credentials, or who is entitled to federal educational benefits earned**
22 **by membership in the Kansas national guard, except financial**
23 **assistance under the federal education assistance program (FEAP) for**
24 **members of the selected reserve.**

25 (c) **"Kansas national guard educational assistance program" or**
26 **"program" means the program established pursuant to the provisions**
27 **of the Kansas national guard educational assistance act.**

28 (d) **"Educational program" means a program which is offered**
29 **and maintained by a Kansas educational institution and leads to the**
30 **award of a certificate, diploma or degree upon satisfactory completion**
31 **of course work requirements.**

32 **Sec. 45. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read**
33 **as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through**
34 **74-32,159, and amendments thereto, shall be known and may be cited**
35 **as the workforce development loan program act.**

36 (b) **As used in the workforce development loan act,**
37 **"postsecondary educational institution" shall have the meaning**
38 **ascribed thereto by K.S.A. 74-3201b, and amendments thereto.**

39 (c) **Within the limits of appropriations and private contributions**
40 **therefor, and in accordance with the provisions of this act, the state**
41 **board of regents may award such loans to Kansas residents who are**
42 **enrolled in or admitted to an area vocational-technical school, a**
43 **technical college, community college, vocational school coordinated**

1 ~~under the state board of regents the institute of technology at Washburn~~
2 ~~university or associate degree programs at postsecondary educational~~
3 ~~institutions and who enter into a written agreement with the state~~
4 ~~board of regents as provided in K.S.A. 74-32,152, and amendments~~
5 ~~thereto.~~

6 (d) The board of regents may accept any private contributions to
7 the program. The chief executive officer of the board of regents shall
8 turn such contributions over to the state treasurer who shall deposit
9 such moneys into the workforce development loan fund.

10 (e) After consultation with the secretaries of the departments of
11 social and rehabilitation services and commerce, the board may
12 establish a list of education programs in which an applicant must
13 enroll to be eligible for a loan under this program.

14 (f) The loans shall be awarded on a priority basis to qualified
15 applicants who have the greatest financial need with the highest
16 priority given to those applicants with the greatest financial need who
17 were in foster care on their 18th birthday or were released from foster
18 care prior to their 18th birthday after having graduated from high
19 school or completing the requirements for a general educational
20 development (GED) certificate while in foster care. All loans shall be
21 awarded to resident students attending ~~area vocational technical~~
22 ~~schools, technical colleges, community colleges, area vocational schools~~
23 ~~the institute of technology at Washburn university or associate degree~~
24 ~~programs at postsecondary educational institutions. Special~~
25 ~~preference shall also be established for residents drawing~~
26 ~~unemployment compensation or such residents who were laid off from~~
27 ~~employment within the prior six months. The board may also establish~~
28 ~~preferences for workers deemed to be eligible for North American free~~
29 ~~trade agreement transition assistance under United States department~~
30 ~~of labor standards or the Kansas department of labor standards.~~

31 (g) Loans awarded under this program shall be awarded on an
32 annual basis and shall be in effect for one year unless otherwise
33 terminated before the expiration of such period of time. Such loans
34 shall be awarded for the payment of tuition, fees, books, room and
35 board and any other necessary school related expenses.

36 Sec. 46. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as
37 follows: 75-4364. (a) As used in this section:

38 (1) "Dependent" means: (A) A birth child, adopted child or stepchild;
39 or (B) any child other than the foregoing who is actually dependent in
40 whole or in part on the individual and who is related to such individual by
41 marriage or consanguinity.

42 (2) "Emergency medical services attendant" means an attendant as
43 defined by K.S.A. 65-6112, and amendments thereto.

1 (3) "Firefighter" means a person who is: (A) Employed by any city,
2 county, township or other political subdivision of the state and who is
3 assigned to the fire department thereof and engaged in the fighting and
4 extinguishment of fires and the protection of life and property therefrom;
5 or (B) a volunteer member of a fire district, fire department or fire
6 company.

7 ~~(4)~~ (4) **"Kansas educational institution" means and includes area**
8 ~~vocational schools, area vocational-technical schools, community~~
9 **colleges, the municipal university, state educational institutions, the**
10 **institute of technology at Washburn university and technical colleges.**

11 (5) "Law enforcement officer" means a person who by virtue of office
12 or public employment is vested by law with a duty to maintain public order
13 or to make arrests for violation of the laws of the state of Kansas or
14 ordinances of any municipality thereof or with a duty to maintain or assert
15 custody or supervision over persons accused or convicted of crime, and
16 includes wardens, superintendents, directors, security personnel, officers
17 and employees of adult and juvenile correctional institutions, jails or other
18 institutions or facilities for the detention of persons accused or convicted
19 of crime, while acting within the scope of their authority.

20 (6) "Military service" means any active service in any armed service
21 of the United States and any active state or federal service in the Kansas
22 army or air national guard.

23 (7) "Prisoner of war" means any person who was a resident of
24 Kansas at the time the person entered service of the United States armed
25 forces and who, while serving in the United States armed forces, has been
26 declared to be a prisoner of war, as established by the United States
27 secretary of defense, after January 1, 1960.

28 ~~(8)~~ (8) **"Public safety officer" means a law enforcement officer or**
29 **a firefighter or an emergency medical services attendant.**

30 ~~(3) "Law enforcement officer" means a person who by virtue of office~~
31 ~~or public employment is vested by law with a duty to maintain public~~
32 ~~order or to make arrests for violation of the laws of the state of Kansas or~~
33 ~~ordinances of any municipality thereof or with a duty to maintain or assert~~
34 ~~custody or supervision over persons accused or convicted of crime, and~~
35 ~~includes wardens, superintendents, directors, security personnel, officers~~
36 ~~and employees of adult and juvenile correctional institutions, jails or other~~
37 ~~institutions or facilities for the detention of persons accused or convicted~~
38 ~~of crime, while acting within the scope of their authority.~~

39 ~~(4) "Firefighter" means a person who is: (1) Employed by any city,~~
40 ~~county, township or other political subdivision of the state and who is~~
41 ~~assigned to the fire department thereof and engaged in the fighting and~~
42 ~~extinguishment of fires and the protection of life and property therefrom;~~
43 ~~or (2) a volunteer member of a fire district, fire department or fire~~

1 company.

2 ~~(5) "Emergency medical services attendant" means an attendant as~~
3 ~~defined by K.S.A. 65-6112, and amendments thereto.~~

4 ~~(6) "Dependent" means (A) a birth child, adopted child or stepchild or~~
5 ~~(B) any child other than the foregoing who is actually dependent in whole~~
6 ~~or in part on the individual and who is related to such individual by~~
7 ~~marriage or consanguinity.~~

8 ~~(9) "Resident of Kansas" means a person who is a domiciliary~~
9 ~~resident as defined by K.S.A. 76-729, and amendments thereto.~~

10 ~~(10) "Spouse" means the spouse of a deceased public safety officer or~~
11 ~~deceased member of the military service who has not remarried.~~

12 ~~(7) (11) "State board" means the state board of regents.~~

13 ~~(8) "Military service" means any active service in any armed service~~
14 ~~of the United States and any active state or federal service in the Kansas~~
15 ~~army or air national guard.~~

16 ~~(9) "Prisoner of war" means any person who was a resident of Kansas~~
17 ~~at the time the person entered service of the United States armed forces~~
18 ~~and who, while serving in the United States armed forces, has been~~
19 ~~declared to be a prisoner of war, as established by the United States~~
20 ~~secretary of defense, after January 1, 1960.~~

21 ~~(10) "Resident of Kansas" means a person who is a domiciliary~~
22 ~~resident as defined by K.S.A. 76-729, and amendments thereto.~~

23 ~~(11) "Spouse" means the spouse of a deceased public safety officer or~~
24 ~~deceased member of the military service who has not remarried.~~

25 **(b) Every Kansas educational institution shall provide for**
26 **enrollment without charge of tuition or fees for: (1) Any dependent or**
27 **spouse of a public safety officer who died as the result of injury**
28 **sustained while performing duties as a public safety officer so long as**
29 **such dependent or spouse is eligible; (2) any dependent or spouse of**
30 **any resident of Kansas who died on or after September 11, 2001,**
31 **while, and as a result of, serving in military service; and (3) any**
32 **prisoner of war. Any such dependent or spouse and any prisoner of**
33 **war shall be eligible for enrollment at a Kansas educational institution**
34 **without charge of tuition or fees for not to exceed 10 semesters of**
35 **undergraduate instruction, or the equivalent thereof, at all such**
36 **institutions.**

37 **(c) Subject to appropriations therefor, any Kansas educational**
38 **institution, at which enrollment, without charge of tuition or fees, of a**
39 **prisoner of war or a dependent or spouse is provided for under**
40 **subsection (b), may file a claim with the state board for**
41 **reimbursement of the amount of such tuition and fees. The state board**
42 **shall include in its budget estimates pursuant to K.S.A. 75-3717, and**
43 **amendments thereto, a request for appropriations to cover tuition and**

1 fee claims pursuant to this section. The state board shall be
 2 responsible for payment of reimbursements to Kansas educational
 3 institutions upon certification by each such institution of the amount
 4 of reimbursement to which entitled. Payments to Kansas educational
 5 institutions shall be made upon vouchers approved by the state board
 6 and upon warrants of the director of accounts and reports. Payments
 7 may be made by issuance of a single warrant to each Kansas
 8 educational institution at which one or more eligible dependents or
 9 spouses or prisoners of war are enrolled for the total amount of tuition
 10 and fees not charged for enrollment at that institution. The director of
 11 accounts and reports shall cause such warrant to be delivered to the
 12 Kansas educational institution at which any such eligible dependents
 13 or spouses or prisoners of war are enrolled. If an eligible dependent or
 14 spouse or prisoner of war discontinues attendance before the end of
 15 any semester, after the Kansas educational institution has received
 16 payment under this subsection, the institution shall pay to the state the
 17 entire amount which such eligible dependent or spouse or prisoner of
 18 war would otherwise qualify to have refunded, not to exceed the
 19 amount of the payment made by the state in behalf of such dependent
 20 or spouse or prisoner of war for the semester. All amounts paid to the
 21 state by Kansas educational institutions under this subsection shall be
 22 deposited in the state treasury and credited to the state general fund.

23 (d) The state board shall adopt rules and regulations for
 24 administration of the provisions of this section and shall determine the
 25 qualification of persons as dependents and spouses of public safety
 26 officers or United States military personnel and the eligibility of such
 27 persons for the benefits provided for under this section.

28 Sec. 47. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read
 29 as follows: 75-53,112. As used in the Kansas foster child educational
 30 assistance act:

31 (a) "Kansas educational institution" means and includes any ~~area~~
 32 ~~vocational school, area vocational-technical school,~~ community college,
 33 the municipal university, state educational institution, *the institute of*
 34 *technology at Washburn university or technical college.*

35 (b) "Eligible foster child" means anyone: (1) Who (A) is in the
 36 custody of the secretary and in a foster care placement on the date
 37 such child attained 18 years of age, (B) has been released from the
 38 custody of the secretary prior to attaining 18 years of age, after having
 39 graduated from a high school or fulfilled the requirements for a
 40 general educational development (GED) certificate while in foster care
 41 placement and the custody of the secretary, (C) is adopted from a
 42 foster care placement on or after such child's 16th birthday, or (D) left
 43 a foster care placement subject to a guardianship under chapter 38 or

1 59 of the Kansas Statutes Annotated on or after such child's 16th
2 birthday; and

3 (2) who enrolls in a Kansas educational institution on or after
4 July 1, 2006.

5 (c) "Kansas foster child educational assistance program" or
6 "program" means the program established pursuant to the provisions
7 of the Kansas foster child educational assistance act which shall
8 provide for undergraduate enrollment of eligible foster children
9 through the semester the eligible foster child attains 23 years of age.

10 (d) "Educational program" means a program which is offered
11 and maintained by a Kansas educational institution and leads to the
12 award of a certificate, diploma or degree upon satisfactory completion
13 of course work requirements.

14 (e) "Secretary" means the secretary of social and rehabilitation
15 services.

16 Sec. 48. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as
17 follows: 75-6609. (a) When used in this section, "surplus real estate"
18 means real estate which is no longer needed by the state agency which
19 owns such real estate as determined in accordance with this section.

20 (b) (1) The secretary of administration shall develop criteria for
21 the identification of surplus real estate, including but not limited to, a
22 review of any legal restrictions associated with the real estate and the
23 reasons for the state agency to keep the real estate. In accordance with
24 such criteria, the secretary shall assist state agencies in the
25 identification of surplus real estate. The secretary of administration
26 shall periodically review the status of all real estate of state agencies
27 subject to this section to determine if any of the real estate owned by
28 state agencies is potentially surplus real estate. If any real estate
29 owned by a state agency is determined by the secretary of
30 administration, in consultation with the head of the state agency, to be
31 surplus real estate in accordance with the criteria developed under
32 subsection (a), then the secretary of administration shall recommend
33 to the governor that such real estate be sold under the procedures
34 prescribed by this section.

35 (2) The secretary of administration shall develop guidelines for
36 the sale of surplus real estate. In accordance with such guidelines and
37 upon the approval of the governor, after consultation with the head of
38 the state agency which owns such surplus real estate, after
39 consultation with the joint committee on state building construction
40 and after approval by the state finance council under subsection (c),
41 the secretary may offer such property for sale by one of the following
42 means: (A) Public auction; (B) by listing the surplus property with a
43 licensed real estate broker or salesperson; or (C) by sealed bid.

1 Subject to the approval of the state finance council as required by
2 subsection (c), the secretary of administration may sell surplus real
3 estate and any improvements thereon on behalf of the state agency
4 which owns such property.

5 (c) Prior to the sale of any surplus real estate under subsection
6 (b), the state finance council shall approve the sale, which is hereby
7 characterized as a matter of legislative delegation and subject to the
8 guidelines prescribed in subsection (c) of K.S.A. 75-3711, and
9 amendments thereto. The matter may be submitted to the state
10 finance council for approval at any time, including periods of time
11 during which the legislature is in session.

12 (d) Prior to offering any real estate for sale, such property shall
13 be appraised pursuant to K.S.A. 75-3043a, and amendments thereto,
14 unless the appraisal is waived as provided in this subsection. The
15 secretary of administration may waive the requirement for appraisal
16 for any parcel of surplus real estate that is to be sold at public auction
17 under this section if the secretary of administration determines that it
18 is in the best interests of the state to waive the requirement for
19 appraisal for such parcel of surplus real estate. The costs of any such
20 appraisal may be paid from the proceeds of the sale.

21 (e) Conveyance of title in surplus real estate offered for sale by
22 the secretary of administration shall be executed on behalf of the state
23 agency by the secretary of administration. The deed for the
24 conveyance may be by warranty deed or by quitclaim deed as
25 determined to be in the best interests of the state by the secretary of
26 administration in consultation with the head of the state agency which
27 owns the surplus real estate.

28 (f) (1) Any proceeds from the sale of surplus real estate and any
29 improvements thereon, after deduction of the expenses of such sale
30 and any cost of appraisal of the surplus real estate, shall be deposited
31 in the state treasury as prescribed by this subsection, unless otherwise
32 authorized by law. On and after the effective date of this act, 20% of
33 the proceeds from each such sale deposited in the state treasury shall
34 be credited to the surplus real estate fund or another appropriate
35 special revenue fund of the state agency which owned the surplus real
36 estate, as is prescribed by law or as may be determined by the state
37 agency, unless otherwise required by state or federal law or by the
38 limitations or restrictions of the state's title to the real estate being
39 sold. In the case of proceeds from the sale of surplus real estate at a
40 state mental health institution or a state mental retardation
41 institution, such portion of the proceeds shall be credited to the client
42 benefit fund of such institution or to another special revenue fund of
43 such institution for (A) rehabilitation and repair or other capital

1 improvements for such institution, or (B) one-time expenditures for
2 community mental health organizations if the real estate sold was at a
3 state mental health institution or for community developmental
4 disabilities organizations if the real estate sold was at a state mental
5 retardation institution, and, in any such case, shall be expended in
6 accordance with the provisions of appropriation acts. The remaining
7 80% of the proceeds from each such sale deposited in the state
8 treasury shall be credited to the state general fund.

9 (2) The amount of expenses and the cost of appraisal for each sale
10 of surplus real estate pursuant to this section shall be transferred and
11 credited to the property contingency fund created under K.S.A. 75-
12 3652, and amendments thereto, and may be expended for any
13 operations of the department of administration.

14 (3) Any state agency owning real estate may apply to the director
15 of accounts and reports to establish a surplus real estate special
16 revenue fund in the state treasury. Subject to the provisions of
17 appropriation acts, moneys in a surplus real estate special revenue
18 fund may be expended for the operating expenditures of the state
19 agency.

20 (g) Any sale of property by the secretary of transportation
21 pursuant to K.S.A. 68-413, and amendments thereto, shall not be
22 subject to the provisions of this section. The provisions of this section
23 shall not be applicable to real estate given as an endowment, bequest,
24 or gift to a state educational institution as defined in subsection (g) of
25 K.S.A. 72-4412, and amendments thereto, or to the university of
26 Kansas medical center.

27 (h) Sale of the Olathe travel information center shall not be
28 subject to the provisions of this section.

29 Sec. 49. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as
30 follows: 75-7222. As used in this act, unless the context requires
31 otherwise:

32 (a) "Board" means the state board of regents.

33 (b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-
34 425, and amendments thereto.

35 (c) "Library" means: (1) The state library; (2) any public library
36 established and operating under the laws of this state; or (3) any
37 regional system of cooperating libraries, as defined in K.S.A. 75-2548,
38 and amendments thereto.

39 (d) "Network" means the KAN-ED network created pursuant to
40 this act.

41 (e) "School" means: (1) Any unified school district, school district
42 interlocal cooperative, school district cooperative or nonpublic school
43 accredited by the state board of education; or (2) any community

1 college, technical college, ~~area vocational school, area vocational-~~
2 ~~technical school~~ *the institute of technology at Washburn university* or
3 Kansas educational institution, as defined in K.S.A. 74-32,120, and
4 amendments thereto.

5 Sec. 50. K.S.A. 76-6a13 is hereby amended to read as follows: 76-
6 6a13. As used in this act, unless the context otherwise requires:

7 (a) "Board" means the state board of regents or the board of
8 regents of a municipal university or the ~~board of control of the~~
9 ~~Northwest Kansas area vocational-technical school governing board of the~~
10 *northwest Kansas technical college* or the ~~board of control of the North~~
11 ~~Central Kansas area vocational-technical school governing board of the~~
12 *north central Kansas technical college* or the board of trustees of any
13 community college.

14 (b) "Institution" means and includes any state educational
15 institution operated and managed under the control and supervision
16 of the state board of regents, any municipal university organized
17 under the laws of Kansas, any community college, the ~~Northwest~~
18 ~~Kansas area vocational-technical school, and the North Central Kansas~~
19 ~~area vocational-technical school.~~ *northwest Kansas technical college and*
20 *the north central Kansas technical college.*

21 (c) "Building," when heretofore or hereafter acquired or
22 constructed by the state board of regents for any state educational
23 institution under the control and supervision of the state board of
24 regents, means and includes one or more dormitories, kitchens, dining
25 halls, student union buildings, field houses, student hospitals, libraries,
26 on-campus parking, hospital buildings or facilities for the university of
27 Kansas medical center, including outpatient treatment or support
28 facilities and acquisition of any real estate therefor, additions
29 heretofore or hereafter erected in connection therewith, or
30 rehabilitation or renovation of an existing building, or any
31 combination thereof, or any stadium, structure or facility when the
32 same is deemed necessary by the state board of regents to carry out
33 the purposes of the institution, or additions heretofore or hereafter
34 erected in connection with such stadium, structure or facility. The
35 state board of regents shall not issue any revenue bonds for acquisition
36 or construction of any building, structure or facility or additions
37 erected in connection therewith, or for rehabilitation or renovation of
38 an existing building, as authorized by this section, unless such
39 acquisition, construction or rehabilitation or renovation has been
40 authorized by appropriation or other act of the legislature and the
41 state board of regents has first advised and consulted on such
42 acquisition, construction or rehabilitation or renovation with the joint
43 committee on state building construction.

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

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

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

29 Sec. 51. K.S.A. 2010 Supp. 76-768 is hereby amended to read as
30 follows: 76-768. (a) On and after July 1, 2006:

31 (1) No postsecondary educational institution shall print or encode
32 a person's social security number on or into the person's identification
33 card.

34 (2) Any distinguishing identifier assigned to the person's
35 identification card shall be a combination of numbers or letters or
36 both, which is unique to such person.

37 (3) A person's distinguishing identifier shall not, in any way, be
38 based on or depend on the person's social security number.

39 (b) As used in this section:

40 (1) "Person" means an employee of or a student enrolled at a
41 postsecondary educational institution.

42 (2) "Postsecondary educational institution" means and includes
43 ~~area-vocational schools, area-vocational-technical schools, community~~

1 colleges, the municipal university, state educational institutions,
2 technical colleges, *the institute of technology at Washburn university and*
3 *private institutions of postsecondary education.*

4 ~~Sec. 17. K.S.A. 71-601, 71-613, 71-613a, 71-620, 71-1706, 72-4480~~
5 ~~and 72-6503 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432 are~~
6 ~~hereby repealed.~~

7 Sec. 52. K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-613a,
8 71-614, 71-620, 71-701, 71-802, 71-1201, 71-1706, 72-4428, 72-4435, 72-
9 4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4468, 72-4480, 72-6214,
10 72-6803, 73-1218, 74-3229a and 76-6a13 and K.S.A. 2010 Supp. 71-
11 201, 71-1507, 72-4412, 72-4415, 72-4430, 72-4431, 72-4432, 72-4433,
12 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151,
13 75-4364, 75-53,112, 75-6609, 75-7222, 76-768 and 76-781 are hereby
14 repealed.

15 Sec. 53. On July 1, 2011, K.S.A. 71-601, as amended by section 18
16 of this act, 71-613, [as amended by section 22 of this act,] 71-620, as
17 amended by section 24 of this act, 72-4480, as amended by section 39
18 of this act and 72-6503 are hereby repealed.

19 Sec. 1854. This act shall take effect and be in force from and after its
20 publication in the Kansas register ~~statute book~~ Kansas register.
21