

SENATE BILL No. 174

By Committee on Ways and Means

2-8

1 AN ACT concerning higher education; authorizing the affiliation of
2 Wichita area technical college with Wichita state university; amending
3 K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a and
4 repealing the existing sections.
5

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

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

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

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

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

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

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

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

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

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

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

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

27 (f) Whenever the Wichita area technical college, Wichita area
28 vocational school or the Wichita area vocational-technical school, or
29 words of like effect, is referred to or designated by any statute, contract or
30 other document, such reference or designation shall be deemed to apply to
31 the Wichita state university campus of applied sciences and technology.
32 Except as otherwise provided in this section, the provisions of all statutes
33 of general application to area vocational schools, area vocational-technical
34 schools and technical colleges shall apply to the Wichita state university
35 campus of applied sciences and technology. Whenever area vocational
36 schools, area vocational-technical schools or technical colleges are
37 defined, referred to or designated in a statute, such definition, referral or
38 designation shall be deemed to apply to the Wichita state university
39 campus of applied sciences and technology.

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

43 (h) Subject to authorization by the state board of regents, all

1 personnel of the Wichita area technical college, who are necessary to the
2 operation of the Wichita state university campus of applied sciences and
3 technology, in the opinion of the president of Wichita state university,
4 shall become personnel of Wichita state university. The employment of
5 such personnel shall be deemed uninterrupted.

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

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

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

24 (1) The composition of the independent governing board;

25 (2) the territory of the technical college. If the territory of the
26 technical college includes more than one county, the plan shall designate a
27 home county;

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

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

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

35 (6) the manner and terms upon which faculty, employees and students
36 will be transferred to the independent governing board. Subject to the
37 provisions of K.S.A. 2016 Supp. 72-4478, and amendments thereto, such
38 provisions shall specify terms of employment and address other personnel
39 matters.

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

1 amendments to the plan shall be submitted to the state board of regents for
2 approval.

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

6 (1) Determine the career technical and general education courses of
7 instruction that will comprise the associate of applied science degree
8 programs of the college;

9 (2) establish the requirements for satisfactory completion of the
10 associate of applied science degree programs of the college;

11 (3) confer the associate of applied science degree upon students who
12 successfully complete an associate of applied science degree program of
13 the college and to award a certificate or diploma to students who
14 successfully complete a career technical education program of the college;

15 (4) appoint teaching staff and fix and determine teacher
16 qualifications, duties and compensation. No teacher appointed to teach
17 courses comprising the associate of applied science degree programs of the
18 college shall be required to meet licensure requirements greater than those
19 required in the state educational institutions;

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

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

25 (7) sue and be sued;

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

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

31 (10) enter into contracts;

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

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

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

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

40 (15) contract with one or more agencies, either public or private,
41 whether located within or outside the territory of the college or whether
42 located within or outside the state of Kansas, for the conduct by any such
43 agency of academic or career technical education for students of the

1 college and to provide for the payment to any such agency for the
2 contracted educational services from any funds or moneys of the college,
3 including funds or moneys received from student tuition and fees;

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

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

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

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

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

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

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

34 Sec. 3. K.S.A. 72-4472 is hereby amended to read as follows: 72-
35 4472. (a) The Wichita area vocational school, also known as the Wichita
36 area vocational-technical school, ~~is authorized to be previously~~ converted
37 to and established by law as a ~~Wichita area~~ technical college and, upon
38 such conversion and establishment as provided by law, shall be officially
39 designated as the ~~Wichita area technical college~~ *state university campus of*
40 *applied sciences and technology.*

41 (b) Whenever the Wichita area vocational school, ~~or~~ the Wichita area
42 vocational-technical school *or Wichita area technical college*, is referred
43 to or designated by or in any statute, contract or other document, such

1 reference or designation shall be deemed to apply to the Wichita-area
2 ~~technical college~~ *state university campus of applied sciences and*
3 *technology.*

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

9 Sec. 4. K.S.A. 74-4931 is hereby amended to read as follows: 74-
10 4931. On the effective date of this act, the following shall be eligible
11 employers as defined in ~~subsection (13)~~ of K.S.A. 74-4902(13), and
12 *amendments thereto* and as further defined herein:

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

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

22 Sec. 5. K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-
23 4470a are hereby repealed.

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