

**SENATE BILL No. 434**

By Committee on Ways and Means

3-12

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

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

7 New Section 1. (a) There is hereby established the SUCCESS  
8 program. Any community college may apply to be selected as a participant  
9 in the SUCCESS program. Applications for selection as a participant shall  
10 be submitted to the SUCCESS selection committee in such form and  
11 manner as prescribed by the committee. Applications shall be submitted to  
12 the committee on or before June 15, 2014. Upon receipt of all applications  
13 submitted in accordance with this section, the committee shall review such  
14 applications and determine which applicants shall be selected as  
15 participants in the program. On or before June 30, 2014, the committee  
16 shall make a final determination as to which community colleges shall  
17 participate in the program and shall notify each applicant in writing of its  
18 decision with respect to such applicant.

19 (b) The SUCCESS selection committee shall select at least one, but  
20 not more than two applicants as participants in the program. In  
21 determining the total number of community colleges to select as  
22 participants, the committee shall consider the aggregate amount of  
23 appropriations made for the SUCCESS program account of the state  
24 general fund.

25 (c) Upon selection of the participants in the SUCCESS program, the  
26 SUCCESS selection committee shall determine the amount of money to be  
27 distributed to each participant from the SUCCESS program account of the  
28 state general fund. In making its determination, the committee shall  
29 consider the general operating budget of each participant for the  
30 immediately succeeding fiscal year, and any other revenue sources  
31 available to the participant. The committee shall certify the amount of  
32 money to be distributed to each participant from the SUCCESS program  
33 account of the state general fund.

34 (d) The SUCCESS selection committee shall be composed of seven  
35 members as follows:

36 (1) The chairperson of the senate committee on ways and means;

1 (2) the chairperson of the house of representatives committee on  
2 appropriations;

3 (3) the chairperson of the senate committee on education;

4 (4) the chairperson of the house of representatives committee on  
5 education; and

6 (5) three members who shall be appointed by unanimous decision  
7 among the four members identified in paragraphs (1) through (4), provided  
8 that at least one such member shall:

9 (A) Represent the board of regents;

10 (B) represent community colleges; and

11 (C) represent the business community that is seeking to employ  
12 individuals with technical certifications.

13 (e) The first meeting shall be called by the president of the board of  
14 regents on or before June 1, 2014, at which time the members shall choose  
15 a chairperson and vice-chairperson of the committee. The committee may  
16 meet at any time and at any place within the state upon the call of the  
17 chairperson. All actions by the committee shall be by motion adopted by a  
18 majority of the members of the committee.

19 (f) Subject to the provisions of appropriation acts, the board of  
20 regents shall provide staff, facilities and other assistance as may be  
21 requested by the committee.

22 (g) If approved by the legislative coordinating council, members of  
23 the committee attending regular or special meetings authorized by the  
24 committee shall be paid amounts for expenses, mileage and subsistence as  
25 provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

26 New Sec. 2. (a) The board of trustees for any community college  
27 selected to be a participant in the SUCCESS program pursuant to section  
28 1, and amendments thereto, shall work in conjunction with the state board  
29 of regents, one or more state educational institutions, one or more  
30 technical colleges, if a technical college is located within the same region  
31 as such community college, and one or more school districts to develop a  
32 detailed plan to provide educational programs that will integrate career  
33 technical education from the secondary education level through attainment  
34 of a postsecondary industry certification or advanced degree, including a  
35 bachelor's degree. Such plans shall be designed to expedite the learning  
36 process to directly benefit students and Kansas technology-driven  
37 employers by helping students attain their educational goals as soon as  
38 possible and helping employers meet their technical workforce needs.

39 (b) The primary objectives of such plans shall be to:

40 (1) Develop single source management of all career technical  
41 education in the region, including career technical education provided  
42 through school districts;

43 (2) develop full articulation between programs at postsecondary

1 educational institutions;

2 (3) develop full plans for dual admission in high school, technical  
3 training programs and postsecondary courses;

4 (4) develop cooperation and integration of entities, identifying and  
5 implementing improved efficiency and utilization of resources, including  
6 personnel, facilities and equipment, in the delivery of educational  
7 programs at postsecondary educational institutions;

8 (5) develop full transferability and reverse transfer of credit hours  
9 among postsecondary educational institutions; and

10 (6) develop a structure for governance of the new integrated system  
11 capable of oversight, yet able to meet the needs of rapidly changing  
12 industries and to remain focused on locally accessible higher education  
13 success paths from the secondary level through full completion of  
14 postsecondary education.

15 (c) On January 15, 2015, and January 15, 2016, the board of trustees  
16 for any community college selected to be a participant in the SUCCESS  
17 program pursuant to section 1, and amendments thereto, shall prepare and  
18 submit a report to the governor and the legislature on the detailed plan  
19 developed pursuant to subsection (a). Such report shall describe the  
20 progress made in the immediately preceding year on developing the plan  
21 and the implementation of any portion of such plan. Such report shall also  
22 include, but is not limited to, the following:

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

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

30 (3) a description of any changes in governance structure for  
31 postsecondary educational institutions that would provide for better  
32 implementation of the plan.

33 (d) A community college selected to be a participant in the SUCCESS  
34 program pursuant to section 1, and amendments thereto, may provide  
35 educational programs and services outside of such community college's  
36 service area. A service area agreement entered into by a community  
37 college selected to be a participant in the SUCCESS program pursuant to  
38 section 1, and amendments thereto, shall not be binding on such  
39 community college to the extent such community college elects to offer  
40 educational programs and services outside of such community college's  
41 service area.

42 New Sec. 3. (a) During the time period of January 1, 2016 through  
43 June 30, 2016, the board of county commissioners of any county in which

1 is located a community college selected as a participant in the SUCCESS  
2 program pursuant to section 1, and amendments thereto, by resolution  
3 shall submit to the qualified voters of their respective counties a  
4 proposition to continue funding the community college located in such  
5 county as provided by this act. The proposition shall be submitted to the  
6 voters at a special election of the county.

7 (b) Upon the adoption of a resolution calling for an election pursuant  
8 to subsection (a), the county election officer shall cause the following  
9 proposition to be placed on the ballot at the special election: "Shall  
10 \_\_\_\_\_ Community College continue to be funded as provided  
11 by the SUCCESS Act?"

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

15 (d) If a majority of the votes cast and counted at an election under  
16 subsection (a) is in favor of continuing to fund the community college  
17 located in such county as provided by this act, then on and after July 1,  
18 2016, the community college located in such county shall continue to be  
19 funded as provided by this act.

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

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

29 New Sec. 4. For purposes of sections 1 through 3, and amendments  
30 thereto:

31 (a) "Community college" means any community college organized  
32 and operating under the laws of this state.

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

36 (c) "School district" means a unified school district organized and  
37 operating under the laws of this state.

38 (d) "Service area" means a designated geographic area of the state  
39 established pursuant to agreement of the presidents of the community  
40 colleges and adopted in policy by the state board of regents.

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

43 (f) "Technical college" shall have the same meaning as that term is

1 defined in K.S.A. 74-3201b, and amendments thereto.

2 New Sec. 5.

3 STATE BOARD OF REGENTS

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

6 SUCCESS program.....\$5,300,000

7 *Provided*, That, during fiscal year 2015, expenditures shall be made from  
8 the SUCCESS program account of the state general fund for fiscal year  
9 2015 by the state board of regents to fund the operating expenses for those  
10 community colleges selected as participants in the SUCCESS program  
11 pursuant to section 1, and amendments thereto, in such amounts as  
12 certified by the SUCCESS selection committee in accordance with section  
13 1, and amendments thereto: *Provided further*; That, during fiscal year  
14 2015, expenditures shall be made from the SUCCESS program account of  
15 the state general fund to implement and administer the SUCCESS  
16 program: *And provided further*; That the board of trustees for such  
17 community colleges shall work in conjunction with the state board of  
18 regents, one or more state educational institutions, one or more technical  
19 colleges, if a technical college is located within the same region as such  
20 community college, and one or more school districts to develop a detailed  
21 plan to provide educational programs that will integrate career technical  
22 education from the secondary education level through attainment of a  
23 postsecondary industry certification or advanced degree in accordance  
24 with the provisions of section 2, and amendments thereto.

25 New Sec. 6.

26 STATE BOARD OF REGENTS

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

29 SUCCESS program.....\$5,300,000

30 *Provided*, That, during fiscal year 2016, expenditures shall be made from  
31 the SUCCESS program account of the state general fund for fiscal year  
32 2016 by the state board of regents to fund the operating expenses for those  
33 community colleges selected as participants in the SUCCESS program  
34 pursuant to section 1, and amendments thereto, in such amounts as  
35 certified by the SUCCESS selection committee in accordance with section  
36 1, and amendments thereto: *Provided further*; That, during fiscal year  
37 2016, expenditures shall be made from the SUCCESS program account of  
38 the state general fund to implement and administer the SUCCESS  
39 program: *And provided further*; That the board of trustees for such  
40 community colleges shall work in conjunction with the state board of  
41 regents, one or more state educational institutions, one or more technical  
42 colleges, if a technical college is located within the same region as such  
43 community college, and one or more school districts to develop a detailed

1 plan to provide educational programs that will integrate career technical  
2 education from the secondary education level through attainment of a  
3 postsecondary industry certification or advanced degree in accordance  
4 with the provisions of section 2, and amendments thereto.

5 New Sec. 7. The provisions of sections 1 through 6, and amendments  
6 thereto, shall be known and may be cited as the SUCCESS act.

7 New Sec. 8. (a) For fiscal year 2015 and fiscal year 2016, the board  
8 of trustees for any community college selected as a participant in the  
9 SUCCESS program pursuant to section 1, and amendments thereto, shall  
10 only be authorized to levy a tax on the taxable tangible property of the  
11 community college district pursuant to K.S.A. 71-204 and 71-617, and  
12 amendments thereto, in an amount that shall not exceed the difference, if  
13 any, between the the aggregate amount of taxes levied by such board of  
14 trustees for fiscal year 2014 pursuant to K.S.A. 71-204 and 71-617, and  
15 amendments thereto, and the amount of funds distributed to such  
16 community college pursuant to the SUCCESS act.

17 (b) The provisions of this section shall expire on:

18 (1) June 30, 2015, if appropriations made from the state general fund  
19 to the SUCCESS program account are rescinded either in whole, or in part,  
20 by any appropriation act for fiscal year 2015 or fiscal year 2016; or

21 (2) June 30, 2016, if a majority of the votes cast and counted at an  
22 election held under section 3, and amendments thereto, is against the  
23 question submitted at such election.

24 Sec. 9. K.S.A. 71-204 is hereby amended to read as follows: 71-204.

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

28 Such tax levy shall be the amount determined by the board of trustees  
29 to be sufficient to finance that part of the budget of the community college  
30 which is not financed from any other source provided by law. The budget  
31 of the community college shall be prepared and adopted as provided by  
32 law, and the tax levy therefor shall be certified to the county clerk of every  
33 county a part of the territory of which is in the community college district.

34 (b) The tax levy authorized by subsection (a) shall be reduced ~~(1) in~~  
35 ~~the 2001 fiscal year by an amount equal to 80% of the amount of the~~  
36 ~~difference between the amount of state aid received by the community~~  
37 ~~college in the 2000 fiscal year less an amount equal to 25% of the amount~~  
38 ~~of out-district tuition received by the community college in such fiscal~~  
39 ~~year and the amount of the state grant to which the community college is~~  
40 ~~entitled in the 2001 fiscal year and (2) in fiscal years 2002, 2003 and 2004~~  
41 ~~by an amount equal to 80% of the amount of the difference between the~~  
42 ~~amount of the state grant received by the community college in the~~  
43 ~~preceding fiscal year less an amount equal to 25% of the amount of out-~~

1 ~~district tuition received by the community college in the 2000 fiscal year~~  
2 ~~and the amount of the state grant to which the community college is~~  
3 ~~entitled in the current fiscal year and (3) in each fiscal year after the 2004~~  
4 ~~fiscal year by an amount equal to 80% of the amount of the difference~~  
5 ~~between the amount of the state grant received by the community college~~  
6 ~~in the preceding fiscal year and the amount of the state grant to which the~~  
7 ~~community college is entitled in the current fiscal year.~~

8 *(c) The provisions of this section shall be subject to section 8, and*  
9 *amendments thereto.*

10 Sec. 10. K.S.A. 71-617 is hereby amended to read as follows: 71-617.

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

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

40 *(c) The provisions of this section shall be subject to section 8, and*  
41 *amendments thereto.*

42 Sec. 11. K.S.A. 71-204 and 71-617 are hereby repealed.

43 Sec. 12. This act shall take effect and be in force from and after its

- 1 publication in the Kansas register.