AN ACT concerning postsecondary education; enacting the SUCCESS act; relating to the funding of certain community colleges; making and concerning appropriations for the fiscal years ending June 30, 2015, and June 30, 2016, for the state board of regents; amending K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617 and repealing the existing sections.

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

New Section 1. (a) The board of trustees for Cloud county community college and Fort Scott community college, respectively, shall each work in conjunction with the state board of regents, one or more state educational institutions, one or more technical colleges and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree, including a bachelor's degree. Such plans shall be designed to expedite the learning process to directly benefit students and Kansas technology-driven employers by helping students attain their educational goals as soon as possible and helping employers meet their technical workforce needs. The primary objectives of such plans shall be to:

(1) Develop single source management of all career technical education in the region, including career technical education provided through school districts;
(2) improve articulation between programs at postsecondary educational institutions;
(3) encourage dual enrollment in high school, technical training programs and postsecondary courses;
(4) encourage cooperation, improved efficiency and utilization of resources, including personnel, facilities and equipment, in the delivery of educational programs at postsecondary educational institutions;
(5) improve the transferability and reverse transfer of credit hours among postsecondary educational institutions; and
(6) develop a structure for governance of the new integrated system capable of oversight, yet able to meet the needs of rapidly changing industries and to remain focused on locally accessible higher education.
success paths from the secondary level through full completion of postsecondary education.

(b) On January 15, 2015, and January 15, 2016, the board of trustees for Cloud county community college and Fort Scott community college, respectively, shall prepare and submit a report to the governor and the legislature on the detailed plan developed pursuant to subsection (a). Such report shall describe the progress made in the immediately preceding year on developing the plan and the implementation of any portion of such plan. Such report shall also include the following:

1. A description of any cost savings, either actual or proposed, by any school district or postsecondary educational institution as a result of implementation of the plan or any portion thereof;
2. A description of any financial benefits, either actual or proposed, achieved as a result of economies of scale being utilized by any school district or postsecondary educational institution as a result of implementation of the plan or any portion thereof; and
3. A description of any changes in governance structure for postsecondary educational institutions that would provide for better implementation of the plan.

(c) For purposes of this section:

1. "Postsecondary educational institution" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.
2. "School district" means a unified school district organized and operating under the laws of this state.
3. "State educational institution" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.
4. "Technical college" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.

New Sec. 2. (a) During the time period of January 1, 2016 through June 30, 2016, the board of county commissioners of Cloud county and Crawford county by resolution shall submit to the qualified voters of their respective counties a proposition to continue funding the community college located in such county as provided by this act. The proposition shall be submitted to the voters at a special election of the county.

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

(c) The election provided for by subsection (a) shall be conducted, and the votes counted and canvassed in the manner provided by law for question submitted elections of the county.
(d) If a majority of the votes cast and counted at an election under subsection (a) is in favor of continuing to fund the community college located in such county as provided by this act, then on and after July 1, 2016, the community college located in such county shall continue to be funded as provided by this act.

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

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

New Sec. 3.

STATE BOARD OF REGENTS

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

Fort Scott community college SUCCESS....................................$2,500,000

Provided, That, during fiscal year 2015, expenditures shall be made from the Fort Scott community college SUCCESS account of the state general fund for fiscal year 2015 by the state board of regents to fund the operating expenses for Fort Scott community college: Provided further, That the board of trustees for Fort Scott community college shall work in conjunction with the state board of regents, one or more state educational institutions, one or more technical colleges and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 1, and amendments thereto.

Cloud county community college SUCCESS .......................$2,100,000

Provided, That, during fiscal year 2015, expenditures shall be made from the Cloud county community college SUCCESS account of the state general fund for fiscal year 2015 by the state board of regents to fund the operating expenses for Cloud county community college: Provided further, That the board of trustees for Cloud county community college shall work in conjunction with the state board of regents, one or more state educational institutions, one or more technical colleges and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 1, and
amendments thereto.

Board of regents SUCCESS ......................................................... $700,000

Provided, That, during fiscal year 2015, expenditures shall be made from the board of regents SUCCESS account of the state general fund for fiscal year 2015 by the state board of regents to implement and administer the provisions of section 1, and amendments thereto: Provided further, That the board of regents shall work in conjunction with Fort Scott community college and Cloud county community college on the development of a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 1, and amendments thereto.

New Sec. 4.

STATE BOARD OF REGENTS

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

Fort Scott community college SUCCESS .................................. $2,500,000

Provided, That, during fiscal year 2016, expenditures shall be made from the Fort Scott community college SUCCESS account of the state general fund for fiscal year 2015 by the state board of regents to fund the operating expenses for Fort Scott community college: Provided further, That the board of trustees for Fort Scott community college shall work in conjunction with the state board of regents, one or more state educational institutions, one or more technical colleges and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 1, and amendments thereto.

Cloud county community college SUCCESS ......................... $2,100,000

Provided, That, during fiscal year 2015, expenditures shall be made from the Cloud county community college SUCCESS account of the state general fund for fiscal year 2015 by the state board of regents to fund the operating expenses for Cloud county community college: Provided further, That the board of trustees for Cloud county community college shall work in conjunction with the state board of regents, one or more state educational institutions, one or more technical colleges and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 1, and amendments thereto.
Board of regents SUCCESS ............................................................$700,000

Provided, That, during fiscal year 2016, expenditures shall be made from the board of regents SUCCESS account of the state general fund for fiscal year 2016 by the state board of regents to implement and administer the provisions of section 1, and amendments thereto: Provided further, That the board of regents shall work in conjunction with Fort Scott community college and Cloud county community college on the development of a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 1, and amendments thereto.

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

New Sec. 6. (a) (1) For fiscal year 2015 and fiscal year 2016, the provisions of K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and amendments thereto, shall not apply to Cloud county community college. In fiscal year 2015 and fiscal year 2016, the board of trustees for Cloud county community college shall not levy any tax on the taxable tangible property of the community college district pursuant to the provisions of K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and amendments thereto.

(2) The provisions of this subsection shall expire on:

(A) June 30, 2015, if appropriations made for Cloud county community college from the state general fund to the Cloud county community college SUCCESS account are rescinded either in whole, or in part, by any appropriation act for fiscal year 2015 or fiscal year 2016; or

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

(b) (1) For fiscal year 2015 and fiscal year 2016, the provisions of K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and amendments thereto, shall not apply to Fort Scott community college. In fiscal year 2015 and fiscal year 2016, the board of trustees for Fort Scott community college shall not levy any tax on the taxable tangible property of the community college district pursuant to the provisions of K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617, and amendments thereto.

(2) The provisions of this subsection shall expire on:

(A) June 30, 2015, if appropriations made for Fort Scott community college from the state general fund to the Fort Scott community college SUCCESS account are rescinded either in whole, or in part, by any appropriation act for fiscal year 2015 or fiscal year 2016; or

(B) June 30, 2016, if a majority of the votes cast and counted at an
Sec. 7. K.S.A. 71-204 is hereby amended to read as follows: 71-204.
(a) For the purpose of community college maintenance and operation, the board of trustees is authorized to levy a tax on the taxable tangible property of the community college district.

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

(b) The tax levy authorized by subsection (a) shall be reduced (1) in the 2001 fiscal year by an amount equal to 80% of the amount of the difference between the amount of state aid received by the community college in the 2000 fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in such fiscal year and the amount of the state grant to which the community college is entitled in the 2001 fiscal year and (2) in fiscal years 2002, 2003 and 2004 by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in the 2000 fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year and (3) in each fiscal year after the 2004 fiscal year by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year.

(c) The provisions of this section are subject to the provisions of section 6, and amendments thereto.

Sec. 8. K.S.A. 71-501 is hereby amended to read as follows: 71-501.
(a) The board of trustees of any community college is authorized to make an annual tax levy for a period of not to exceed five years of not to exceed two mills upon all taxable tangible property in the community college district for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of community college buildings, architectural expenses incidental thereto, and the acquisition of real property for use as building sites or for educational programs. No levy shall be made under this section until a resolution authorizing the levy is passed by the board of trustees and published once each week for three consecutive weeks in a newspaper having general circulation in the community college district. The resolution shall specify the mill rate of
the tax levy and the period of time for which the tax levy shall be made
under authority thereof. After adoption of the resolution, the levy may be
made unless, within 60 days following the last publication of the
resolution, a petition in opposition to the levy, signed by not less than 5%
of the qualified electors of the community college district, is filed with the
county election officer of the county in which the main campus of the
community college is located. If a petition is filed, the levy shall not be
made without the question of levying the same having been submitted to
and approved by a majority of the qualified electors of the district voting at
an election called for that purpose or at the next general election. If a
petition is filed and no election is held, a new resolution authorizing a levy
for the purposes specified in this section may not be adopted for a period
of one year after the filing of the petition.

(b) Whenever an initial resolution has been adopted under subsection
(a) and the resolution specified a lesser mill rate than two mills, the board
of trustees of the community college may adopt a second resolution under
the same procedure as is provided in subsection (a) for the initial
resolution and, subject to the same conditions and for the same purposes as
provided in subsection (a), shall be authorized to make an additional tax
levy in an amount to be specified in the second resolution for the
remainder of the period of time specified in the initial resolution for the
making of the levy under authority thereof. Any second resolution shall be
limited in amount as specified in subsection (a), less such amount as was
authorized in the initial resolution, and not to exceed an aggregate amount
of two mills in any one year. If any such resolution is adopted and the tax
levy therein specified is authorized under the conditions specified in
subsection (a), the amount of bonds which may be issued under K.S.A. 71-
502, and amendments thereto, may be increased accordingly.

(c) The board of trustees of any community college which has made a
tax levy under this section may initiate, at any time after the final levy is
certified to the county clerk under any current authorization, procedures to
renew its authority to make a like annual tax levy in the amount, upon the
conditions, and in the manner specified in subsection (a).

(d) The provisions of this section are subject to the provisions of
section 6, and amendments thereto.

(e) As used in this act, "unconditionally authorized to make a tax
levy under authority of article 5 of chapter 71 of the Kansas Statutes
Annotated, and amendments thereto" means that the board of trustees of
the community college has adopted a resolution under this section, has
published the same, and either that such resolution was not protested or
that it was protested and an election was held by which the tax levy of the
community college was approved.

Sec. 9. K.S.A. 71-502 is hereby amended to read as follows: 71-502.
(a) Any moneys in the capital outlay fund of any community college district and any moneys received from issuance of bonds under this section may be used for the purposes specified in K.S.A. 71-501, and amendments thereto. The board of trustees of any community college district which is unconditionally authorized to make a tax levy under authority of article 5 of chapter 71 of the Kansas Statutes Annotated, and amendments thereto, in lieu of making all or part of such tax levy, may issue and sell general obligation bonds as now provided by law for the issuance of general obligation bonds for buildings by such board of trustees, except that such bonds shall be issued to mature in not more than five (5) years and except that no election shall be required. In the event that bonds are issued under authority of this section, the amount of such bonds which may be issued shall be determined as follows:

(1) The amount of such bonds shall not exceed the amount of the product which results from multiplying the remaining number of years provided in the resolution authorizing the capital outlay fund tax levy and adopted under K.S.A. 71-501, and amendments thereto, times the mill rate provided in said such resolution times the assessed valuation of the taxable tangible property of the district at the time the bonds are issued, less the sum of all amounts specified in paragraphs (2) and (3) of this subsection.

(2) The maximum amount of bonds authorized by this section to be issued shall be reduced by all amounts which have been or will be received by such community college district from any tax levy made under authority of said such resolution prior to the issuance of such bonds, and such maximum amount shall be further reduced by the estimated amount of interest to be paid on such bonds.

(3) The maximum amount of bonds authorized by this section to be issued shall be reduced by an amount equal to the amount of unpaid principal on bonds which have theretofore been issued under this section.

(b) Bonds issued under the authority conferred by this section by the board of trustees of any community college shall not be subject to or within any bonded debt limitation prescribed by law and, in determining the amount of bonded indebtedness of any such community college in applying any such bonded debt limitation, bonds issued under this section shall not be considered.

(c) The provisions of this section are subject to the provisions of section 6, and amendments thereto.

Sec. 10. K.S.A. 71-507 is hereby amended to read as follows: 71-507.

(a) If any community college is unconditionally authorized to make a tax levy under authority of article 5 of chapter 71 of the Kansas Statutes Annotated, and amendments thereto, but the board of trustees of the community college chooses, in any year, not to make the levy, or chooses to make a lesser levy than authorized, the board of trustees may do so. If
the board of trustees of the community college refrains from making a levy in any one or more years or from making the full levy which it is authorized to make under K.S.A. 71-501, and amendments thereto, and the resolution adopted thereunder, the authority of the community college to make a tax levy under K.S.A. 71-501, and amendments thereto, shall not thereby be extended beyond the period of time specified in the resolution, nor shall the mill rate of the tax levy authorized for any succeeding year be increased thereby.

(b) The provisions of this section are subject to the provisions of section 6, and amendments thereto.

Sec. 11. K.S.A. 71-617 is hereby amended to read as follows: 71-617.

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

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

(c) The provisions of this section are subject to the provisions of section 6, and amendments thereto.

Sec. 12. K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617 are
hereby repealed.
Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.