

HOUSE BILL No. 2164

AN ACT concerning community college boards of trustees; providing an additional member to the Cowley county community college board of trustees; amending K.S.A. 71-1403 and repealing the existing section.

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

New Section 1. (a) As used in this section:

(1) “Cowley county community college district” means the taxing district of Cowley county community college.

(2) “Sumner county election officer” means the county clerk of Sumner county.

(3) “Additional member” means the additional trustee position on the board of trustees of Cowley county community college elected by the qualified electors residing in Sumner county.

(b) Subject to the provisions of subsection (e):

(1) The board of trustees of Cowley county community college shall be composed of board members from Cowley county community college elected pursuant to K.S.A. 71-1401 et seq., and amendments thereto, and an additional member elected by the qualified electors of Sumner county. The board of trustees of Cowley county community college shall adopt and implement an additional member plan as provided in this section. The board’s additional member plan shall include a determination as to whether the board has adopted a six or seven member plan for member elections in the Cowley county community college district. The provisions of K.S.A. 71-1401 et seq., and amendments thereto, shall apply to the member elections in the Cowley county community college district.

(2) The general election for the additional member shall be conducted as an at large election in Sumner county and held on the Tuesday following the first Monday in November of each odd-numbered year.

(3) Any primary election for the additional member shall be conducted as an at large election in Sumner county and held on the first Tuesday of August of each odd-numbered year in accordance with K.S.A. 25-205, and amendments thereto.

(4) Notice of the time and place of holding each primary and general election shall be published by the Sumner county election officer in accordance with K.S.A. 25-105 and 25-209, and amendments thereto.

(5) If there are more than three candidates for the additional member, the Sumner county election officer shall call and hold a primary election. The names of the two candidates who receive the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are three or fewer candidates, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(6) If an additional member is to be elected to fill an unexpired term, the Sumner county election officer shall call and hold a primary election if there are more than three candidates for such unexpired term. The names of two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer candidates for the unexpired term of the additional member, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(7) In general elections for the additional member, one blank line for the names of write-in candidates shall be printed on the ballots at the end of the list of candidates. The purpose of such blank line shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such position. No lines for write-in candidates shall appear on primary election ballots for the additional member.

(8) All qualified electors who reside in Sumner county may vote in both the primary and general elections for the additional member.

(9) The provisions of K.S.A. 71-1419, and amendments thereto, shall apply to elections for the additional member.

(c) (1) A person may become a candidate for election to the additional member trustee of the Cowley county community college board of trustees by either one of the following methods:

(A) Any person who is an elector of Sumner county may petition to be a candidate for the additional member trustee by filing with the Sumner county election officer a petition for such person’s candidacy signed by not less than 50 electors residing in Sumner county; or

(B) any person who is an elector of Sumner county may become a

candidate for the additional member trustee by filing with the Sumner county election officer a declaration of intent to be such a candidate and payment of a filing fee in the amount of \$20.

(2) Every petition or declaration of intent filed under this subsection shall be filed on or before 12 p.m. on June 1 of each odd-numbered year as provided in K.S.A. 2016 Supp. 25-21a03, and amendments thereto, and K.S.A. 25-205, and amendments thereto.

(d) The first additional member shall be elected for a two-year term commencing on the second Monday in January, 2018, following the election. All subsequent additional members shall be elected for a four-year term commencing on the second Monday in January following the election.

(e) The Cowley county community college board of trustees shall be composed of those members elected pursuant to K.S.A. 71-1401 et seq., and amendments thereto, and the additional member, for so long as Sumner county provides financial support for the benefit of Cowley county community college in the form of a countywide retailers' sales tax or an ad valorem property tax levied on all taxable tangible property located in Sumner county. If Sumner county terminates such financial support or if the financial support lapses:

(1) The Cowley county community college board of trustees shall discontinue implementation of the additional member plan at the expiration of the additional member's term or upon the vacancy of the additional member position;

(2) the Cowley county community college board of trustees shall send notice of discontinued financial support to the Sumner county election officer;

(3) upon receipt of such notice, the Sumner county election officer shall not conduct or authorize any general or primary election to fill the expiring term of the additional member or to fill any vacancy of the additional member position; and

(4) the additional member may continue to serve as the additional member on the Cowley county board of trustees until the expiration of such member's term of office or until a vacancy occurs in the additional member position.

(f) Elections for the board of trustee members from the Cowley county community college district shall continue to be conducted pursuant to K.S.A. 71-1401 et seq., and amendments thereto.

Sec. 2. K.S.A. 71-1403 is hereby amended to read as follows: 71-1403.

(a) The governing body of a community college is and shall be a board of trustees.

(b) (1) Subject to ~~provision~~ *paragraphs (2) and (3)*, the board of trustees of a community college shall be composed of six members.

(2) If a community college adopts and implements a seven member board of trustees plan, the board of trustees of the community college shall be composed of seven members.

(3) *If a community college adopts and implements an additional member board of trustees plan pursuant to section 1, and amendments thereto, the board of trustees of the community college may be composed of seven or eight members.*

(c) The members of a board of trustees may be elected:

(1) By any one of the four methods provided for in this act which are: ~~(A)~~ (A) Election-at-large method, ~~(2)~~; (B) six-district method, ~~(3)~~; (C) three-district method, ~~(4)~~; or (D) two-district method; or

(2) *in accordance with paragraph (1) and the provisions of section 1, and amendments thereto.*

(d) No member of the board of trustees of a community college shall be an employee of the community college.

Sec. 3. K.S.A. 71-1403 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.