



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

February 19, 1975

Opinion No. 75-84

Mr. James R. Cobler, Director
Division of Accounts and Reports
Department of Administration
2nd Floor - State Capitol Building
Topeka, Kansas 66612

Dear Mr. Cobler:

You inquire concerning authority for payment of vouchers submitted by officers and employees of institutions under the jurisdiction of the State Board of Regents, and by employees of the Kansas Technical Institute, claiming reimbursement for expenses incurred in travelling on so-called recruitment missions.

More specifically, we understand the expenses in question to be incurred by speakers and other representatives of the various institutions, who attend various high schools in the state, and perhaps other student assemblies, to discuss with students facing high school graduation the programs and activities available at their respective universities and colleges. These visits may be characterized somewhat loosely as "recruitment," or as providing information and counselling to students regarding educational opportunities available at institutions in the state system of higher education. The question is raised whether such activities exceed the statutory authority provided for the government and operation of these institutions.

That authority is very general. K.S.A. 1974 Supp. 76-712 states thus:

"The universities and colleges of this state are state agencies and state institutions and shall be controlled by, operated and managed under the supervision of the board of regents.

Mr. James R. Cobler, Director
Page Two
February 19, 1975

For such control, operation, management or supervision, the board of regents may make contracts, and adopt orders, policies or rules and regulations and do or perform such other acts as are authorized by law or are appropriate for such purposes." [Emphasis supplied.]

Unless it may be concluded as a matter of law that a particular activity is inappropriate for the control, operation and management of the universities and colleges of this state, and that the State Board of Regents could not reasonably conclude that such an activity is appropriate, we have no basis upon which to conclude purely as a matter of law that an expenditure for such activity is unauthorized.

We have no basis on which to make such a judgment in this instance. The activities in question here, loosely characterized as recruitment, include the dissemination of information concerning the educational and other opportunities available through the respective colleges and universities. These activities are not unrelated to the operation of the college, and may reasonably be deemed, in our judgment, incident to the educational mission of the institutions.

Boards of trustees of community junior colleges are empowered under K.S.A. 71-201 (13) "[t]o exercise all other powers not inconsistent with the provisions of this act . . . which may be reasonably necessary or incidental to the establishment, maintenance, and operation of a community junior college." Similarly as to community junior colleges, we cannot conclude as matter of law that the activities described above may not reasonably be deemed incident to the establishment, maintenance and operation of a community junior college.

Similarly, we cannot conclude purely as a matter of law that such activities are not authorized for the Kansas Technical Institute under K.S.A. 72-4331 et seq. It seems entirely reasonable that a state educational institution or program should have the implied power to educate and inform prospective students concerning its educational offerings, and that power may be implied from the general operating and supervisory authority of the respective governing agency or board. If this inference is not reasonable,

Mr. James R. Cobler, Director
Page Three
February 19, 1975

and such power is not fairly to be implied from the existing statutory authority, it is in our view for the legislature to act expressly to negate that inference.

Accordingly, in our view the expenditures in question are within the implied powers of the respective institutions discussed herein.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

cc: Mr. Dale Dennis, Director
School Finance and Statistics
State Department of Education
120 East Tenth Street
Topeka, Kansas

Mr. Dick Seaton
University Attorney
Kansas State University
Manhattan, Kansas 66502

Mr. Max Bickford
Executive Officer
Kansas State Board of Regents
Suite 1416 - Merchants National
Bank Tower
Topeka, Kansas 66612