

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

May 24, 1977

ATTORNEY GENERAL OPINION NO. 77-172

Mr. William R. Kauffman
Staff Attorney
Kansas State Board of Regents
Suite 1416 - Merchants National
Bank Tower
Topeka, Kansas 66612

Re: Colleges and Universities--Board of Regents--Liability
Insurance

Synopsis: The Board of Regents may delegate to institutions under its jurisdiction the authority vested in the Board under K.S.A. 1976 Supp. 74-3245 to purchase liability insurance for students engaged in professional clinical programs offered by institutions operated and managed under the control of the Board.

* * *

Dear Mr. Kauffman:

K.S.A. 1976 Supp. 76-721 provides in pertinent part thus:

"The board of regents, or any university or college with the approval of the board of regents, may enter into contracts with any party or parties . . . if the purpose of such contract is related to the operation or function of such board or institution."

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In 1976, additional authority for the purchase of certain insurance contracts was authorized by a provision now found at K.S.A. 1976 Supp. 74-3245, which states thus:

"The state board of regents is hereby authorized to purchase insurance for any student enrolled in an institution operated and managed under the control and supervision of the state board of regents and participating in a professional clinical program offered by such institution for any liability for injuries or damages resulting from any act or omission of such student while participating in such program."

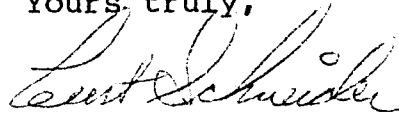
K.S.A. 1976 Supp. 76-721 was enacted as part of a general statutory revision and simplification of various statutory provisions detailing the powers of the State Board of Regents. This particular provision grants in broad terms the power to enter into contracts the purpose of which is "related to the operation or function" of either the Board or the institutions under its jurisdiction, and the contracting power is vested in both the Board and any university or college under its jurisdiction, with the approval of the Board.

K.S.A. 1976 Supp. 74-3245 was probably enacted because of uncertainty whether liability insurance for students in professional clinical programs would be deemed to fall within the Board's general contractual authority as "related to the operation or function" of the Board and its institutions. Having resolved that uncertainty, the legislature predictably created another, whether the authority to purchase such insurance is vested exclusively in the Board, or whether the Board may delegate the purchase of such insurance to universities and colleges under its jurisdiction. Given the very probable purpose of which K.S.A. 1976 Supp. 74-3245 was enacted, it is unnecessary to infer a specific legislative design to except such contracts from the general authority of the Board to permit institutions under its jurisdiction to enter into contracts related to their particular programs and operations. Accordingly, in my judgment, the Board

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may delegate the purchase of insurance authorized by K.S.A. 1976
Supp. 74-3245 to institutions under its jurisdiction.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

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