

SENATE BILL No. 120

AN ACT concerning school districts; relating to the powers and duties of the board of education; relating to certain expenditures; amending K.S.A. 72-5126 and 72-6760 and repealing the existing sections.

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

Section 1. K.S.A. 72-5126 is hereby amended to read as follows: 72-5126. (a) The board of education of any school district may enter into contracts with:

(1) The governing authority of any nonpublic school or any child-care institution for the provision of meals for children in attendance at such nonpublic school or child-care institution;

(2) the governing body of any municipality for the provision of meals to persons for whom the municipality is responsible for providing meals; ~~and~~

(3) subject to the provisions of K.S.A. 72-5127, and amendments thereto, any state educational institution or corporation whose operations are substantially controlled by a state educational institution for the provision of meals for students, alumni and other members of the public in attendance at functions or activities of the state educational institution; *and*

(4) *any nonprofit organization for the provision of food services for the elderly, sick, homeless or other vulnerable persons.*

(b) Any contract entered into by a board of education pursuant to the provisions of this section shall provide for payment ~~by the nonpublic school, child-care institution, municipality, state educational institution or corporation, as applicable, of the costs incurred by to the district. Such payment shall not be less than the cost incurred by~~ the school district. Moneys received by a school district under any such contract shall be deposited in the food service fund of the district and may be expended whether budgeted or not.

(c) The provisions contained in article 51 of chapter 72 of Kansas Statutes Annotated, except the provisions contained in K.S.A. 72-5117 and 72-5118, and amendments thereto, shall apply to meals provided by the board of education of a school district under any contract entered into pursuant to the provisions of this section.

(d) As used in this section, ~~the term "nonpublic school" means a nonpublic school approved by the state board of education for participation in food service programs defined in K.S.A. 72-5112, and amendments thereto, the term "child-care institution" has the meaning ascribed thereto in K.S.A. 72-5124, and amendments thereto, the term "municipality" means any county, township, city, or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof, and the term "state educational institution" has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.~~

(1) *"Nonpublic school" means a nonpublic school approved by the state board of education for participation in food service programs defined in K.S.A. 72-5112, and amendments thereto;*

(2) *"child-care institution" has the meaning ascribed thereto in K.S.A. 72-5124, and amendments thereto;*

(3) *"municipality" means any political or taxing subdivision of the state and any agency, authority, institution or instrumentality of a municipality; and*

(4) *"state educational institution" has the meaning ascribed thereto by K.S.A. 76-711, and amendments thereto.*

Sec. 2. K.S.A. 72-6760 is hereby amended to read as follows: 72-6760. (a) Except as provided by this section and K.S.A. 72-6760b, no expenditure involving an amount greater than ~~\$10,000~~ \$20,000 for construction, reconstruction or remodeling or for the purchase of materials, goods or wares shall be made by the board of education of any school district except upon sealed proposals, and to the lowest responsible bidder.

(b) The provisions of subsection (a) do not apply to expenditures by a board of education for the purchase of:

(1) Services;

(2) products required to be purchased under the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto;

(3) educational materials directly related to curriculum and secured by copyright;

(4) motor fuels required to provide or furnish transportation;

(5) ~~perishable foods and foodstuffs required for operation of a school lunch program~~ *food and foodstuffs necessary for the implementation or operation of any child nutrition program;*

(6) articles or products that are produced, manufactured or provided by inmates under the prison-made goods act of Kansas;

(7) natural gas that will be consumed in buildings owned or operated by the school district;

(8) materials, goods or wares required for reconstructing, remodeling, repairing or equipping buildings when such purchase has been necessitated by the occurrence of a loss against which the board of education has purchased property or casualty insurance; and

(9) materials, goods or wares which are purchased:

(A) From vendors who have entered into contracts with the state director of purchases pursuant to state purchasing statutes for purchases by state agencies; ~~and~~

(B) under the same pricing provisions established in the state contracts, subject to agreement of the vendor to honor the state contract prices; *and*

(C) *under the same pricing provisions established in federal, national or other state contracts facilitated by a federal or local governmental entity or agency, subject to:*

(i) *Agreement of the vendor to honor the contract prices; and*

(ii) *approval by the board of education for expenditures in an amount greater than \$20,000.*

(c) Whenever the board of education of any school district lets bids for the purchase of materials, goods or wares and bids are submitted by bidders domiciled within the school district and by bidders domiciled outside the school district and the low bid is submitted by a bidder domiciled outside the school district, the school district domiciliary which submitted the lowest bid may be deemed the preferred bidder and awarded the bid if:

(1) The quality, suitability and usability of the materials, goods or wares are equal;

(2) the amount of the bid of the school district domiciliary is not more than 1% greater than the amount of the low bid; and

(3) the school district domiciliary agrees to meet the low bid by filing a written agreement to that effect within 72 hours after receiving notification of being deemed the preferred bidder.

(d) The provisions of subsection (c) do not apply to expenditures for construction, reconstruction or remodeling.

Sec. 3. K.S.A. 72-5126 and 72-6760 are hereby repealed.

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

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

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.