

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at  
Chairperson

1:30 ~~xxx~~ p.m. on WEDNESDAY, MARCH 2, 1983 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department  
Ms. Avis Swartzman, Legislative Revisor's Office  
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

SB 293 - An act concerning taxation; providing certain exemptions from property or ad valorem taxes for property of unified school districts (Education)

Proponents:

Dr. Jim Yonally, USD 512, Shawnee Mission

SB 332 - An act concerning school districts; relating to leases of real and personal property (Education)

Opponents:

Ms. Patricia Baker, Senior Legal Counsel, Kansas Association of School Boards

SB 358 - An act concerning recreation commissions; relating to resolutions authorizing and petititons protesting tax levies therefor (Education)

Proponents:

Ms. Patricia Baker, Senior Legal Counsel, Kansas Association of School Boards

After Chairman Joseph C. Harder called the meeting to order, he explained that conferees who had been unable to testify on Tuesday, due to lack of time, would be called upon today to present their testimony.

SB 331 - Mr. Onan Burnett of USD 501 was recognized by the Chairman as the first conferee. Mr. Burnett stated that he is testifying in opposition to SB 331 on behalf of the Kansas Association of Special Education Administrators, the National Education Association, the Kansas-National Education Association, USD 259, Wichita; USD 512, Shawnee Mission; and USD 501, Topeka. Mr. Burnett said he felt that there would not be a significant number of administrators affected to warrant passage of this bill.

SB 330 - Mr. Onan Burnett testified in opposition to SB 330, but he  
SB 344 - testified in support of SB 344.

Mr. M. D. McKenney of the United School Administrators testified in support of SB 344 and illustrated the flexibility that the provisions of this bill would provide. (Attachment 1)

The Chairman announced that the two representatives from the Post Audit Committee were again in attendance to respond to further questions the Education Committee members might have in regard to the bills recommended by the Post Audit Committee. Mr. Mark Levy stated that bus contracts, janitorial services, maintenance services, and food preparation are included in the services for which the state should require bids. He also stated that contracts, not bids, are required for services of professional people such as lawyers, engineers, and architects.

SB 293 - When Dr. James Yonally was called upon to testify, Dr. Yonally stated that he was speaking on behalf of five groups, USD 512, Shawnee Mission; USD 501, Topeka; Kansas Association of School Boards, United School Administrators, and Schools for Quality Education, all of which support SB 293.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,  
 room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on WEDNESDAY, MARCH 2, 19 83

Dr. Yonally explained that because of the great number of education bills being considered by both the House and the Senate Education Committees this week, it had been necessary for some of the conferees to combine their testimonial efforts. Dr. Yonally stated that SB 293 allows a school district to lease a portion of a school building to another tax exempt entity without the loss of the school district's tax exempt status in relation to that school building and grounds. Dr. Yonally explained that the present law states that school district property must be used exclusively for educational purposes in order for it to be tax exempt. Dr. Yonally suggested amending line 0037 in the bill so as to add governmental units.

Ms. Patricia Baker, testifying in opposition to SB 332, stated that she was representing United School Administrators, USD 501, Topeka; and USD 512, Shawnee Mission, as well as Kansas Association of School Boards. Ms. Baker pointed out two changes that SB 332 would make in the current law and urged the Committee to report the bill adversely. (Attachment 2)

SB 358 - Ms. Patricia Baker testified in support of SB 358 which, she explained, had been requested by Kansas Association of School Boards to address a difficulty incurred by at least one school district, Turner, and maybe more. It is a substantive change, she said, and that is to add "or the county clerk" on line 0132, page 4. This would give the school district which is the sole operator of a recreation commission an alternative in the filing of a protest petition, she added.

When the Chairman asked for Committee action on SB 331, Senator Parrish moved, and Senator Allen seconded a motion to report SB 331 adversely. The motion carried.

Senator Montgomery moved, and Senator Allen seconded a motion to report SB 330 adversely. However, Senator Rehorn proposed a substitute motion for an amendment to SB 330 (Attachment 3). This substitute motion was seconded by Senator Parrish. After Committee discussion, Senator Rehorn withdrew his substitute motion for an amendment, and the Chairman appointed a subcommittee of Senators Allen, Angell, and Rehorn to work out a more viable plan for addressing the issue encompassed in SB 330. When the Chairman called for a vote on the primary motion to recommend SB 330 adversely, the motion carried. Senator Rehorn wished to have his nay vote on the primary motion recorded, but with the understanding that the issue would be addressed by the subcommittee in the very near future.

When the Chairman asked for action on SB 344, Senator Warren moved and Senator McCray seconded the motion to recommend SB 344 favorably for passage. The motion carried.

After the Chairman's call for action on SB 293, Senator Bogina offered a conceptual motion to amend the bill on line 0037 by adding "to any other political or tax exempt division of the state". This motion was seconded by Senator Allen, and the motion to amend SB 293 carried.

Senator Bogina moved, and Senator Winter seconded the motion to recommend SB 293, as amended, favorably for passage; and the motion carried.

In response to the Chairman's call for action on SB 332, Senator Bogina moved, and Senator Angell seconded a motion to recommend SB 332 adversely, and the motion carried.

Senator Allen moved, and Senator Montgomery seconded a motion to recommend SB 358 favorably for passage, and the motion carried.

The Chairman announced that SB's 77 and 334 would be heard in Committee tomorrow but that SB 391 would be heard at a later date. He also announced that the Committee will start its discussion on HB 2175, school finance, on Monday.

The Chairman adjourned the meeting at 2:30 p.m.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: March 2, 1983

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
M D MCKENNEY	TOPEKA	USA KANSAS
Pat Baker	Topeka	KASIS
Anne C. Burnett	Topeka	USD 501
Ken Rogg	Parola	S R E
Verla Thomas	"	USD 368
Glenn Deck	Topeka	Legis Post Audit
Mark Stump	Topeka	"
Jim Zvanally	Shawnee Mission	USD #512
Marit C. Stud	Estaca	USD 301
Pete J. Karlin	"	"



# UNITED SCHOOL ADMINISTRATORS OF KANSAS

1906 EAST 29TH

TOPEKA, KANSAS 66605

913-267-1471

**JERRY O. SCHREINER**  
EXECUTIVE DIRECTOR

**M.D. "MAC" McKENNEY**  
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee  
FROM: M. D. McKenney, Associate Executive Director  
DATE: March 1, 1983  
SUBJECT: SB 344 - Legislative Post Audit Committee

Mr. Chairman and members of the committee--I appreciate the opportunity to present the position of the Kansas Association of School Boards and the United School Administrators of Kansas regarding this bill.

I would like to illustrate the flexibility the provisions of this bill provide to all school districts, regardless of size, in the purchase of certain minor items and how costs in accounting could be greatly reduced, particularly at the high school level. High school sponsors of clubs and other activities often find it difficult to request a purchase order for unknown quantities of specific items needed in such activities as decorating for the homecoming dance, building a float for the parade, or in procuring that extra pint of paint or pound of nails needed in the construction of scenery for the school play. All of these activities usually take place after school hours.

The existing statute this bill amends provides the necessary accountability safeguards and authorizes a principal to issue a check for such items before they are purchased which eliminates the usual paper trail of first the request for a purchase order, its issuance, the billing by the vendor and the issuance of a check for payment.

Extending the availability of this process to all districts could greatly simplify accounting procedures, reduce their costs and at the same time provide easier access to needed materials for school personnel.

I would be happy to answer questions you might have about the manner in which this provision is presently used in larger districts under existing statute.

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Attachment 1

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

Testimony on Senate Bill 332  
before the  
Senate Education Committee  
by

Patricia E. Baker, Senior Legal Counsel  
Kansas Association of School Boards  
on behalf of  
Kansas Association of School Boards  
United School Administrators  
USD 501 and USD 512

Thank you for the opportunity to appear before you on Senate Bill 332. On behalf of 300 unified school districts in Kansas and the United School Administrators of Kansas and Unified School Districts 501 and 512, I would like to urge you to consider the implications of S.B. 332.

The bill would require that leases of personal property in excess of \$5000 by a board of education could only be made after the receipt of sealed bids. In most cases this provision would not pose drastic problems for school districts. However, it should be taken into account that many school districts, particularly those in more rural areas, have a difficult time getting anyone to even submit bids for various needs of the district. We ask that you take into consideration these real and practical difficulties in your deliberations on Subsection (b) of S.B. 332.

Of far greater implication is section (c) of the proposed act. That section would require that if a board of education wished to lease out school property it could do so only to the highest responsible bidder. This provision would

allow the board no discretion in the choice of tenants in a school building. A district may wish to lease all or just part of a building (or personal property) and the criteria would only be the dollars to be received. A far wiser use of public property and public funds might be to allow a recreation or civic group to lease space rather than an auto parts supplier, massage parlor or adult book store.

School districts should be allowed to lease vehicles to senior citizen groups rather than to pizza deliverers. The presumption that the dollars received under a lease agreement is or should be the only consideration ignores the role of the public schools in the totality of community life. We recommend that you adversely report Senate Bill 332.

## PROPOSED AMENDMENT TO SENATE BILL NO. 330

On page 1, in line 27, after "to", by inserting "(1) the acquisition of professional services; or (2)"; following line 30, by inserting a new subsection as follows:

"(c) No expenditures involving an amount greater than \$5,000 for the acquisition of the professional services of engineers, architects, auditors or accountants shall be made by the board of education of any school district except in accordance with the provisions of contracts negotiated and entered into by the board of education for the acquisition of such services. Prior to entering into any such contract, the board of education shall publish notice of its proposal to enter into such contract in a newspaper having general circulation in the school district. The notice shall specify the character of the professional services contemplated and shall invite sealed proposals for the same. The board of education shall consider all proposals submitted to it and shall award the contract to the person, firm or corporation submitting the lowest and most responsible proposal.";