

Approved February 18, 1986  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don E. Crumbaker at  
Chairperson

3:36 ~~am~~ p.m. on February 17, 1986 in room 519-S of the Capitol.

All members were present except: Rep. Brady, who was excused.

Committee staff present:           Avis Swartzman, Revisor of Statute's Office  
  Ben Barrett, Legislative Research  
  Lynda Cory, Secretary to the Committee

Conferees appearing before the committee:

Representative L.V. "Sam" Roper  
Bill Curtis, Kansas Association of School Boards

The Chairman asked Rep. Roper to present HB 2826. Based on a previous experience in his district, Rep. Roper explained that this bill was to prevent it from happening again. Three city commissioners had been recalled and were replaced by their own wives to represent them. He felt that this bill, with the amendment, will prevent school board offices and all city offices from manipulation of a recall vote. (Attachment 1)

Bill Curtis of KASB opposed HB 2826 because he did not recommend taking away the power of the local school boards when only a few have abused the system. The correct procedure that KASB usually helps with is that no one can be hired within 15 days after the recall, an advertisement has to be placed, interviews conducted in open meetings, and then the school board votes, with majority rule. When four or more school board members resign at the same time, depleting the quorum, the governor has stepped in and appointed their replacements. (Attachment 2)

The Chairman stated this concluded the hearings for HB 2826. He stated the committee could now take action on bills previously heard in committee. He also explained that since Rep. Kline is chairman of the Building Committee and meets with the senate on Tuesdays and Thursdays, the Education Committee will try to set aside each Wednesday of each week to have discussion and possible action on previously heard bills.

Representative Apt moved to pass out HCR 5033 favorably and put on consent calendar. Representative Hassler seconded it. Motion carried.

Representative Laird moved to report HB 2572 adversely. Seconded by Representative Hensley. Following discussion, it was moved by Representative Apt for a substitute motion to table HB 2572. Seconded by Representative Miller. Motion carried.

The Chairman announced that the sub-committee for HB 2795 and HB 2892 is having their first meeting on Tuesday, February 18, with Rep. Apt as the chairman. Other members of the sub-committee are Rep. Brady, Hensley, Mayfield, and Pottorff.

Rep. Leach desired an amendment be drawn for HB2675 to cover some of the agriculture issues in this bill. Rep. Apt suggested that a sub-committee be formed to study this bill and the senate bill similar to it before action is taken. The Chairman appointed a sub-committee with Rep. Williams as the chairman, and the members of it will be Rep. Leach and Rep. Harder.

Representative Hassler moved to report HB 2435 adversely. Seconded by Representative Apt. The Chairman reminded the committee that this bill was double referred, and if the bill is reported adversely, it would be final action for the bill. Motion carried.

Representative Pottorff moved SCR 1608 be reported favorably. Seconded by Representative Baker. Motion carried.

Rep. Miller moved to approve the minutes of February 12 and 13, as asked by the Chairman, and Rep. Mayfield seconded. Motion carried. Meeting adjourned at 4:27 p.m.



## Proposed Amendment to House Bill No. 2826

Be amended:

On page 1, by striking all of lines 21 through 45;

On page 2, by striking all of lines 46 through 78; following line 78, by inserting two new sections as follows:

"Section 1. K.S.A. 25-4330 is hereby amended to read as follows: 25-4330. (a) If a majority of the votes cast on the question of recall favor the recall of the local officer, the county board of canvassers shall so determine and the county election officer shall so certify and the office shall be vacant on the day after the date of certification.

(b) A vacancy caused by a recall of a local officer who is not a member of a governing body shall be filled as a vacancy caused by other means.

(c) The governor shall fill by appointment a vacancy caused by a recall of a local officer who is a member of a governing body. A local officer appointed by the governor as provided in this subsection shall serve for the unexpired term of the recalled local officer. A vacancy on a governing body subject to this subsection shall be certified to the governor by the remaining member or members of the governing body.

(d) No local officer who has been recalled, or who has resigned after a petition for recall has been filed to recall such officer, shall be eligible for appointment to fill such vacancy, and if the officer is a member of a governing body, the person so resigning shall be ineligible for appointment to any other position or office on such governing body until the current term of that office has expired.

(e) To the extent that the provisions of any other statutory section conflict with this section, the provisions of this section shall control.

"Sec. 2. K.S.A. 25-4330 is hereby repealed.";

Also on page 2, by renumbering section 5 as section 3; in line 80, by striking "Kansas register" and inserting "statute book";

In the title, in line 17, by striking "school boards" and inserting "political subdivisions of the state"; in line 18, by striking "thereon" and inserting "in governing bodies thereof"; also in line 18, by striking all after "K.S.A."; in line 19, by striking all before the period and inserting "25-4330 and repealing the existing section";



TESTIMONY ON H.B. 2826

before the

House Education Committee

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

February 17, 1986

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on H.B. 2826 on behalf of the 303 member boards of education of the Kansas Association of School Boards. As the committee might suspect, KASB opposes the method of selecting new board members as proposed in H.B. 2826.

Whenever a vacancy occurs on a board of education, the remaining members of that board ought to have the authority to appoint new members to fill the vacancy in all cases. To our knowledge, such a system is working well and there seems to be no need to change. Why make a distinction in the instance of recall? Locally elected board members are most familiar with the community and the people applying for the vacancy. We believe boards of education have acted responsibly in the past and see no reason for a change.

Thank you for your attention. We ask that you report H.B. 2826 unfavorably.