

Approved March 31, 1987

Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~am~~ p.m. on Monday, March 30, 1987 in room 254-E of the Capitol.

All members were present except:

Senator Arasmith, excused

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 393 - Building code for construction of school buildings (Ways and Means)

Proponents:

Senator Gus Bogina, sponsor of SB 393

Mr. Skip Leonard, Administrative Assistant and lobbyist for the City of Lenexa

Mr. Gary Paul, Chief Inspector, Fire Department, City of Lenexa

Mr. Edward C. Redmon, State Fire Marshall, Topeka

Mr. John Koepke, Executive Director, Kansas Association of School Boards

The Chairman announced that out of deference to a colleague, testimony on SB 393 will be heard when the sponsor of SB 393 should arrive. He further announced that although the Committee will commence discussion and/or action on bills previously heard, he will interrupt discussion for the hearing. The Chairman also announced that the Committee will meet again tomorrow to act upon bills that have been heard previously by the Committee.

HB 2443 - The Chair then referred the Committee's attention to HB 2443, which pertains to withdrawal from and dissolution of special education services cooperative agreements. The Chairman said he has become aware of differing interpretations regarding the concept of the bill, and he requested staff to explain present law and to clarify how present law would be affected by passage of HB 2443.

Ms. Avis Swartzman, revisor of statutes, explained that under present law school districts may enter into special education services cooperative agreements for not less than three and no more than five years. Present law, she said, does not require approval by the State Board for termination of an agreement, nor does it specify the terms of agreement entered into by the school districts. The contract itself governs what kind of notice must be given for partial or total dissolution of an agreement.

Under HB 2443, Ms. Swartzman continued, no year specification is given for length of an agreement. If a school district does not wish to remain under the contract, the district would have to get the consent of the other contracting districts and approval by the State Board of Education in order to remove itself from the contract. Ms. Swartzman stated that HB 2443 would apply to existing contracts as well as to contracts entered into on or after the effective date of the law.

The revisor, in response to a question, replied that in the case of partial termination when a petition by a district to remove itself has been denied, the district can appeal to the State Board of Education. The Board would then conduct a hearing to decide whether or not it would be in the best interest of the district and the state to permit the partial termination of the agreement.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 254-E, Statehouse, at 1:30 ~~xxxx~~ p.m. on Monday, March 30, 1987

In response to another question, the revisor of statutes indicated that passage of HB 2443 could precipitate a constitutional challenge, since it affects those contracts already in existence. She felt that the bill would meet state constitutional requirements, but she was uncertain how it would withstand a federal constitutional challenge.

Following explanation by the revisor of statutes, Senator Allen moved to amend HB 2443 by striking "Kansas register" and inserting "statute book" in Sec. 3., line 0093. (Attachment 1) Senator Karr seconded the motion, and the Chair announced that the amendment was adopted.

SB 393 - The Chair interrupted further discussion of HB 2443 and announced that the Committee would proceed, as had been scheduled, with its hearing on SB 393. He then recognized Senator Gus Bogina, who explained that SB 393 was introduced when it was learned that a school building under construction in Lenexa was not in compliance with the city building code as it relates to the area of life safety codes of public facilities. He said that although the plans for construction of the building are in compliance with the state building code, the state tends to lag behind in updating its building code as compared to the City of Lenexa. He explained that the building code of Lenexa is more stringent in the area of life safety codes of public facilities; and he maintained that when the local building code is more stringent than the state code, he felt that the local code should take precedence.

Mr. Skip Leonard, Administrative Assistant and lobbyist for the City of Lenexa, when called upon by the Chair to testify, distributed written testimony only in support of SB 393. (Attachment 2)

Mr. Gary Paul, Chief Inspector, Fire Department, Lenexa, when asked if he wished to testify, replied that he had no comments.

Mr. Edward C. Redmon, the State Fire Marshall, stated that construction of the school building in Lenexa only requires compliance to the state's uniform building code. He said the bill, however, would not cost the state any money.

Mr. John Koepke, Executive Director, Kansas Association of School Boards, expressed concerns regarding SB 393. He questioned the terminology "more stringent" and wondered how the meaning would be interpreted. His second concern relates, he said, to the fact that every school building plan must be reviewed by the State Board of Education before construction on a new building may begin. He questioned the procedure that would cause local officials to be in a position of determining the meaning of "more stringent". Mr. Koepke said he supports the present approach in the use of state building codes for school building construction and said the state code is in compliance with the national codes. Mr. Koepke said, however, if the Committee should proceed with the passage of this bill, he would suggest amending the bill by changing its effective date to July 1, 1987.

Mr. Dale Dennis, staff, commented that present law requires a school building plan to be submitted for approval prior to construction. If the plan is not approved, he said, construction may commence, but it is not approved until it is in compliance with the building code prescribed by state law.

The Chairman, hearing no further response for testimony, said that the hearing on SB 393 was concluded and that the bill would be taken under advisement.

Following the hearing on SB 393, the Chairman directed the Committee's attention to HB 2443. In response to a question regarding HB 2443, Mr. Dennis replied that the cost for joining a cooperative is usually based on the percentage of students each school district has in the cooperative. Avis Swartzman, revisor of statutes, said that these terms would be stated in the contract.

Although the Chairman stated that he did not plan to take final action today

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on HB 2443 and HB 2482, Senator Allen moved to amend HB 2482 by striking "Kansas register" and inserting "statute book" on page 4, line 131. (Attachment 3) Senator Karr seconded the motion, and the amendment was adopted.

When the Chair inquired if there were any further concerns regarding HB 2443 or HB 2482, the Committee responded that the State Board of Education had requested amending HB 2482, and the Chair stated that the Committee would consider this request at the next meeting.

The Chair announced that HB 2102 would be considered by the Committee tomorrow and that he planned to have Committee discussion and/or action on additional bills that have been heard by the Committee. He then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Monday, March 30, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Connie Bluebell	2028 Wildwood, Topeka	SB of Ed
Craig Grant	Topeka	H-NEA
Onan C. Burnett	Topeka	U.S.D. 501 #
Marl Falls	Topeka	ASK
Martie Anon	Lawrence	ASK
Gerald Hudner	Topeka	USA
Xou Mays	Pittsburg	Pittsburg State Univ.
John A. Dehan	101 W. Zindburg Pittsburg	Pittsburg State U.
Mary Brasher	Pittsburg	ASK-FSU
Merle Hice	Topeka	KACC
John J. Keyler	Topeka	KASP
Bill Berry	Manhattan	KAAUTS
Bille Goll	Topeka	USA
Jacque Dakes	Topeka	KCK Schools
Alvin Cushman	KCK	P.E.A.R.E.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Monday, March 30, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Bill Lynch	12350 West, Lenexa, KS	City of Lenexa, KS
Ken Rogg	Paula	
Ed Robinson	Topeka	S R E
Dave Paul	9620 Pthum Lenexa, KS	Fire Dept.
TED AYRES	TOPEKA	KS BD OF REGENTS
Jim Holt	"	Tr. Vocational Assn
Ed Walburn	"	Washburn
David Monica	"	Washburn
W. J. [unclear]	Topeka	KAWAAS Topeka
[unclear]	Topeka	KAWAAS Topeka
John Hanna	topeka	AP
Reeth [unclear]	Topeka	AAUP
Tom [unclear]	KCK	P.E. A.K.E.

Proposed Amendment to HB 2443
(As Amended by House Committee)

On page 3, in line 93, by striking "Kansas register" and
inserting "statute book"



City of Lenexa
(913) 492-8800

My name is Skip Leonard. I'm the administrative assistant and lobbyist for the City of Lenexa, Kansas. I am here this afternoon to urge you to support SB 393 and it's provisions. This bill was prompted by a problem that arose in our City regarding a new school being built now that, in our opinion, is substandard as far as life safety codes are concerned. As a city, we are responsible for the safety of all citizens, including our school children and we feel that life safety codes of a school directly impact the well-being of these children.

Right now, the city has no say over life safety codes for schools. The Chirsta McAuliffe Elementary School being built now in Lenexa is not required by state school codes to have a sprinkler system, even though the city requires sprinkler systems in all commercial and public buildings. In other words, the empty warehouses in our city now have better fire suppressant systems than our schools. We feel this is a travesty. This bill would require a new school to abide by the more stringent life safety codes of that public entity where it is being built, even though the school would be owned by a different public organization.

I hope you will reflect upon this situation and recommend this bill for approval by the entire Kansas legislature.

Senate Education
3/30/87
Attachment 2

Proposed Amendment to HB 2482
(As Amended by House Committee)

On page 4, in line 131, by striking "Kansas register" and
inserting "statute book"