

Approved February 6, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Rick Bowden at
Chairperson

3:30 ~~XXX~~ a.m./p.m. on January 31, 1991 in room 519-S of the Capitol.

All members were present except:

Rep. Larkin, Rep. Reardon, Rep. Hensley
All Excused

Committee staff present:

Avis Swartzman, Revisor of Statutes Office
Ben Barrett, Legislative Research
Donna Lutjohann, Secretary to the Committee

Conferees appearing before the committee:

Rep. Denise Everhart
Dr. David Monical, Washburn University
Dr. Hugh Thompson, Washburn University

The meeting was called to order by Chairman Bowden.

The Chairman brought to the attention of the Committee that the Building Based Educational Statutes KSA 72-9804 were due to expire in the 1989-90 school year. He said it was an issue of importance to teachers. Chairman Bowden asked Avis Swartzman, Revisor, to draft a bill to extend the Building Based Educational Program for an additional two (2) years (through the 1992-93 school year). A Motion by Rep. Empson was made to introduce the bill and it was seconded by Rep. Crumbaker. The Motion carried.

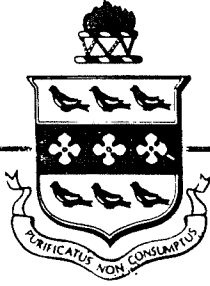
Chairman Bowden then opened hearings on HB 2028 dealing with Washburn and the power of the Board of Regents.

Rep. Denise Everhart was the first proponent called upon by the Chairman to express her support for HB 2028. She then proceeded to introduce Dr. Hugh Thompson, President of Washburn University, the second proponent of HB 2028. He stated that times have changed since the original bill was adopted and that the bill needs to be amended to keep up with the change of time. (Attachment 1).

Dr. Thompson then introduced the Vice President of Governmental Affairs from Washburn, Dr. David Monical, who also spoke in favor of the proposed amendment. (Attachment 2).

Minutes for January 29, 1991 were passed out to the Committee for review with action to be taken at the next meeting.

The meeting was adjourned at 3:42 p.m. with the next meeting scheduled for Monday, February 4, 1991, in Rm 519-S.



WASHBURN UNIVERSITY OF TOPEKA

Office of the President
Topeka, Kansas 66621
Phone 913-295-6556

**TESTIMONY BY HUGH L. THOMPSON, PRESIDENT
WASHBURN UNIVERSITY
ON HOUSE BILL 2028
HOUSE EDUCATION COMMITTEE
January 31, 1991**

Mr. Chairman and Members of the Committee:

It is a pleasure to appear before the committee this afternoon in support of HB 2028. This is my first opportunity to testify before a legislative committee and I hope our request will be as warmly received as my wife, Pat, and I have been by the people of Topeka, Kansas.

The amendments to existing law contained in HB 2028 are, I hope, non-controversial. They are focused on the ability of the Board of Regents to delegate certain authorities to the president and other members of the University administration. Times have changed since this legislation was originally adopted in the 1920s, and as universities have become more complex, the Board of Regents requires greater flexibility in its delegation authority.

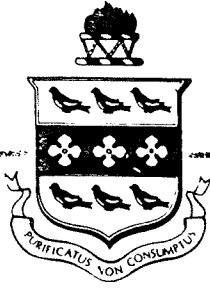
This legislation was prompted in part by my learning, soon after my arrival, that the president was personally signing every appointment or renewal contract for every employee on the campus. State law requires the Board of Regents to approve all appointments except for a narrowly defined class of "presidential assistants."

The statute we are asking to be amended, KSA 13-13a12, does not presently allow the Board of Regents to delegate hiring authority to its administrative officers, either in the academic or administrative areas. This is because of the rather limited delegation of authority language the statute contains with respect to the hiring of presidential administrative assistants, subject to Board approval.

By removing this language, the general powers of delegation contained in the latter part of this statute makes it possible for the Board of Regents, if they so choose, to delegate hiring authority to the appropriate university officers. Any such change cannot be accomplished except under formally adopted by-laws of the Washburn University Board of Regents.

I ask your favorable consideration of HB 2028 so as to allow the University administration and the Board of Regents greater flexibility in the delegation of certain powers. Thank you for your consideration of this matter.

HOUSE EDUCATION
Attachment 1
January 31, 1991



WASHBURN UNIVERSITY OF TOPEKA

Vice President for Planning and Governmental Relations
Topeka, Kansas 66621
Phone 913-295-6712

**TESTIMONY BY DAVID G. MONICAL
WASHBURN UNIVERSITY
ON HOUSE BILL 2028
HOUSE EDUCATION COMMITTEE
January 31, 1991**

Mr. Chairman and Members of the Committee:

Explanation of House Bill 2028

This bill is intended to ease the restrictions statutorily imposed on the Board of Regents and its administration concerning employment decisions and to make it possible for the Board of Regents to delegate, by suitable by-law, employment decisions to the officer(s) it deems appropriate. This would relieve the Board of its present obligation of approving new hires. As presently worded, K.S.A. 13-13a12 limits the power of delegating hiring authority to the employment of "administrative assistants" by the President, subject to Board approval. By including specific mention of the delegation of hiring authority of a particular class of employee in the statute, the statute excludes delegation of hiring authority of other classes of employee under the rule of construction that the inclusion of one is the exclusion of another.

By striking the specific language limiting the delegation of employment authority, the broad authority expressed elsewhere in the statute authorizing the making of by-laws relating to governance of the institution and its internal affairs, including employment decisions, can be given full effect. Once those powers are given full effect, particularly when coupled with K.S.A. 13-13a19, the Board will be able to delegate hiring authority under guidelines it adopts and prescribes.

HOUSE EDUCATION
Attachment 2
January 31, 1991