

Approved February 11, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

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

3:30 ~~am~~/p.m. on February 6, 1991 in room 519-S of the Capitol.

All members were present except:

Rep. Blumenthal, Rep. Pottorff, Rep. Larkin, Rep. Empson - All Excused

Committee staff present:

Avis Swartzman, Revisor of Statutes Office
Ben Barrett, Legislative Research
Dale Dennis, State Board of Education
Donna Luttjohann, Secretary to the Committee

Conferees appearing before the committee:

Connie Hubbell, State Board of Education Mark Tallman, KASB
Paul Markley, State Fire Marshall's Office

The meeting was called to order by Rep. Wiard as he was asked by Chairman Bowden to Chair the meeting. Rep. Wiard called upon Avis Swartzman to explain briefly HB 2066, the bill to be heard for testimony. After Ms. Swartzman explained the bill, Rep. Wiard opened hearings on HB 2066.

The first conferee was proponent, Connie Hubbell, Legislative Chairman for the State Board of Education. Ms. Hubbell spoke in favor of the bill, eliminating the need for the State Board of Education to hold a public hearing when bond indebtedness issues would best be solved by the locally elected board of education and the electors of the district. (Attachment 1)

Proponent Mark Tallman, Coordinator of Governmental Relations for Kansas Association of School Boards, also spoke in regard to HB 2066. KASB did not object to this bill as stated in (Attachment 2).

Rep. Wiard closed the hearing on HB 2066.

Avis Swartzman was again asked by Rep. Wiard to brief the committee and guests regarding HB 2067. Hearings were then opened in regard to this bill.

The first conferee, proponent Connie Hubbell, State Board of Education, spoke in favor of the passage of the bill for reasons stated in (Attachment 3).

The second conferee, also a proponent, Mark Tallman, KASB, spoke in favor of the bill thereby allowing the State Fire Marshal to solely declare a school building below the standards of the State Fire Marshal's office to be closed for the safety of the occupants. See (Attachment 4).

Paul Markley, State Fire Marshal, requested to comment that structural engineers of the State Fire Marshal's office inspect the schools in question, document their findings and if warranted, declare the building unsafe. He stressed that the engineers were highly trained professionals and that he (the Fire Marshal) did not go around just closing schools. He was in favor of HB 2067 passing favorably out of committee.

Rep. Wiard closed hearings on HB 2067 and Chairman Bowden resumed Chairing the meeting.

Rep. Smith made a Motion to approve the minutes for January 30 and 31, 1991. It was seconded by Rep. Jones. Motion carried. Minutes for February 4, 1991 were handed out for review with action to be taken at the February 11 committee meeting.

The meeting was adjourned at 4:54 p.m. with the next meeting scheduled for Monday, February 11, 1991, in Rm 519-S.

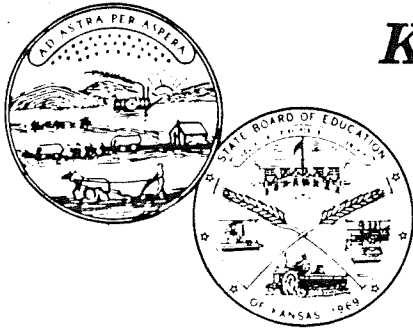
DATE Feb 6, 91

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Chuck Stuart	YSA	Topeka
Rod Bicker	KSDE	Topeka
Conrad Shevell	St. Bd. of Ed.	Topeka
Jim Yonally	USD # 512	Shawnee Mission
Craig Grant	H-WEA	Topeka
Kay Coles	KNEA	Topeka
Bridla Highfill Scott	USA	Topeka
FRED STAKER	USD 337	Mayetta
Kenneth Hobbs	City of Lenexa	Lenexa
Art Davis	City of Lenexa	Lenexa
Ed Walburn	Washburn Univ.	Topeka
Kevin Peterson	to ADSS	Topeka
Whitney Damm	Pete McGill's Assembly	Topeka
Robi Nichols	USD 259	Wichita
Jacque Oakes	S&E	Topeka
Tim Nime	ASK	Topeka
Mark Tallman	KASB	Topeka
B. M. Musick	St Bd of Ed	Minneapolis
Paul Markley	State Fire Marshal Office	Topeka
James A. Jorda	Wichita	KS 67217
Ed Rodman	state Fire Marshal 655	Topeka



Kansas State Board of Education

Kansas State Education Building (913) 296-3203

120 East 10th Street Topeka, Kansas 66612-1103

Mildred McMillon
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

I. B. "Sonny" Rundell
District 5

Wanda Morrison
District 7

Timothy R. Emert
District 9

Paul D. Adams
District 3

Gwen Nelson
District 10

February 6, 1991

TO: House Education Committee
FROM: State Board of Education
SUBJECT: 1991 House Bill 2066

*only changes to requirement
to hearing conducted by
State BOE*

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

House Bill 2066 concerns the State Board of Education's role in the issuance of bonds to construct and equip local schools. Under current law, bonds may be issued by a school board only after the question of issuing the bonds has been approved at a school district election.

However, under current law, the State Board of Education becomes involved in a local bond issue when the amount of bonds to be issued will exceed the district's general bond debt limitation fixed by state statute. In such cases, the local school board must submit an application to the State Board for permission to hold an election in the district on the question of issuing the bonds. As a part of the current process, the State Board must conduct a public hearing on the school district's application. In most instances, the hearing must be held in the school district.

In the past, the State Board has appointed a hearing officer to conduct the hearing on each application. Following the hearing, the hearing officer submits the application and a recommendation to the State Board for its review and action. The hearing officer has held hearings in various locations across the state at which no one appeared to oppose the holding of an election.

Since a school district may issue bonds only after an election is held in the school district, the State Board believes there is no need for the State Board to conduct a hearing when an application is received from a district to exceed the general bond debt limitation. The State Board believes the amount of bond indebtedness to be outstanding in a district is a question best left for determination by the locally-elected board of education and the electors of the district.

The State Board also believes, however, that a review of applications to exceed the general bond debt limitation assists in assuring the accuracy of proposed bond issues. Therefore, in House Bill 2066, the requirement of State Board review of applications is retained.

The State Board of Education supports House Bill 2066 and recommends it be reported favorably for passage.

HOUSE EDUCATION
Attachment 1
February 6, 1991



**Testimony on H.B. 2066
before the
House Committee on Education**

by

**Mark Tallman
Coordinator of Governmental Relations**

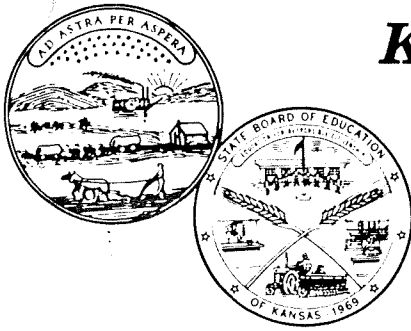
February 6, 1991

Thank you for the opportunity to express the opinions of Kansas school boards on HB 2066, proposed by the state board of education, which would amend the procedures for modifying limitations on school district bonded indebtedness.

KASB does not object to the provisions of this bill, which would remove the requirement that the state board of education hold a hearing in a school district prior to voting in that district on exceeding proscribed debt limitations. These hearings appear to be unnecessarily expensive and time consuming demands on the state board.

Under this bill, the state board would still review and act on a district's application. Voters of the district would still be required to vote on the question of increasing bonded indebtedness. We believe this would maintain an appropriate level of oversight and public approval before increasing school district debt.

Thank you for your consideration.



Kansas State Board of Education

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February 6, 1991

TO: House Education Committee
FROM: State Board of Education
SUBJECT: 1991 House Bill 2067

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

An inconsistency currently exists in state laws concerning the safety of school buildings. In statutes relating to the duties of the State Fire Marshal, a statute (K.S.A. 1990 Supp. 31-144) allows a local board of education to close a school building if the State Fire Marshal determines the building is unsafe. It also allows the local board of education the option of going to court to challenge the Fire Marshal's determination. The dispute is settled by the court. The law is given precedence over a school statute concerning this same subject.

However, in the school statute, it is provided that when the Fire Marshal issues an order concerning the safety of a school building and the local board determines the building should be closed, nine (9) or more registered electors can file an appeal of the Fire Marshal's order with the State Board of Education. The State Board is required to sustain or overrule the determination of the Fire Marshal. If the State Board overrules the Fire Marshal, the local board may not proceed to close the building. This, of course, is contrary to the authority granted under the State Fire Marshal's statute, K.S.A. 1990 Supp. 31-144.

The State Board believes it lacks the expertise to "second-guess" a determination of a building's safety made by the State Fire Marshal. This is a matter appropriately addressed by the Fire Marshal. Therefore, this matter should be addressed only in the state safety statutes, not in the school laws.

The State Board supports House Bill 2067 which removes the inconsistency in state laws.

HOUSE EDUCATION
Attachment 3
February 6, 1991

**KANSAS
ASSOCIATION**



**OF
SCHOOL
BOARDS**

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

**Testimony on H.B. 2067
before the
House Committee on Education**

by

**Mark Tallman
Coordinator of Governmental Relations**

February 6, 1991

Thank you for the opportunity to express the opinions of Kansas school boards on HB 2067, proposed by the state board of education, concerning procedures upon orders from the state fire marshal.

KASB does not object to the proposed legislation, which would remove district patrons and the state board of education from the appeals process of an order from the state fire marshal. We believe local boards of education are the most competent and appropriate bodies to respond to fire safety orders at the local level.

Board members have been elected by the voters of the district to manage all aspects of the its educational programs, including facilities. We believe this should include the responsibility for decisions regarding judicial appeal, closing buildings or expending general or capital outlay funds to comply with such orders as this bill would provide.

Thank you for your consideration.

HOUSE EDUCATION
Attachment 4
February 6, 1991