

Approved: _____
Date

1/24/01

MINUTES OF THE HOUSE K-12 EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on January 18, 2001 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Carolyn Rampey, Legislative Research
Avis Swartzman, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

The Chair called the Committee's attention to copies of the Rules for Conferees that had been distributed to each member. (Attachment 1).

Dale Dennis was introduced and he spoke of the out-of-date statutes that were no longer needed and requested these statutes be repealed. (Attachment 2).

It was moved by Representative Reardon and seconded by Representative Crow that 72-1106c, i.e. HB 2049 be repealed and placed on the consent calendar. The motion carried on a voice vote.

Ben Barrett brought attention to 72-1393 that he said should be deferred to the Committee for Higher Education.

It was moved by Representative Crow and seconded by Representative Storm that 72-67,109, i.e. HB 2053 be repealed and placed on the consent calendar. The motion carried on a voice vote.

It was moved by Representative Flaherty and seconded by Representative Peterson that 72-7514a, i.e. HB 2051 be repealed and placed on the consent calendar. The motion carried on a voice vote.

It was moved by Representative Benlon and seconded by Representative Horst that 72-7514b, i.e. HB 2050 be repealed and placed on the consent calendar. The motion carried on a voice vote.

It was moved by Representative Peterson and seconded by Representative Mason that 12-1769, i.e. HB 2052 be repealed and placed on the consent calendar. The motion carried on a voice vote.

The meeting was adjourned at 9:50 a.m. The next meeting is scheduled for Monday, January 22, 2001.

NOTICE TO CONFEREES

It is the policy of the House Education Committee to ensure and promote free and open discussion of matters coming before the Committee. Because of the important issues that are to be discussed certain rules are necessary. Just as there are rules relating to the conduct of committee business when matters are debated among committee members, the following rules apply to the hearing process itself. Any questions about these rules should be directed to the committee chairman.

By appearing before the Committee each conferee is presumed to have read the attached rules and to have agreed to be bound by said rules.

We thank you for your understanding of and compliance with these rules.

House Education Committee

Date: 1/18/20

Attachment # 1-1

**RULES FOR CONFEREES APPEARING BEFORE THE
HOUSE EDUCATION COMMITTEE**

1. The chair shall determine the committee agenda, including scheduling and the order of business.
2. Individuals wishing to appear and provide verbal testimony before the committee **must** notify the committee secretary **24 hours** in advance of the hearing.
3. Testimony **must** be in written form and 30 copies made available to staff prior to testifying.
4. Conferees shall **not** read their testimony. Rather, testimony should be presented in summary fashion. Conferees shall introduce themselves, identify on whose behalf they appear, identify whether they appear as an opponent, proponent or interested neutral party and shall, as briefly as possible, state the reasons for their position. If suggestions for amendment(s) are to be offered, a proposed draft of the amendment(s) should be included in the written testimony.
5. Where the conferee is, or represents, the sponsor of the measure under consideration, the conferee is responsible for briefing the committee on the specific provisions of the legislation, section by section, where necessary.
6. Conferees shall address their remarks during testimony to committee members and staff only.
7. Where the number of hearings and/or conferees scheduled warrant time limitations, the Chairman may limit testimony to a specific number of minutes. The Chairman reserves the right to limit testimony that is cumulative in nature.
8. Testimony shall relate to the subject matter of the measure under consideration. Conferees testifying on unrelated subjects will be admonished and if unrelated testimony persists, the Chairman may terminate that conferee's testimony.
9. While the taking of testimony in committee is not preceded with the formality of an oath, by appearing before the committee every conferee hereby certifies that his or her testimony is truthful, based upon facts that are capable of verification and offered in good faith. Conferees shall bring to the committee's attention any qualifications or corrections in their testimony.
10. The Chairman reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
11. The Committee reserves the right to take such action as may be necessary when a violation of the previous rule is suspected.
12. Cellular phones and audible pagers are prohibited in the Education Committee room.
13. Committee members shall not be approached during committee hearings or deliberation by anyone other than fellow legislative members or legislative staff.
14. There shall be no recording, audibly, photographically or otherwise, of committee voting except by the committee secretary.



TO: House Education Committee
FROM: State Board of Education
SUBJECT: Statutes Proposed to be Repealed

The State Board of Education would like to recommend the repeal of several statutes that are out-of-date or are no longer needed. We have listed these statutes below for your review.

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| K.S.A. 72-1106c | This is an outdated statute concerning inclement weather during the 1977-78 school year. |
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72-1106c. Inclement weather; special exception for 1977-78 school year. For the 1977-78 school year, the state board of education shall waive the requirements of law relating to the duration of the school day and the school year upon application for such waiver by a school district. Said waiver shall be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions existed in the school district for an inordinate number of days; and (2) a determination by the state board that said school district cannot reasonably adjust its schedule to comply with said statutory requirements. The days schools remained closed due to hazardous driving conditions during said 1977-78 school year, upon granting of said waiver by the state board of education, shall be considered school days.

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| K.S.A. 72-1393 | This statute, concerning certification requirements for community college instructors, is no longer applicable to this agency . |
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72-1393. Prohibition from adoption of certain rules and regulations concerning certification of administrators, teachers or instructors or conditions of employment at two-year colleges or community junior colleges. The state board of education is hereby prohibited from adopting rules and regulations which require certification of administrators, teachers or instructors in any two-year college or in any public community junior college or which require any such administrators, teachers or instructors to meet any other conditions for qualification for employment in any such two-year college or public community junior college. From and after the effective date of this act, any requirements in any rules and regulations adopted by the state board of education which conflict with the prohibition prescribed in this section shall be null and void.

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| K.S.A. 72-67,109 | This is an outdated statute concerning the School District Unification Act. |
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72-67,109. *Equitable payments; special benefit of payment. In any agreement or court order made pursuant to K.S.A. 72-6776 of the second unification act the unified districts may agree or the court may order that any payment made from one unified district to another shall be applied to a particular purpose or to the benefit of a particular area specified in such agreement or order. It is recognized by this section that in certain cases payments should be made to benefit taxpayers in localized areas of unified districts, however, specification of purpose and application of payments to accomplish equitable results for whatever reasons related to unification are authorized under this section.*

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| K.S.A. 72-7514a | This statute addresses rules and regulations that existed when the State Board of Education was created. All of these old rules and regulations have been repealed or replaced. There is no need for this outdated statute. |
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72-7514a. *Same; perpetuation of rules and regulations of certain state agencies. The rules and regulations of the state superintendent of public instruction, the state board of education, the state board for vocational education and the school budget review board which were in effect on January 13, 1969, shall be and remain the rules and regulations of the state board of education provided for in K.S.A. 72-7503, until such rules are amended, revoked or repealed in the manner provided by law. It is the intention of this act that the rules and regulations specified above are and shall be in continuous effect without interruption from January 13, 1969, until amended, revoked or repealed by the state board of education or by appropriate action of the legislature.*

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| K.S.A. 72-7514b | This statute concerns procedures for adopting rules and regulations by the State Board of Education under its constitutional authority. |
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The provisions of this law are very similar to the provisions in the Administrative Rules and Regulations Filing Act. However, a provision of this law requires publication in the Kansas Register of the full text of all proposed constitutional rules and regulations when notice of public hearings is given. This is very expensive. Since the State Board follows the Administrative Rules and Regulations Filing Act when it adopts any rule and regulation, it is proposed that this statute be repealed

72-7514b. *Rules and regulations adopted under constitutional authority; procedure; definition. (a) Every rule and regulation which is adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board shall be adopted by the state board of education and filed as a rule and regulation as provided in this section.*

(b) *Prior to the adoption of such rule and regulation, the state board of education shall give at least 30 days' notice of its intended action in the Kansas register and hold a public hearing thereon. The notice shall be published in the Kansas register and shall contain a summary of the substance of the proposed rule and regulation along with the full text of any such rule and regulation to be considered at the hearing. Such notice shall state the time and place of the public hearing to be held thereon and the manner in which interested parties may present their views thereon. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rule and regulation. On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing.*

(c) *The rule and regulation shall be adopted at a meeting which is open to the public and shall not be adopted unless it receives approval by roll call vote of a majority of the total membership of the state board of education.*

(d) *Each rule and regulation adopted by the state board of education shall be filed in triplicate with the secretary of state and shall indicate that such rule and regulation was adopted pursuant to authority granted to the state board of education under section 2 of article 6 of the constitution of the state of Kansas. The state board of education shall number each section with a distinguishing number. Upon filing, the secretary of state shall assign a distinguishing number to each section for purposes of publication in the annual supplement to the Kansas administrative regulations.*

(e) *All rules and regulations adopted and filed with the secretary of state in accordance with the provisions of this section on or before December 31 in any year shall be published in the annual supplement to the Kansas administrative regulations which is published during the next succeeding year after the year in which such rules and regulations were filed unless otherwise directed by the state rules and regulations board.*

(f) *As used in this section, "rule and regulation" means a standard, statement of policy, procedure or practice or general order, including amendments or revocations thereof, of general application which is adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board.*

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| K.S.A. 12-1769 | This is an outdated statute which authorizes school districts to issue bonds to construct community buildings. |
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Recently, a school district considered exercising the authority granted by this statute, but the question arose as to whether the state would provide bond and interest state aid to retire the bonds. The answer was unclear, so for the past two years, the appropriations committee has placed a proviso in the appropriations bill that limits bond and interest state aid to school district bonds issued under K.S.A. 72-6761 which is the statute school districts use in constructing school facilities. This statute has not been utilized for decades and appears to be outdated because of the bond and interest state aid law.

12-1769. *Bonds by city and school district for site, construction and equipping community building; election; joint management. Any city and the school district in which such city is located may jointly acquire a site and construct, furnish and equip*

thereon a community building upon such terms and conditions as shall be agreed upon by the governing body of such city and the governing board of the school district. Such community building shall be under the joint control and management of the governing body of the city and the governing board of the school district and shall be used for such purposes as said governing body and governing board of the school district shall provide by written agreement.

For the purpose of providing funds to be used for the acquisition of a site, construction, furnishing and equipment of said community building, said city and the school district may each issue general obligation bonds. In addition to funds derived from the issuance of bonds, the city may use any other funds for such purposes as it may have available therefor.

No bonds shall be issued by any city or school district under the authority conferred by this section until the question of the issuance of said bonds shall have been submitted to a vote of the qualified electors of such city for city bonds and the qualified electors of the school district for school district bonds at a regular city or regular school district election, as the case may be, or at a special election called for that purpose and unless a majority of those voting on the question shall have declared by their votes to be in favor of the issuance of said bonds: Provided, That neither the city nor the school district may issue bonds unless both elections carry. Such bond election shall be called and held and said bonds shall be issued, registered, sold, delivered and retired in accordance with the provisions of the general bond law. All bonds issued under the authority conferred by this act shall not be subject to or within any bonded debt limitation provided by any other law of this state. "School district" as used in this act means any district or political subdivision organized to provide grade, high, extension, college or vocational instruction and having the power to issue bonds, levy taxes and hold elections.