

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 29, 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

Conferees appearing before the committee: Diane Gjerstad, Wichita Public Schools  
Dale Dennis, Department of Education  
Deputy Commissioner

A sub-committee composed of Representatives Horst, Crow and DiVita was formed to work on the truancy bill, **HB 2023**. Chairman Tanner asked that there be a hearing on Monday, February 5, on their findings.

**HB 2094 - Concerning school districts; revising the definition of juvenile detention facility for the provision of educational services and grants of state moneys.**

Diane Gjerstad spoke to the Committee as a proponent of **HB 2094**. (Attachment 1).

It was moved by Representative Morrison and seconded by Representative Benlon that the bill be amended in order to make it effective earlier. The motion passed on a voice vote.

Representative Morrison moved and Representative Benlon seconded the motion that **HB 2094** be amended to make it effective upon publication in the Kansas Register. The motion passed on a voice vote.

Representative DeCastro asked for a delay in passing the bill until the meeting of Wednesday, January 31. She said there were those who wished to speak in favor of the bill who were unaware of it being heard on January 29.

The Chair closed the meeting on **HB 2094**.

**HB 2096 - Concerning school districts; rescinding the term of years limitation on lease and lease-purchase agreements entered into by boards of education.**

Appearing before the Committee as a proponent of **HB 2096**, Diane Gjerstad explained the advantages of amending the bill to allow longer contracts to be entered into. (Attachment 2).

It was suggested that the facilities at issue, five telecommunication towers with 3 others available, be the only items to be included in the amendment of **HB 2096**. The revenue that would be realized by the lease of these towers would be 70% of \$1500 multiplied by 8.

The Chair closed the hearing on **HB 2096** in order for it to be worked by the Committee.

Representative Peterson referred to line 24 of **HB 2096** asking that "be for not to exceed 10 years" be left in and adding "excepting those who provide as lessee to lease to another facility or agency, etc."

CONTINUATION SHEET

It was moved by Representative Peterson and seconded by Representative Mason that a conceptual amendment be made to this effect to **HB 2096**. The motion failed on a voice vote.

It was moved by Representative Morrison and seconded by Representative Ray that **HB 2096** be passed out favorably for passage. The motion carried on a voice vote.

The meeting was adjourned at 10:30. The next meeting is scheduled for Wednesday, January 31, 2001.



**House Education Committee  
Representative Tanner, chair**

**Testimony on H.B. 2094**

*Diane Gjerstad  
Wichita Public Schools*

January 29, 2001

Mr. Chairman, members of the committee:

Thank you for the opportunity to hear H.B. 2094, a bill which would permit the Wichita Public Schools to receive the per pupil reimbursement for students currently in the custody of the Juvenile Justice Authority residing at "Liberty Juvenile Services and Treatment".

This type of amendment to the statute is becoming routine as new juvenile facilities are licensed by JJA across the state. The statute lists the juvenile detention facilities, this bill would add "Liberty Juvenile Services and Treatment".

"Liberty Juvenile Services and Treatment" is licensed by JJA and KDHE. "Liberty" started receiving students on December 26, 2000. Currently "Liberty" houses 15 juveniles, with a license for 25. The facility Liberty occupies (formerly known as Booth, adjacent to Simms Park) has capacity for 60 students.

"Liberty Juvenile Services and Treatment" is a staff secure level 6 residential facility. Teachers are sent to Liberty to provide educational services to the students. This bill would enable the district to be reimbursed for the costs associated with providing on-site educational services.

Because the district is providing teachers during the current school year, 2000/01, it is important this bill provide the funding beginning this school year.

I would encourage the committee's favorable consideration of this bill.

Thank you, Mr. Chairman. I would stand for questions.

House Education Committee

Date: 1/29/01

Attachment # 1



**House Education Committee  
Testimony H.B. 2096**

*Darren Muci  
Director of Purchasing  
Wichita Public Schools*

January 29, 2001

Mr. Chairman, members of the Committee:

Thank you for the opportunity to bring forth an issue which has stymied the district's ability to react to a community need and business opportunity.

Current statute prohibits the Wichita Public Schools from entering into a lease agreement with a private firm to manage, maintain and market its telecommunication towers because statute precludes the district from entering into any lease for a period of time acceptable to the firm.

*STATUTORY ISSUE: K.S.A 72-8225 precludes school districts from entering into lease or lease-purchase agreements of longer than ten (10) years.*

The Wichita Public Schools owns 53 telecommunication towers strategically placed throughout the District and the City of Wichita. The towers were constructed to facilitate the telecommunications and wide-area-network services for the District's 100+ schools and administrative centers. Construction of the towers and placement of microwave antennas has allowed the District to save many thousands of dollars in communication and data transmission costs. Private telecommunications companies, aware of the District's strategically placed towers, wish to lease space on the towers to place cellular, or other wireless communication, antennas. Typically, these companies desire long-term leases in excess of ten (10) years. In some cases, leases are desired for as many as fifty (50) years.

With the rapid expansion of cellular and other electronic communications in the area, the City of Wichita government wants to limit the proliferation of communications towers, and thus encourage private providers to seek alternative solutions to meet their needs and service expectations. In consideration of an ordinance recently adopted by the City of Wichita, wireless communications companies will continually examine the District's towers for possible use. Under the new ordinance, the City of Wichita currently has a restriction on the building of any new towers if other towers exist in the same geographical area that are available and can serve the need.

House Education Committee

Date: 1/29/01

Attachment # 2-1

*Testimony on H.B. 2096*  
*Darren Muci*  
*Wichita Public Schools*

Late last year, in part, because of the District's inability to enter into a lease agreement for more than ten years, the City of Wichita approved applications for five new towers. The tower builder successfully argued before the Metropolitan Area Planning Committee and City Council that the District's towers were not available for placement of wireless towers, thus a brand new tower was warranted and should be approved for construction. In each case, the new tower was erected in the vicinity of an existing District tower.

The District has unexpectedly found itself in the middle of the tower development business and recognizes that its towers are a valuable commodity.

When feasible and possible, the District desires to allow placement of new wireless communication antennas to be a good steward in its community and assist in the controlling the proliferation of tower development.

#### HISTORICAL PERSPECTIVE

There are other examples of this statute precluding the ability of the District to enter into long-term agreements to benefit it or other parties.

Parking Lot – a church owning property adjacent to a high school desired to construct and pay for a paved parking area on District property. The property was to be leased from the District. The church would use the parking lot on evenings and weekends, the District during the weekday. The ten-year limitation made the church's capital investment in lighting and paving less than advantageous. And from the district's perspective it was difficult to explain to the church's elders, primarily businesspeople, how state statute prohibited the negotiation of more reasonable lease terms.

Closed Educational Sites – Periodically, the District closes elementary schools due to changes in attendance patterns. Generally, these are deep within close-knit neighborhoods. Often, organizations (e.g., churches, private educational organizations, etc.) desire to lease the facility, but need to make significant capital improvements to the building to accommodate their use. Leasing to such organizations is beneficial to the District and the neighborhood because of the reduced incidents of vandalism and availability of safe areas during catastrophic incidents or inclement weather. With the ten-year limit, the organization is limited in recouping its capital investment.

*Testimony on H.B. 2096*  
*Darren Muci*  
*Wichita Public Schools*

The ten-year limitation in statute serves to inhibit the district from negotiating the most advantageous agreement for the benefit of both parties.

#### CONCLUSION

The statute has precluded the District from entering into agreements with private individuals, firms and community-based organizations. Further, the examples cited have significantly impacted neighborhood safety or quality of life issues and have precluded the District from making fiscally sound business decisions that will assist the entire community. The District is not even allowed to enter into an agreement with the City of Wichita to manage the towers. By comparison, neither counties nor municipalities are restrained from entering into lease or lease-purchase agreements for a set time period.

Mr. Chairman, we urge the committee to pass H.B. 2096 favorably, permitting school districts the same negotiations parameters enjoyed by cities and counties so school boards can enter into contracts that will serve its interests as well as all citizenry.

Thank you for your consideration of H. B. 2096, I will stand for questions.