

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 18, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator Bob Marshall- absent
Senator Dwayne Umbarger- absent

Committee staff present:
Theresa Kiernan, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Sharon Wenger, Kansas Legislative Research Department
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the committee:
Jim Modig, Director, Design and Construction, Kansas University

Others attending:
See attached list.

Approval of Minutes

Senator Abrams moved to approve the minutes of February 9, 2009; February 10, 2009; February 11, 2009; and February 12, 2009 as written. The motion was seconded by Senator Owens. Motion carried on a voice vote.

SB 175 - School districts; transfer of moneys to community foundations

Theresa Kiernan, Office of the Revisor of Statutes, provided a short review of the bill. This legislation would allow school districts to transfer moneys they received from gifts or donations that are not immediately needed for the purpose for which they were donated to a community foundation. The foundation would be required to keep the money in a restricted fund and would remain subject to the restrictions made by the original donor. Any distribution of the fund would have to be made for the benefit of the school district or for a specific purpose as agreed to by the original donor or a successor of the donor and agreed to by the school district. She also stated on line 35 the word "donee" should be "donor". A short discussion was held regarding qualifying community foundations and restrictions on investments.

Senator Vratil moved to amend SB 175 on line 35 by striking the word "donee" and inserting the word "donor". The motion was seconded by Senator Owens. Motion carried on a voice vote.

Senator Vratil moved to recommend SB 175 favorable for passage as amended. The motion was seconded by Senator Owens. Motion carried on a voice vote.

SB 225 - Low-income family postsecondary savings accounts incentive program

Senator Abrams presented an amendment which stated that even though no money may be appropriated for the funding of this program this year which will end if not re-authorized, the program will continue.

Senator Abrams moved to amend SB 225 by inserting the amendment presented. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Discussion followed regarding subsection (I) which requires the treasurer shall prepare and submit to the governor and legislature an annual report on the program. He feels no one reads the annual reports and thousands of dollars are spent on annual reports for no good purpose.

Senator Vratil moved to amend SB 225 by deleting subsection (I). The motion was seconded by Senator Steineger. Motion carried on a voice vote.

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 18, 2009, in Room 545-N of the Capitol.

Theresa Kiernan, Office of the Revisor of Statutes, brought to the attention of the committee page 3, line 18 which refers to publication in the Kansas register. She stated that since the program would not be funded, the committee should consider amending it to read "publication in the statute book".

Senator Vratil moved to amend SB 225 on page 3, line 18 to read "publication in the Statute book". The motion was seconded by Senator Owens. Motion carried on a voice vote.

Senator Teichman moved to recommend SB 225 favorable for passage as amended. The motion was seconded by Senator Vratil. Motion carried on a voice vote.

SB 9 - State educational institutions; capital improvements totally financed with non-state moneys

Senator Schodorf presented a brief review of the provisions of **SB 9**, which is the design-bid-build of projects with non-state moneys at universities. All interested parties, including the Associated General Contractors, Kansas University, architects and the Department of Administration would feel comfortable with. Jim Modig, Director Design and Construction, Kansas University, (Attachment 1), presented an overview of the bill as agreed to by all interested parties.

Senator Hensley stated he felt the bill should have been referred to the Joint Committee on Building Construction. He felt the purpose of the Joint Committee on Building Construction was to handle bills like this which dealt with capital improvements as he stated **SB 9** does. He feels **SB 9** does not address education policy, just capital improvements. Senator Vratil stated the Joint Committee on Building Construction does not have authority to recommend bills to the Senate. Senator Hensley stated in that case it should have been referred to the Senate Ways and Means Committee.

Senator Teichman moved to amend SB 9 as presented, including technical, and recommend it favorable for passage. The motion was seconded by Senator Vratil. Motion carried on a voice vote.

SB 84 - School districts; personal financial literacy; statewide assessments

Senator Vratil next introduced discussion of **SB 84** which had been acted on previously by the committee. He understood there were concerns over budget cuts versus setting up a new program on personal financial literacy in schools by committee members.

Senator Teichman moved to bring SB 84 for discussion and final action. The motion was seconded by Senator Owens. Motion carried on a voice vote.

Additional discussion among committee members included comments regarding this bill being a mandate on schools. Senator Abrams stated schools are already teaching it but it is important to develop state curriculum standards. Senator Vratil stated this bill contained no mandates on school districts, if any mandates existed they were on school districts.

Senator Vratil moved to amend SB 84 on page 2, lines 16 and 17 by striking the words "its publication in the statute book" and inserting the words "after July 1, 2012. Motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator Vratil moved to recommend SB 84 favorable for passage as amended. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

The next meeting is scheduled for February 25, 2009.

The meeting was adjourned at 2:25 p.m.

EDUCATION COMMITTEE GUEST LIST

DATE: February 18, 2009

NAME	REPRESENTING
Nicole Green	
Diepi Bennett	NASW - Ks. Ch.
Suzanne Wink	KS Action for Children
Gary Brunk	KS Action for Children
Gerty Hibbs	DOA/DFM
Marilyn Jacobson	DOA
ERIC KING	KEOR
Jim Modig	KU - DCM
Kathy Damon	KU
TERRY FORSYTH	KWEA
LOIS MENLY	REARNEY & Assoc.
COREY PETERSON	AGC of Kansas
Bob Tottan	Ks Contractors Association

Senate Bill # 9 Comparison

February 17, 2009

Senate Bill #9 is focused on creating efficiencies for state educational institutions in the capital improvement processes for projects that use non-state moneys. The bill utilizes the text from existing statutes as the foundation for establishing the processes to be utilized in architect/engineer selection, competitive bidding and CM-at-Risk methods of construction contracting. This bill proposes to streamline existing processes to be used for non-state funded projects. The following comments note the differences between the existing and proposed processes, and highlight the improved efficiencies that would result with the passing of Senate Bill #9.

Existing (E) - The existing process utilizes the State Building Advisory Commission (SBAC) to develop a short list of architects or engineers to be interviewed for a project. The SBAC also reviews requests from state educational institutions to use the CM-at-Risk process, and develops the shortlist of CM-at-Risk contractors to be interviewed. This committee only meets once a month, assuming a quorum can attend.

Proposed (P) - The proposed bill establishes a five-member Procurement Committee (PC) that will perform the same selection and review process but this committee will meet within two weeks of the submittal of documents for review and selection. This will result in a time-savings of two weeks minimum.

E - The advertising of the project is done through the Kansas Register. The ad is due by noon on Wednesday and is published and released by Thursday of the following week. This step is used once during the A/E and competitive bid processes and is used three times during the CM-at-Risk process.

P - The proposed bill also allows institutions to post the ad on the local campus web site. The ad is posted immediately, saving a minimum of one week each time the process is utilized.

E - For the CM-at-Risk process, the agency submits a request to the SBAC for approval to use the state's CM-at-Risk process. An ad is posted in the Kansas Register for 30 days prior to a public hearing that is to be held by the SBAC, at which time the SBAC will act on the request to use the CM-at-Risk process. It is worth noting that there have been very few or no public attendees at these hearings to comment on the proposed use of this process.

P - The proposed bill indicates that an ad will be placed in the Kansas Register at least 15 days prior to the public hearing, and allows the ad to be posted on the institution's web site immediately. Time savings for this step is two weeks minimum.

E - For the second step of the existing CM-at-Risk process, the project is once again advertised in the Kansas Register for 30 days, inviting contractors interested in the project to submit their qualifications. The SBAC meets and selects three to five firms to be interviewed.

P - The proposed bill allows the ad to be placed on the Institution's web immediately and shortens the timeframe to 15 days. The PC meets and selects three to five firms. Time savings for this step is two weeks minimum.

E - For the third phase of the CM-at-Risk process, the project is advertised in the Kansas Register for another 30 days, inviting the shortlisted firms to submit a written RFP in advance of the interview.

Senate Bill # 9 Comparison

February 17, 2009

P - The proposed bill allows the ad to be submitted on the institution's web site immediately and will be posted for only 15 days. The PC acts on the request. Time savings for this step is a two weeks minimum.

E - For the Architect/Engineer Selection process, the project is advertised in the Kansas Register for 30 days. The SBAC reviews the submittals and provides a shortlist of consultants for interview by the negotiating committee. From the initiating of the advertisement to completion of hiring the consultant takes approximately 12 weeks.

P - The ad will be posted on the institution's web site. The procurement committee will review submittals and develop a shortlist of consultants to be interviewed. The negotiating committee will conduct interviews and select the most qualified firm. The proposed process is anticipated to take 8 weeks, resulting in a savings of 4 weeks minimum.

Written by
Jim Modig
Director of
Design & Construction
KCU