

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
HOUSE BILL NO. 2050**

As Agreed to May 15, 2002

Brief *

HB 2050 concerns school finance and makes the following changes:

- Base State Aid Per Pupil (BSAPP) is increased by \$20, from \$3,870 to \$3,890, commencing in school year 2002-03 and thereafter.
- The purposes for which expenditures may be made from a school district's capital outlay fund are expanded to include:
 - computer technology including, but not limited to, computer software, hardware, and upgrades, and
 - utility services provided to school facilities including, but not limited to, gas, electric, water, telephone, sewage, and solid waste disposal.

(This expanded authority would be operative prospectively, that is, when a new resolution is adopted to impose a capital outlay tax levy.)

Background

HB 2050, as passed by the Senate (in 2001) did two things.

- Required the State Board of Education when adopting rules and regulations under either its constitutional or statutory authority to follow the procedures contained in the Rules and Regulations Filing Act.

*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

- Repealed a statute which perpetuated rules and regulations of the State Superintendent of Public Instruction, State Board of Education, State Board for Vocational Education, and School Budget Review Board during the transition to their replacement by the reconstituted State Board of Education in January of 1969.

The Conference Committee replaced these provisions with the change in BSAPP, as described in the brief above.

Earlier in the 2002 Session, the Senate passed SB 526, which would increase BSAPP by \$20 per pupil, to \$3,890. This was the recommendation contained in the Governor's Restoration and Enhancement Budget. That bill is in inactive status in the House Committee on Education having not been introduced by or considered in an "exempt" committee. More recently, an amendment added in the Senate Committee of the Whole to Senate Sub. for HB 2545, the Senate's version of the omnibus bill, provided funding for an increase of \$20 in BSAPP. Subsequently, an amendment by the House Committee of the Whole to House Sub. for SB 363, the House version of the omnibus bill, also provided funding for an increase of \$20 in BSAPP. This bill contains the statutory change needed so that these additional funds may be distributed to school districts.

The amendments which expand the capital outlay authority were added by the Conference Committee to incorporate, generally, the concepts contained in the House omnibus bill (House Sub. for SB 363, as amended by the House Committee of the Whole, Sec. 7 (d) and (e).) The omnibus bill conference committee concluded that these provisions were not proper subject matter to be incorporated in an appropriations bill, so the House conferees opted to use substantive legislation (HB 2050) as the vehicle for these concepts.

2001 Session—History. HB 2050 was amended by the Senate Committee on Education to include the contents of HB 2051, both of which had been requested by the State Board of Education.

HB 2050, as introduced, proposed repeal of the statute which established a specific procedure that the State Board of Education must follow when adopting rules and regulations under its constitutional authority. The State Board staff said that the main provision proposed to be eliminated is one that requires the Board to publish prior to its adoption the full text of the rule in the *Kansas Register*. State Board staff explained that the Board routinely follows the more

rigorous procedures contained in the Rules and Regulations Filing Act for all of its regulations whether based on constitutional or statutory authority. That act does not require full text publication prior to adoption of a regulation.

HB 2051, as introduced and as incorporated in HB 2050, was proposed by the State Board in order to remove this obsolete transitional provision from the statute books.

Both HB 2050 and 2051 were placed on the Consent Calendar in the House of Representatives.

HB 2050 was amended by the Senate Committee of the Whole to specify that the State Board of Education will follow requirements of the Rules and Regulations Filing Act when adopting any rules and regulations.

On March 13, 2001, a conference committee was appointed on HB 2050.