

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 120

As Amended by House Committee on
Education

Brief*

SB 120 concerns school district bidding requirements and the provision of meals by school districts to certain entities identified in the bill. The changes that would be made to school bidding requirements are the following:

- The current exception to the bidding requirement that applies to perishable foods and foodstuffs used for school lunch programs would be expanded to apply to any child nutrition program.
- The requirement that expenditures for construction, reconstruction, remodeling, or for the purchase of materials, or goods or wares be bid if they exceed \$10,000 would be changed to increase the threshold to \$20,000.
- School districts would be allowed to take advantage of multi-state buying cooperatives.

In addition, the bill would allow a school district board of education to provide meals under contract to the entities listed below:

- A nonpublic school or child-care institution, by virtue of a contract with the governing board of the school or institution;
- A municipality for the provision of meals to persons for whom the municipality is responsible for providing meals, by virtue of a contract with the governing body of the municipality; and
- To a state educational institution or corporation whose operations are substantially controlled by a state educational institution for

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/kldr>

the provision of meals for students, alumni, and other members of the public who attend the institution's functions or activities. ("State educational institution" means the Regents universities.)

Any contract entered into by a board of education must provide for payment to the district for the cost incurred to provide the meals. Money received by a school district under a contract for meals must be credited to the district's food service fund and may be expended whether budgeted or not.

Background

The original version of SB 120 was requested for introduction by the State Department of Education. Under current law, perishable foods and foodstuffs needed for school lunch programs are exempt from school district bidding requirements. The State Department requested that this exemption be expanded to include all five child nutrition programs provided by school districts, which are the school breakfast, special milk, child and adult day care, and snacks programs, in addition to the school lunch program.

The Senate Education Committee made two amendments to the bill. The first amendment would require school districts to issue bids for expenditures for construction, reconstruction, remodeling, or for the purchase of materials, or goods or wares if the expenditure is more than \$20,000. (The current limit is \$10,000.) As explained by the mover of the motion, the \$10,000 limit was set in 1986 and inflation in the intervening years has made the limit outdated.

The second amendment would delete the word "federal" in reference to food programs provided by schools so that a school could provide a snack that is not part of a federal program.

The amendment added by the Senate Committee of the Whole would give boards of education the authority to contract with the entities specified in the bill to provide meals. Proponents of the amendment said the authority would allow boards of education to provide a needed service to the community.

The House Committee on Education amended the bill to allow for school districts to join and take advantage of multi-state buying cooperatives. The representatives from the Wichita Public Schools (USD 259) requested this amendment so that they could participate in a multi-state buying cooperative.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, estimated no impact to the state. According to the State Department of Education, the Senate Committee amendments also would have no fiscal impact. Under the amendment added on the Senate floor, costs incurred by a school district in preparing meals would be recouped.