

SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 48**

As Amended by House Committee on  
Education

**Brief\***

SB 48, as amended, would place in statute requirements for local school boards, technical colleges, community colleges, and vocational schools with regard to contracts as follows:

- The bill would require that it is the policy of the State of Kansas that a school board's, vocational school's, technical college's, or community college's actions relating to a contract are the sole responsibility of the institution or district. Contracts entered into by any representative of the school board or institution, officer, or employee would carry the same provision. The bill would prohibit the use of language in the contracts that would indemnify or hold harmless other parties against damages, injury, or death resulting from the action of any party to a contract other than the school board or district.
- The bill would require that it is the policy of the State of Kansas that all contracts entered into by the abovementioned entities would be governed by and interpreted in accordance with the laws of the State of Kansas. Contracts entered into by any officers or employees acting on behalf of the abovementioned entities would carry the same provision. The local board, community college, vocational school, or technical college, or any officer or employee acting on the entities' behalf, would have no power to enter into a contract which provides that the contract must be governed by or interpreted in accordance with laws of any other state.
- The bill also would require that all contracts incorporate the mandatory contract provisions prescribed by the Kansas Depart-

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\*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>

ment of Administration in form DA-146a. The entities may omit any of the mandatory contract provisions in form DA-146a upon a majority vote of the ruling body or board of the entity.

- All contracts of these entities inconsistent with this bill would be void and unenforceable.

## **Background**

The bill was requested by Senator Vratil, and representatives of the Kansas Association of School Boards and Kansas National Education Association spoke in favor of the bill.

The House Committee on Education amended the provisions of SB 49 into SB 48 and made the provisions also apply to technical colleges, community colleges, and vocational schools, as well as local school boards. Representative Ward Loyd requested the amendment on including the mandatory contract provisions in form DA-146a be included in the bill.

The fiscal note indicates that passage of SB 48 would not require any additional state appropriation to the Department of Education.