

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dwayne Umbarger at 1:37 p.m. on March 20, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

Committee staff present: Ben Barrett, Legislative Research
Theresa Kiernan, Revisor of Statutes
Dale Dennis, Deputy Commissioner of Education
Judy Steinlicht, Secretary

Conferees appearing before the committee: Representative Ward Loyd
Carol Swinney, Directory of Distance Learning, SW Plains
Regional Service Center
Theresa Kiernan, Revisor of Statutes
Mary Prewitt, General Counsel, Board of Regents

Others attending: See Attached List

SB638--Employment after retirement for certain school retirants

Chairman Umbarger asked the Committee to have amendments on **SB638** ready to work the bill on Thursday.

HB2844--Allowing High Plains educational cooperative and Southwest Kansas area cooperative to form a separate legal entity, approval required by the attorney general

Representative Ward Loyd, co-author of the bill, testified in support of **HB2844**. This bill permits High Plains Educational Cooperative and Southwest Kansas Area Cooperative (SKACD), to enter into an agreement for interlocal cooperation. The reason for the bill is that the Attorney General raised concerns about its ability to approve the agreement for interlocal cooperation, because there was no longer a "public agency" as required by the law. Liberal USD 480 was the "public agency" but they are no longer a party to the agreement for interlocal cooperation leaving only the two cooperatives, High Plains and SKACD. The attorney general's office has reviewed the language of **HB2844** and has indicated in a letter that the language satisfies the concerns they have expressed. ([Attachment 1](#))

In discussion, Rep. Loyd clarified that the purpose of the bill is to amend the Interlocal Cooperation Act so that the two interlocal cooperatives qualify as entities which can sponsor or continue the service center interlocal. Rep. Loyd agreed that the Act could have been amended to include an interlocal as a sponsoring entity so that it would apply statewide. The request was handled involving just the two cooperatives simply because it was proposed this way by a local attorney and the attorney general had signed off on the proposal to handle in this manner. The concern of the Committee was that more requests will be made by other cooperatives and the Legislature will be presented with more bills in years to come when it could be handled in one bill now to make the change statewide. Another concern was whether the new interlocal cooperative would intend to engage in any activity that would compete with private business. Objection would be that if they do, they would be operating on a tax exempt basis which would affect the amount of taxes collected by the State of Kansas.

Carol Swinney, Director of Distance Learning, SW Plains Regional Service Center (SWPRSC) presented supportive testimony for **HB2844** on behalf of Dr. Kathy Dale, Executive Director, SWPRSC. Carol gave some history of the center stating that they have existed for 13 years and are currently in their 3rd charter cycle which will expire in June 2004. The board of directors agreed to seek statutory authority to continue under the current successful model. ([Attachment 2](#))

Chairman Umbarger recognized Theresa Kiernan, Revisor of Statutes, to explain questions raised regarding the Interlocal Cooperation Act. In the Act, the definition "public agency" includes school districts; interlocal cooperatives could be added to the definition so that interlocal cooperatives would be limited to the same powers as others included in the definition of "public agencies". **HB2844** seems to

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suggest that this new interlocal cooperative would have whatever powers they place in their interlocal agreement.

HB2831--Community colleges, interlocal cooperation agreements

Representative Ward Loyd gave testimony in favor of **HB2831**. This bill would clarify that boards of trustees of community colleges of Kansas have the authority to enter into agreements for interlocal cooperation which create separate legal entities. (Attachment 3)

Mary Prewitt, General Counsel, Kansas Board of Regents testified in support of **HB2831**. This bill expands the powers of community colleges by allowing them to create separate legal entities under the Interlocal Cooperation Act. It also retroactively validates any community college interlocal agreement that was entered in accordance with the Interlocal Cooperation Act prior to the enactment of this bill. (Attachment 4)

Senator Vratil stated that he believes by amending the definition of "public agency" in the Interlocal Cooperation Act to include community college and interlocal cooperative would satisfy the intention of both **HB2831** and **HB2844**. After considerable discussion, Chairman Umbarger agreed that we should hold final action until clarification can be made through the attorney general's office. Chairman Umbarger asked for a motion to combine the two bills so that we could use one of the bills as a vehicle for another bill.

Senator Teichman made a motion to amend **HB2844** as drafted into **HB2831** as drafted. Seconded by Senator Schodorf. Motion carried.

Debate on the two bills will continue tomorrow. The Attorney General's office will be contacted to clarify the interpretation of the proposed amendments to the bill.

Senator Teichman made a motion to delete language from **SB2844** and insert the language from **SB551**. **SB551** is a school finance bill concerning consolidation and reorganization of districts. Seconded by Senator Schodorf. Motion passed.

Senator Oleen would like to know which of the Senate Education bills have not yet been handled by the House that Senate Education might want to amend into House bills still in Senate Education Committee. Senator Corbin reminded the Committee that all of those bills passed by the Senate would be conferencable and it would not be necessary to amend them into a House bill. Chairman Umbarger will reevaluate the Senate Education bills that are still in the House and determine how they should be handled.

Meeting adjourned at 2:30 p.m.