

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Kathe Decker at 9:00 A.M. on March 9, 2005 in Room 313-S of the Capitol.

All members were present except:

Tom Holland- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Art Griggs, Office of the Revisor of Statutes
Dana Wurdeman, Committee Secretary

Conferees appearing before the committee:

Proponents:

SB 48

Senator John Vratil
Representative Ward Loyd
Mark Tallman, KS Association of School Boards

SB 49

Senator John Vratil
Representative Ward Loyd
Mark Tallman, KS Association of School Boards

SB 154

Senator James Barnett
Cindy D'Ercola, KS Action for Children
Ron Hein, KS Beverage Association
Teresa Schwab, Oral Health KS
Chris Wilson, KS Dairy Association
Kevin Walker - American Heart Association

Neutral:

SB 154

Mark Tallman, KS Association of School Boards

SB 48 - concerning schools and school districts; relating to contracts.

Supplemental Note - SB 48 would place in statute that it is the policy of the State of Kansas that a school board's actions relating to a contract are the sole responsibility of the district. Contracts entered into by any representative of the school board, officer, or employee would carry the same provision. Finally, 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. All contracts of a school board or district inconsistent with this bill would be void and unenforceable.

SB 49 - concerning schools and school district; relating to contracts.

Supplemental Note - SB 49 would create a new provision in state law with regard to contracts entered into by any unified school district in Kansas. The provision would state that it is the policy of the State of Kansas that all contracts entered into by a local school board will be governed by and interpreted in accordance with the laws of the Sate of Kansas. Contracts entered into by any officers or employees acting on behalf of the school board would carry the same provision. The local board, or any officer or employee acting on the board's 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. Contracts not consistent with the provisions of this bill would be void and unenforceable.

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:00 A.M. on March 9, 2005 in Room 313-S of the Capitol.

Senator John Vratil spoke as a proponent for **SB 48** and **SB 49**. No written testimony was offered. He explained that both bills apply to school districts, school boards and officers and employees of school districts. **SB 48** would make it public policy at this date for school districts and school boards when entering into contracts, to prohibit them from entering into any contract by which they are required to identify or hold harmless a third party for that third party's negligent acts or omissions.

SB 49 is a similar bill indicating that a school district or school board cannot enter into a contract whereby it agrees to submit to the jurisdiction of courts of a quorum jurisdiction in another state. Nor can they agree to submit to the venue in a different state.

Vice-Chair Horst took over the meeting as Chairman Decker left to testify at another committee meeting.

Discussion followed.

Ward Loyd presented his testimony in support of **SB 48** and **SB 49**. (**Attachment 1**).
Discussion followed.

Next to testify as a proponent of **SB 48** and **SB 49** was Mark Tallman. (**Attachment 2**).

Co-Chair Horst called for any others that would like to speak on **SB 48** or **SB 49**. Seeing none, the hearings on **SB 48** and **SB 49** were closed and the hearing on **SB 154** was opened.

SB 154 - relating to food and beverages available to students in Kansas school districts: providing for the adoption of certain standards.

Supplemental Note - SB 154 creates a new statute that directs the State Board of Education to prescribe nutritional standards for all foods and beverages made available to public school students during the school day. In developing the standards, the Board is directed to consult with other state agencies, private foundations, and other entities and to give attention to the provision of healthful foods and beverages, physical activities, and wellness education directed toward the prevention and reduction of childhood obesity. All Kansas school districts are to comply with the standards although waivers may be granted in appropriate circumstances.

Senator Jim Barnett was the first to speak as an proponent on **SB 154**. (**Attachment 3**).

Discussion followed.

Jody Mackey from the state Department of Education took questions with Senator Barnett.

Chairman Decker returned to the meeting.

Next to speak on **SB 154** as a proponent was Cindy D'Ercole. (**Attachment 4**).

Speaking as a proponent of **SB 154** was Ron Hein. (**Attachment 5**).

Discussion followed.

Teresa Schwab presented testimony as an proponent for **SB 154**. (**Attachment 6**).

Written only testimony in support of **SB 154** was presented to the committee by Chris Wilson (**Attachment 7**) and Kevin Walker (**Attachment 8**).

Speaking as a neutral on **SB 154**, Mark Tallman, presented his testimony. (**Attachment 9**).

This portion of the hearing on **SB 154** was closed.

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:00 A.M. on March 9, 2005 in Room 313-S of the Capitol.

The Chair announced that the meeting scheduled for Thursday, March 10 was cancelled.

The meeting was adjourned at 10:50. The next meeting of the full Committee is scheduled for Friday, March 11, 2005.