

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on February 13, 2006, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Robin Kempf, Associate General Counsel, Kansas Board of Regents
Bill Sneed, University of Kansas Hospital Authority
Mary Prewitt, General Counsel, Kansas Board of Regents

SB 375—Retirement benefits of employees of State Board of Regents or state educational institutions under the Board's management

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 375** addressed two issues concerning the Board of Regents employees' retirement and employee benefits. The first amendment (page 9) simply resolved a conflict in K.S.A. 74-4925 which was amended more than once during the 2005 legislative session. The second issue also related to legislation passed last year. As a result of federal law which requires disability benefits to be cut off at the end of five years, a long-term disability benefit was provided which commenced at the end of the fifth year of the disability. After that law became effective, the Division of Accounts and Reports required that the Board of Regents begin to make employee contributions for certain fringe benefits (workers compensation, KPERS death and disability benefits, and for their leave payment reserve assessment). She explained that there were three sections in the bill which excluded payments made for those benefits. In Section 1, it is included in the definition of the total payroll when determining the self-insurance assessment under the workers' compensation law. Section 2 excludes it from the definition of compensation for the purposes of KPERS. The payments under Section 4 are excluded from the definition of gross wages when determining the leave payment reserve assessment of the State Board of Regents. She explained that, without the bill, the Board of Regents must make employer contributions for workers' compensation, KPERS death and disability benefits, and their leave payment reserve assessment.

Robin Kempf, Associate General Counsel for the Kansas Board of Regents, testified in support of **SB 375**. She noted that the bill would clean up unintended consequences of the 2005 legislation to make the Board's long-term disability benefit consistent with the Internal Revenue Code. She explained that the Board was requesting an exemption from deducting the three fringes because the people who will be receiving the long-term disability payment are not working; therefore, they are not eligible for workers' compensation, annual or sick leave payments, or KPERS disability. (Attachment 1)

Bill Sneed, representing the University of Kansas Hospital Authority, testified in support of **SB 375** with a proposed amendment. The amendment would create an exception to the general rule that employer-provided disability payments reduce or offset the KPERS disability benefit. It would allow, but not require, participating employers to supplement the disability pay of those disabled members who, under the new program, will not otherwise be able to receive the full 60 percent of pay in the event they become disabled. He called attention to a copy of the proposed amendment which was attached to his written testimony. He noted that neither KPERS nor the Kansas Board of Regents opposed the amendment. (Attachment 2)

There being no others wishing to testify, the hearing on **SB 375** was closed.

SB 436—Community colleges and school districts; personnel evaluations

Ms. Kiernan noted that **SB 436** was a housekeeping bill introduced by Senator Vratil. She explained that, under current law, school districts and community colleges are required to adopt a written policy establishing a personnel evaluation procedure. The bill would continue that requirement but remove the provisions

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relating to community colleges from those sections under Chapter 72 of the Kansas statutes and reestablish them as new Sections 4 through 7, which will eventually be codified in Chapter 71 of the Kansas statutes, which are the statutes governing community colleges.

Senator Vratil commented, "Some years ago, the Legislature adopted legislation requiring evaluation of employees. They put those provisions in one statute, and they pertain to both community colleges and K-12 school districts. Both of them are in Chapter 72 of the statutes. Anybody who is looking for a personnel evaluation statute pertaining to community colleges, is going to look in Chapter 71 where the statutes on community colleges are located. They would probably not look in Chapter 72 because Chapter 72 doesn't have anything to do with community colleges except for this one little provision that's hidden in the statute. And so, the purpose of this bill is to segregate out the statute concerning evaluation of personnel in community colleges and put that in a separate statute so it can be placed in Chapter 71 where it should be. The legal counsel for the Board of Regents has reviewed this and has found a couple of instances that she'll bring to our attention. Basically, their recommended amendments result from the fact that the State Board of Regents as a result of **SB 345**, the Higher Education Coordination Act, refrains from getting actively involved in governance issues of community colleges, and they don't want to start down that road. And I understand that and support their amendments."

Mary Prewitt, general counsel for the Board of Regents, testified in support of **SB 436** with three amendments. She commented that it appeared that, in the course of drafting the bill, the State Board of Regents was inappropriately substituted in places where the State Board of Education previously functioned. She requested that references to the Regents on page 3 in New Sections 5 and 6 be stricken and that New Section 7 on page 4 be stricken. (Attachment 3)

There being no others wishing to testify, the hearing on **SB 436** was closed.

Senator Schodorf turned the Committee's attention to a previously heard bill, **SB 331** concerning the governing body of technical colleges. Senator Teichman recalled that the Committee voted to amend the bill on page two, lines 12, 13, 32, and 33, by striking the sentence, "Such school shall not offer any course that leads to an academic degree." She noted that the Board of Regents had suggested that the sentence remain in the bill as, "Such school shall not grant degrees." Senator Schodorf noted that the concern was that, while the technical school would not grant a degree, there are classes that students take at that school that would lead to a degree from other institutions. Senator Vratil suggested that the sentence should be, "Such school shall not grant academic degrees."

Senator Teichman moved to amend **SB 331** on lines 12 and 32 by inserting, "Such schools shall not grant academic degrees," seconded by Senator Pine. The motion carried.

Senator Vratil moved to recommend **SB 331** favorably for passage as amended, seconded by Senator Teichman. The motion carried.

Senator Schodorf called attention to the minutes of the January 25, 26, and 30 meetings.

Senator Apple moved to approve the minutes of the January 25, 26, and 30 meetings, seconded by Senator Pine. The motion carried.

The meeting was adjourned at 2:15 p.m.

The next meeting is scheduled for February 14, 2006.

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