Approved:	March 9, 2011
11	Date

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 7, 2011, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department Laura Younker, Kansas Legislative Research Department Jason Long, Office of the Revisor of Statutes Eunice Peters, Office of the Revisor of Statutes Dale Dennis, Deputy Commissioner, Kansas Department of Education Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Bill Reardon, USD #500 Corey Peterson, Associated General Contractors of Kansas Trudy Aron, Executive Director, AIA Kansas Mark Tallman, KASB Tracy Russell, Schools for Quality Education (written only) Jennifer J. Crow, USD #501 (written only)

Others attending:

See attached list.

Montgomery County Debate Champions

Members and coaches of the Caney High School, Caney, Kansas, Field Kindley High School, Coffeyville, Kansas, and Independence High School, Independence, Kansas debate teams were introduced by Senators Jeff King and Dwayne Umbarger. Members of these three high schools in Montgomery County were recognized by the committee as state debate champions.

Also recognized in the audience were Mark Evans, Superintendent, and Roger Elliott, board member from Andover as well as members of the Student Advisory group.

Hearing on SB 70-Limitation on entitlement to capital improvement state aid

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of <u>SB 70</u>. <u>SB 70</u> would prohibit capital improvement state aid to school districts, also known as bond and interest aid, for any bond election held on or after January 1, 2011. According to the Kansas Department of Education, enactment of <u>SB 70</u> would have no fiscal effect on state aid payments to school districts in FY 2011 or FY 2012, as bond payments are not made until at least 15 to 18 months after a bond election. However, the Department states that there would be a reduction of capital improvement aid totaling \$1.0 million, beginning in FY 2013.

Bill Reardon, USD #500, appeared as an opponent to <u>SB 70</u> (<u>Attachment 1</u>). He stated this legislation would eliminate a key component of the current school finance law in Kansas. He also stated that in the recent Montoy case, the Kansas Supreme Court referenced this provision of Kansas law as evidence of equity in the school formula.

Corey Peterson, Associated General Contractors of Kansas, appeared as an opponent to the proposed legislation also (<u>Attachment 2</u>). Points of opposition raised by Mr. Peterson included the following: it would be a blow to an industry already on the ropes; Kansas needs economic stimulus and this bill does the opposite; it shifts an unfair advantage to wealthy school districts as it would discourage improvements in less wealthy districts; sets the stage for another Board of Regents-type deferred maintenance crisis as school districts would be encouraged to defer or eliminate capital improvements; and does not impact the current or next year's budget.

Trudy Aron, Executive Director, American Institute of Architects, Kansas, also spoke as an opponent to **SB 70** (Attachment 3). She stated the state portion of funding is used to help citizens in school districts to

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on March 7, 2011, in Room 152-S of the Capitol.

pass greatly needed school bond issues without huge increases in property taxes. She also stated these projects create much needed design and construction work. These industries have been devastated by the recession with 23% unemployment in the design sector.

Mark Tallman, Kansas Association of School Boards, also appeared as an opponent to <u>SB 70</u> (<u>Attachment 4</u>). He stated KASB believes the funding to provide a quality education for every Kansas child is the responsibility of the state as a whole. The physical plant and equipment of a school district affects the quality of education. Because of the vast disparities in the taxable wealth per student across Kansas, state assistance is vital to providing equity in educational quality and opportunity. He also made reference to the Montoy decision. There are only two major sources of capital funding for most districts, those being state aid and local property taxes. Reducing or eliminating state aid results in higher property taxes in lower-wealth Kansas school districts in order to maintain current levels of expenditures and to adopt future projects.

Others providing testimony in opposition to the passage of <u>SB 70</u> included Tracy Russell, Schools for Quality Education (<u>Attachment 5</u>) (written only), and Jennifer J. Crow, USD #501 (<u>Attachment 6</u>) (written only).

During committee discussion, Senator Wagle requested the State Department of Education provide information regarding projections on the bond and interest state aid for the next five years. There being no further discussion, the hearing on <u>SB 70</u> was closed.

The next meeting is scheduled for March 8, 2011.

The meeting was adjourned at 2:30 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 7, 2011

NAME	REPRESENTING
Midy aron	Am Inst of Graholests
Ta teur	AGC OF KANSAS
Scott Heidnen	ACEC of KS
Bob Weeks	none
Richard Kelly	None
Mark Callman	KA-SB
BILL Brady	SFFF
Han, Heary	USP 233
Kint Lowrood	US D 436
Calch McIntosh	USD436
Jessica Wells	USD 436
Linz R. McCammon	USD 436
Amber Joels.	usp 436
Harret Harbangh	USD 445
Kris Crane	USD 445
Tracy Ressell	SQE
Tiffany Lin	USD 445
Taylor Stringer	USD 445
Taylor Stringer Rick MoII	USD 444

SENATE EDUCATION COMMITTEE GUEST LIST

DATE:	
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NAME	REPRESENTING
Michael D. Long	USD 446
Grant Hendrix	usD 445
Ben Wright	USD 445
Eric Mueller	USD 445
Jordan Mecon	USD 445
Shannon Bell Little	Little Government Relation
	·



Kansas City, Kansas Public Schools

Unified School District No. 500

SENATE EDUCATION COMMITTEE SB 70 March 7, 2011

SB 70 would eliminate a key component of the current school finance law in Kansas. The provision for state assistance on USD bond issuances was first implemented as part of the 1992 School Finance Law. When Kansas agreed to assist the cost of bonding for new construction in low wealth districts, we were one of only a handful of states with similar programs. Today, a number of states have followed our lead!

In the recent *Montoy* case, the Kansas Supreme Court referenced this provision of our law as evidence of equity in our formula. If, or how, the Court might respond to the removal of this provision is uncertain.

Another unknown is the potential reaction by the bond market to a significant reduction of state assistance, I won't hazard a guess how this proposed change might possibly impact bond interest rates, but I do believe that prudence would dictate a thorough study of these possible negative consequences before SB 70 is seriously considered.

The Kansas City, Kansas District does not have any immediate plans for a bond election. We are currently benefiting, however, from state assistance on bonds approved by our voters several years ago for a renovation of many of our schools. (The average age of all of our schools is 57 years.)

Finally, I am fearful that the passage of SB 70 would have a chilling effect on the passage of all new school construction projects in wealthy USDs that do not qualify for state assistance. Creating an environment that reduces Kansas construction jobs is precisely the wrong approach for a nation (or a state) attempting to lift itself and its people out of the worst recession in more than a half century.

For these reasons, the Kansas City Kansas Public Schools must oppose the passage of SB 70.

Bill Reardon, KCKPS Lobbyist

Strate Education 3.7.11
Attachment

Kansas City, Kansas 66101 Fax: 913•551•3217

625 Minnesota Avenue 913•551•3200



Building a Better Kansas Since 1934

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TESTIMONY OF ASSOCIATED GENERAL CONTRACTORS OF KANSAS BEFORE SENATE COMMITTEE ON EDUCATION SB 70

March 7, 2011

By Corey Peterson, Associated General Contractors of Kansas, Inc.

Madame Chair and members of the committee, my name is Corey Peterson. I am Executive Vice President of the Associated General Contractors of Kansas, Inc. The AGC of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers in Kansas (with the exception of Johnson and Wyandotte counties).

AGC of Kansas opposes Senate Bill 70 and asks that you not report it favorably for passage.

Would be a blow to an industry already on the ropes. SB 70 will discourage investment in construction at a time the construction industry in Kansas faces its most difficult economic situation in decades. Unemployment in construction is more than twice that in any other economic sector, having exceeded 20% nationally.

Due to an absence of private construction, school construction projects in Kansas are currently directly responsible for keeping many long time Kansas companies employing hundreds of Kansans, in business. A reduction in future investment will likely put some of these employers out of business.

Kansas needs economic stimulus. This bill does the opposite. As discussed during past Highway bill debates, many economists agree investing in infrastructure will stimulate the economy. It is said that every \$1 invested in construction will add over \$3 to the GDP. With little ongoing private construction, opportunities for work with public owners are all that's left for job creation.

Shifts unfair advantage to wealthy school districts. SB 70 will also discourage improvements to the less wealthy districts in times they are vulnerable. Removing this match will give districts in the affluent areas of the state more advantage than they already have, leading to a further exodus out of rural Kansas. This cannot be good for Kansas.

Setting the stage for another Board of Regents-type Deferred Maintenance Crisis If school districts are encouraged to put off or eliminate capital improvements, the normal wear and tear of having hundreds of students in the buildings will quickly create a backlog of maintenance issues that will be difficult, if not impossible to undo. One needs to look no further than the Board of Regents and their maintenance dilemma for living proof of this. The same will occur in K-12 infrastructure.

Does not impact current or next year's budget. Lastly, this bill will not impact the current or next year's budgets. It is a long term deterrent for construction in Kansas. Construction in Kansas creates jobs, jobs our economy needs.

Please stimulate the economy, not prolong the depression the construction industry and recession the state is facing. Please do not vote SB 70 favorably for passage.

Thank you for your consideration.

Senate Education 3-7-11 Attachment 2





AIA Kansas

A Chapter of the American Institute of Architects

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Overland Park
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Executive Director Trudy Aron, Hon. AIA, CAE info@aiaks.org TO: Senator Schodorf and Members of the Senate Eduction Committee

FROM: Trudy Aron, Executive Director

RE: Opposition to SB 70

Good Afternoon Madam Chair and Members of the Committee. I am Trudy Aron, Executive Director, of the American Institute of Architects in Kansas. Thank you for allowing us to testify in opposition to SB 70.

AIA Kansas is a statewide association of architects and intern architects. Most of our 600 members work in over 100 private practice architectural firms designing a variety of project types for both public and private clients. Our members are designing tomorrow's buildings today, aiming to meet the "triple bottom line:" buildings that are affordable, protect the health of the building occupants, and respect our environment.

AlA Kansas strongly opposes SB 70. This bill eliminates state funding for capital improvements to school districts. In these economic times, the passage of bond issues by citizens for improvements to their schools is difficult enough. The state portion of funding is used to help citizens in these districts to pass greatly needed school bond issues without huge increases in property taxes.

Our State needs the new and renovated schools these bond elections provide. Many of our schools are two or three generations old. They are totally inadequate for today's teaching methods and technology. In addition, these older schools use 30-50% more energy, costing the school district and the community funds that should be spent on giving our children a better education.

These projects create much needed design and construction work. Our industries have been devastated by the recession with 23% unemployment in the design sector. Without the State honoring their commitments to school construction, jobs will not be created in these communities and they will not create the turnover revenues they bring. These school projects are economic development which is so greatly needed by our industry and our State.

AIA Kansas asks you to not approve SB 70 for passage. I will be happy to answer questions at the appropriate time.

700 SW Jackson, Suite 209 Topeka, KS 66603 800-444-9853 or 785-357-5308 www.aiaks.org

Kansas

National

Employment

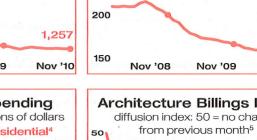
Construction¹: 1,257.0 Architectural services²: 163.7

Economics

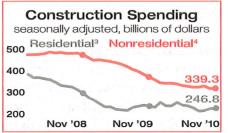
Construction Spending Residential³: \$246.8 Nonresidential⁴: \$339.3 Architecture Billings Index November 2010⁵: 52.0

(The Architecture Billings Index (ABI) is a diffusion index derived from the monthly Work-on-the-Boards survey, conducted by the AIA Economics & Market Research Group. The ABI serves as a leading economic indicator that leads nonresidential construction activity by approximately 9–12 months.)





250





Architectural Services

Employment

thousands2

163.7

Nov '10

Regiona

Economics

Architecture Billings Index November 2010⁵: 50.9



Mansas

Architecture

Architects Residing in Kansas7: 928

Architects Licensed to Practice in Kansas⁷: 2,708

Economics

Projected 2011 Tax Growth8: 3.0%

Citations

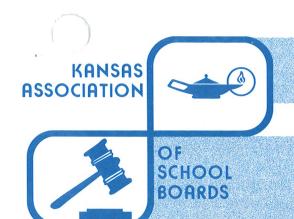
- ¹ Construction of buildings, seasonally adjusted, thousands (www.bls.gov/ces)
- ² Architectural services, thousands (www.bls.gov/ces)

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- ³ Value of Residential Construction Put in Place excluding rental, vacant, and seasonal residential improvements—Seasonally Adjusted Annual Rate, billions of dollars (www.census.gov/const/www/c30index.html)
- 4 Value of Nonresidential Construction Put in Place excluding power, highway and street, sewage and waste disposal, water supply, and conservation and development—Seasonally Adjusted Annual Rate, billions of dollars (www.census.gov/const/www/c30index.html)
- ⁵ ABI: diffusion index: 50 = no change from previous month (www.aia.org/practicing/economics/AIAS076265)
- ⁷ 2010 Survey of Registered Architects, architect registrations by jurisdiction (www.ncarb.org/News-and-Events/News/2010/2010-Architect-Survey.aspx)
- ⁹ Fiscal Year 2011 Tax Forecast Compared to Fiscal Year 2010 Estimated Collections, total projected tax growth (www.ncsl.org/documents/fiscal/Projected_Revenue_Growth_in_FY_2011_and_Beyond.pdf)







1420 SW Arrowhead Road • Topeka, Kansas 66604-4024 785-273-3600

Testimony before the Senate Committee on Education on

SB 70 - Capital Improvement State Aid

by

Mark Tallman, Associate Executive Director for Advocacy

Kansas Association of School Boards

March 7, 2011

Madam Chair, Members of the Committee:

SB 70 would terminate state aid for bond and interest payments for bonds approved by voters after Jan. 1 of this year. KASB strongly opposes this bill. We would note that the House has passed HB 2200, which would reduce the state aid formula bond and interest payments on bonds issued by school districts for capital improvements and for capital outlay resolutions adopted after the effective date of the bill. KASB also opposes the House bill for the reasons listed below, but we believe a *reduction* in the aid formula is preferable to the *elimination* of state aid. (For the past several years the state has *not* made aid payments for capital outlay, but the authorization for such remains.)

KASB strongly believes the funding to provide a quality education for every Kansas child is the responsibility of the state as a whole. The physical plant and equipment of a school district affects the quality of education. Because of the vast disparities in the taxable wealth per student across Kansas districts, state assistance is vital to providing equity in educational quality and opportunity. We can think of no public policy served by increasing the disparity in opportunity provided to Kansas students, including building, equipment and other capital costs.

Kansas courts have repeatedly articulated these same principles under Article Six of the Kansas Constitution, which states that the responsibility for suitable finance for public education rests with the Legislature. State aid for bond payments was created following court cases in 1991-92. State aid for capital outlay was created after the *Montoy* decisions in 2005-06. In both cases, these actions were part of judicial settlements. In response to the state budget crisis, capital outlay aid has already been eliminated. We support restoring that aid as soon as possible.

Senate Education 3-7-11 Attachment 4 It is important to stress that this aid formula is designed to simply level the playing field, not provide a special benefit for lower wealth districts. Those districts still must raise at least the same amount of mill levy as wealthier districts. It simply means their cost is not *dramatically* higher.

There are only two major sources of capital funding for most districts: state aid and local property taxes. Reducing or eliminating state aid results in higher property taxes in lower-wealth Kansas school districts in order to maintain current levels of expenditures for technology, equipment, repair and remodeling; and to adopt future projects addressing concerns of growth, safety, energy-savings, consolidation and modernization. We suggest the state should *encourage* these activities, not make them more difficult. For example, in a previous session the Legislature passed a proviso directing all districts to conduct a tornado safety evaluation. That action indicates the Legislature's concern over safety issues. Yet this bill would make it harder for many districts to address safety issues that have been identified.

Furthermore, over the past 10 years, the portion of state and local taxes raised by property taxes has increased, for the first time in decades. Is it good public policy to increase property tax reliance in many communities? (See attachment.)

If the lack of state funding and corresponding property tax requirements reduce the ability of districts to finance the kind of projects identified above, it will reduce demand for construction and other capital purchases. Given the state's economic situation, this seems highly counterproductive.

Some legislators may take the position that this bill will only affect other, less wealthy districts, or that your district has recent bond issues that have taken care of building needs. We urge caution. Any district's circumstances can change over time. Your district may, in the future, find the benefit of state assistance will be reduced or no longer be available if this bill passes.

For these reasons, KASB opposes **SB 70**. Because it would affect only future bond issues, there will be little, if any, immediate savings to the state. However, the long-term impact on equal educational opportunities would be significant.

Thank you for your consideration. I would be happy to respond to questions.

TABLE 5 — PERCENTAGE OF COMBINED STATE AND LOCAL TAX REVENUE

Ranked on the Basis of FY 2010

	FY 2010	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2000	FY 1990	FY 1980	FY 1970	FY 1960	FY 1950	FY 1940	FY 1930
	2010													
General Property (a)	34.69%	33.58%	30.83%	30.26%	30.24%	30.91%	28.00%	32.34%	39.19%	53.06%	56.44%	52.19%	62.95%	82.02%
Sales and Use (b)	25.55	25.65	25.59	26.13	26.53	26.82	28.58	22.55	19.75	15.74	15.34	15.76	9.94	-
Income and Privilege	23.43	25.47	27.91	27.18	25.31	23.36	27.01	21.87	21.42	10.57	6.73	4.95	2.04	-
Motor Fuels	3.69	3.58	3.53	3.67	3.90	4.25	4.54	4.61	5.24	8.81	8.26	11.00	9.92	8.18
Various Vehicle (c)	2.94	2.94	2.75	2.76	2.87	3.06	3.31	5.66	-	-	-	-	-	-
Unemployment Comp.	2.65	1.45	1.83	2.31	3.13	3.40	1.36	3.49	3.86	1.77	2.21	2.51	4.85	-
Vehicle Registration	1.78	1.66	1.55	1.55	1.61	1.75	1.89	2.02	3.03	3.50	4.39	4.35	3.99	5.69
Insurance Premiums	1.20	1.09	1.10	1.10	1.16	1.22	0.86	1.44	1.54	1.22	1.31	1.22	0.99	1.05
Liquor and Beer	0.97	0.95	0.87	0.85	0.87	0.90	0.93	1.03	1.30	1.08	1.09	2.24	0.49	-
Cigarette and Tobacco		0.96	0.97	1.02	1.12	1.24	0.67	1.15	1.44	2.20	1.83	2.08	1.27	0.63
Severance	0.81	1.13	1.30	1.05	1.31	1.11	0.72	1.71	-	-	-	-	-	-
Corporation Franchise	0.36	0.35	0.38	0.40	0.43	0.47	0.21	0.19	0.25	0.09	0.13	0.17	0.31	0.34
Mortgage Registration	0.36	0.35	0.41	0.44	0.51	0.52	0.46	0.25	0.38	0.20	0.28	0.39	0.30	0.30
Transient Guest	0.25	0.27	0.26	0.22	0.22	0.23	0.22	0.15	0.04	-	-	-	-	-
Motor Carrier Property	0.22	0.25	0.24	0.22	0.20	0.20	0.20	0.20	0.19	0.15	0.16	0.09	0.03	(e)
Estate/Inheritance	0.07	0.19	0.36	0.47	0.47	0.52	0.80	0.89	1.19	0.82	0.82	0.48	0.39	0.67
Intangibles	0.03	0.04	0.03	0.03	0.02	0.03	0.06	0.23	0.98	0.64	0.70	1.09	0.93	0.72
Parimutuel	0.00	0.00	0.02	0.02	0.03	0.03	0.05	0.16	-	-	-	-	-	-
All Other (d)	0.07	0.07	0.07	0.08	0.08	0.08	0.13	0.06	0.20	0.15	0.31	1.48	1.60	0.40
Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

⁽a) Taxes levied for collection during the fiscal year.

⁽b) Local sales taxes included starting in FY 1980.

⁽c) Includes motor vehicle, recreational vehicle, 16m and 20m "tagged" vehicles, and rental car excise taxes.

⁽d) Total revenue from nine taxes.

⁽e) Included in the general property tax until the law was changed in 1935.



Testimony in Opposition to SB 70 (written only)

Senate Education Committee

Schools for Quality Education (SQE)

Tracy Russell

March 7, 2011

Madam Chair and members of the committee:

I am submitting testimony in opposition to SB 70 on behalf of Schools for Quality Education (SQE), an organization of more than 100 small, rural school districts in Kansas. SB 70 eliminates the state's contribution to school district capital improvement projects.

Funding of education has been a federal/state/local partnership that has resulted in educational excellence in Kansas. As our schools face reductions in state aid, it becomes more difficult to maintain the quality that we all want for Kansas children. While decreases in state aid receive the headlines, it is that action coupled with an assortment of other policies that erode the state's investment in public education. This erosion often hits small districts the hardest. SB 70 fits into this category. It is one more reduction in the investment that our schools need. This action may save the state money, but it certainly does not save Kansas taxpayers. In fact, it will place an even greater burden on local property taxpayers who must make up the difference.

There has been much discussion over the years regarding consolidation of small schools. We have consistently supported incentives for voluntary consolidation and believe that adoption of SB 70 will discourage voluntary consolidation because combining districts may result in the need for new buildings. By making it harder to finance such projects, a barrier to consolidation is created. The Legislative Post Audit's (LPA) report on reorganization recognized the importance of facilitating capital improvements as a means to voluntary consolidation and recommended more state participation in bonding initiatives. HB 70 essentially reverses that recommendation.

Schools for Quality Education urge you to reject SB 70 because of the difficulty that small schools will have in maintaining school infrastructure without state help. In addition, this represents a greater shift of the funding burden to local property taxpayers. Thank you for your consideration.

Senate Education 3-7-11 Attachment 5



March 7, 2011 Chairwoman Jean Schodorf Senate Education Committee SB 70

Chairwoman Schodorf and members of the Senate Education Committee:

USD 501 opposes SB 70. Though the State has not met its obligation to provide capital outlay state aid to school districts for the past two years, the capital outlay state aid program is critical to our district. We are in the process of closing two schools before next school year in order to more efficiently direct district funds into the classroom. Our current capital outlay funds will pay for the costs associated with combining classrooms and school buildings. Through these difficult economic times, our business office has explored and implemented numerous cost saving measures to help the district weather the recession and the continued cuts in state aid. Through sound money management, we have been able to not only accommodate the cuts to base aid and capital outlay, but also to take the steps necessary to target where we can be more efficient with our capital expenditures. However, as we institute neighborhood school closures, which is one of the most difficult processes for a school district to undertake, it is vital that we have the necessary capital outlay funding to ensure the closures do not negatively impact our students' education.

Current capital outlay funds, though currently unmatched with state dollars, will pay for this first impending round of school closures, and will help with future closures. Continued failure of the state to meets its capital outlay obligations will result in our district facing a capital outlay crisis 2-3 years down the road, when the monies have been expended on school closures and other current needs, not replenished, and as a result, we have little safety net to deal with the district's capital improvement needs. A bond issue would be our only option, and complete elimination of the capital improvement state aid would likewise place a heavy burden on our taxpayers that is disproportionate to what other districts' taxpayers would have to incur. Please consider this as you deliberate. SB 70 would have a very detrimental impact on USD 501 and the citizens in our school district.

Thank you,

Jennifer J. Crow USD 501

Senate Educ