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ATTORNEY GENERAL OPINION NO. 91- 108

The Honorable Galen Weiland
State Representative, Forty-Ninth District
Box 146
Benedena, Kansas 66008

Re: Schools--School Unification Acts--School District
Expenditures Over \$10,000; Requirements Relating to
Bids and Bidders; Exemptions; Architectural Services

Synopsis: Architectural services sought by a unified school
district are exempt from the mandatory bidding
requirements of K.S.A. 1990 Supp. 72-6760, as
amended by L. 1991, ch. 226, § 10. Cited
herein: K.S.A. 1990 Supp. 72-6760, as amended by
L. 1991, ch. 226, § 10.

* * *

Dear Representative Weiland:

As representative for the forty-ninth district, you request
our opinion regarding whether architectural services sought by
a unified school district are subject to the mandatory bidding
requirements of K.S.A. 1990 Supp. 72-6760, as amended by L.
1991, ch. 226, § 10.

The fundamental rule of statutory construction is that the
purpose and intent of the legislature governs when that intent
can be ascertained from the statute. Unified School District
No. 279 v. Secretary of the Kansas Department of Human
Resources, 247 Kan. 519, 524 (1990). In determining
legislative intent, courts are not limited to a mere
consideration of the language employed but may properly look

to historical background of the enactment. Joe Self Chevrolet v. Board of County Commissioners of Sedgwick County, 247 Kan. 625, 633 (1990).

K.S.A. 1990 Supp. 72-6760, as amended by L. 1991, ch. 226, § 10, states in part:


"(a) No expenditure involving an amount greater than \$10,000 for construction, reconstruction or remodeling or for the purchase of materials, goods or wares shall be made by the board of education of any school district except upon sealed proposals, and to the lowest responsible bidder.


"(b) The provisions of subsection (a) do not apply to expenditures by a board of education for the purchase of:

"(1) Services." (Emphasis denotes new language.)

1991 Senate Bill No. 122 was introduced in part to clarify that the amendments to the statute passed in 1990 were not intended to make professional services, including architectural services, sought by a unified school district subject to the mandatory bidding requirements. Minutes, House Committee on Education (March 25, 1991); Minutes, House Committee on Education (March 4, 1991); Minutes, Senate Committee on Education (February 27, 1991). It is clear that architectural services sought by a unified school district are exempt from the mandatory bidding requirements of K.S.A. 1990 Supp. 72-6760, as amended by L. 1991, ch. 226, § 10.

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Richard D. Smith
Assistant Attorney General