

1999 HOUSE EDUCATION
HB 1353

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1353

House Education Committee

Conference Committee

Hearing Date 1-25-99

Tape Number	Side A	Side B	Meter #
#1		x	18.2 to 36.1
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R. Kelsch , Vice-Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep. Haas ,
Rep. Johnson , Rep. Nelson , Rep. Nottestad , Rep. L. Thoreson , Rep. Grumbo , Rep. Hanson ,
Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg - present

Chairman R. Kelsch : We will open the hearing on HB 1353 and ask the clerk to read the title.

Rep Keiser: Sponsor of HB 1353. The key element of this bill can be found on line 11, where it says bids greater than eight would be changes to fifty thousand without going through the bidding process. This would correspond with what we did with political subdivisions two years ago. The rest of the changes are changes in form and style.

Rep. Mueller : Definition of school transportation. Does that involve the purchase of a bus or service to hire a bus company or both?

Keiser: Both

Rep. Brusegaard : The reference to transportation and school buses and the purchase of fuel for it, that is the exception?

Keiser: Right

Rep. Grumbo : Maybe the bidding process is more expensive on smaller projects. Then if the superintendent is able to go out and do his own research?

Keiser: I'm not sure I understand your question. If the question is can they go out and hire their own people, I'm sure they can.

Rep. Grumbo : Any time we have to submit projects for bids, we find that maybe things are higher than normal.

Keiser: Just the opposite is true. However low bid does not mean least expensive.

Rep. L. Thoreson : For clarification, this would still require an informal bidding process for under 50,000 and normal bidding process for over 50,000.

Keiser: Going back to reality. If you have two local contractors bidding, they are keeping a close eye and policing the bidding process.

Ron Torgeson: From the North Dakota council of Education Leaders. Appeared in support of HB 1353.

Rep. Nelson : When was the eight thousand limit put into law?

Torgeson: I don't know.

Bev Nielson: North Dakota School Board Association, appeared in support of HB 1353.

John Jankowski: Larimore Public School Superintendent, appeared in support HB 1353.

Denise Lawson: North Dakota Newspaper Association appeared in opposition of HB 1353 (see written testimony attached).

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Rep. Nottestad : Have you figured the loss of revenue for the newspaper association with this change?

Lawson: No.

Written testimony attached from Tom Tupa in opposition to HB 1353. (see attached)

Chairman R. Kelsch : Anyone else wishing to appear in opposition to HB 1353. Seeing none we will close the hearing on HB 1353.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1353-2-12-99

House Education Committee

Conference Committee

Hearing Date 2-2-99

Tape Number	Side A	Side B	Meter #
Tape # 2		x	46.5 to end
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

COMMITTEE ACTION

Chairman R. Kelsch , Vice-Chair Drovdal, Rep Brandenburg , Rep Brusegaard , Rep. Haas ,
Rep. Johnson , Rep. Nelson , Rep. Nottestad , Rep. L. Thoreson , Rep. Grumbo , Rep. Hanson ,
Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R. Kelsch : We will take up HB 1353. What are the wishes of the committee?

Rep. Nelson : I move to amend the fifty thousand to twenty five thousand.

Rep Brusegaard : Second.

Chairman R. Kelsch : Discussion. Voice vote , motion carried.

Rep Brusegaard : Move a Do Pass as amended

Rep. Mueller : Second.

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House Education Committee

Bill/Resolution Number HB 1353 -2-12-99

Hearing Date 2-2-99

Chairman R. Kelsch : Discussion. Ask the clerk to read the role. The DO PASS AS AMENDED

motion passes with 15 YES 0 No 0Absent Floor Assignment Rep Solberg.

VR
2/3/99

HOUSE AMENDMENTS TO HOUSE BILL NO. 1353 Edu 2-04-99

Page 1, line 11, replace "fifty" with "twenty-five"

HOUSE AMENDMENTS TO HOUSE BILL NO.1353 Edu 2-04-99

Page 2, line 14, replace "fifty" with "twenty-five"

Renumber accordingly

Date: 2-2-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1353

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Brusegaard Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Solberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1353: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "fifty" with "twenty-five"

Page 2, line 14, replace "fifty" with "twenty-five"

Renumber accordingly

1999 SENATE EDUCATION

HB 1353

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1353

Senate Education Committee

Conference Committee

Hearing Date March 9, 1999

Tape Number	Side A	Side B	Meter #
1	x		5122-end
1		x	0-306
Committee Clerk Signature <i>Jinda Christman</i>			

Minutes:

SENATOR FREBORG opened the hearing on HB1353. All senators presents.

REPRESENTATIVE KEISER, DISTRICT 47, introduced HB1353. The House has already amended this bill which is up to \$25,000 and whichever vehicle that you would choose to work with is fine with me. We might as well take away a limit if we are going to leave it \$8,000. We should strike the section and say everything has to be bid and go forward. I do think an increase in that limit is appropriate and I would hope that the committee would concur.

SENATOR FREBORG : The language in line 6 on page 2 is that just something that Legislative Council put down when they had their hands on the bill.

Rep. Keiser: Yes, I don't know what their rationale was, they struck it.

SENATOR WANZEK : I'm looking for the Newspaper Assoc., do they approve of this bill.

Rep. Keiser: Maybe they didn't think this bill would get through.

Testimony in Favor: Ron Torgeson, ND Council of Educational Leaders. We are in favor of this bill and ask for a Do Pass. We had a resolution that was unanimously approved in our conference last fall by the members present to raise the bid requirements from \$8,000 to \$25,000. We would like the higher number of \$50,000. They say that this does give them the flexibility in doing small projects and one of the projects that came up repeatedly was replacing carpet in school building.

SENATOR REDLIN : Didn't we have something in here not too many weeks ago about used school buses along these same lines.

SENATOR FREBORG : That bill is in House Education and was heard yesterday. They have increased the \$12,000 and they went to \$25,000. With that bill in existence and the language saying \$25,000 on line 11, page 1, could we not kill this bill.

Ron: Yes you could.

Testimony in Favor: Tom Tupa, Electrical Contractors Association and Mechanical Contractors of ND. While we were opposed to the bill as it was on the other side at \$50,000, now that it has been amended to \$25,000 we would go on record supporting the bill. It is nice to testify on a bill that isn't going to be around very long.

Close the hearing on HB1353.

SENATOR COOK : I move a Do Not Pass.

SENATOR WANZEK : 2nd

Vote: 7 Yes 0 No

CARRIER: SENATOR O'CONNELL

Date: 3/9/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1353

Senate EDUCATION Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Move a Do Not Pass on HB 1353

Motion Made By Cook Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment O'Connell

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 9, 1999 3:31 p.m.

Module No: SR-42-4380
Carrier: O'Connell
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1353, as engrossed: **Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1353 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY
HB 1353

TESTIMONY ON

HB 1353

JANUARY 25, 1999

Madame Chair Kelsch and members of the committee, my name is Tom Tupa and I am representing the National Electrical Contractor's Association - Dakotas Chapter - and the ND Association of Plumbing, Heating, and Mechanical Contractors. I first apologize for not being present at the hearing on HB 1353. I was detained at another meeting and by the time I got the your hearing, I had missed the opportunity to testify on the bill.

I also want to thank you, Madame Chair, for allowing me to submit late testimony on HB 1353.

NECA and the ND APHMC have traditionally opposed raising the floor on bids for public construction. At the same time we understand the costs of construction continue to increase. So, we normally go along with periodic adjustments to take care of inflation and other increases.

HB 1353, however, goes from 8 to 50 thousand dollars. That is a significant increase. We would like to suggest a figure of 25 thousand dollars rather than the 50.

Our reasoning for the lesser increase is to give contractors an opportunity to bid at lower levels. We think some smaller contractors might get more opportunities to provide work with the lower bid levels. It could be, one of these lower bids might be enough to keep a smaller contractor in business and help new contractors get their businesses off the ground.

Raising the bid level might mean a smaller contractor cannot afford bonding at the higher level. Additionally, the process of competitive bidding generally has been demonstrated as a money saver.

We also think this lesser bid figure allows better opportunities for smaller contractors in rural communities

For these reasons we ask the committee to consider replacing the word fifty on line 11 with the word twenty-five. Thank you for you time and consideration.

Tom Tupa # 287

January 25, 1999

**HOUSE EDUCATION COMMITTEE
HB 1353**

CHAIRMAN KELSCH AND COMMITTEE MEMBERS:

My name is Denise Lawson. I'm appearing today on behalf of the North Dakota Newspaper Association. We oppose HB 1353.

In the past our association has not opposed reasonable increases to minimum bidding thresholds. However, this would be an increase of 625%, and would result in less public notice to North Dakotans interested in doing business with their school districts.

The law currently allows for several reasonable exceptions, alleviating the need for public notices for certain contracts. We believe that \$50 thousand in aggregate contract services is a substantial amount of business for any school district. Therefore, a public notice should be offered by the school district, both as information to the public that is paying for the school district, and as an opportunity for business.

We respectfully request a DO NOT PASS on this bill.

I would be happy to answer any questions. THANK YOU FOR YOUR TIME AND CONSIDERATION.