

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1229

2001 HOUSE EDUCATION

HB 1229

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1229

House Education Committee

Conference Committee

Hearing Date 02/07/01

Type Number	Side A	Side B	Meter #
#1		X	4767 to 6200
#2	X		1 to 3322
Committee Clerk Signature <i>Janet D. ...</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelch: We will now open the hearing on HB1229.

Rep. Nottestad: *Introduced the bill*

Rep. Bellew: In Section 1, under B, it says who has signed the contract. Wouldn't this be used to entice a person to sign the contract, not used after they've signed it?

Rep. Nottestad: That means that they must put their name on the contract before the money is given. They can negotiate it with the board, but they have to sign it.

Rep. Brusegaard: If you read the bill literally, the school district can't even offer the bonuses until after they've signed the contract.

Page 2

House Education Committee

Bill/Resolution Number HB1229

Hearing Date 02/07/01

Rep. Nottestad: I don't think it's going to be a problem. There's a lot of things talked about, but I wanted to be sure that there wouldn't be a signed contract involved. When Anita drafted this, that was our intent.

Rep. Brusegaard: In the Grand Forks area, do you have teacher shortage problems?

Rep. Nottestad: Yes, in some areas.

Rep. Mejer: What is usually the number of years that the contract goes until. Is it just year by year?

Rep. Nottestad: One year.

Rep. Hanson: Line 13 and 14, if someone had left the district, they couldn't offer them a bonus. Or if your teaching Latin, and you want to leave, and they want to give you a bonus to stay.

Rep. Nottestad: I didn't want it to become a yo-yo of saying that I'm going to have an extra \$10,000 a year. I realize that there may be some problems, but I didn't want to give that much leeway to an individual teacher or to a board to be able to use that.

Rep. Nelson: I agree with your bill, but I was wondering, as far as implementing. Would it be possible, rather than giving a cash bonus in a period of two or three years, would that individual be able to negotiate a entry into the negotiated agreement at a step that is not allowed now, which would give them added compensation, but would also continue that throughout employment.

Rep. Nottestad: I wouldn't want to put that in the bill, but I believe that this is something that your local board may negotiate and do right now if they choose to do so.

Rep. Nelson: That's true, but I don't know how widely that's being accepted.

Joe Westby: (NDEA) The problem of recruitment and retention of teachers is getting worse.

We have 40%-50% teacher retirees in the next ten years. I have some questions. If this were part

of the bargaining process, I think we'd find it a little more acceptable. When school districts issue bonuses or pay above the schedule now, it's a cause of serious problems amongst the other teachers to the point in the last two years that we've had two associations take their school districts to court, and they ruled in favor of our members. If we look at the smaller districts, the beginning salaries is \$18,722, and the maximum is \$29,600 and if you put a ten thousand dollar bonus, I think you can see that he/she is going to be making significantly more than people who have been there for a while, and we think that will cause some problems. On line 13 in item C of Section 1, subsection 1, would that allow someone to move from district to district several times and receive that bonus each time? I believe that this bill would address any teacher new to the district, not specifically first year teachers. We need to look very carefully at supporting, I think most of you are in support of HB1344, dealing with teacher compensation. In the future, we'll have to maintain that, but for right now I think that's the best method, because it does put money out to all of the folks.

Chairman Kelsch: When you asked whether or not a teacher could jump from district to district. My guess is that the district is going to take a look at why that teacher is coming into a district, and if I were the school board, I certainly would make those payments out over a period of five years to secure that that teacher was going to be there. Do you understand that bonuses would not affect the salary. If you hired the teacher, and you paid them the bonus, after the paying out of the bonus, that salary will go back to what it was. You mentioned, how about putting this into the negotiation process. How would that work if you were trying to hire a math and science teacher, how would you address that during the negotiation process, and finally, in best case scenario, 1344 passes, we pass the bill that has loan forgiveness for teachers, and this one passes.

Haven't we take and put teachers and quality education in the forefront of the 2000-2001 legislature and done everything that the citizens of ND and you people have asked us to do over the last few years?

Westby: I do understand bonuses, but it comes out of the same core, and it does mean that I get more dollars if I'm the person receiving the bonus. To prevent people from dumping, I believe on line 17 on this bill limits it to three years, so if that stands, it would have to be paid out in three years. As far as the bargaining process, I would think that if the school district were to make a case as to the need for some additional incentive money to attract people, in particular to shortage areas, I would think there could be agreement there.

Rep. Hawken: This is being done all over the country. We don't have anybody to say no, if you coach, you get more money, if you do the speech, I'm not so sure that this is a whole lot difference. What about if it came from a community or a foundation to get the money?

Westby: If it came out of a difference source of money, maybe it would have a different impact on folks, I'm not sure. Those other additional moneys are for duties performed outside the school day.

Rep. Haas: At what point in this crisis do you think that we can take market forces into consideration and do something about it without going through negotiations.

Westby: Market driven pay is one of the alternative compensation plans that is out there. In the 60s when I started teaching. I got three steps above the beginning salary just because I was a male. My experience back then was that teachers didn't like them. Gradually over a period of years, those things disappeared from our pay structure in ND.

Rep. Nelson: In your personal career, did it ever cause a moral problem with you if you were teaching five preps of chemistry and you were getting exactly the same pay as someone teaching five preps of phys. Education. That never bothered you at all?

Westby: No, it did not.

Chairman Kelsch: What if this bill is on the books and it's used twice in a school year. What effect is that going to have and what kind of affect that's going to have on the morale of the future. Morale is self inflicted, and truly, if each one of us and each one of our educators is most concerned about the quality education for our children. If we have a position that needs to be filled. By filling that position, we are fulfilling our mission to educate our children. What could be the issue with that?

Westby: I don't know how many times this would be. I do believe in looking at your question... Many administrators would hesitate, because they know what kind of morale situation might ensue as a result of it.

Rep. Nottestad: I find it interesting. This summer, you and I sat together and watched a thing on when \$25,000 was given to teachers around the nation. Did it cause morale problems?

Westby: Hopefully not, because my wife was the recipient of one of those checks.

Robert Strainer: (Superintendent of Sikeston and President of the Small Organized Schools)
Our negotiated agreement does allow us to go above the contract for positions that we cannot fill. I have not done it for a number of years. I've been able to fill positions. Rep. Nottestad, as I look down the bill in Section 4 to the fiscal attachment and I did not see it. I have a problem with the bonuses for the reason to do that.

Page 6
House Education Committee
Bill/Resolution Number HB1229
Hearing Date 02/07/01

Chairman Kelsch: I think that this language is strictly permissive, and not all school districts are able to negotiate like you can, but what we could do is to say that the signing bonuses must come out of ending fund balances.

Strainer: I would approve that.

Rep. Nottestad: Have you found a lot of the moral problems because of the extra money that you spent on these individuals?

Strainer: I have at certain times, and teachers have been upset at times, but in a small school, I'll generally approach the staff and discuss shortages with them, and they realize that without those positions, their positions are also in jeopardy.

Rep. Nottestad: By the method you used, solved your problems, correct?

Strainer: Yes. That's correct.

Bev Nielson: (School Board's Association) *Stood up and spoke in *support* of the bill*

Chairman Kelsch: We will now close the hearing on HB1229.

Chairman ChairChairman

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1229b

House Education Committee

Conference Committee

Hearing Date 02-13-01

Tape Number	Side A	Side B	Meter #
TAPE I	X		3600 to 3945
Committee Clerk Signature <i>Juan Diers</i>			

Minutes: Chairman Kelsch: we will take up HB 1229. Rep Hawken will pass out amendments.

Rep Hawken: explains the amendments, the one change, line 7 after -- The board of a school district may offer, insert - and once a contract is signed pay a signing bonus in the amount of up to \$10,000.00. That is the amendment. I would move the amendment.

Rep Brusegaard: Second.

Chairman Kelsch: The amendment has been moved and seconded.

DISCUSSION

Chairman Kelsch: Hearing none, we will try a voice vote on the amendment. Motion carries. We now have amended HB 1229 before us, what are the wishes of the committee.

Vice Chr Brusegaard: I move a DO PASS as amended on HB 1229.

Rep Nelson: Second.

Page 2

House Education Committee

Bill/Resolution Number HB 1229

Hearing Date 02-13-01

Chairman Kelsch: Committee discussion, hearing none, the clerk will take the roll on a DO

PASS as amended on HB 1229. The motion passes with a vote of 14 YES, 1 NO and 0

ABSENT. Carrier Rep Haas.

Date: 2/13/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1274-b

House House Education Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10117.0101

Action Taken Do Pass As Amended

Motion Made By Rep. Brusegaard Seconded By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		✓
Rep. Larry Bellew	✓		Rep. Bob Hunsakor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 14 No 1

Absent 0

Floor Assignment Rep. Haas

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

passed

REPORT OF STANDING COMMITTEE (410)
February 14, 2001 11:25 a.m.

Module No: HR-27-3301
Carrier: Haas
Insert LC: 10117.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1229: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 7, after "and" insert ", upon the signing of the contract by both parties,"

Renumber accordingly

2001 SENATE EDUCATION

HB 1229

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1229

Senate Education Committee

Conference Committee

Hearing Date 03-07-01

Tape Number	Side A	Side B	Meter #
1		x	19.0 - end
2 (03-07-01)		x	21.0 - 35.0
1 (03-13-01)	x		0 - 3.7
Committee Clerk Signature <i>Audrey Johnson</i>			

Minutes: CHAIRMAN FREBORG called the hearing on Engrossed HB ¹²²⁹~~1224~~ which relates to the payment of signing bonuses by school boards.

Testimony in support of HB 1229:

REPRESENTATIVE NOTTESTAD, District 43, stated this bill will permit a school district to issue a signing bonus up to \$10,000. This could be paid in a lump sum or in 2 - 3 installments over a 3 year period. This is not to be included in negotiations. He feels the shortages in the teaching field will continue and will get worse. We need to fill our teaching positions in ND with qualified teachers. This bill is almost the same as SB 2183 except this bill states a person receiving the bonus from a school district can not have been previously employed by the same district. This bill could apply to recruiting for the next district or new teachers. The person would know before signing a contract what the offer is. Salaries could go high and morale could be affected. He feels morale will be affected if a school has to open without a science teacher or a math teacher, and this will affect students as far as graduation, this will also affect morale. Or if

a substitute teacher has to come in and teach, who is not qualified, this will also affect morale, especially that of the students and parents. SENATOR CHRISTENSON sees nothing to indicate an emergency in the bill. It just looks like a bidding war to her. She feels the struggle teachers have gone through to get an equitable salary schedule within house or within their district, this just blows it out of the water so badly, and she feels this will be a major factor with morale. She feels much more than a bonus offer will play into why a teacher would sign with a district. SENATOR NOTTESTAD feels if something isn't done, we will wind up with dual salary schedules and in shortage areas the salaries will be much higher. SENATOR KELSH stated he sees nothing in the bill that would prevent a teacher from taking the bonus from one school and then going to another school the following year and collecting the bonus and so on.

REPRESENTATIVE NOTTESTAD stated he feels school boards should be given more credit than to let that happen. He just doesn't see this happening. REP. NOTTESTAD stated he feels some of this is going on now, as far as "stealing" teachers from another district. SENATOR FREBORG stated that he thinks a school board would rather pay higher salaries than pay large bonuses and we would not have so many teacher shortages. SENATOR KELSH feels the legislature has tied the hands of boards to pay larger salaries. SENATOR COOK asked if a teacher were to be offered a large salary from another district, shouldn't the current district be allowed to match the offer. SENATOR FREBORG stated that according to the bill, they could not.

BEV NIELSON, ND School Board Assn., supports this bill. It is a tool for public schools. Most professions don't have a lock-step salary schedule. This would be a tool to get some people back to the state of ND and also for those newly graduated students.

DEAN BARD, ND Small Organized Schools, supports this bill. He feels signing bonuses are a "fact of life" in today's world. He sees this as a greater help to smaller districts

Testimony in opposition to HB 1229:

MAX LAIRD, President NDEA and a teacher, stated we need to work together to put qualified teachers in the classrooms and to retain them. There needs to be a willingness to sit at the bargaining table with board members and work on a solution. Salary schedules have served well up to now, but now "times have changed" and ND needs to do something else. There are some contracts still going which allow off-schedule bonuses to be paid. This legislation allows "cherry-picking". He believes this bill has some merit and he would propose an amendment: (see attached). If that doesn't work, he would propose another amendment: (see attached).

There were 300 teacher openings at the beginning of last summer which was down to 60 at the start of school in the fall. SENATOR COOK said some rules of NDEA and DPI are actually moving ND backward. Why couldn't someone get credit for more years than they actually have taught as a bonus. This would move them up in the pay scale. When is ND going to go from the number of years taught being the measurement for salary to performance determining the salary. If HB 1229 passes will there be more dollars spent on salaries. MR. LAIRD stated probably not. More discussion on bonuses. SENATOR FREBORG feels the bargaining table is sometimes a hinderance and holds down teacher pay. He feels merit pay should be considered. MR. LAIRD feels that we are moving away from protecting bad teachers and ND is moving toward a performance based salary schedule.

Having no further testimony, the hearing on HB 1229 was closed.

A group of students from Thompson, ND was in attendance at the hearing. One of the students stated the thoughts of some of the students to the committee. (see meter 29.0 - 34.4).

Page 4
Senate Education Committee
Bill/Resolution Number HB 1229
Hearing Date 03-07-01

3-7-01, Tape 2, Side B, 21.0 - 35.0

SENATOR FREBORG stated this bill is similar to SB 2183. SB 2183 stated the bonus was for first-time teachers out of college only. **SENATOR KELSH moved a DO NOT PASS.**

Seconded by SENATOR CHRISTENSON. SENATOR CHRISTENSON spoke on SB 2183 and stated she likes it and feels it addresses the students and their needs better than this bill. She feels HB 1229 is a blank check for the local school and feels it is not what's best for the students. She feels this is too free flowing and too open-ended. She feels this is pointing toward dollars for education, that quality can be bought.

Roll Call Vote: 3 YES. 4 NO. 0 Absent. Motion Failed.

03-13-01, Tape 1, Side A, 0 - 3.7

CHAIRMAN FREBORG called the committee to order. Roll call taken with all members present.

SENATOR COOK introduced Ken LaMont, mayor of Mandan.

SENATOR CHRISTENSON moved a DO NOT PASS. Seconded by SENATOR KELSH.

SENATOR CHRISTENSON stated she is in favor of qualified people in the classroom, but feels this bill is just too broad and there are too many possibilities in this bill for things to go negatively as to what the intent of the bill is. She feels SB 2183 is a more palatable bill.

Roll Call Vote: 5 YES. 2 NO. 0 Absent. Motion Carried.

Carrier: SENATOR FREBORG

Max Favid

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

Page 1, line 2, after "boards" insert "to provide an appropriation"

Page 1, line 7, after "1." insert "After August 1st of the school year in which the individual will be employed"

Page 1, line 13, after "district" insert "and who has been granted full credit on the salary schedule or negotiated agreement for all prior years of teaching experience"

Page 1, line 13, remove "and"

Page 1, line 15, remove ".", insert "1."

Page 1, after line 15, insert "d. And who applied for a teaching position for which the school district received no more than four applications or resumes."

Page 1, remove lines 20 through 22

Page 1, after line 22, insert "3. Upon the signing of any contract with a teacher which includes a signing bonus, the board of the school district may file a claim with the superintendent of public instruction for reimbursement of signing bonus monies expended by the district pursuant to this section."

Page 1, insert after line 22,

"SECTION 2. Appropriation. There is hereby appropriated out of any monies in the general fund in the state treasury, not otherwise appropriated, the sum of five hundred thousand dollars, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing funding for teachers signing bonuses, for the biennium beginning July 1, 2001, and ending June 30, 2003.

Re-number accordingly.

Max Land

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

Page 1, line 6, remove "School board authority -"

Page 1, line 7, replace "may offer and, upon the signing of the contract by" with "and its teachers may negotiate pursuant to 15-38.1 the payment of signing bonuses which may be paid to a teacher:"

Page 1, remove lines 8 and 9

Renumber accordingly.

Date: 3/7/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1229

Senate Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP - failed

Motion Made By Sen. Kelsh Seconded By Sen. Christenson

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman		✓	Senator Christenson	✓	
Senator Flakoll - Vice Chairman		✓	Senator Kelsh	✓	
Senator Cook		✓	Senator O'Connell	✓	
Senator Wanzek		✓			

Total (Yes) 3 No 4

Absent _____

Floor Assignment _____

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

Date: 3/13/01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1229

Senate Education Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Sen. Christenson Seconded By Sen. Kelsh

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook		✓	Senator O'Connell	✓	
Senator Wanzek	✗	✓			

Total (Yes) 5 No 2

Absent 0

Floor Assignment Sen. Freborg

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

REPORT OF STANDING COMMITTEE (410)
March 13, 2001 3:10 p.m.

Module No: SR-43-5506
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1229, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1229 was placed on the Fourteenth order on the calendar.