MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

2366

2001 SENATE EDUCATION

SB 2366

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2366

Senate Education Committee

☐ Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
1	x		27.6 - 39.0
Committee Clerk Signature			

Minutes:CHAIRMAN FREBORG called the hearing on SB 2366.

Testimony in support of SB 2366.

SENATOR KRINGSTAD, District 49, presented testimony. (see attached)

DR. KERMIT LIDSTROM, Chairman ND Fact-finding Commission, summarized the activities of the commission.(see attached). In the past 2 years, the commission has been involved with 7 hearings. The bill is asking for an increase in the daily compensation for the commission members. A typical time frame for a hearing is six weeks. The cost is between $400 - $600. This includes a 2-day cost per member @ $62.50 and the time the chairman spends on paperwork for the hearing. The state has no funds in this.

There was no opposition to the bill.

CHAIRMAN FREBORG closed the hearing on SB 2366.

SENATOR COOK moved a DO PASS. Seconded by SENATOR CHRISTENSON.

Roll Call Vote: 6 YES. 1 NO. 0 Absent. Motion Carried.

Carrier: SENATOR CHRISTENSON

FISCAL NOTE

Requested by Legislative Council
01/25/2001

Bill/Resolution No.: SB 2366

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$0	$0	$0	$0
Appropriations	$0	$0	$0	$0	$0	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Current appropriations will cover the state education agency (1a).

School district costs will be increased by $17.50 per day per fact finding member (3) if they engage in the services of the Fact Finding Commission (1b).

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Dr. Wayne Sanstead	**Agency:**	Public Instruction
Phone Number:	328-4572	**Date Prepared:**	01/30/2001

Date: 2-6-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2366

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Sen Cook 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) 6 No 1

Absent 0

Floor Assignment Sen. Christenson

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

REPORT OF STANDING COMMITTEE

SB 2366: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Eleventh order on the calendar.

2001 HOUSE EDUCATION

SB 2366

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2366

House Education Committee

☐ Conference Committee

Hearing Date 03/05/01

Tape Number	Side A	Side B	Meter #
#1	X		1 to 996
#1		X	2535 to 2849
Committee Clerk Signature			

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 Kelsch: We will now open the hearing on SB2366.

Kermit Lindstrom:(ND Ed. Factfinding Commission) *Please refer to written testimony*

Rep. Brusegaard: Where did we move the salary from?

Lindstrom: It was from $50 to $62.50.

Wayne Sanstead: (ND DPI) Factfinding is used as one of the methods to solve impasses between the staff and the school districts. We've seen a real downturn in the use of the factfinding commission, to the benefit of the public and the profession as we move to a much more collaborative mode between the school boards and the staff. That, in turn, however, is predicated on training for the persons who engage in that process, and there are some folks that, given the

enactment on HB1344, they do expect some disagreements to surface between the teachers and the staff. I hope that doesn't happen, but it may well be something that needs to be mentioned in the light of this bill, in the sense that competent, capable commission members should be available to the school districts and staff.

Rep. Nottestad: The salary of $62.50, how does compare to other commissions and has their been an upward move in other commissions throughout this session?

Sanstead: I have to concur that there are a number of state commissions and in each and every case, there has been a desire to raise the compensation.

Rep. Nelson: Rather than coming in every two years and drawing up a bill to raise the compensation, don't you think that it would be wiser to just follow the per diem rates that the legislators and many of the other commissions follow?

Sanstead: You may well have a point there. I wouldn't oppose that kind of a move at all.

Kermit Lindstrom: This last two years has been a little different. There are two Class A schools in the group that I put before you. Typically we go to Class B schools, where the funding is very modest. Our commission talked about this, and we almost didn't come to you, because we don't want to overprice ourselves, because if there is a conflict out there in a small school with modest funding, we want them to feel comfortable asking us to come in. I don't think you'll see us in two years.

Rep. Nelson: What is the typical number of meetings that you would have?

Lindstrom: Someone informs us there is an impasse, and then we request a great deal of written material from both sides. Once that material is in, we read all of that, often have conference calls by telephone, a dialogue about that material. We then set a hearing date, travel to that school

district and have an open, public hearing. After that hearing, we have a subsequent meeting to talk about a resolution recommendation, and after that hand eye craft report, the report is shared with the other members of the commission for confirmation. The report is then sent to the president of the school board and the president of the Education Association for action. They have 20 days to do something about it. If they don't come to full resolution in that 20 days, we publish, in the local press, the full text of our report, as well as my own personal comments as to who it was that compromised the opportunity for closure.

Rep. Nelson: With that, the hearing date itself, is that the only day you're compensated for?

Lindstrom: We charge a standard two and a half days for the whole process.

Rep. Nottestad: On the per diem for your expenses, are you subject to the state regulations that, it's $20 a day and $.20 a mile? So that's exactly the same?

Lindstrom: Yes. Exactly.

Chairman Kelsch: We will now close the hearing on SB2366.

Chairman Kelsch: We will now take up the bill SB2366. What are the wishes of the committee?

Rep. Nottestad: I move a DO PASS.

Rep. Meier: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS passes with 15 YAY 0 NAY 0 ABSENT.

Floor Assignment: Rep. Hawken

Date: 3/5/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2366

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Nottestad Seconded By Rep Meier

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 Hunskor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meier	✓				
Rep. Jon O. Nelson	✓				
Rep.Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Hawken

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

REPORT OF STANDING COMMITTEE

SB 2366: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

S B 2366

Testimony of Senator Ed Kringstad on Senate Bill 2366
2-6-01

CHAIRMAN FREBORG AND MEMBERS OF THE EDUCATION COMMITTEE. I AM ED KRINGSTAD, SENATOR FROM BISMARCK, ND AND DISTRICT 49. I AM BEFORE YOU TODAY RELATIVE TO THE DAILY COMPENSATION OF FACTFINDERS AND OF THE NORTH DAKOTA EDUCATION FACTFINDING COMMISSION.

BEFORE I ADDRESS THE COMPENSATION ASPECT, A SHORT REVIEW OF THE DUTIES AND POWERS OF THE NORTH DAKOTA EDUCATION FACTFINDING COMMISSION. THE COMMISSION IS MADE UP OF THREE MEMBERS THAT MUST BE EXPERIENCED IN SOME FORM OF EDUCATIONAL ACTIVITIES. THE THREE MEMBERS, ONE APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS THE CHAIRMAN, ONE IS APPOINTED BY THE GOVENOR, AND ONE APPOINTED BY THE ATTORNEY GENERAL ARE CALLED ON TO SETTLE DISPUTES THAT EXIST BETWEEN A SCHOOL BOARD AND A TEACHER BARGAINING REPRESENTATIVE WHEN THEY ARE AT IMPASSE OVER COMPENSATION AND/OR WORK RULES. THE COMMISSION HAS THE POWER TO ADOPT ITS OWN RULES AND REGULATIONS. IN ADDITION TO OTHER POWERS AUTHORIZED BY LAW, THE MEMBERS OF THE COMMISSION AND ANY FACTFINDER APPOINTED BY IT, SHALL, IN THE PERFORMANCE OF THEIR DUTIES HAVE THE POWERS CONTAINED IN THE ADMINISTRATIVE AGENCY PRACTICE ACT.

CURRENTLY THE COMMISSION PROVIDES FOR THE SCHOOL BOARDS AND LOCAL EDUCATION ASSOCIATIONS TO FOLLOW CERTAIN PROCEDURES. THE COMMISSION REQUIRES A PRE-HEARING REPORT CONCERNING THEIR VIEWS OF THE ISSUES. THE COMMISSION AND FACTFINERS COMPENSATION AND EXPENSES ARE SHARED EQUALLY BY THE LOCAL SCHOOL BOARD AND LOCAL EDUCATION ASSOCIATION.

A REQUEST IS BEING MADE TO INCREASE THE COMPENSATION OF THE COMMISSION AND FACTFINDERS TO $80.00 PER DAY IN SECTIONS 1, 2, AND 3. ALSO, IT MAKES A CORRECTION IN SECTION 3, LINE 5 TO REPLACE INCLUDING EACH WITH OTHER THAN A. THE REASON FOR THIS CHANGE CLARIFIES THAT A COMMISSIONER CAN NOT RECEIVE ADDITIONAL COMPENSATION

FOR A DAYS WORK. IT ELIMINATES THE POSSIBILTY OF DOUBLE DIPPING. BY THE WAY, IT HAS NEVER BEEN ABUSED.

Dr. Kermit Lidstrom

TESTIMONY - SENATE BILL 2366

INTRODUCED BY:

SENATORS KRINGSTAD, ROBINSON, STENEHJEM
REPRESENTATIVES BOEHM, SCHMIDT

SENATE BILL 2366 REQUESTS A CHANGE IN THE DAILY COMPENSATION FOR THE THREE MEMBERS OF THE NORTH DAKOTA EDUCATION FACT FINDING COMMISSION.

CURRENTLY THE COMPENSATION FOR COMMISSION MEMBERS IS $62.50 PER DAY.

SENATE BILL 2366 WOULD AUTHORIZE A DAY RATE OF $80.00.

RATIONALE

The commission needs to remain current and competitive in compensation. The work of the commission mandates that commission members commit to a diligent working schedule. In addition commission members must be dedicated to "fair play" and logical thinking. Reasonable pay will insure that capable and deliberative people will agree to serve on this very important commission.

THE WORK OF THE COMMISSION

The commission, on request, assists School Board's and teacher negotiating units when they are at impasse over compensation and/or work rules.

RECENT IMPASSE HEARINGS

SCHOOL DISTRICT	HEARING DATE	OUTCOMES
Northern Cass (Arthur)	1-25-99	Rejected by the teachers
Hankinson	5-27-99	Contract within 20 Days
Central Cass (Casselton)	9-18-99	" "
Bismarck	10-09-99	" "
Minot	10-30-99	" "
Velva	6-23-00	" "
Cavalier	7-28-00	" "

SHARING OF COST

All of the commission's expenses are shared on 50-50 basis by the contending parties.