

2011 SENATE EDUCATION

SB 2179

2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SB 2179
January 17, 2011
12926

Conference Committee

Committee Clerk Signature

Teresa Jorgensen

Explanation or reason for introduction of bill/resolution:

Relating to a per diem increase from \$90 to \$110 for members of the North Dakota education fact finding commission.

Minutes:

See Attached Testimony

Chairman Senator Freborg called the hearing to order on SB 2179; no fiscal note.

Senator Richard Wardner, District 37, welcomed the state 4-H Leadership students that were in the audience. Senator Wardner introduced the bill on behalf of Dean Rummel, past president of the school board for Dickinson Public Schools. He is also part of the Educational Fact Finding Commission and they commission is requesting a raise in the per diem from \$90 to \$110. (See attached testimony #1).

Senator Heckaman asked how many members are usually on the fact finding commission.

Senator Wardner was unsure; **Dr. Jon Martinson**, State School Board Association, was in attendance and stated there are three.

Senator Flakoll asked how the \$\$ figure was received. Others are asking for a raise to \$135 per day. How did they arrive at this figure?

Senator Wardner is not aware of that; was personally surprised that it was not a larger amount requested.

Dr. Jon Martinson, State School Board Association, appeared on behalf of the Fact Finding Commission to support the bill.

Senator Freborg wondered how many days the fact finding commission has to travel to communities to work on impasse issues.

Dr. Martinson stated that the commission goes to the school district one time; they take input from the school board and teachers' association, issue a recommendation and the negotiating unit are required by state law to meet one more time. If they can't reach an

agreement, the fact finding commission will publish a report in the local newspaper indicating what the facts are and their recommendation, and state who they think is responsible for not reaching an agreement.

Senator G. Lee asked if the per diem is based on the one time travel or does it include preparation work.

Dr. Martinson's understanding is the per diem is only for the travel, not for the preparation.

No further testimony in support and no opposition. Hearing closed.

Senator Heckaman stated that the per diem does not come from the state. The costs are paid by the local school board and the teacher association.

Senator Flakoll moved for a Do Pass; second by **Senator Schaible**. Motion carried 7-0. Will be carried by **Senator Schaible**.

Date: 1-17-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2179

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Sen. Flakoll Seconded By Sen. Schaible

| Senators | Yes | No | Senators | Yes | No |
|----------------------------|-----|----|----------------------------|-----|----|
| Chairman Layton Freborg | X | | Senator Joan Heckaman | X | |
| Vice Chair Donald Schaible | X | | Senator Richard Marcellais | X | |
| Senator Tim Flakoll | X | | | | |
| Senator Gary A. Lee | X | | | | |
| Senator Larry Luick | X | | | | |
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Total (Yes) 7 No 0

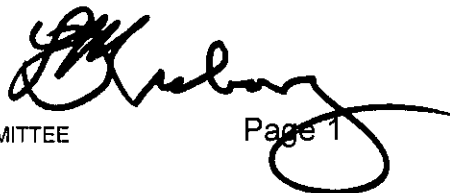
Absent 0

Floor Assignment Sen. Schaible

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

REPORT OF STANDING COMMITTEE

SB 2179: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the
Eleventh order on the calendar.



2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

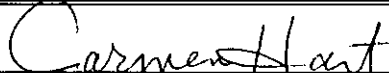
SB 2179

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2179
March 4, 2011
14958

Conference Committee

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|---------------------------|--|
| Committee Clerk Signature |  |
|---------------------------|--|

Explanation or reason for introduction of bill/resolution:

Relating to a per diem increase for members of the ND education fact finding commission

Minutes:

Chairman Bette Grande opened the hearing on SB 2179.

Senator Rich Wardner, District 37, appeared in favor of SB 2179. I put this in for a constituent who happens to be on the North Dakota education factfinding commission. It simply ups the fees in reimbursement. As you will see on Line 9 of the bill it will go from \$90 to \$110. I think it has been at that rate for a long time and it was time to change it.

Chairman Bette Grande: Who is on the education factfinding commission?

Senator Rich Wardner: I knew once. I just don't remember. I think Dr. Martinson knows.

Jon Martinson, North Dakota School Boards Association, appeared in support of this modest increase in compensation for the three members of the factfinding commission. This includes Dean Rummel who is the chair, Barb Evenson and Jerry Hieb, members.

Chairman Bette Grande: Who do each of these people represent?

Jon Martinson: They don't really represent people. They are appointed to the commission. The governor appoints one person. The attorney general appoints another person and the state superintendent of public instruction appoints an individual.

Rep. Lisa Meier: How often does the factfinding commission meet?

Jon Martinson: It depends. Occasionally during the year there are no meetings. That is not typical. The average is 3-4 a year. In 2006 there were 8. There is a range depending upon what the legislature does and school districts understanding of what the legislation was, how much money is available, etc.

Rep. Lonny Winrich: What sort of issues come before the education factfinding commission and how do they get there?

Jon Martinson: There are a variety of issues that come before the commission. I will give you a little bit of background to how this works in case you are not real familiar with it. As you know, school boards negotiate with their teachers to develop a contract. Frequently those are two year contracts. Occasionally, they are one year. There are a number of issues that the bargaining groups bargain on and talk about including salary and compensation. It is also working conditions, the length of the school day, the number of students in a class, and a whole host of different things. Most of the time the teachers and the board reach agreement on their own. There are, however, times when they cannot reach an agreement and declare an impasse and as a result of that impasse a school board negotiator would contact the chairman of the factfinding commission and request a hearing. It is the role of the factfinding commission to help the two bargaining groups reach an agreement. Sometimes that is possible and there are times when despite the best efforts of the factfinding commission to be objective and have them reach an agreement, there still isn't an agreement. When that happens, the factfinding commission is charged with publishing a full page article in the area's newspaper indicating what the facts are, why they can't reach an agreement, and when Dr. Lidstrom was chair of the commission, he was very pointed in who was responsible for not accepting the commission's recommendations. Once that occurs the bargaining groups are required by law to meet one more time to try to reach an agreement and if they cannot, the board is authorized to issue contracts.

Vice Chairman Randy Boehning: Who is paying the compensation?

Jon Martinson: I don't believe there is a fiscal note to this bill and if I am right about that then there is no additional money. The factfinding commission charges a fee to both the teachers' union and to the school boards and that is where their funds come from.

There was no one opposed or neutral to this bill.

The hearing was closed.

Chairman Bette Grande: This bill says that this deals with 15.1-16-03, but 15.1-16-04 also has a reference to \$90. Committee, we will look into whether or not we have to have both sections on here.

Discussion ended.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2179
March 10, 2011
15253

Conference Committee

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| Committee Clerk Signature | <i>Carmen Hart</i> |
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Explanation or reason for introduction of bill/resolution:

Relating to a per diem increase for members of the ND education factfinding commission

Minutes:

Chairman Bette Grande opened the discussion on SB 2179. This takes the reimbursement fees for the members of the ND education factfinding commission up from \$90 to \$110. I don't think they meet very often, do they?

Rep. Bill Amerman: I have had the opportunity to attend. They meet when they are called upon to settle disputes. They really don't meet on a regular basis. They settle disputes between the teachers and the school board.

Rep. Glen Froseth made a motion for a Do Pass.

Rep. Lisa Meier seconded the motion.

Rep. Vicky Steiner: This is paid by the schools?

Chairman Bette Grande: It doesn't have a fiscal note because the state is not paying for it. It is dealt within inside the organizations.

Rep. Gary Paur: Rep. Steiner, what I remember him saying was that the teachers and the school pay for it.

DO PASS, 12 YEAS, 1 NAY. Rep. Glen Froseth is the carrier of this bill.

Date: 3-10-11
 Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2179

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Froseth Seconded By Meier

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------------|-----|----|-----------------|-----|----|
| Chairman Bette Grande | ✓ | | Bill Amerman | ✓ | |
| Vice Chairman Randy Boehning | ✓ | | Ron Guggisberg | ✓ | |
| Glen Froseth | ✓ | | Lonny Winrich | ✓ | |
| Karen Karls | ✓ | | | | |
| Lisa Meier | ✓ | | | | |
| Gary Paur | ✓ | | | | |
| Karen Rohr | ✓ | | | | |
| Mark Sanford | ✓ | | | | |
| Vicky Steiner | ✓ | | | | |
| Roscoe Streye | | ✓ | | | |
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Total (Yes) 12 No 1

Absent 0

Floor Assignment Froseth

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

REPORT OF STANDING COMMITTEE

SB 2179: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
SB 2179 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2179

January 2, 2011

To: Representative Nancy Johnson and Senator Rich Wardner
From: Dean Rummel, Chairman of the ND Education Fact Finding Commission

RE: ND Century Code Chapter 15.1-16-03 Education fact finding commission –
Compensation

In order to continue to attract and retain commissioners please consider sponsoring the bill to change the ND Century Code identified above. Currently the compensation for the commission members is \$90.00 per day and that has not changed since 2005. I am recommending that the compensation be increased to \$110.00 per day. The history for the commission follows:

1969: \$50.00/day times 2.5 days for each hearing, a total of \$125.00. The chair receives \$50.00/day times 3.5 days for the additional responsibilities of scheduling and issuing the reports for a total amount per hearing of \$175.00.

1999: \$62.50/day

2001: \$80.00/day

2005: \$90.00/day

The Work of the Commission

The commission, on request assists school board and teach negotiating units when they are at impasse over compensation, work rules, and fringe benefits.

Recent Impasse Hearings

| <u>School District</u> | <u>Hearing Date</u> |
|------------------------|---------------------|
| New Town | 7/02/2009 |
| Thompson | 7/23/2009 |
| East Fairview | 7/31/2009 |
| Garrison | 8/03/2009 |
| Berthold | 8/13/2009 |
| Montpelier | 8/20/2009 |
| Kindred | 9/03/2009 |
| Mapleton | 9/14/2009 |
| Trenton | 7/13/2010 |
| Larimore | 10/4/2010 |

Sharing of Cost

All of the commission's expenses are shared on a 50/50 basis by the contending parties. State funds are not provided to the commission.

#1 SB 2179