

FISCAL NOTE
Requested by Legislative Council
01/12/2017

Bill/Resolution No.: SB 2208

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 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

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB 2208 permits but does not require a school district board to conduct screenings of school district personnel for alcohol or controlled substances.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

SB 2208 amends 15.1-09-33 and gives school boards authority to conduct screenings of district personnel for alcohol or controlled substance use. The legislation permits but does not require school district boards to conduct screenings, therefore, it is not possible to set a specific total cost for this legislation. Districts that choose to conduct screenings can expect to pay a fee ranging from \$50.00 to \$146.00 per screening. The NDDPI estimates that there are approximately 18,600 total personnel in public school districts. Should a district choose to conduct screenings, the cost for each district is dependent on the number of screenings conducted times the cost per screening. Cost would be determined locally.

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.*

SB 2208 has no fiscal impact on state revenue.

- 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.*

SB 2208 has no fiscal impact on state expenditures.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

SB 2208 requires no state appropriation.

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Agency: ND Department of Public Instruction

Telephone: 701-328-2267

Date Prepared: 01/16/2017

2017 SENATE EDUCATION

SB 2208

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2208
1/24/2017
Job Number 27272

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to the power of a school board to screen school district personnel for alcohol or controlled substance use.

Minutes:

#1, #2, #3

Meeting called to order:

Senator Joan Heckaman: District 23. Presented SB 2208. Explained bill.

Chairman Schaible: Would this bill require that all schools would have to screen?

Joan Heckaman: I believe it does.

Angela Mayberry: Parent: Testimony #1. Read testimony #2 from Cari Duncan, parent., Sawyer, North Dakota.

Other testimony in favor, opposition, or agency?

Jon Martinson: ND School Boards Association. Testimony #3

Discussion had on whether all school districts may or shall. School districts already have the choice to screen for drugs and alcohol.

RayAnn Kelsch: Lobbyist for the ND Council for Education Leaders. We stand in opposition of SB 2208. Conduct means "you must". We don't know the cost per district and who would be screened besides teachers.

Chairman Schaible: Other testimony? Close hearing on SB 2208

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2208
1/25/2017
Job Number 27393

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to the power of a school board to screen school district personnel for alcohol or controlled substance use.

Minutes:

Chairman Schaible: Open for SB 2208. Any discussion on bill?

Senator Oban: I think it is pretty clear they can already do this. I move a Do Not Pass on SB 2208.

Senator Kannianen: I second.

Chairman Schaible: Motion made on SB 2208. Any other discussion? I have to agree, they can do it randomly or do everybody now or an department. It is a local problem that can best be served on the local level.

Senator Rust: It says "shall" instead of "may".

Chairman Schaible: Roll Call:

5 yeas, 0 nays, 1 absent

Senator Vedaa will be carrier.

Date: 1-25-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2208

Senate Education _____ Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Oban _____ Seconded By Kannianen _____

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	ap				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Vedaa

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

REPORT OF STANDING COMMITTEE

SB 2208: Education Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2208 was placed on the
Eleventh order on the calendar.

2017 TESTIMONY

SB 2208

SB 2208

1

1-24-17

I wrote SB2208 because while bus drivers and nurses and other people are drug tested teachers are not... not even randomly. In my district alcohol seems to be a problem. you can walk through one of the 3 bars in town and see one of 3 teachers on any given night. This does not include the teachers that drink or do drugs behind the closed doors of their homes. I realize that teachers have a personal life but when school is in session they should be acting with integrity because their actions do influence our young children.

Angela Mayberry

SB 2208
1-24-2017
2

To close, I am also supporting SB2208 because I believe all children should be able to see their school staff members be a model of good behavior. My former school superintendent may serve up to 35 years in prison for the six different charges he agreed to last year. I'm still trying to explain those behaviors to my children.

I am also in support of SB2211, because there is hope that districts will create school board advisory committees and strive to hear the voices, both the concerns and the joys, of the families who have children with disabilities in their school. People generally do better when they know better. Thank you for your time.

Cari Duncan
305 1st Ave SW
Sawyer, ND 58781
701-624-2186

SB 2208
1-24-17
#3

SB 2208 – Testimony

Jon Martinson, Executive Director
North Dakota School Boards Association
January 24, 2017

This bill adds a section to school board powers by allowing for screening of school district personnel for alcohol or controlled substance use.

There will be a fee to school districts for each employee screened and this bill does not include an appropriation. We all dislike unfunded mandates.

The bill lacks specifics:

Who will be screened when this bill takes effect?

How often will employees be screened?

What is the penalty for employees who fail a drug test?

What is the recourse for an employee who has a false positive test?

What are the qualifications of the individuals conducting the tests and where will the test be administered?

The North Dakota School Boards Association has written policies that deal with drug and alcohol abuse:

1. Drug and Alcohol Testing Program For Employees
 - a. The [name of school district] is committed to the establishment of a drug and alcohol testing program that meets all applicable requirements
 - b. Employees serving in positions covered by this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.
2. Drug and Alcohol Testing Notification Requirements For Employees
3. Drug and Alcohol Testing Procedures

We recommend a DO NOT PASS on HB 2208.