

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

22/10

2005 SENATE EDUCATION

SB 2210

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2210

Senate Education Committee

☐ Conference Committee

Hearing Date January 17, 2005

Tape Number	Side A	Side B	Meter #
1		x	440 - 2600
Committee Clerk Signature <i>Patty Wilkens</i>			

Minutes:

Chairman Freborg opened the hearing on SB 2210, a bill relating to the compensation for factfinders and members of the education factfinding commission. All members were present.

Senator Kringstad introduced the bill. The commission assists school boards and teachers in contract negotiation when they are at an impasse. They are encouraging a \$10 increase in the daily rate. They get a reimbursement for expenses.

Senator Flakoll asked where the money comes from.

Senator Kringstad said Dr. Lidstrom would answer.

Dr. Lidstrom said from the contending parties.

Kermit Lidstrom, Chairman of the North Dakota Education Factfinding Commission, testified in favor of the bill. (written testimony) (meter 650) The factfinding commission submits a report and the contending parties have 20 days to complete a contract. If they don't complete a

contract within 20 days, the commission, by law, publishes their activity in the local newspaper.

All the costs of the commission are born 50/50 by the contending parties.

Senator Flakoll asked if they are paid for reading or prep days.

Dr. Lidstrom said yes.

Senator Flakoll asked if they are paid directly or through DPI.

Dr. Lidstrom said at the first contact, each party is asked to send \$600 to the commission. Each party prepares a pre hearing report. When that is received, a hearing is scheduled, usually at the school. They are open hearings. They make their recommendations in the form of a report.

They are required to call when they receive the report. They have 20 calendar days to come to a contract. If they don't come to a contract, they do what they call publishing. If the commission uses all the pre billed funds, they bill the parties for the difference. If they don't use it all, they refund the balance. Generally, they end up making a refund.

Senator Taylor asked if the requested rate is similar to other rates across the state.

Dr. Lidstrom said they try to be just behind the daily rates of the legislature.

Senator Flakoll asked how many dollars were spent by all parties in the last biennium.

Dr. Lidstrom said about \$1200 per hearing. This changes if they have to publish., they spend considerably more. A one page publication costs about \$600. The requirement for publishing is in the century code.

Senator Seymour asked who else has served on the commission.

Dr. Lidstrom said there are three people on the commission, The chairman is appointed by the Superintendent of Public Instruction, one member is appointed by the Governor, one member is

appointed by the Attorney General. Currently the other members are Jerry Hieb and Dean Rummel. A substitute can be appointed if necessary, he usually uses a former member.

Senator Erbele asked if there is one hearing. The billing usually involves 3 days of work.

Dr. Lidstrom said there is a long tradition of billing for 2 1/2 days.

Senator Freborg asked if they have to publish a notice of the upcoming meeting.

Dr. Lidstrom said yes, they ask the local superintendent to do so and to notify the local legislators.

Senator Seymour asked how long **Dr. Lidstrom** his term will run.

Dr. Lidstrom said his third term will end in July. It is up to the superintendent of public instruction as to whether he will serve another term. (meter 1447)

Senator G. Lee asked what determines the agreement after the report is made.

Dr. Lidstrom said the process works very well. They promise everyone in the crowd their recommendations will be rational, reasonable, responsible and affordable for the school board. That is their guarantee. It is hard to refuse the recommendation. Everyone from the community is at the hearing and they want a resolution. They had 180 people at a hearing in Hettinger. There is public pressure to come to an agreement. Even after they published, their recommendations were adopted after they published.

Senator Freborg asked **Dr. Lidstrom** to run through the schedule.

Dr. Lidstrom said they have 40 days to issue a report from the day he learns about the impasse. They use the 40 days because to schedule the hearing, you have to schedule two board members, negotiators from the teachers side, the fact finding commission, and its often during the summer.

Dr. Wayne Sanstead, Superintendent of Public Instruction, testified in favor of the bill. This serves in the best interest of school boards and teachers. He has watched the commission over the years and this is a very effective and efficient process. He has attended one or two hearings, they are a full house which indicates there is strong public input. The costs are not state costs. We want capable and deliberate people to participate in the process.

Senator Erbele asked if the parties involved had to pay a higher fee, would that be a deterrent.

Dr. Sandstead said he didn't think so. They have been through an arduous process by the time they reach an impasse.

Senator Freborg asked if the spokespersons for the two sides normally attorneys.

Dr. Lidstrom said no, rarely. Usually the local school board picks a member with good verbal communication skills, the teachers usually chose a negotiator, president of the local association or occasionally a regional representative of the NDEA. Only in Harvey was there an attorney representing the school board.

Senator Freborg asked if the representative of the boards are usually a member.

Dr. Lidstrom said always.

Senator G. Lee asked if 6 is a typical number of hearings.

Dr. Lidstrom said they have 12 cases the first year he served. They had 7 cases the next biennium.

Chairman Freborg closed the hearing on SB 2210.

Senator Flakoll moved a do pass on SB 2210.

Senator Erbele seconded the motion.

The motion passed on a roll call vote 6-0-0.

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Senate Education Committee

Bill/Resolution Number SB 2210

Hearing Date January 17, 2005

Senator Freborg will carry the bill to the floor.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2210

Senate Education Committee

☐ Conference Committee

Hearing Date January 18, 2005

Tape Number	Side A	Side B	Meter #
1		x	1855 - 3010
Committee Clerk Signature <i>Patty Wilkens</i>			

Minutes:

Chairman Freborg opened the discussion on SB 2210.

Senator Freborg discussed the purpose of publishing with the fact-finding commission and the members of the commission.

Senator Freborg said the purpose of the bill was to increase their per diem.

Senator Freborg discussed the procedures of the fact-finding commission and their timetable.

The school board can amend the findings of the fact finding commission as long as they amend in favor of the teachers but they can't take anything away.

Senator Freborg said you have to ask questions that pertain to the bill.

Senator Freborg said the fact finding commission members get paid for 2 1/2 days but it usually takes more time than that.

Chairman Freborg closed the discussion on SB 2210.

Date: 1/17/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2210

Senate SENATE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Flakoll Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR	✓	
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR	✓	
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Freborg

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

REPORT OF STANDING COMMITTEE (410)
January 17, 2005 1:55 p.m.

Module No: SR-10-0569
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2210: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2210 was placed on the
Eleventh order on the calendar.

2005 HOUSE EDUCATION

SB 2210


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2210**

House Education Committee

☐ Conference Committee

Hearing Date **2 March 2005**

Tape Number	Side A	Side B	Meter #
1		X	4950 - End
2	X		0 - 12
	X		2775 - 3175
Committee Clerk Signature 			

Minutes:

Chairman Kelsch opened the hearing of SB 2210.

Senator Ed Kringstad, District 35, introduced the bill. The fact-finding commission's mission is to assist negotiations between the school boards and teachers when they go to impasse.

It's a \$10 increase going to \$90 and I'll leave all questions to Dr. Lindstrom.

Dr. Kermit Lidstrom, chairman of the ND Education Fact Finding Commission, testified in favor of the bill. **(Testimony attached.)** The increase is not for 365 days but only for the days they work as fact finders. We need to remain current and competitive in our compensation to attract ethical and fair play people who will work on our commission. All of the commission's expenses are paid by the contending parties and no state funds are involved.

Rep. Hawken: I do know how hard you work and this does not cover the work you do.

Rep. Meier: Who are the three people on your commission?

Lindstrom: Dean Rummel from Dickinson, and Jerry Eebe from Valley City.

Dr. Wayne Sanstead, superintendent of Public Instruction, and one of the appointing authorities, testified in favor of the bills. I will reappoint Dr. Lindstrom when his term expires.

There are no term limits. I have been to their hearings to see that they are well run and that they are a credit to ND in terms of the fact finding process. The creation of the commission came out the need to have compulsory arbitration between school boards and teachers. They publish their findings in the newspaper and then it's the pressure of the communities that bring about resolution. I'm very comfortable with the process. It's important that we recognize these people at least for their days they are in here and they also get this salary for the days they write up the hearings. It's not a lot of money and it's paid for by the contending parties. It is not a cost to the state of ND.

Sophie Preszler, citizen, testified in opposition to the bill. Considering the cost involved in government now is not the time to raise salaries. There is also the question of studying and studying and never coming to the knowledge of truth. I would like to see some of these fact finding committees to an end.

Chairman Kelsch closed the hearing on 2210.

Later in the afternoon Chairman Kelsch opened discussion of SB 2210.

Rep. Hawken: I move a **Do Pass**.

Rep. Meier: I second.

Chairman Kelsch: We have a do pass motion on SB 2210. Dr. Lidstrom mentioned the fact that they were in Mandan and got thanks from both sides. I testified at the hearing and I truly admire what that factfinding commission does. It's not easy. We see the school districts and NDEA at odds and we know that it pulls us in difficult directions at times. You can imagine the

task they are handed. I thought what they did in Mandan was phenomenal. It turned out to be a great resolution. I think they were fair. They have been extremely fair in their dealings. I don't think \$90 a day is enough money but we're not going to get into upping it any more.

Rep. Meier: I imagine they put in a ton of time on their time looking at information at home.

Rep. Hanson: I attended two of those in Jamestown. They are not binding. The first time I was there Dr. Lidstrom got up and said he contacted the superintendent 11-12 times prior to this but they never contacted the teachers at all. I reminded him of that the second time and then they favored the teachers.

A roll call vote was taken.

Yes: 10 No: 0 Absent: 4 (Haas, Herbel, Norland, Sitte) Passed

Rep. Meier will carry the bill.

Chairman Kelsch: Rep. Meier remember this money does not come from state funds it comes from the contending partners. Be sure you bring that up.

Closed.

Date: 2 Mar 05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2310

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Hawken Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	0		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	0				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	0				
Rep. Sitte	0				
Rep. Wall	✓				

Total (Yes) 10 No 0

Absent 4 (Haas, Herbel, Norland, Sitte)

Floor Assignment Rep Meier

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

REPORT OF STANDING COMMITTEE (410)
March 2, 2005 12:20 p.m.

Module No: HR-38-3957
Carrier: L. Meier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2210: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2210 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

SB 2210

TESTIMONY - SENATE BILL 2210

INTRODUCED BY:

SENATORS KRINGSTAD, LYSON, ROBINSON
REPRESENTATIVES HAAS, L. MEIER, SITTE

SENATE BILL 2210 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 \$80.00 PER DAY.

SENATE BILL 2210 WOULD AUTHORIZE A DAY RATE OF \$90.00.

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 ensure 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 and teacher negotiating units when they are at impasse over compensation, work rules, and fringe benefits.

RECENT IMPASSE HEARINGS

SCHOOL DISTRICT	HEARING DATE	OUTCOMES
Langdon	7/30/03	Contract within 20 days
Mandan	8/16/03	Contract within 20 days
Jamestown	11/20/03	Contract within 20 days
Richland	6/14/04	Contract within 20 days
Harvey	7/8/04	Rejected by teachers
New Town	8/10/04	Contract within 20 days

SHARING OF COST

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