

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1046

2001 HOUSE EDUCATION

HB 1046

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1046

House Education Committee

Conference Committee

Hearing Date 2-19-01

Tape Number	Side A	Side B	Meter #
1	xx		4450--end
1		xx	1--530
Committee Clerk Signature <i>Sam Deane</i>			

Minutes: Chair Kelsch opened the hearing on HB1046.

Anita Thomas, Legislative Council : In support of HB1046. This is a rewrite. (SEE ATTACHED) (end tape 1, side A, begin side B) Anita continues to testify.

Rep. Mueller : On page 8, you have changed a great deal, the requirements for taxes to be put on a ballot. I would like the committee's feel on that.

Anita : We wanted to get the issue before the voters.

Rep. Nelson : Is there any consistency in code as to why we would use this? Where is that used?

Anita : When we looked beyond Title 15, we saw no consistency at all. It was just a number grabbed from the air.

Chair Kelsch : You need to remember this is just to get the petition on the ballot. Once it is on the ballot, then it is the supermajority that is for or against.

Rep. Hunsakor : Going to section 21, if a teacher would observe students using alcohol on school property, then that teacher is under no obligation to report this because it is not a school event.

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Anita : Correct.

Chair Kelsch : Any more testimony for or against? Hearing none, we are closed.

Rep. Hawken : I move a DO PASS.

Rep. Solberg : I second.

VOTE: 14 YES and 0 NO with 1 absent. PASSED. Chair Kelsch will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 12/14/2000

Bill/Resolution No.: HB 1046

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.*

Revision of NDCC - no substantive changes were made to existing code.

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:	Gary Gronberg	Agency:	Public Instruction
Phone Number:	328-1240	Date Prepared:	12/29/2000

Date: 2/19/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1046

House House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Solberg

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 0

Absent 1

Floor Assignment Rep. R. Kelsch

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

REPORT OF STANDING COMMITTEE (410)
February 19, 2001 12:43 p.m.

Module No: HR-30-3857
Carrier: R. Kelsch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1046: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1046 was placed on the
Eleventh order on the calendar.

2001 SENATE EDUCATION

HB 1046

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1046

Senate Education Committee

Conference Committee

Hearing Date 03-19-01

Tape Number	Side A	Side B	Meter #
1		x	34.5 - end
1 (03-21-01)	x		0-21.3
Committee Clerk Signature <i>Andrea Johnston</i>			

Minutes: CHAIRMAN FREBORG called the hearing on HB 1046 which is the reconciliation bill to HB 1045 which is the major rewrite to Chapter 15 in Century Code.

Testimony on HB 1046:

ANITA THOMAS, Legislative Council Attorney, explained the bill. Section 2, dealing with the oath taken by faculty members employed by an institution of higher education, and Section 3, dealing with faculty members who are not citizen of the US taking an oath, were moved to Chapter 15 - 10, which is the higher education chapter. Section 4 deals with correspondence courses offered through the division of independent study. Changed the references from "pupils" to "students". Also, in Section 4, the change has to do with what is now the standard verbiage for teachers, "an individual who is licensed to teach by the ESPB or approved to teach by the ESPB in both public or nonpublic schools. Section 6 restored verbiage about a child wanting to attend kindergarten. Section 7 changed the requirement for a school district name to be changed. In order for the name change to go on the ballot, the petition would have to be signed by 1/3 of

those who voted in the most recent annual school district election. This is a change from 1/3 of the qualified electors of the district. SENATOR FREBORG stated this is a radical change in numbers. MS. THOMAS stated this was done to maintain consistency in law. Section 8, states the school board can increase by 5% the assessed valuation of all taxable property in the district with a petition signed by 1/3 of the voters who voted in the most recent annual school district election. Section 9 was from 1999 session and subsection 3 was to be omitted and was not. That is the reason for the overstrike. Section 10 pertains to military installation school districts. They delete some cross references to public school rules and add the military school districts into some rules. Section 11 states the size of a school board can be changed if a petition is signed by 1/3 of those who voted in the most recent school district election. Section 12 adds two reasons for a vacancy on a school board. Section 13 requires an individual to take an oath of office within 10 days of receiving notice they were elected or appointed. This was inadvertently left out of chapter 15 and this puts it back in. Section 14 broadens the purposes for which oaths and affirmations may be administered. Section 15 states the business manager shall require the newspaper publishing the board proceedings indicate that the published proceedings are subject to review. Section 16 sets forth the amount of purchases and acquisitions that may be obtained by a school district without going through the bidding procedure. The cross references are included so people understand there are specific requirements for these purchases in other sections of the title. Section 17 pertains to the manner in which vehicle fuel and heating fuel is purchased. Section 19 deals with reorganization and requires a vote by the electors residing within "each school district". Section 20 deals with the suspension and expulsion of students. Due process must be followed before expulsion. SENATOR COOK asked if there is a record of how many students were expelled within the last school year. Also, he asked if there are any

requirements for schools to report expulsions. MS. THOMAS stated there is nothing exactly requiring reporting. Section 21 requires a teacher notify the principal when a student is suspected of using, having or delivering alcohol or a controlled substance. Section 29 deals with proof of identification when a child is enrolled in school, daycare etc. Sections 30 - 35 are cross reference changes. Section 36 is the repeal of NDCC sections. These sections duplicate what is already in law, so now are deleted.

Hearing no further testimony, the hearing on HB 1046 was closed.

03-21-01, Tape 1, Side A., 0 - 21.3

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

SENATOR FLAKOLL presented an amendment (10068.0301) and moved to have the amendment adopted. Seconded by SENATOR COOK. Discussion.

SENATOR FLAKOLL stated this amendment takes Section 34 out of the bill. Because of Measure #6, which is where the 70% came from, and which is no longer in practice as it did not work, this section speaks to that Measure and therefore could be deleted. SENATOR KELSH is not comfortable taking this out of law. He feels legislative intent and the goal of 70% is noble and he feels it should be left in law. He thinks in the 1981 Legislative session there was a considerable amount of money put into education, from \$800 to \$1400 per student. Then, in addition to that, the 70% was put into law. He feels this would take care of so many equity issues if the 70% were to be reached. SENATOR KELSH feels most of the equity issues deal with property taxes. When asked by Senator Freborg if he thought more money would take care of equity issues, he answered yes. He feels the less you are dependent on property taxes the less issues there are on equity. SENATOR FLAKOLL stated he feels the inequity is just shifted to

another source. SENATOR KELSH is having a problem seeing a shift in money as an inequity. SENATOR COOK feels removing this won't make a big difference. He explained that he recalls Measure 6, where the 70% came from, was sold to the citizens as the "goose that laid the golden egg" and was going to fund education and bring in all kinds of dollars for education. The way the 70% came into play is that once Measure 6 generated the dollars available to fund education at 70%, then no longer would the dollars go to education but would go somewhere else. He believes this is still in place. It also defined where funds could be used and what they could fund. SENATOR CHRISTENSON feels the 70% should stay. SENATOR O'CONNELL feels the 70% is a goal and should stay even though that percentage hasn't been met. SENATOR FREBORG asked what happens if 70% isn't adequate to fund the programs needed for education. He doesn't feel the intent is to have a lower goal. He feels all legislators want to strive to adequately fund education.

Roll Call Vote: 4 YES. 3 NO. 0 Absent. Amendment (10068.0301) adopted.

SENATOR FLAKOLL moved a DO PASS as Amended. Seconded by SENATOR WANZEK.

SENATOR FREBORG spoke to Section 26 (exempting children from child labor laws when working on a farm) voicing opposition. SENATOR KELSH spoke on Measure #6. He stated it did it's job. The legislature changed it in 1981 and he feels that change was an attempt to make sure it did not do it's job. There were rebates and tax credits given, and if it would have been left alone it would have done a much better job and it would have made the funding level close to 70%. SENATOR FREBORG stated that he thought Measure #6 eliminated 60,000 tax payers with the \$100 tax credit. Now we are thinking of raising income tax. He isn't sure Measure #6

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Senate Education Committee

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did do it's job. However, it was a measure with something in it for everyone and that is how it passed.

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

Carrier: SENATOR FLAKOLL

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1046

Page 1, line 7, after "15.1-09-34" insert ", 15.1-09-44"

Page 1, line 10, after the fourth comma insert "and" and remove "and 57-51.1-08,"

Page 1, line 12, after "contracts" insert ", schoolbuses"

Page 1, line 17, replace the second "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Page 1, line 18, replace "and" with a comma and after "fees" insert ", and legislative intent"

Page 9, after line 23, insert:

"SECTION 18. AMENDMENT. Section 15.1-09-44 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15.1-09-44. Schoolbuses - Use of nonprofit organizations. The board of a school district may make a schoolbus available to a nonprofit organization for use in conjunction with the organization's activities. The board shall negotiate the terms of usage with the organization. The terms must address rental charges and insurance coverage. The driver of a schoolbus used by a nonprofit organization under this section must satisfy the requirements for a schoolbus driver set forth in section ~~15.1-07-24~~ 15.1-07-20."

Page 22, remove lines 25 through 31

Page 23, remove lines 1 through 13

Page 24, line 3, replace "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Re-number accordingly