

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1177

2001 HOUSE EDUCATION

HB 1177

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1177

House Education Committee

Conference Committee

Hearing Date: 12/05/01

Tape Number	Side A	Side B	Meter #
#1	X		2368 to 4750
Committee Clerk Signature <i>Ava Gilbert</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing on HB1177.

Tom Decker: (DPI) *Please refer to written testimony

Rep. Hawken: Why would we use the word county superintendent and the secretary that would be in Section 4? Why would it change from State's Attorney?

Decker: This bill may need some amendments in that regard, actually, that reference to the county superintendent when actually we're talking about administrative assistance for the committee, may need to be fixed. I think, as well, you could assign State's Attorneys based on which county the question is in, to provide legal counsel.

Rep. Hunsakor: On the bottom of the first page of your testimony, the top of the second page, I read, 'these circumstances make it very difficult for committees to provide an objective review'. I visited with the county superintendents in my immediate are, and both of them have been involved in reorganizations, and both of them said that when the homework is done and when they came down to the state with the final plan, there were very few objections and the plan worked very well if local control is having the situation, why would we go into a regional when we have men sitting on a committee or women that may be 150 miles away, and would understand the local situation.

Decker: The process works because, I think the process in statute is very well defined, and those are the people, when they hear these issues, are given a very thorough presentation of information about the circumstances. They have ample opportunity to ask questions, so I don't think there'd be a problem in the context you're talking about. I think there's a possibility, given that these regions are larger, and there's some problem with getting these committee members together that these committees could begin to meet quarterly, so that they can pile up a couple of issues and meet on them. I don't think the distance of the meeting time is necessarily a problem, I think the process is the key to having all of the information.

Rep. Hunsakor: My point is, if the local committee understands the people within their area better than anyone else, and if they do their homework and sell their reorganization, isn't it going to go more smoothly than if someone who may be at a far distance, even though they get the information, they don't understand the local situation as well as the people who live there.

Decker: The regional reorganization committee should have no role in selling the reorganization. Their job is to be an impartial hearing body to decide if the proposal seems reasonable. The

people who are selling this plan are the people in the local school districts and they will continue to do that.

LeaAnn Schneider: (Assistant Attorney General) A question asked by Rep. Hawken, you indicated that there's a place in here that refers to a county superintendent. This bill does not get rid of the county superintendent, and when these regions are formed that consist of numerous counties, the board of that region will choose a superintendent to do the things that the county superintendent currently does in each county, so they're still referred to as the county superintendent for the regional committee. The other question you had, under current law, each county committee is give legal advice from the county State's Attorney, and under this bill, they'll probably just determine which county State's Attorney of the county they would want to do the work, and then enter into an agreement with them. It was just a way in the bill of how to come up with a county state's attorney.

Rep. Hunsakor: Is it true, under current law, that the state's attorney does not charge a fee to the local committee?

Schneider: Yes. The current county committee, some of them have the county state's attorney at their meetings or hearing where they hear a reorganization or an annexation, often times a lot of questions of the county superintendents before hand, then prepare for this regional committee. The state's attorney is there to answer some technical questions.

Chairman Kelsch: Is there anyone who wishes to appear in opposition to HB1177?

Ioane Schmidt: (County superintendent) We have discussed this among county superintendents and we are 23 strong representing 25 counties. What our concern is that the eight regions that were set up. We believe this is lock of local control. It's probably the access that I'm more

concerned with. It's difficult enough to get the local people together at one time. The committees that are working now are very much, they're people who are appointed to a board who are there to do the job for the people. I don't think that they have an agenda that represents any one school. In all of my experience, the boards have been very objective. Another concern we also have is the provisions for hiring an attorney. This is another law that will require the people to pay out some money based on a decision that they didn't get to make. Pierce and McHenry county employ me full time, and if I were the one that were chosen to be secretary of this region, there'd be no conversation other than expenses and that would be shared by all those counties within these regions, but Pierce and McHenry are still paying my salary for that, so therefore, they are sharing too. In response to grouping together all the annexations and meet quarterly, and again, at who's expense? It's also difficult to determine who would be appointed as secretary. Some of these proposed regions look really big.

Rep. Hawken: There has been some discussion about not having regional and/or county committees and just going to the state board.

Schmidt: I would discourage that. I've had one disillusion that has happened and we had a lot of activity; it was somewhat chaotic, and so we would hope that we could calm that down before it got to Bismarck.

Chairman Kelsch: We will now close the hearing on HB1177.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1177a

House Education Committee

Conference Committee

Hearing Date 02-13-01

Tape Number	Side A	Side B	Meter #
TAPE 1	X		3945 to
Committee Clerk Signature <i>Juan D. ...</i>			

Minutes: Chairman Kelsch called the committee to order on HB 1177.

Rep Hawken: I have some real concerns on this. My honest feeling is that we are duplicating effort, it is exactly the hearing done twice. That does give them the opportunity to practice, I'm not so sure that's the point. There is nothing wrong with going to the regional concept here, except, currently under the county reorganization committee, the county provides that legal help. It is done for free. With the regional, it would be an additional cost to the counties that are involved. This is a bill, we don't need those committees.

Chairman Kelsch: What are the wishes of the committee.

Rep Nelson: I will move a DO NOT PASS.

Rep Mueller: second.

Chairman Kelsch: It has been moved and seconded for a DO NOT PASS motion on HB 1177.

DISCUSSION

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House Education Committee

Bill/Resolution Number HB 1177

Hearing Date 02-13-01

Chairman Kelseh: The clerk will call the roll on a DO NOT PASS motion on HB 1177. The motion passes with 8 YES, 7 NO and 0 ABSENT. Carrier Rep Grumbo.

Date: 02-13-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1177

House House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep Nelson Seconded By Rep Mueller

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 Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad		✓			
Rep. Laurel Thoreson		✓			

Total (Yes) 8 No 7

Absent 0

Floor Assignment Rep Grumbo

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

REPORT OF STANDING COMMITTEE (410)
March 30, 2001 1:03 p.m.

Module No: HR-56-7295
Carrier: Grumbo
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1177: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

HB 1177

TESTIMONY ON HB 1177
HOUSE EDUCATION COMMITTEE
February 5, 2001
By Tom Decker, Director of Finance and Organization
328-2267
Department of Public Instruction

Madam Chairman and members of the committee:

House Bill 1177 changes the current structure of school district reorganization committees at the local level from county committees to eight regional committees.

Under the present law each county has a school reorganization committee equal in size to the county commission. County commissioners appoint members of the reorganization committee. This legislation was passed in 1947 at a time when North Dakota had over 2200 school districts.

Today with 230 school districts some county reorganization committees do not meet for several years at a time. While we have provided training for county reorganization committees over the last several years their membership may have changed or they may not have had an official function for two years or more after the training. County committees were originally established to provide a relatively objective local review of proposals for reorganizations within counties. When the legislation was passed in 1947 there were more than forty-one districts per county on the average. Today there are 4.3 districts per county on the average. If we were to go to the eight regional committees suggested in the legislation there would be an average of 29 school districts per region.

Under the current school district reorganization structure in many cases two or more of the members of a reorganization committee in a given county are directly involved with one or more of the districts whose reorganization is being considered. These circumstances make it very difficult for committees

to provide an objective review and a long-term perspective of the proposed reorganization. In fact reorganizations today may take in districts that go beyond one county.

We believe the regional structure proposed in this legislation would restore the basic intent of legislation from 1947. Even with eight regional committees each committee would deal with fewer school districts than each county committee was expected to deal with on the average in 1947. The legislation gives the regional committees authority to hire legal council as needed and to employ administrative or clerical assistance as needed to conduct their work.

We believe as North Dakota public school enrollment continues to decline and as the need for reorganization grows that regional committees will be in a better position to provide effective guidance at the local level than the current county committee structure.