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ROLL NUMBER

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2348

2007 SENATE EDUCATION

SB 2348

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2348

Senate Education Committee

Check here for Conference Committee

Hearing Date: February 7, 2007

Recorder Job Number: 2998, 3000

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on SB 2348, a bill to require a public hearing before high school tournament selections. All members were present. (Senator Flakoll was in appropriations at the beginning of the meeting and arrived during the hearing.)

Senator Tollefson introduced the bill. (Written testimony attached)

Chairman Freborg asked why we would believe a hearing would spread these activities around more than they are now?

Senator Tollefson said it would give a formal opportunity to pitch their communities. Some smaller communities could handle some of these events. It would be determined by the pitch.

They do not have a formal hearing opportunity now.

Senator Taylor asked for some examples of communities that were slighted or are missing out.

Senator Tollefson said there are a couple of situations that could have been looked at more closely. Facilities are the key. This is not a Minot bill. Minot was not able to host the state wrestling tournament because they needed 8 mats and the dome in Minot has space for 6.

Some of the reasons should be looked at. The North Dakota High School Activities

Association does good things. The invitation process may be lacking. Towner could handle a debate tournament.

Senator Gary Lee asked how this would affect the criteria North Dakota High School Activities Association uses to decide location of events; would they still determine the criteria?

Senator Tollefson said the facilities would be part of the criteria but the selection process should not be based entirely on facilities. There is no opportunity to pitch a community.

Senator Bakke asked how many events are we talking about?

Senator Tollefson said the process is a subcommittee of athletic directors and coaches that determine the rotation and make a recommendation to the board.

Senator Heitkamp testified in favor of the bill. He has been a high school official, he used to ref basketball and still refs football. He has only positive feelings towards the North Dakota High School Activities Association. They let our young people grow and become great adults. This bill is common sense. The bill is about a process and fairness. If a community does not get a tournament, there are probably some good reasons. We may hear they already have a process and then we should leave it to the committee. Everyone knows what the big plums are, the number one tournament is class B basketball. He has friends who attend the class B basketball tournament every year and they all say it should be in Bismarck every year but it is not fair to give it to Bismarck every year. If he was on the North Dakota High School Activities Association, he would want this policy. It is not an indictment of the North Dakota High School Activities Association, just a conversation that we need to have.

Senator Horne testified in favor of the bill. It is a good idea and worth considering.

Sherman Sylling, Executive Secretary of the North Dakota High School Activities Association, testified in opposition to the bill. (Written testimony attached)

Senator Bakke asked if we are talking about 32 events?

Mr. Sylling said 32 state and regional tournaments.

Senator Bakke asked if they are spread out?

Mr. Sylling said the regional tournaments are spread out and are held within the region. They have been held in Dickinson, New Town, Williston. They rely on the class B schools to help with the location. It is hard to find a venue that will hold the regional tournaments. Grand Forks has the only venue that will accommodate the state hockey tournament.

Senator Taylor said he appreciates their desire to not over burden any one athletic director, Would it be helpful to have someone let the board know about the hotels and restaurants in a city? Is there a process for that?

Mr. Sylling said that is considered. Sometimes they make a mistake. They held the class B girls' basketball tournament in Jamestown, their facilities were great but it turned out they did not have enough hotels. That has affected later decisions.

Senator Gary Lee asked what criteria the committee has established so they know where to place these things. Why wouldn't this process augment what they are already doing?

Mr. Sylling said they are not a secret organization. They are not opposed to input, in fact they have asked their schools for more input in the last few years than ever. When the athletic directors from our major communities come into this meeting, they not only represent their community, they represent their school because we run our tournaments through schools. The athletic directors have a pulse for the venues that are available, for the motel rooms, they have all that information when they come to the meeting. In the case of Jamestown, they thought there would be enough rooms and there weren't.

Senator Gary Lee asked about speech, drama, music events and the selection process.

Mr. Sylling said they have a fine arts committee. No one is looking to host these events. Only a very few will host class B music because it takes so much space.

Senator Gary Lee asked how communities interested in hosting drama or music events would engage the North Dakota High School Activities Association?

Mr. Sylling said they would get an invite from that community through their school.

Senator Bakke asked if the members of the committee bring the information about the community, the chamber of commerce does not do a presentation?

Mr. Sylling said when the committee meets, they make recommendations 4 years out so they can tie up the venue. They can bring whoever they want to the meeting. The tournament managers usually bring the information about the number of rooms available, eating establishments and those sorts of things. The Chamber of Commerce would be welcome, they have open meetings. If a tournament manager really pushes for a tournament, they will bring their resources to the meeting.

Chairman Freborg confirmed the tournament managers make the pitch.

Mr. Sylling said the tournament managers represent their school and community. Sometimes a tournament manager will say they can't host an event, they will say they do not have the capability of doing it. They also consider political correctness. Everyone thinks class B basketball should be in Bismarck every year but they don't place it in Bismarck every year. He used to dread the April meeting because that is when they make site determinations, Since they have begun to use this process, it has really helped.

Senator Taylor said he realizes their meetings are open; how much input do they get from the communities. Is it on the agenda?

Mr. Sylling said they don't advertise for it. If they want to be on the agenda they can be. Any time a member school requests to be put on the agenda they are always put on. If a private person wants to be put on the agenda, they have to go through their school.

Wilfred Volsek, Superintendent of the Mandan Schools and chairman of the North Dakota High School Activities Association tournament committee, testified in opposition to the bill.

(Written testimony attached)

Chairman Freborg asked if the process described in the bill will help or hinder the committee?

Mr. Volesky said it would not be a problem if it was done at the time the tournaments are set. He is not sure of the intent of the bill in situations such as what occurred this fall where the state soccer tournament was supposed to be in Grand Forks and had to be moved to Bismarck because of weather. It would be hard to accommodate that timeline with the process described in the bill. Sometimes they need to make a change of tournament site. Right now the athletic directors meet with a wide representation of city officials to get ready for any tournament. He thinks the communities are very well represented by their tournament manager. The community representatives are welcome to come and are allowed to speak regarding sites. They have a process that works very well. It is very fair.

Bob Briggs, Superintendent of Surrey Schools and president of the North Dakota High School Activities Association, testified in opposition to the bill. . The system currently in place serves the needs of the North Dakota High School Activities Association, the students and the member schools. This bill would add another layer that we don't need. They have an open meeting process. They give careful consideration to the decisions and all questions are answered. The tournament managers do a good job of presenting the strong and weak points of their facilities and city. They make a gallant effort to do their best and try to vary sites.

Senator Bakke asked if their open meeting policy includes advertising their meetings.

Mr. Briggs said their schedule is on their website and all member schools have the schedule.

Chairman Freborg closed the hearing on senate bill 2348.

Senator Taylor said the bill as is will not add very much. There is an issue here. Its not so much that the board needs every community in the state to come with a mug and an pen and a power point presentation. The tournament committee might be helped by having one meeting each year that allows communities to give them an inventory of their strengths and

weaknesses. He is sure the activity directors are trying to do what they can to know about each community, that would allow current and accurate information every year in terms of facilities, hotels and restaurants.

Senator Bakke said instead of the board having a public hearing, is Senator Taylor suggesting the selection committee would hold a hearing?

Senator Taylor said that is what he is thinking, it could be once a year. That board would still have all the power it currently has to make the selections, we would not interfere with that process.

Senator Gary Lee is it in line 6? Is the opportunity already there? He can appreciate it's a tough job, they have a rotation.

Senator Bakke said she is bothered, they say they welcome input but she does not sense they publicly say now is the time for your input. She likes that the bill requires them to publish the time and place of the meeting. She understands those kinds of presentations can take a lot of time.

Chairman Freborg said Minot was awarded the wrestling tournament then the requirements changed from 6 to 8 mats. You would think those requirements would change when awarding the next tournament. He knows that is what set this off.

Senator Taylor said they got the volleyball tournament but it must not have the economic impact of wrestling.

Senator Gary Lee said it is interesting it happened over wrestling, that has been in Minot a lot. It is surprising they did not know the criteria were changing.

Senator Bakke asked if there is an appeal process.

Chairman Freborg said in this case Minot probably expressed concern. He should have asked how long prior to the event had the change had been made. Had Minot already prepared for the state wrestling tournament? Volleyball does have a lesser impact.

Senator Bakke said another tournament, soccer, was moved to Bismarck at the last minute.

Senator Gary Lee said the board president is from Surrey and that is very close to Minot. He must have had a idea of what was happening?

Senator Bakke said she would be happy to remove everything but the requirement to publish notice of the meeting where the decision will be made, leave the last line, that would solve the issue.

Chairman Freborg said it might. They have the policy now that those who want to be placed on the agenda must go through their school and it is a good policy. It is perhaps more important that they attend the regional meetings where they are making the recommendations because once it gets to the board meeting, it is too late.

Senator Bakke said once a year they could advertise what the process is and when the meetings will be held so people know how they can have a voice rather than requiring presentations to the committee.

Senator Gary Lee said it says in the written testimony that they do not advertise their meetings but they do send the board agenda to newspapers and TV.

Chairman Freborg said that is not an ad, it is open to the general public but not for them to participate. When the district chairs meet, that would be a better time.

Senator Taylor said the regional sites are not contentious, perhaps it would be appropriate at the meetings with the tournament managers.

Chairman Freborg said maybe we can't fix the problem. Maybe if they are going to change a site, the change should be made within three years of the event.

Senator Taylor asked how much communication there is between the school administrators and the chamber and business interests of the city. Maybe a public notice of the meeting dates and that the meetings are open to the member schools might be as help to the process as anything. He doesn't want to get much more involved in the process.

Senator Bakke said if they pull an event out of a city a month before the event that does not give the city an opportunity to book another event. That is a loss of revenue.

Senator Gary Lee asked if they are under the administrative rule process?

Chairman Freborg said he doesn't think so, they are not an agency.

Senator Bakke said she will work with it today and have it ready for Monday.

Chairman Freborg said to keep it real simple. He doesn't want to muddy up what they are doing now, it seems like it might be working okay.

Chairman Freborg closed the discussion of SB 2348.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2348

Senate Education Committee

Check here for Conference Committee

Hearing Date: February 12, 2007

Recorder Job Number: 3352

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2348. All members were present.

Senator Bakke distributed amendment 70844.0101. She said she has discussed the amendment with Senator Tollefson and he is comfortable with it. She said after hearing testimony, it appears the North Dakota High School Activity Association has a process that is working. The amendment asks the NDHSAA to advertise the process so communities have ample time and it prevents tournaments from being cancelled at the last moment. The amendment is a suggestion, a starting point.

Senator Taylor mentioned the cost of advertising in all daily newspapers in the state for two weeks, once per week, could be expensive. They do have a website where the information could be available.

Senator Bakke said that is a good point. She was concerned about the 24 months notice for moving or cancelling a tournament. Senator Tollefson thought it was fine.

Chairman Freborg said possibly the ads could appear in qualifying cities.

Senator Gary Lee said he called the NDHSAA about Minot and the state wrestling tournament.

Minot has hosted the event with 6 mats for years. The class A wrestling coaches went to the NDHSAA with a concern: due to a drop in the number of class A wrestlers, the current set up

would potentially allow a wrestler to win on byes. They recommended the addition of 2 more mats. Minot could not accommodate the additional mats. The activity director from Minot was involved in the decision.

Senator Flakoll asked if this would apply to all tournaments, state, regional and district, or just state tournaments.

Senator Bakke said the original bill said any tournament so she tried not to change that. She assumes they make the decisions at one meeting.

Senator Flakoll said if the regional and district tournaments were involved, perhaps the notice would have to appear in the weekly papers too since those communities would be eligible for district or regional tournaments.

Chairman Freborg said perhaps ads could be placed in the papers of eligible cities.

Senator Bakke said she had envisioned the 4 major newspapers. She wanted to avoid the bidding process since the NDHSAA has tried that and it didn't work. She did think it was important to advertise the process so communities are aware of it and know how they can have a voice.

Senator Flakoll said he is not sure he would support the modifications offered. If a notice was published in a town's paper would that mean the town was eligible? Minot thought they were eligible for state wrestling.

Senator Bakke said she understood that any town could host a tournament if they have the facilities.

Senator Flakoll asked if the tournament sites would include music and drama.

Senator Bakke said she got the impression that all events were scheduled through this committee.

Chairman Freborg asked how the communities would know the requirements.

Senator Bakke said they insinuated everyone knew the requirements and had to go through their school but they did say they do not publish the requirements. She wondered if the 24 month notice should be changed to 1 year, would that be more reasonable.

Senator Gary Lee said 2b does allow for an emergency situation.

Senator Bakke said 2a allows for the change if the site is agreeable.

Senator Taylor said these tournaments are set 5 years out. In the original bill, it asked that notices be published in local papers and no one in testimony mentioned cost. Would the website be sufficient?

Senator Flakoll said he has no problem with using the website.

Senator Bakke said a letter to the schools would be a possibility, just so there is some way for the people to find out how they can have a voice. She is not sure its general knowledge.

Senator Flakoll moved amendment 70844.0101 with the addition to 1c "or written notice to all school districts in the state", seconded by Senator Bakke.

Senator Flakoll said they could reference their website in the letter as a place to go for further information.

The motion passed 5-0.

Senator Bakke moved a Do Pass As Amended on SB 2348, seconded by Senator Gary Lee.

Senator Flakoll said before we had a bill that was distinct from the problem. We have now addressed the concerns of the prime sponsor.

Senator Taylor said the NDHSAA has a procedure if they balk.

The motion passed 5-0. Senator Bakke will carry the bill.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2348

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to high school tournament site selections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. North Dakota high school activities association - Tournament site selection - Hearing - Notice.

1.
 - a. The North Dakota high school activities association shall annually publish a notice of the tournament sites that it intends to select during the ensuing twelve months.
 - b. The notice must include a description of the selection process and the dates, times, and locations at which the association will meet to consider and select the tournament sites. The notice must also describe how representatives of potential tournament sites and members of the public can obtain information regarding potential tournament sites and how they may provide information regarding potential tournament sites for the consideration of the association.
 - c. The association shall publish the notices required by this section at least once each week for two consecutive weeks in each daily newspaper of general circulation in the state. *or written notice to all school districts in state.*
2. Once the North Dakota high school activities association has selected a tournament site, the association may not reschedule or cancel the tournament without giving at least twenty-four months' notice to the owner or operator of the tournament site. The provisions of this subsection do not apply if:
 - a. The owner or operator of the tournament site assents to the schedule change or cancellation; or
 - b. The tournament must be rescheduled or canceled due to an act of God or other emergency beyond the control of the association."

Renumber accordingly

*adopted 5-0
2/12/07*

Senator Bakke 2/12/07

REPORT OF STANDING COMMITTEE

SB 2348: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Sixth order on the calendar.

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- c. The association shall publish any notice required by this subsection at least once each week for two consecutive weeks in each daily newspaper of general circulation in the state or provide written notice to each school district in the state.
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 - b. The tournament must be rescheduled or canceled due to an act of God or other emergency beyond the control of the association."

Renumber accordingly

2007 HOUSE EDUCATION

SB 2348

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2348**

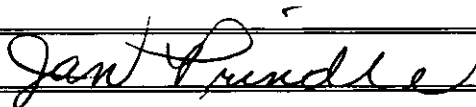
House Education Committee

Check here for Conference Committee

Hearing Date: **6 March 2006**

Recorder Job Number: **4444**

Committee Clerk Signature



Minutes

Chairman Kelsch opened the hearing of HB 2348.

Senator Ben Tollefson, District 38, prime sponsor, introduced the bill. (Testimony Attached.)

Representative Herbel: In your testimony you talk about communities making a "pitch" for an event. Can't they do that now?

Senator Tollefson: No publication is taking place and no knowledge is out there so that a school or a community anywhere doesn't necessarily have the opportunity if they don't know about it.

Representative Hunskor: Under current policy I believe there is a time when anyone who wants to can come to Valley City when they have their meeting and make their pitch for a tournament. There aren't too many schools that have the facilities or space and whatever else it takes to host these tournaments. Those that can, surely must know about them ahead of time and can make time in their agenda to go to the meeting.

Senator Tollefson: The actual opportunity is not published to them so they may organize themselves to make that pitch.

Representative Hanson: Do they have rotation for certain tournaments?

Senator Tollefson: They do have some order but there are two main factors involved with any decision. One is facilities. Not every community could handle a big tournament. There are some that could handle a more. This is an issue I visited with the Attorney General about. It is a public entity and as such there are requirements for open records, meetings and notification.

Representative Hunskor: You stated that schools that could host the higher profile tournaments that draw thousands could have their opportunity to make a pitch. I would suggest that they all know about those tournaments months and years ahead and determine when the activity committee meets and have some one there.

Senator Tollefson: The notification is part of this issue. Golf can be played in lots of places in ND and this is something that everyone does not necessarily know about. It isn't just the big stuff we're talking about. This would open everything up for all of the state regardless of the size of the community. To me this bill is low-keyed but it is meaningful and all of the state should be involved in some of these activities and to date I don't think that they are involved.

Vice Chairman Meier: Does the ND Activities Association then need to pay for these publications to go in to the newspapers around the state?

Senator Tollefson: Could they afford to publicize all of these events? Their total operating assets are some over a million dollars. I hesitate to say anything derogatory about the Association because they do a good job; but they can do a better job and all of us can benefit.

Robert Horne, District 3, testified in favor of the bill. I will not add a lot of time to your hearing. I simply wanted to be on record as supporting SB 2348.

Senator Joel Heitkamp, District 26, testified in favor of the bill. The one thing I agree with everyone on is that the ND HS Activities Association does a very good job. The point of the bill is to make sure that there is a process. There is a process in the bill to provide written notice

to every school in the state and I want to red flag that for you. It seems there are some question marks there whether we are setting up a school district superintendent who may get notice who doesn't want to become active as an economic development worker in his community and so I think the written notice should be in the paper. I would have suspected that all of this would have been in place through the ND HS Activities Association. I know that we don't like to micromanage organizations but bills like this don't come around because of a curling tournament. They come around because some one feels the process needed to happen. If the cost of that publication is something you feel you cannot afford, the cost is a pretty cheap insurance policy just on the PR side. The newspapers are the official publication in each town. They are affordable.

Chairman Kelsch: Senator Tollefson brought up Towner ND having a speech tournament. The biggest issue I see with some of the small towns is not the gymnasium or classrooms you can set up for the state music contests, is about hotels and eating facilities. That's where the concern is to me. Does it not become a waste of money because in a lot of these areas there is just no one that can handle this?

Senator Heidtkamp: I agree that those are the problems and if you have to sift through the problems. If word gets out and there are economic developers who want to compete on this plane, let's make it happen—we need more of this. I see this as a positive.

Representative Herbel: Don't the people that are in charge of your commerce already know when these tournaments are held and take advantage to get their pitch in. That's just common sense I would think.

Senator Heidtkamp: I think most of what transpires with the Activities Association is with the school district. I think they do a very good job of making sure the school districts are involved. The big breakdown happens is with the people that do make the pitch for this and whatever

they have to that school district. If you have a superintendent who thinks his city cannot compete for that but you may have some developers who do. I know with publication the developer had no right to whine. He could know about it in advance and sit down with the superintendent to make it happen and work together as a team.

Representative Herbel: Is the next thing after this that we start micromanaging the tournaments.

Senator Heidtkamp: That's something we would not support, but a process is fair.

Representative Karls: Canceling with two year notice seems kind of severe.

Senator Heidtkamp: In scheduling that's where you are at. When you put the money and time in it you have an investment. You as a Committee could pick the date you are comfortable.

Chairman Kelsch: Sometimes the schools aren't happy with the location. In my mind the Class A basketball tournament should always be in Bismarck and the reason I say that is they have separate courts and you don't have to listen to another game being played right next door.

Senator Heidtkamp: Saturday I got into the NDSSC right before tip off. Afterwards we all went to a "meeting" and talked about the game. The one consistent message was that it should be mandated that the Class B basketball tournament always be in Bismarck. They just loved Bismarck for the venue.

Representative Hunskor: This is about schools and about kids. If all the superintendents are involved why does it have to be in the newspapers? The superintendent is going to get the machinery going. If they are against it, there will be a problem anyway.

