

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1045

That the Senate recede from its amendments as printed on pages 1417 and 1418 of the House Journal and page 1259 of the Senate Journal and that Engrossed House Bill No. 1045 be amended as follows:

Page 33, replace lines 7 through 19 with:

- "1. "Administrator" means an individual who is employed by the board of a public school district primarily for administration of a school or schools of the district and who devotes at least fifty percent of the individual's time in any one year to the duties of administration of the school or schools of the district.
2. "Negotiating unit" means:
 - a. A group of administrators having common interests, common problems, a common employer, or a history of common representation, which warrants that group being represented by a single representative organization in negotiations with the board of a school district; or
 - b. A group of teachers having common interests, common problems, a common employer, or a history of common representation, which warrants that group being represented by a single representative organization in negotiations with the board of a school district."

Page 33, replace lines 24 through 27 with:

- "5. "Teacher" means a public school employee licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and employed primarily as a classroom teacher."

Page 34, replace lines 25 through 31 with "of a representative organization of the individual's choosing for the purpose of representation on matters of employer-employee relations.

2. An individual employed as an administrator may form, join, and participate in the activities of a representative organization of the individual's choosing for the purpose of representation on matters of employer-employee relations.
3. Any individual employed as a teacher or as an administrator may refuse to join or participate in the activities of a representative organization.

15.1-16-08. Representative organization - Negotiating unit - Right to negotiate. A representative organization has the right to represent a negotiating unit in matters of employee relations with the board of a school district. Any teacher or administrator has the right to present the individual's views directly to the board."

Page 35, remove lines 1 through 3

Page 35, line 7, remove "individuals employed by the"

Page 35, line 8, remove "public school district as" and replace "individuals" with "administrators"

Page 35, line 9, remove "as administrators"

Page 35, line 12, replace "group that filed the description" with "teachers or the administrators within the unit"

Page 35, replace lines 15 through 31 with:

- "1. a. If an organization is interested in representing a group of teachers or a group of administrators, the organization may file with the board of a school district a petition asserting that the organization represents a majority of the teachers or the administrators included within a negotiating unit.
 - b. The petition must be accompanied by evidence substantiating the assertion contained in it.
 - c. Within ten days after receiving the petition, the board of the school district shall post notice of its intent to consider the petition in each school wherein the members of the negotiating unit are employed.
 - d. No sooner than ten nor later than twenty days after posting the notice of intent to consider the petition, the board shall investigate the petition, determine the question of representation, and post notice of its determination in each school wherein the members of the negotiating unit are employed.
 - e. If the petition is not contested, the board shall recognize the petitioner as the representative organization of the negotiating unit, unless it finds in good faith that there is a reasonable doubt the representation exists.
2. If any organization has an interest in representing a group of teachers or a group of administrators and wishes to contest the claim of representation made in the petition under subsection 1, the contesting organization must file with the board of the school district a petition containing a written statement of contest together with substantiating evidence, within ten days from the date on which the board posted the notice of intent to consider the original petition.
3. If the board of a school district fails to make and post notice of its determination or if the board's determination has been contested, the board shall call an election to determine the question of representation not sooner than twenty nor later than thirty days after the posting of the notice of intent to consider the original petition.
4. If the board of a school district receives a petition that is signed by at least twenty-five percent of the members of the negotiating unit and which calls for an election to determine the question of representation, the board shall call the election.
5. The election must be conducted in the manner agreed to by the interested parties. If the interested parties cannot reach an agreement, the election

must be conducted in the manner determined by the education factfinding commission under its rules.

6. Once a representative organization has been selected, its authority to represent the negotiating unit continues for at least one year from the date of the selection.

15.1-16-12. Representative organization - Payroll deduction - Dues. If an individual who is employed as a teacher, and who is a member of a representative organization as defined in this chapter, signs a petition requesting that dues for the representative organization be deducted from the individual's regular paycheck, the board of the school district shall comply with the petition. Nothing in this section may be interpreted to mean that the dues of a nonmember must be deducted in that manner."

Page 36, remove lines 1 through 25

Page 37, replace lines 6 through 9 with "or terminate the contract on its annual anniversary date by giving notice of its desire to modify or terminate the contract to the other party not less than sixty days before the annual anniversary date."

Page 38, replace lines 10 through 12 with:

- "b. Consider the report and recommendation of its factfinder and, after any further investigation the commission elects to perform, make its findings and issue a recommendation."

Page 38, line 15, replace "Between ten and" with "No sooner than ten nor later than"

Page 50, line 30, after the second "a" insert "basic"

Renumber accordingly