

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2180

2001 SENATE EDUCATION

SB 2180

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2180

Senate Education Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
1		x	6.7 - 42.5
1 (02-12-01)		x	43.4 - end
2 (02-12-01)	x		0 - 8.0
Committee Clerk Signature <i>Linda Johnson</i>			

Minutes: CHAIRMAN FREBORG called the hearing on SB 2180 which relates to assessment and resumption of teaching under the teachers' fund for retirement.

SENATOR HOLMBERG, District 17, testified in support of SB 2180 and presented an amendment for consideration. (see attached). SENATOR COOK asked about IRS requirements.

The only requirement for a teacher is they have to be out of the classroom for one year.

SENATOR WANZEK asked if this would be additional service to be added to their retirement.

It would not. SENATOR COOK wondered where these retired teachers would be on the pay scale. That would be up to the local district.

CLARE CARLSON, Governor's Office, stated the Governor's office would support this bill. It would help alleviate the shortage of teachers in a specific way.

FAY KOPP, Deputy Executive Director, ND Retirement and Investment Office, presented testimony in support of the bill. [see attached including additional actuarial comments on TFFR (Teachers Fund For Retirement) retiree]. Discussion on teachers who were retired prior to 1/1/01

being able to return to work in critical shortage areas full time when the bill becomes effective (8/1/01). Also discussed teachers who are already retired being required to have an additional one year break in service. SENATOR COOK asked if there was a time in drafting this bill that the TFFR would decide the critical areas rather than the Standards and Practices Board. She replied that the original draft had included the TFFR. However, the TFFR Board determined it would not be the best entity to make that determination. In further discussion it was noted that the retirement benefits would not change due to a retired person going back to work. The monthly benefits would not be recalculated based on the period of re-employment as an active teacher. SENATOR COOK asked why is the employer required to pay his share of the retirement benefit when there seems to be no impact on the person's retirement benefit and there seems to be no potential costs to the retirement fund. She replied the greater reason was so the employer would not pick the retiree over an active teacher. More discussion on how long after retirement a retired teacher can go to work full time in a critical shortage area and if the bill in it's present form could be abused. FAY KOPP stated she would look into supplying amendments to cover the concerns of the committee on the time line.

JANET WELK , Education Standards and Practices Board, feels the retired teachers have much to offer our school districts and there is a definite need.

LINDA EDWARDS, Director of Professional Development for NDEA, gave information on a survey they had conducted. They surveyed 184 school districts with numerous questions.

Twenty-five districts recruited retired teachers this past year, and out of those twenty-seven districts were able to fill positions by retired teachers. The areas were science, math, music, and vocational. SENATOR COOK asked if NDEA would support the bill if the employer were not required to pay into the retirement fund. She could not answer that. SENATOR KELSH asked

if a large amount of teachers retire without completing the current school year because they've reached the rule of 85. She feels it is minimal. Most of the teachers want to finish out the year so they get the full years worth of benefits.

There was no opposition to the bill.

The hearing was closed on SB 2180.

02-12-01, Tape 1, Side B, 43.4 - end, Tape 2, Side A, 0 - 8.0

CHAIRMAN FREBORG asked the committee to look at the proposed amendment from Senator Holmberg. (see attached to his testimony 10095.0301). There is also a proposed amendment from Fay Kopp (see attached to his testimony 1/29/01).

SENATOR KELSH moved to adopt Holmberg amendments. Seconded by SENATOR O'CONNELL. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Amendment adopted.

SENATOR COOK stated that he had a note from Fay Kopp that she had concerns over the Holmberg amendment. However, Senator Cook does not see a difference between the two. He stated that either amendment states the teacher has to be out of teaching for one year, and during that year, all they can do is substitute teach, and they have to return in the critical shortage area. More discussion on the two amendments.

SENATOR KELSH moved to reconsider the action on the Holmberg amendment.

Seconded by SENATOR COOK. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion carried.

SENATOR COOK moved to adopt the Fay Kopp amendment. Seconded by SENATOR KELSH. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

Page 4
Senate Education Committee
Bill/Resolution Number SB 2180
Hearing Date 01-24-01

SENATOR COOK stated that the bill would be better if we did not require that the employer to pay the assessment required by section 15-39.1-09. He feels that if a retired teacher goes back to work under this bill, the payment of the assessment will not make any difference to that teacher's retirement. All it will do is build up the TFFR fund.

SENATOR COOK moved to delete page 4, line 25 after "15-39.1-09," and all of line 26.

Seconded by SENATOR FLAKOLL. Roll Call Vote: 5 YES. 2 NO. 0 Absent.

Amendment Adopted.

SENATOR COOK moved a DO PASS as Amended. Seconded by SENATOR KELSH.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: SENATOR CHRISTENSON

FISCAL NOTE
 Requested by Legislative Council
 01/11/2001

Bill/Resolution No.: SB 2180

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.*

There should be no cost to the state for SB2180. Small actuarial cost, if any, will be funded through actuarial reserves in the trust fund.

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.*

NA

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.*

NA

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.*

NA

Name:	Fay Kopp	Agency:	ND Retirement & Investment Office
Phone Number:	328-9895	Date Prepared:	01/12/2001

10095.0301
Title.

Prepared by the Legislative Council staff for
Senator Holmberg
January 24, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2180

Page 4, line 23, remove "not" and replace "part-time" with "noncontractual substitute"

Renumber accordingly

Date: 2/12/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2180

Senate Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment 10095.0301

Motion Made By Sen Kelsh Seconded By Sen O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Reconsidered

Date: 2/12/01
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2180

Senate Education Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken reconsider action on adopt amend
10095.0301

Motion Made By Sen Kelsh Seconded By Sen Cook

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2180

Page 4, line 19, after "To return to" insert "teaching under this section, a retired teacher must: 1) return to teach in a critical shortage geographical area or subject discipline as determined by the education standards and practices board by rule; and 2) if retired after January 1, 2001, must have been receiving a retirement annuity for at least one year. A retired teacher may perform non-contracted substitute teaching duties, but may not engage in full or part-time teaching duties, during the one-year separation from service."

Page 4, delete lines 20-22.

Page 4, line 23, delete "teacher may not engage in part-time teaching during the one-year separation from service."

Renumber accordingly.

Date: 2/12/01
 Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2180

Senate Education Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment by Fay Kopp

Motion Made By Sen. Cook Seconded By Sen. Kelsh

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

