

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2263

2001 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2263

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2263

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date February 05, 2001.

Tape Number	Side A	Side B	Meter #
2	x		17.2 to end
		x	0 to 12.9
(2/07/01) 3	x		14 to 16
Committee Clerk Signature <i>David P. Runge</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on SB 2263 relating to the rights of organization and representation of state employees, collective bargaining negotiations between the state of ND and its employees, a state employment relations board, and public employment relations.

SENATOR CAROLYN NELSON, Distr. 21. Sponsor. Written testimony attached.

REP. ANDREW MARAGLIANO, Distr., 2 Cosponsor. Supports this bill.

REP. LONNY WINRICH, Distr., 18. Cosponsor. Supports this bill, urges do pass.

CHRIS RUNGE, Executive Director, ND Public Employees Assn. Written testimony attached including explanation of the bill section by section.

SENATOR D. MATHERN: We don't have a section 19.

C. RUNGE: I misnumbered.

SENATOR EVEKY: Who decides who the arbitrator will be?

C RUNGE: Both sides can choose from a list.

SENATOR ESPEGARD: What group of employees are we talking about?

C RUNGE: All state and higher education employees. Political subdivisions have their own bill on the house.

SENATOR TOLLEFSON: Arbitration is binding?

C RUNGE: Yes, since we are giving up the right to strike that the private sector has.

SENATOR ESPEGARD: Is this something employees have come up with or have you gone to them?

C RUNGE: Everyone that joins us knows our background is collective bargaining.

SENATOR ESPEGARD: You then represent about twenty percent of all the employees. Of about 11 thousand you have more or less three thousand?

C RUNGE: Yes.

SENATOR ESPEGARD: What do you mean when you speak of employees paid the same regardless of what office they work in?

C RUNGE: OMB takes a look at market rates by doing market tests. We would bargain wages and salaries. If there is an impasse: mediation, if after 15 days that doesn't work: mediation.

SENATOR ESPEGARD: If you get dues, why require state to pay this amount?

C RUNGE: State wants control over elections, bargaining units, etc. ... This is what we call death by fiscal note.

SEN. C NELSON: Regarding the fiscal note, its an over estimation. Compensation to board is based on too many hours. Alternate dispute resolution is a way to prevent going to the board and incur in legal expenses.

C RUNGE: Fiscal note is highly over inflated.

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Senate Industry, Business and Labor Committee

Bill/Resolution Number SB-~~2263~~ 2263

Hearing Date 02/05/01

DAVID KEMNITZ, NDAFL-CIO. Favor this bill.

SENATOR MUTCH: Do any states have collective bargaining?

DAVID KEMNITZ: Montana, Minnesota and South Dakota. South Dakota doesn't have binding arbitration.

SENATOR TOLLEFSON: Bill would allow expansion to other groups like teachers.

DAVID KEMNITZ: No, would apply only to state employees.

CHRISTOPHER DODSON, ND Catholic Conference. Favor this bill because it deals with social doctrines, all persons have a right to associate, organize and collectively bargain. It's a basic human right and to deny them this right is to commit an injustice.

SENATOR KREBSBACH: Does Catholic Church have collective bargaining for employees.

C DODSON : No but they are allowed to unionize. The employer can object to the union but cannot deny the employee the right to want to unionize.

KEN PURDY, OMB, Central Personnel. Does not think fiscal note is inflated. It is the same as the last biennium. These are estimates so they can be debated, figures were taken from the attorney general's rates.

SENATOR ESPEGARD: What would you bring to the employees?

C RUNGE: Choice in determining wages, leave , benefit levels, working conditions by negotiation with the employer.

SENATOR ESPEGARD: Wages are limited by the budget and they already have 100% insurance coverage.

C RUNGE: No objection to that, give the employees the option to choose to say no to us.

SENATOR ESPEGARD: According to the fiscal note the two salaried employees would be paid more than the insurance commissioner. Isn't that over inflated?

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Senate Industry, Business and Labor Committee

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Hearing Date 02/05/01

SENATOR KLEIN: Some employees get paid more than the elected officials do.

DAVID KEMNITZ: Why would this bill help employees. Example: Blue coveralls for highway workers. This would be dangerous for employees, they can bargain about that and about how many more employees have to be there with you when doing something that might be dangerous.

Hearing concluded.

2/07/02 Committee reconvened. Senator Klein absent. Discussion held.

SENATOR ESPEGARD: Motion do not pass. SENATOR KREBSBACH: Second.

Roll call vote: 4 yes; 2 no; 1 absent Floor carrier SENATOR TOLLEFSON.

FISCAL NOTE
 Requested by Legislative Council
 01/22/2001

Bill/Resolution No.: SB 2263

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						
Expenditures			\$749,467		\$786,940	
Appropriations						

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

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Compensation for 3 board members	\$25,308
Transcription of Unfair Labor Pr. Issues	7,440
Legal Services	150,300
Office of St. Employee Rel. Board	367,360
Contract Hearing Officers	12,800
Operating Expenses	124,259
Equipment	25,000
Agency Costs (representation elections, negotiations, mediation and arbitration)	<u>37,000</u>
Total 2001-03	\$749,940

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:	Ken Purdy	Agency:	OMB Central Personnel
Phone Number:	328-4739	Date Prepared:	01/26/2001

Date: Feb 07/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2263

Senate Industry, Business and Labor Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DWP

Motion Made By Sen Espgaard Seconded By Sen Krebsbach

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every		✓
Senator Klein - Vice Chairman	A		Senator Mathern		✓
Senator Espgaard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 4 No 2

Absent 1

Floor Assignment Sen Tollefson

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

REPORT OF STANDING COMMITTEE (410)
February 8, 2001 8:06 a.m.

Module No: SR-23-2648
Carrier: Tollefson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2263: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

SB 2263



NORTH DAKOTA SENATE

Senator Carolyn Nelson
District 21
1125 College Street
Fargo, ND 58102-3433

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

COMMITTEES:
Judiciary
Government and Veterans
Affairs

SB 2263

Senate Bill 2263 is a bill that establishes state policy which identifies collective bargaining as the best avenue for promoting harmonious employee/employer relationships while assuring the public that the functions of government will be uninterrupted. Let me, at the offset, make it clear that in my non-legislative life, I am a state employee employed by the Board of Higher Education.

I introduced SB 2263 for the North Dakota Public Employees Association, AFT Local 4660 of which I am also a member. This bill provides collective bargaining rights for state employees. Further, it proposes a process by which collective bargaining can occur between the state of North Dakota and its employees. Finally, it establishes a 3-member state employment relations board, appointed by the Governor and confirmed by the Senate, to oversee bargaining matters between employee organizations and state employees.

SB 2263 will allow all parties to be equally represented in deciding employment matters of wages, hours, terms and conditions of employment. It is important to solve problems with input from both employers and employees. SB 2263 formalizes a process for joint problem solving which can lead to better solutions for all parties.

A staff member of NDPEA will explain the various sections of SB 2263. I urge you to consider her arguments and give a "do pass" recommendation to SB 2263.

Thank you.



NORTH DAKOTA
PUBLIC EMPLOYEES ASSOCIATION

AMERICAN FEDERATION
OF TEACHERS LOCAL 4660 AFL-CIO



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TESTIMONY IN SUPPORT OF SB 2263

**Before the Senate Industry, Business and Labor Committee
North Dakota Public Employees Association, American Federation of Teachers, #4660
AFL-CIO
February 5, 2001**

Chairman Mutch, members of the Senate Industry, Business and Labor Committee, my name is Chris Runge and I am the Executive Director of the North Dakota Public Employees Association, AFT Local #4660. NDPEA supports SB 2263, a bill which would bring collective bargaining rights to state employees, a right now enjoyed by all other workers in the state of North Dakota.

But first, let me tell you what this bill does not do. This bill does not permit strikes. This bill does not repeal the right to work provisions of state law and this bill does not force the Legislature to spend more money outside the money appropriated by the Legislature. This bill does not take away the power of the Legislature to manage the resources of government nor does it place employers and employees in an adversarial position.

The right to association in the workplace is a right afforded to all workers in North Dakota except public employees and in this case, state employees. In a time where the governor and legislators tout the private sector as an example to us as public employees, it is only fair that the right to association in the workplace be included. Collective bargaining, quite simply, is a democratic process of determining wages, hours of work, and working conditions with our employer. Collective bargaining will

Quality Services from Quality People

Testimony

give public employees a real voice in the decisions that affect our jobs by allowing us to negotiate as equals with the state in determining our salary, benefits, and working conditions.

Collective bargaining for public employees is allowed in every state surrounding North Dakota and then some. Some of the most innovative and effective worker involvement programs in this country are in the organized workplace. If the state, as our employer, wants to empower employees, if you want employees to be involved in discussions on how to make government more efficient, more responsive and more customer driven, then it is necessary for you to allow the employees to vote for meaningful representation through the process outlined in SB 2263.

Today, the state employees are asking you to afford them the same workplace rights afforded to those in the private sector, federal employees and K-12 educators; the right to choose through free and open democratic elections whether to be represented by a labor organization in order to negotiate employment contracts. I challenge you to open government up to workers and apply the law of the land to state employees.

NDPEA supports SB 2263 and urges a DO PASS. You will find attached a section by section explanation of the bill and I would be more than willing to go through each and every section of the bill if the committee would like. Thank you for the opportunity to testify in support of collective bargaining rights for state employees and I am available to answer any questions you may have.

