

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/23/2016**

Amendment to: SB 2059

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
<b>Counties</b>	\$0	\$0	\$0
<b>Cities</b>	\$0	\$0	\$0
<b>School Districts</b>	\$0	\$0	\$0
<b>Townships</b>	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The Section 1 amendment in SB 2059 requires that another member be added to the committee that reviews nominations for the North Dakota Teacher of the Year award. The new member must be a representative of the North Dakota Congress of Parents and Teachers. The amendment has minimal fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The impact of an additional member to this committee is minimal and can be easily accounted for in the existing NDDPI budget.

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.*

This bill has a zero fiscal impact on state revenue.

- 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.*

Any additional expenditures can be accounted for in the existing NDDPI budget.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No additional appropriation is required.

**Name:** Robert Marthaller

**Agency:** ND Dept of Public Instruction

**Telephone:** 701-328-2267

**Date Prepared:** 12/28/2016

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/23/2016**

Bill/Resolution No.: SB 2059

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- 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.*

Any additional expenditures can be accounted for in the existing NDDPI budget.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No additional appropriation is required.

**Name:** Robert Marthaller

**Agency:** ND Dept of Public Instruction

**Telephone:** 701-328-2267

**Date Prepared:** 12/28/2016

2017 SENATE EDUCATION

SB 2059

# 2017 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2059  
1/4/2017  
Job # 26527

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Sandra Baumgartner*

## Explanation or reason for introduction of bill/resolution:

North Dakota Teacher of the Year Award

## Minutes:

# 1, #2, #3

**Chairman Schaible:** Welcome. Open hearing for SB 2059

Rep. Bosch: Testifies as sponsor of bill. See attachment #1

**Chairman Schaible:** Any questions?

Senator Rust: As I understand it, this is a "must" and not permissive for person to be on the committee.

Rep. Bosch: I don't understand the question.

Senator Rust: When I look at this it states it "must" consist of a person be on the committee. It is not a permissive thing. Right?

Representative Bosch: That is correct.

**Chairman Schaible:** How many districts have PTA's in the state?

Representative Bosch: Chairman, I don't know the answer to that. I defer that to Patricia for the answer to that.

**Chairman Schaible:** Any other questions?

Senator Kannianen: I was just wondering about changing the committee persons to more of an open-ended number.

Representative Bosch: It is a good point. It is an even number and the committee will have to establish what they would do in a tie. If there would be co-award winners. It does now move it from a committee of 7 to a committee of 8.

Senator Kannianen: From what I read it says it "shall appoint a committee". It crosses out 8-member committee and says "a committee" which leaves it an open-ended number.

Representative Bosch: Yes, it does not say what the number is from reading that, so it looks like an open-ended number and not an exact number. Although when you look at the number, before the committee had 7, why it said 8, when it was only 7 represented in the original bill.

**Chairman Schaible:** So now that that is crossed out, they could have 15 members on the committee, but these 7 would have to be on there.

Representative Bosch: Yes, that was the intent.

**Chairman Schaible:** Any other questions? Other testimony?

Patricia Laubach, Program Administrator with the DPI provides testimony in favor of bill 2059. See attachment #2. I am available to address any questions from the committee.

**Chairman Schaible:** They attempt to take out the number 8, so the committee could be a lot larger if they want to be?

Patricia Laubach: I believe that any additional number would go through the legislative process to add another number. Why the number 8 was taken out. I really could not respond to that. Our department did not take it out.

**Chairman Schaible:** If they attempt to take out the 8, the DPI could appoint a committee as large as they want, but they have to have to include these people.

Patricia Laubach: It appears that it could be interpreted that way.

**Chairman Schaible:** Is that what the intention was?

Patricia Laubach: I am not sure. Are you one of the bill sponsors?

Senator Oban: I am, and so is Chairman Schaible and Senator Rust. We should just probably check with the bill sponsor.

Patricia Laubach. Yes, I would suggest that too.

**Chairman Schaible:** Yes, I just want to understand if that is the intent of what we want. Regardless, if the department decides that it wants a much larger committee, it would still have to be absorbed by this line item and something in their budget, and I am sure that they realize that. But the intent is to have the parents and teachers. Any other questions? Thank you. Any other discussion in favor of this bill?

John Martinson: Mr. Chairman and members of the committee: I am with the ND School Board Assoc. We support this bill. In talking with Ms. Laubach the other day about this change, there is a couple things that is interesting to point out. Including the ND Congress of Parent and Teachers had a representative on the National Teacher of the Year selection committee. So ND would then parallel that. She also reminded me, I have been a member for many years, this organization used to have a representative on the selection committee. When we changed the composition of the committee they got left out. Any maybe that wasn't the thing to do. Lastly, I would like to point out. I do like the idea of indicating in statute, a specific number of committee members, so that is identified. That is a good idea if that number is 8, great! Then it's 8. One other comment about the even number as opposed to the odd number of people, having served on the committee, it is a very cordial, very fun committee to serve on. I don't think you should be so concerned with having an even or odd number on the committee. Have any questions? Thank you Mr. Chairman.

**Chairman Schaible:** Any other questions or testimony in favor of?

Amy Arness: Past President of ND PTA. Testifies in favor of SB2059. See attachment #3.

Senator Oban: You mentioned that you previously did have representation on the selection process. Do you know why or when that was removed?

Amy Arness: No, that was before my time. I know that Patricia was involved then, but we really don't know why. It was previously done before I came on board 15 years ago.

Senator Oban: Okay. I believe someone had asked previously how many PTA's are active in the state congress? Is that what it is referred as?

Amy Arness. Yes, the legal name. We have about 5000 members right now. The units are concentrated in Fargo and Minot. We then also have independent units. They then have councils, so city councils, another layer, ability to educate and train the executive board so they know how to run a board. There are many programs developed nationally that are available to them. We are also yielding questions from schools that are asking for more information. There are a lot of schools that think they are a PTA, but they are not. They are a PTO. Which is an individual entity. With a PTA, you are tied into a state organization, where we put on a state convention. We provide trainings and also have a national organization. We have an office in Washington, D.C. with advocates go to the hill. We have been working on a law for years. I have been to D.C for 5 years in a row knocking on the door making sure it goes through.

**Chairman Schaible:** Do you have any idea how many PTA's or PTO's service districts in ND?

Amy Arness: I am thinking about 60. So all the schools in Fargo are PTA schools and most of them in Minot. Like any volunteer organization we work to keep our membership and our relevancy and strength.

Senator Rust: Am I correct in assuming, PTO's would not be a part of line item H?

Amy Arness. Correct, you would have to contact every single PTO in order to have communication because they do not have an organization. So that is often why PTA's are often approached for pilot projects because we do have an organization.

Senator Rust: So at this time the representative would come from Fargo or Minot schools?

Amy Arness: Our state board consists of Fargo, Minot, and Central Cass.

Senator Rust: So it would come from 3 schools?

Amy Arness. But they are eligible to serve on the state board.

Senator Rust: But currently it would be 3 areas.

**Chairman Schaible:** Any other testimony in favor of? Any testimony in opposition? If not hearing is closed. We will have to check with the sponsor on the number and see what was his intention was.

Senator Oban: I just want to note, obviously, in the previously SB 2030, we discussed at 9AM, included updating the reference in section 1 line 18 to the ND Edu. Assoc. We should update that to ND United regardless, because if 2030 would not pass, we still want the correct reflection of the current association. Don't we? I would think. Which leads me to then want to discuss other things. It is my understanding, that serving on the committee. John, have you served on this committee for the School Board Assoc.? It is not actually a school board member serving on this committee. It is you, a representative of. So we want to make sure that the language in SB 2030 recognizes it as actually a staff member of ND United and not a teacher member. Just something to add.

Senator Rust: 2059, Section E, says representative of ND Ed. Assoc. we may want to change that. Is that what you're saying?

**Chairman Schaible:** That is what she is saying?

Senator Rust: Thank you.

**Chairman Schaible:** We will do some research on this and come back to it. If nothing else, we will be back at 1 o'clock.

# 2017 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Sheyenne River Room, State Capitol

SB2059  
1/10/2017  
Job Number 26752

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Sandra Baumgartner*

## Explanation or reason for introduction of bill/resolution:

Relating to the North Dakota Teacher of the Year

## Minutes:

#1

**Chairman Schaible:** I think everyone has the memo. Would you like to explain it?

Senator Oban: Certainly. See attachment #1

**Chairman Schaible:** For discussion purposes. What does everyone think about leaving an 8-person board or committee? Any objections to that? It would be a maximum of 8 also. It is the way it was before.

Senator Oban: That is correct. For some reason it had 8 in there, although without the bill, itself was actually 7. So I don't know why it said 8 members in there if there were only 7 names represented on the committee. I did have a discussion with the bill's prime sponsor and he didn't have an opinion one way or other, but would understand why we would want to limit it to 8.

Senator Rust: I will vote in favor of the amendment. However, I do have some concerns with the bill. So when we get to that in point of time. I just want people to know, I would like to express those when we get there.

**Chairman Schaible:** We don't have motion on the bill so go ahead and speak toward the bill.

Senator Rust: Mine happens to be with a representative of North Dakota congress of parents and teachers. I am very much in favor of parents and teachers having organizations and conferring. I believe that in a school setting it is imperative to have those. However, when I look at the representatives, Line 21, and when I ask the lady that was here. She said there were 3 school districts that have PTA's. She named them as Fargo, Minot and Central Cass. This has all the appearance of these 3 schools probably having a distinctive advantage, should someone from that committee being a finalist. I would have no problem at all voting for it, but only with 3 schools out of 170 plus. More than likely the people will do the right thing. But, it does have an appearance in something that a person would say, "No wonder why a person from Minot got it, they has an extra person lobbying for them." I not sure I am ready for that to happen.

Senator Oban: I think it is a fair concern in learning how many schools are actually a part of this specific organization. If this was more broadly written as a member of a PTO, that would be different.

**Chairman Schaible:** Even if you include PTA's and PTO's, it is still only less than half of the school districts. Those are like 2 separate groups. One isn't really organized. It is local. I kind of agree with Senator Rust. I think if it is not representing the majority of our school districts, I am inclined not to go along with it either. Do we want to fix it?

Senator Rust: How do we fix it? If most PTO's are local organizations that don't communicate with one another. How do you get a representative from PTO's on there? I think in a heartbeat, if there was a way to include PTO's on there I would be in favor of it. But right now I don't know of a way to fix it.

**Chairman Schaible:** Is there a motion somewhere in there?

Senator rust: I move it Do Not Pass on SB 2059.

Chairman Schaible: There is a motion. Is there a 2<sup>nd</sup>?

Senator Kannianen: Second

**Chairman Schaible:** We have a motion and a second for a Do Not Pass. Any other discussion?

Like I said, in committee work we are voting this as a Do Not Pass, but we still have an obligation to clean up the language the best we can so if the majority of the people in the Senate differ from our view that we still send the best bill that we can. We don't always have to do that but, we need to consider that with every bill. Do we want to make the amendments that were offered, to put it in the best shape, if it would pass? I just ask you that question.

Senator Oban: We would likely have to have Senator Rust resend the motion in order to amend the bill.

**Chairman Schaible:** Yes, we would.

Senator Oban: I was going to raise the same question of whether or not we should attach the amendment I brought forward in case the Senate would go against the committee recommendation.

Senator Rust: Can I amend the PASS motion?

**Chairman Schaible:** Absolutely.

Senator Rust: I could just amend the motion.

**Chairman Schaible:** You have to resend the motion, because we have to amend the bill.

Senator Rust: I take back my motion, temporarily

**Chairman Schaible:** Is that okay with the second?

Senator Oban: I would move amendment 17.0341.01001, as was handed out earlies.

**Chairman Schaible:** We motion to amend. Is there a second?

Senator Rust: Second

**Chairman Schaible:** Motion and second to amend SB 2059 with the amendment. Is there any discussion? Amendment leaves the number 8. And cleans up the name to ND United. I ask for a roll Call vote: 5 yes. 0 no. 1 absent. Amendment has passed. Is there a motion?

Senator Rust: I move it does not pass on the amended version of SB 2059.

Senator Kannianen: Seconded

**Chairman Schaible:** Is there any discussion? Seeing none. Roll call vote.

5 Yes, 0 no 1 absent

**Chairman Schaible:** Senator Rust will be the carrier.

Senator Rust: Then what happens is this bill gets put on the calendar in the 6<sup>th</sup> order on one day. And the next day in the 12<sup>th</sup> order. Does one make a statement on the 6<sup>th</sup> order that the group voted to kill it?

**Chairman Schaible:** My opinion is it is the job of the carrier to explain the bill and the action that was taken. Even with a Do Not Pass, we thought it needed some clean-up language to make it a better bill.

Then you can reaffirm that the next day when you speak about the bill.

Senator Oban: Do you know at what point we start rolling immediately over from the 6<sup>th</sup> to the 11? Or is it just because it is early in the session?

**Chairman Schaible:** It is quite a bit later when they want to pass bills over or start signing conference committees. It is when you start feeling the pressure or you could even send bills over before cross-over. That's when you start doing that stuff.

I have card for Senator Davison that is being passed around.

We do have a bill hearing here at 9:30 tomorrow morning. We only have one more so far for next week. Anything else.

**Chairman Schaible:** Closed meeting.

January 10, 2017

ET  
1-10-17  
PS 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2059

Page 1, line 10, remove the overstrike over "~~an eight member~~"

Page 1, line 10, remove "a"

Page 1, line 18, overstrike "the"

Page 1, line 18, overstrike "education association" and insert immediately thereafter "united"

Renumber accordingly

Date: 1-10-17  
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2059

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 17.0341.01001

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐

Motion Made By Oban Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	ab				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Rust

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

Date: 1-10-17  
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2059

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 17.0341.01001

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐

Motion Made By Rust Seconded By Kannianen

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	ab				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Rust

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

**REPORT OF STANDING COMMITTEE**

**SB 2059: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2059 was placed on the Sixth order on the calendar.

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Renumber accordingly

2017 TESTIMONY

SB 2059

1-4-205-9  
SB  
H 1

## Senate Bill (SB) 2059 Testimony

Chairman Schaible and Education committee members, my name is Glenn Bosch and I represent District 30 in the House of Representatives.

I'm here to introduce and ask for your support for SB 2059. This bill adds a representative from the North Dakota Parent Teachers Association (PTA) to the North Dakota Teacher of the Year nominating committee which is appointed by the Superintendent of Public Instruction.

The PTA has a long history of addressing issues that are important to parents and public schools through communication, volunteering and fundraising for local projects. I believe adding them to the nominating committee for the North Dakota Teacher of the Year award is important recognition of their hard work and valued contributions to our education system.

I ask for your support in passing SB 2059 and would be happy to answer any questions.

Rep. Glenn Bosch, District 30

SB 2059  
1-4-17  
#2

**TESTIMONY ON SB 2059**  
**SENATE EDUCATION COMMITTEE**  
**January 4, 2017**  
**Patricia Laubach, Program Administrator**  
**North Dakota Department of Public Instruction**  
**plaubach@nd.gov**  
**701-328-4525**

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Mr. Chairman and Members of the House Education Committee:

I am Patricia Laubach, Program Administrator within the North Dakota Department of Public Instruction, and I represent the Department and its support for SB 2059, which amends current state statute defining the membership of the state Teacher of the Year Selection Committee.

SB 2059 provides for the addition of a new selection committee member, representing the interests of the North Dakota Congress of Parents and Teachers. The addition of a Congress of Parents and Teachers representative appropriately recognizes and includes the voice of parents in the selection process, which the Department acknowledges as a critical voice in the interests of students and wider communities statewide.

The Department has also submitted a fiscal note for SB 2059, which stipulates that any costs associated with an additional member to the selection committee, consisting of basic travel and per diem expenses, can be absorbed by the program's current overall administrative costs, approximating \$10,000. No additional appropriation is sought by the Department.

The state has a long-standing practice of recognizing the many services and sacrifices provided by our teachers on behalf of our students statewide, and has instituted the North Dakota Teacher of the Year program as a formal acknowledgement of the service of teaching. Including the voices of parents in this recognition marks a meaningful enhancement to the state's efforts. The Department of Public Instruction supports this recognition and respectfully recommends a Do Pass on SB 2059.

Mr. Chairman, this completes my testimony. I am available to address any questions from the Committee. Thank you.

L4-17  
SB 2059  
#3

January 4, 2017

Chairman Schaible and Education committee members:

My name is Amy Arness. I am the Immediate Past President of North Dakota PTA and presently I serve as the Federal Legislative Chair. I am here in support of Senate Bill #2059.

This is my 15<sup>th</sup> year of service on the State Board, 19<sup>th</sup> year of Membership and involvement in multiple Local, City, State and National capacities. North Dakota PTA has a 102 year history in this state and has been the longest and largest child-advocacy organization. Our purpose is, *To make every child's potential a reality by engaging and empowering families and communities to advocate for all children"*

National PTA has representation on the selection committee for the National Teacher of the Year, and a great number of State PTA's are part of their state's selection process. After some research, I found that North Dakota PTA did have representation in the selection process in the past. Therefore, I approached my home District 41 Senator Kyle Davison about putting forth a bill reinstating NDPTA to the Selection committee. He was very supportive of this, as well as Superintendent Baesler, and personnel at the Department of Public Instruction.

We believe this is a mutually beneficial decision that will help fulfill the desired Family Engagement for our state, and give our Association the opportunity to represent Every Child with One Voice.

I hope that you will support this Bill and I am asking for your 'yes' Vote on the Bill.

*EveryChild, OneVoice*

Amy Arness  
Immediate Past President & Legislative Chair  
North Dakota PTA  
H 701.232.2825  
C 701.238.7023

#1

1-10-17

17.0341.01001  
Title.

Prepared by the Legislative Council staff for  
Senator Oban

January 4, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2059

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