

IN THE SENATE

SENATE BILL NO. 1147

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1275, IDAHO CODE, TO REMOVE LAN-
2 GUAGE RELATING TO FACT-FINDERS, APPOINTMENT AND HEARINGS, TO ESTABLISH
3 PROVISIONS RELATING TO TERMS OF AGREEMENTS, TO PROVIDE THAT AGREEMENTS
4 SHALL HAVE A ONE YEAR DURATION, TO ESTABLISH PROVISIONS RELATING TO LIM-
5 ITATIONS ON THE PARTIES' AUTHORITY, TO ESTABLISH PROVISIONS RELATING
6 TO CERTAIN AGREEMENTS HAVING A NONROLLING TWO YEAR DURATION, TO ESTAB-
7 LISH PROVISIONS RELATING TO WHAT A FINANCIAL TERM INCLUDES AND TO DE-
8 FINE TERMS; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION
9 OF A NEW SECTION 33-1275, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING
10 TO FACT-FINDERS, CERTAIN HEARINGS AND A REPORT; DECLARING AN EMERGENCY,
11 PROVIDING RETROACTIVE APPLICATION, PROVIDING A SUNSET DATE AND PROVID-
12 ING EFFECTIVE DATES.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 33-1275, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-1275. ~~FACT-FINDERS -- APPOINTMENT -- HEARINGS~~ TERMS OF AGREE-
18 MENTS. ~~1.If mediation fails to bring agreement on all negotiable issues, the~~
19 ~~issues which remain in dispute may be submitted to fact-finding by request~~
20 ~~of either party. One or more fact-finders shall be appointed by the parties~~
21 ~~by mutual agreement. If such agreement cannot be reached within thirty~~
22 ~~(30) days of the request for such appointment, the state superintendent of~~
23 ~~public instruction shall make such appointment. The fact-finder shall have~~
24 ~~authority to establish procedural rules, conduct investigations and hold~~
25 ~~hearings during which each party to the dispute shall be given an opportunity~~
26 ~~to present its case with supporting evidence.~~

27 2. ~~Within thirty (30) days following designation of the fact-finder,~~
28 ~~he shall submit a report in writing to the respective representatives of the~~
29 ~~board and the professional employees, setting forth findings of fact and~~
30 ~~recommendations on the issues submitted~~

31 (1) All agreements, by any name or title, entered into pursuant to the
32 provisions of this act, shall have a one (1) year duration of July 1 through
33 June 30 of the ensuing fiscal year. The parties shall not have the authority
34 to enter into any agreement negotiated under the provisions of this act that
35 has any term that allows for such agreement or any provision of such agree-
36 ment to be in any force or effect for multiple years or indefinitely, or oth-
37 erwise does not expire on its own terms on or before June 30 of the ensuing
38 fiscal year.

39 (2) Notwithstanding the provisions of subsection (1) of this section,
40 upon mutual ratification, any item not defined in subsection (3) of this sec-
41 tion of any agreement entered into pursuant to this act may have a nonrolling
42 two (2) year duration with a designated start date and end date. A second

1 year term for any item not defined in subsection (3) of this section cannot be
2 added, automatically or by mutual consent, back into the agreement after the
3 expiration of the first year but rather may be addressed by the parties at the
4 expiration of the end date of the two (2) year term. For the purpose of this
5 section, a financial term shall include, but not necessarily be limited to,
6 employee salary, employee insurance benefits or any other term that has a di-
7 rect or indirect economic cost to the district.

8 (3) For purposes of this section, "compensation" means salary and ben-
9 efits for professional employees. "Benefits" means employee insurance,
10 leave time and sick leave benefits.

11 SECTION 2. That Chapter 12, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 33-1275, Idaho Code, and to read as follows:

14 33-1275. FACT-FINDERS -- APPOINTMENT -- HEARINGS. (1) If mediation
15 fails to bring agreement on all negotiable issues, the issues which remain in
16 dispute may be submitted to fact-finding by request of either party. One (1)
17 or more fact-finders shall be appointed by the parties by mutual agreement.
18 If such agreement cannot be reached within thirty (30) days of the request
19 for such appointment, the state superintendent of public instruction shall
20 make such appointment. The fact-finder shall have authority to establish
21 procedural rules, conduct investigations and hold hearings during which
22 each party to the dispute shall be given an opportunity to present its case
23 with supporting evidence.

24 (2) Within thirty (30) days following designation of the fact-finder,
25 he shall submit a report in writing to the respective representatives of the
26 board and the professional employees, setting forth findings of fact and
27 recommendations on the issues submitted.

28 SECTION 3. An emergency existing therefor, which emergency is hereby
29 declared to exist, Section 1 of this act shall be in full force and effect
30 on and after passage and approval, and retroactively to November 21, 2012.
31 The provisions of Section 1 of this act shall be null, void and of no force
32 and effect on and after July 1, 2014. The provisions of Section 2 of this act
33 shall be in full force and effect on and after July 1, 2014.