

MINUTES

Committee on State and Local Affairs

Room 526 State Capitol Building

All members present except Senators Ball, Herd and Saar

House Bill No. 1623 On a motion by Senator West, seconded by Senator Thomas, it was voted to recommend the bill for passage.

House Bill No. 1958 On a motion by Senator Hinchey, seconded by Senator Pomeroy it was voted to amend the bill by striking all of line 7 page 143 after the word "annum" and inserting in lieu thereof a period and by striking all of lines 8 and 9. On a motion by Senator Pomeroy, seconded by Senator Thomas, it was voted to amend by striking the comma on page 137, line 15 and the first two word of line 16. On a motion by Senator Pomeroy, seconded by Senator Thomas, it was voted to recommend the bill favorable for passage as amended.

House Bill No. 1713 Senator Gaar explained that this bill is covered under S.B. 1958 and therefore is unnecessary. On a motion by Senator West, seconded by Senator Shultz, it was voted to recommend that the bill not be passed.

House Bill No 1466 On a motion by Senator Pomeroy, seconded by Senator Thomas it was voted to strike all of section one and re number the remaining sections accordingly and adjusting the title. On a motion by Senator Pomeroy, seconded by Senator Shultz, it was voted to change the 1968 Supp in the title to 1969 Supp and wherever it appears in the bill. On a motion by Senator Pomeroy, seconded by Senator West, it was voted to amend page 2, line 27, by reinstating "or corporation". On a motion by Senator West, seconded by Senator Thomas, it was voted to amend the bill on page 7, line 2 by striking "pattern or". On a motion by Senator Pomeroy, seconded by Senator West, it was voted to place two additional members on the board. One with a real estate background, and one member at large. On a motion by Senator Pomeroy, seconded by Senator West, it was voted to strike "commission or the" on page 6, line 31. On a motion by Senator Saar, seconded by Senator Hinchey, it was voted to require that all members of the commission be subject to the advice and consent of the Senate. Senator Thomas voting no. On a motion by Senator Thomas, seconded by Senator Pomeroy, it was voted to amend page 10, line 26, by striking the word personnel and inserting the word employee and also by inserting "without a valid business motive. No further action was taken.

House Bill No. 1810 On motion by Senator Hinchey, seconded
by Senator Thomas, it was voted to recommend the bill favorable
for passage to the full Senate

Adjournment.

Respectfully submitted,



Charlotte Olander
Recording Secretary


Chairman

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on State and Local Affairs

Recommends that HOUSE BILL NO. 1647 (As Amended by House Committee of the Whole)

"An Act concerning public schools and community junior colleges; collective negotiation and conferences concerning terms and conditions of employment; amending K. S. A. 72-5411 and repealing the existing section."

Be amended:

On page 1, in line 15, by striking all after "capacity;
in line 16, by striking all before the period;

On page 6, in line 26, by striking all before "prior";
and by striking all of lines 30 and 31;

On page 7, by striking all of lines 1 and 2 and inserting in lieu thereof the following: "Nothing in this act shall be construed to authorize a strike by professional employees."; also on page 7, following line 7, by inserting three new sections as follows:

"Sec. 12. (a) There is hereby created within the state department of education the professional employee relations commission hereinafter sometimes referred to as the commission, which shall consist of three (3) members who shall be appointed by the governor, with the approval of the state board of education. One (1) of the original members shall be appointed for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years. Their successors shall be appointed for terms of three (3) years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one (1) member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and two (2) members of the commission shall at all times constitute a quorum.

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"(c) Members of the commission shall, when performing commission business, receive compensation at the rate of twenty-five dollars (\$25) per day, together with an allowance for actual and necessary travel and subsistence expenses when performing commission business away from their places of residence. The commission shall appoint an executive director and shall employ such other person as it may from time to time find necessary for the proper performance of its functions and as shall be provided for by appropriations of the legislature.

"(d) The commission shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions and effectuate the purposes and policies of this act and is expressly empowered and directed to prevent any person from engaging in conduct violative of this act. The commission shall also have the authority and power to hold hearings, subpoena witnesses, administer oaths, take the testimony or deposition of any person under oath and in connection therewith, to issue subpoena duces tecum, to require the production and examination of any governmental or other books or papers relating to any matter pending before it and to take other action as may be necessary to discharge its responsibilities.

enforce "Sec. 13. (a) Either a board of education or the ~~representative~~ *org* selected or designated pursuant to the provisions of this act may declare that an impasse has been reached between the parties in negotiation over the terms and conditions of professional service and may request the professional employee relations commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy, ~~on terms which are mutually acceptable.~~ If the commission determines that an impasse exists, it shall, within five (5) days after the receipt of such request, appoint a mediator in accordance with the rules and procedures for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve

their differences and effect a mutually acceptable agreement:

Provided, That the mediator shall not, without the consent of both parties make findings of fact or recommend terms of settlement.

The services of the mediator, including, if any, per diem expenses, and actual necessary travel and subsistence expenses, shall be provided without cost to the parties.

"(b) If the mediator is unable to obtain agreement in any controversy within fifteen (15) days after his appointment, either party may, by written notification to the other, request that their differences be submitted to advisory arbitration. Within five (5) days after receipt of the aforesaid written request, the parties shall select a person to serve as arbitrator and obtain a commitment from said person to serve. If they are unable to agree upon an arbitrator and/or to obtain such commitment within said time, either party may request the professional employee relations commission to designate an arbitrator. The commission shall, within five (5) days after receipt of such request, designate an arbitrator in accordance with rules and procedures for such designation prescribed by the commission. The arbitrator so designated shall not, without the consent of both parties, be the same person who was appointed mediator pursuant to subsection (a) of this section.

"(c) The arbitrator shall, within ten (10) days after his appointment, meet with the parties or their representatives or both, forthwith, either jointly or separately, make inquiries and investigations, hold hearings, and shall take such other steps as he deem appropriate. For the purpose of such hearings, investigations and inquiries, the arbitrator shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and/or the production of evidence. The several departments, commissions, divisions, authorities, boards, bureaus, agencies and officers of the state or any political subdivisions or agency thereof, including any board of education, shall furnish the arbitrator, upon his request,

all records, papers and information in their possession relating to any matter under investigation by or in issue before the arbitrator. If the dispute is not settled prior thereto, the arbitrator shall make findings of fact and recommend terms of settlement, which recommendations shall be advisory only, and shall be made within thirty (30) days after his appointment. Any findings of fact and/or recommended terms of settlement shall be submitted in writing to the parties. The arbitrator may, in his discretion, make such findings and recommendations public, and either the board of education or the professional employees' representative may make such findings and recommendations public if no agreement is reached within ten (10) days after their receipt from the arbitrator. The costs of the services of the arbitrator, including per diem expenses, if any, and actual and necessary travel and subsistence expenses, shall be borne equally by the board of education and the professional employees' representative.

"Sec. 14. (a) A board of education and a representative selected or designated pursuant to the provisions of this act who enter into an agreement covering terms and conditions of professional service may include in such agreement procedures for final and binding arbitration of such disputes as may arise involving the interpretation, application or violation of such agreement, ~~or of established policy or practice of such board of education affecting terms and conditions of professional service.~~

"(b) In the event that such agreement does not include procedures of the type provided for in subsection (a) of this section, either party to the agreement may submit such disputes to final and binding arbitration pursuant to rules and procedures prescribed for such purpose by the professional employee relations commission.

"(c) Where a party to such agreement is aggrieved by the failure, neglect or refusal of the other party to proceed to arbitration in the manner provided for in such agreement or pursuant to subsection (b) of this section, such aggrieved party may file a complaint in court for a summary action without jury seeking an order directing that the arbitration proceed in the manner provided for in such agreement or pursuant to subsection (b) of this section." ;

And by renumbering original sections 12, 13 and 14 as sections 15, 16 and 17, respectively;

On page 1, in the title, in line 3, following the semicolon by inserting the following: "making impasse and arbitration provisions;"

And the bill be passed as amended.

Chairman