

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2326

As Amended by House Committee of the Whole

Brief*

HB 2326, as amended, would revise the Professional Negotiations Act (PNA) to provide that upon entering negotiations, the parties must negotiate compensation of professional employees, which the bill would define as salary and wages, supplemental contract salaries, and overtime pay. Further, each party could select up to five additional terms and conditions of professional service from among those listed in the PNA's definition of "terms and conditions of professional service." All other items included in the definition would be permissive topics for negotiation if the parties mutually agreed to discuss them. These provisions would not apply to the negotiations of a first-time agreement between a board of education and professional employees' organization.

The bill would require the individuals selected to conduct negotiations by the board of education and the professional employees' organization to complete training on conducting negotiations each year. The content and format of this training would be determined by the respective party each individual represents in negotiations.

Finally, the bill would change the deadline for filing notice to negotiate on new items or to amend an existing contract from February 1 to March 31 and the "statutory declaration of impasse date" from June 1 to July 31.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

At the House Committee hearing, a representative of the Kansas Policy Institute spoke in favor of the bill, stating the legislation would provide freedom to individual teachers to negotiate the terms and conditions of professional service. Two members of the State Board of Education, expressing their individual opinions and not a policy position of the State Board, stated the bill would give schools more flexibility when hiring qualified persons to teach science and mathematics.

A representative, on the behalf of Kansas Association of School Boards, the Kansas National Education Association, the United School Administrators of Kansas, and the Kansas School Superintendents Association, spoke in opposition to the bill, stating all four organizations agreed two years ago to work on means to reform the Professional Negotiations Act. As a result of discussions between stakeholders, legislation was introduced in both chambers this year, SB 136 and HB 2257. Concern was expressed HB 2326 could lead to complicating the negotiation process if multiple teachers negotiated individually. The bill, according to the testimony, could limit local control and flexibility by disallowing parties from negotiating matters which were mutually agreed upon. A representative of the American Federation of Teachers—Kansas spoke in opposition to the bill, stating downward pressure could be placed on teacher pay and benefits.

The House Committee on Commerce, Labor and Economic Development amended the bill to delay the effective date until July 1, 2016.

The House Committee of the Whole amended the bill by striking its contents and inserting the language found in HB 2257.

The fiscal note prepared by the Division of the Budget may not reflect the fiscal effect of the bill, as currently amended. The fiscal note prepared by the Division of the Budget for HB 2257 indicates there would be no fiscal effect on state revenues or expenditures.