

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 260

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1274, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MEDIATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1274A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO REQUIREMENTS WHEN PARTIES TO NEGOTIATIONS REACH AGREEMENT AND TO ESTABLISH PROVISIONS RELATING TO THE FAILURE TO RATIFY A CERTAIN AGREEMENT; REPEALING SECTION 33-1274, IDAHO CODE, RELATING TO APPOINTMENT OF MEDIATORS AND COMPENSATION; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1274, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE APPOINTMENT OF MEDIATORS IN THE EVENT PARTIES ARE NOT ABLE TO COME TO AN AGREEMENT AND TO ESTABLISH PROVISIONS RELATING TO COMPENSATION; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-1274, Idaho Code, be, and the same is hereby amended to read as follows:

33-1274. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the parties in negotiations are not able to come to an agreement upon items submitted for negotiations under a negotiations agreement between the parties, one (1) or more mediators may be appointed. The issue or issues in dispute shall be submitted to mediation at the request of either party in an effort to induce the representatives of the board and the local education organization to resolve the conflict. The procedures for appointment of and compensation for the mediators shall be determined by both parties and, if requested, mediation shall occur to be completed prior to the deadline identified in section 33-1274A, Idaho Code.

SECTION 2. That Chapter 12, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1274A, Idaho Code, and to read as follows:

33-1274A. PROCEDURES UPON AGREEMENT. (1) In the event the parties to negotiations reach agreement upon matters subject to negotiations as specified in a negotiations agreement any time on or before June 10, such agreement shall be reduced to writing by the parties. Such written agreement shall be offered for possible ratification by the local education organization on or before June 15. If such written agreement is approved and ratified by the local education organization on or before June 15, it shall thereafter be offered to the board of trustees for possible ratification at a public board meeting held on or before June 22. The dates of June 10, June 15 and

1 June 22 are not arbitrary dates and cannot be moved by agreement between the
2 parties.

3 (2) Should the local education association or the board of trustees
4 fail to ratify the written agreement as provided for in this section, the
5 board of trustees shall for the ensuing school year operate under the terms
6 of the district's last best offer at negotiations and shall not otherwise be
7 controlled by the terms that failed ratification for professional employees
8 as provided for in section 33-1274, Idaho Code.

9 SECTION 3. That Section [33-1274](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 4. 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 33-1274, Idaho Code, and to read as follows:

14 33-1274. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the
15 parties in negotiations are not able to come to an agreement upon items sub-
16 mitted for negotiations under a negotiations agreement between the parties,
17 one (1) or more mediators may be appointed. The issue or issues in dispute
18 shall be submitted to mediation at the request of either party in an effort to
19 induce the representatives of the board and the local education organization
20 to resolve the conflict. The procedures for appointment of and compensation
21 for the mediators shall be determined by both parties.

22 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared
23 to be severable and if any provision of this act or the application of such
24 provision to any person or circumstance is declared invalid for any reason,
25 such declaration shall not affect the validity of the remaining portions of
26 this act.

27 SECTION 6. An emergency existing therefor, which emergency is hereby
28 declared to exist, Sections 1, 2 and 5 of this act shall be in full force and
29 effect on and after passage and approval. The provisions of Section 2 of this
30 act shall be null, void and of no force and effect on and after July 1, 2014.
31 Sections 3 and 4 of this act shall be in full force and effect on and after
32 July 1, 2014.