

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 260

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1274, IDAHO CODE, TO REVISE  
2 PROVISIONS RELATING TO MEDIATION AND TO MAKE A TECHNICAL CORRECTION;  
3 AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW  
4 SECTION 33-1274A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO  
5 REQUIREMENTS WHEN PARTIES TO NEGOTIATIONS REACH AGREEMENT AND TO ESTAB-  
6 LISH PROVISIONS RELATING TO THE FAILURE TO RATIFY A CERTAIN AGREEMENT;  
7 REPEALING SECTION 33-1274, IDAHO CODE, RELATING TO APPOINTMENT OF ME-  
8 DIATORS AND COMPENSATION; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY  
9 THE ADDITION OF A NEW SECTION 33-1274, IDAHO CODE, TO ESTABLISH PROVI-  
10 SIONS RELATING TO THE APPOINTMENT OF MEDIATORS IN THE EVENT PARTIES ARE  
11 NOT ABLE TO COME TO AN AGREEMENT AND TO ESTABLISH PROVISIONS RELATING  
12 TO COMPENSATION; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND  
13 PROVIDING EFFECTIVE DATES.  
14

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

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

18 33-1274. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the  
19 parties in negotiations are not able to come to an agreement upon items sub-  
20 mitted for negotiations under a negotiations agreement between the parties,  
21 one (1) or more mediators may be appointed. The issue or issues in dispute  
22 shall be submitted to mediation at the request of either party in an effort to  
23 induce the representatives of the board and the local education organization  
24 to resolve the conflict. The procedures for appointment of and compensation  
25 for the mediators shall be determined by both parties and, if requested, me-  
26 diation shall occur to be completed prior to the deadline identified in sec-  
27 tion 33-1274A, Idaho Code.

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

31 33-1274A. PROCEDURES UPON AGREEMENT. (1) In the event the parties  
32 to negotiations reach agreement upon matters subject to negotiations as  
33 specified in a negotiations agreement any time on or before June 10, such  
34 agreement shall be reduced to writing by the parties. Such written agreement  
35 shall be offered for possible ratification by the local education organiza-  
36 tion on or before June 15. If such written agreement is approved and ratified  
37 by the local education organization on or before June 15, it shall thereafter  
38 be offered to the board of trustees for possible ratification at a public  
39 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.