

Bill as Introduced

HB 1237 - AS INTRODUCED

2012 SESSION

12-2515

06/10

HOUSE BILL **1237**

AN ACT relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations.

SPONSORS: Rep. Gimas, Hills 12; Rep. Bates, Rock 4

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill specifies the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations.

.....

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 i Bargaining by State Employees; Advisory Committee Membership. Amend RSA 273-A:9, III
2 and III-a to read as follows:

3 III. The governor shall ~~[also appoint]~~ *have* an advisory committee, ***which shall serve for***
4 ***the length of the contract negotiation period***, to assist in the negotiating process. ~~[The manager~~
5 ~~of employee relations appointed under RSA 21-I:44, II shall be a member of this committee.]~~ ***The***
6 ***members of the committee shall be as follows:***

7 (a) *Two members, one appointed by the speaker of the house of representatives,*
8 *and one appointed by the minority leader of the house of representatives.*

9 (b) *Two members, one appointed by the president of the senate, and one*
10 *appointed by the minority leader of the senate.*

11 III-a. No person who is appointed to serve as a state negotiator or as a member of the state
12 negotiating team ~~[or any person who serves as a member of the employee bargaining committee]~~
13 shall use his or her position to obtain anything of value for the private benefit of such person or the
14 person's immediate family, ***be a current or former member of organized labor or be employed***
15 ***by the federal, state, or a municipal government.*** Nothing in this section shall prevent ~~[an~~
16 ~~employee or]~~ ***a taxpayer*** from serving on a negotiating team or bargaining committee.

17 III-b. The term of the advisory committee shall be the length of the contract negotiation
18 period.

19 2 Effective Date. This act shall take effect upon its passage.

HB 1237 - AS AMENDED BY THE HOUSE

7Mar2012... 0910h

2012 SESSION

12-2515
06/10

HOUSE BILL **1237**

AN ACT establishing the joint committee on employee relations.

SPONSORS: Rep. Gimas, Hills 12; Rep. Bates, Rock 4

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill establishes the joint committee on employee relations.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT establishing the joint committee on employee relations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Joint Legislative Committee. Amend RSA 273-A:9 by inserting after
2 paragraph V the following new paragraph:

3 VI. There shall be a joint legislative committee known as the joint committee on employee
4 relations.

5 (a) The joint committee on employee relations shall include the following members:

6 (1) Two members, one appointed by the speaker of the house of representatives, and
7 one appointed by the minority leader of the house of representatives.

8 (2) Two members, one appointed by the president of the senate, and one appointed
9 by the minority leader of the senate.

10 (b) The chair of the committee shall rotate biennially between the president of the
11 senate or designee and the speaker of the house or designee, provided that the president of the
12 senate shall serve as the first chairperson under the provisions of this subparagraph. In the event
13 that the presiding officer or designee serving as chairperson resigns or for any reason is unable to
14 serve, the other presiding officer or designee shall become chairperson, provided that such
15 substitution shall not change the rotation provided for in this subparagraph.

16 (c) The joint committee on employee relations shall meet with the state negotiating
17 committee after the first Wednesday in December in the even-numbered years as necessary, to
18 discuss the state's objectives in the bargaining process. Meeting shall be at the call of the
19 chairperson of the joint committee on employee relations.

20 (d) The joint committee on employee relations shall hold hearings on all collective
21 bargaining agreements with state employees and on all fact-finders' reports relative to the collective
22 bargaining process with state employees and shall submit any recommendation on such agreements
23 or reports to the members of the senate and the house of representatives.

24 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

**SENATE CALENDAR NOTICE
INTERNAL AFFAIRS**

Senator Russell Prescott Chairman
 Senator Gary Lambert V Chairman
 Senator Jeb Bradley
 Senator Peter Bragdon
 Senator Sylvia Larsen

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 26, 2012

HEARINGS

Friday

5/4/2012

INTERNAL AFFAIRS

SH 100

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|---------|--------|--|
| 1:00 PM | HB1237 | (New Title) establishing the joint committee on employee relations. |
| 1:15 PM | HB1276 | establishing a committee to study general court policies and procedures related to persons with disabilities. |
| 1:30 PM | HB1350 | relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. |
| 1:45 PM | HB1623 | (New Title) relative to records of the legislative ethics committee. |
| 2:00 PM | HB1632 | establishing a committee to assess the cost savings of digitizing the general court. |

Sponsors:

HB1237

Rep. John Gimas

Rep. David Bates

HB1276

Rep. Dick Patten

HB1350

Rep. Daniel Itse

HB1623

Rep. David Robbins

HB1632

Rep. Jonathan Maltz

Rep. Seth Cohn

Rep. John O'Connor

Rep. David Campbell

Rep. Paul Mirski

Rep. William O'Brien

Internal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Jennifer Horgan, Legislative Aide

RE: Hearing report on HB 1237 – (New Title) establishing the joint committee on employee relations.

HEARING DATE: 05/04/2012

MEMBERS OF THE COMMITTEE PRESENT: Senator Prescott, Senator Bragdon, Senator Bradley, Senator Larsen

MEMBERS OF THE COMMITTEE ABSENT: Senator Lambert

Sponsor(s): Rep. Gimas, Hills 12; Rep. Bates, Rock 4

What the bill does: This bill establishes the joint committee on employee relations.

Who supports the bill: Representative John Gimas; Representative Gary Daniels

Who opposes the bill: No one

Neutral: Brian Hawkins, State Employee Association

Summary of testimony received:

- Representative Gimas introduced the bill and stated that within the last couple years there has been a lot of discussion on collective bargaining at the State House. He believes that two parties should be able to sit down and compromise in order to develop a beneficial agreement for everyone, but what is most important in that process is who is doing the bargaining. After speaking with the Public Relations Board and the Secretary of State's Office he learned about the four person bargaining team that is appointed by the Governor and deals with bargaining issues for the State. The Representative said that he found it odd that the team consisted of four state employees, with no public employees included. Therefore, the Representative put forth this legislation to give this group more diversity. The House Labor Committee amended the bill to bring back the Joint Committee on Employee Relations that was dissolved in 2010. That Committee was originally made up of 16 members from the House and Senate and advised the negotiations between the Governor appointed board and the different groups representing the employees. The Committee's proposal for this legislation would consist of five members: two from the House and two from the Senate, with one roving chair from the House or Senate. The Representative supports these changes and feels that this is a beneficial piece of legislation.

- Senator Prescott asked if he believes that agency fees of non-members in regards to unions should be on the table.
- Representative Gimas replied that the federal law requires that bargaining groups represent all people regardless of membership. The Representative opposes this because as a business owner he believes that it mandates a service without payment.
- Senator Bragdon stated that he was member of the prior JERC Committee and found it to be useless because the negotiating process goes on past when the Legislature is out of Session and the Committee had no authority or power to deal with the contracts. He continued that this seems very similar to that and therefore he has serious concerns that this would be an ineffective effort.
- Representative Gimas responded that this will allow at the very least somebody representing the people get to look at the bargaining agreements and possibly have a say in them before they are finalized. He continued by stating that if this group existed then they could let people know how the negotiations are progressing and report them to the legislature in real time.
- Senator Bragdon asked if the Representative thought that this bill would still be needed, if the bill that is currently in Finance that deals with the legislature voting on cost items or actual contracts.
- Representative Gimas replied that he does not think this would be needed if you had the whole House voting on it. Either way, the Representative stated that he believes there needs to be something between the negotiating teams and the people who are paying.
- Representative Daniels said that as the Chair of the House Labor Committee he is in support of this legislation and it did pass out of his Committee on the 16-0 vote. He continued that he believes that the JERC was inadvertently swept into being removed when the House minimized that amount of Committees and that it probably should never have been removed in the first place. The Representative addressed the concerns brought up by Senator Bragdon regarding HB 1666 that is currently in Senate Finance and stated that he believes that this bill would be a great supplement to that bill. He explained that this would be because if the Legislature were to vote on this issue then having this Committee would allow members to give their interpretation of the negotiations before the bodies vote.
- Senator Bradley pointed out the population differences between the House and the Senate and asked if the Representative would have any problems with reducing the amount of Senators on the Committee.
- Representative Daniels replied that if the Senate felt comfortable having one person then it would probably have to be the Senate President because clause B requires a rotating chair of either the President of the Senate or the Speaker of the House. He stated however if the Senate would like to change that to a Senate designee than that would be for the Senate to decide. Ultimately, he believes that the intent would be simply for members to report back to the legislature on this matter.
- Senator Bragdon asked if the Representative was ever on the JERC Committee.
- Representative Daniels responded yes.
- Senator Bragdon said that he does not believe this Committee was dissolved inadvertently because when he participated on it was not effective. Senator Bragdon asked if overall what the Representative is looking for is more involvement by the legislatures in this process.
- Representative Daniels replied that they are looking for an information conduit from the negotiating team into the legislative body.
- Brian Hawkins (State Employees Association) stated that his Department is not taking a position on this bill and did not take one when the legislature eliminated the JERC

Committee two years ago. He also acknowledged the bill currently in Senate Finance that has to do with approving items and they are looking at a couple items there as well. He suggested that the Committee look at that bill in conjunction with this.

- Senator Larsen stated that her recollection of the collective bargaining is that the process is not completed by the end of Session and continues past when the Committee would adjourn. Senator Larsen asked if it would be accurate to say that the most this bill could accomplish is to give everyone an update without knowing the outcome.
- Mr. Hawkins responded yes, because once the parties are in negotiations the ground rules require them to keep the information within that negotiation. When it does come to a tentative agreement that is what is being voted on and agreed upon by the Governor and Council, so this would only be informational.
- Senator Larsen asked if the ground rules preclude you for sharing some of the information that is going on in the negotiations.
- Mr. Hawkins replied that those are rules agreed to by both parties so the information they would share would depend upon what they decided.
- Senator Larsen asked if there was some agreement in January the information might not be able to be shared with the Committee because it was determined to be confidential.
- Mr. Hawkins said that if this Committee were to meet prior to the negotiations to give their input then there shouldn't be any problem with them discussing this.
- Senator Larsen said that there is language in section D regarding the Committee holding hearings, which would take place in February, March and April that would allow state employees to offer their input. She asked if that discussion would be limited because of the confidentiality.
- Mr. Hawkins responded that the discussion would probably be limited, but they have held hearings in past.
- Senator Bragdon stated that he assumes that statute would trump ground rules and therefore if the statute allowed people to speak on this issue it would override the confidentiality rules. The Senator asked if the Executive Council votes on bargaining agreements.
- Mr. Hawkins answered that to his knowledge they have in the past, but it is something he would have to look into to confirm.

Funding: N/A

Future Action: The Committee took the bill under advisement.

Jennifer Horgan

[file: HB1237 report]

Date: 05/07/2012

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: 05/07/2012

THE COMMITTEE ON Internal Affairs

to which was referred House Bill 1237

AN ACT (New Title) establishing the joint committee on employee relations.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-1

Senator Sylvia B. Larsen
For the Committee

Jennifer Horgan 271-3091

New Hampshire General Court - Bill Status System

Docket of HB1237

Docket Abbreviations

Bill Title: (New Title) establishing the joint committee on employee relations.*Official Docket of HB1237:*

Date	Body	Description
11/16/2011	H	Introduced 1/4/2012 and Referred to Labor, Industrial and Rehabilitative Services; HJ 7 , PG.348
1/5/2012	H	Public Hearing: 1/19/2012 10:30 AM LOB 305-307
2/8/2012	H	Full Committee Work Session: 2/16/2012 10:00 AM Representatives Hall
2/16/2012	H	Full Committee Work Session: 2/21/2012 1:00 PM LOB 307 ==Executive Session To Follow==
2/23/2012	H	Committee Report: Ought to Pass with Amendment #0910h(NT) for Mar 7 (Vote 16-0; CC); HC 18 , PG.1071
2/23/2012	H	Proposed Committee Amendment #2012-0910h (New Title); HC 17 , PG.981-982
3/7/2012	H	Amendment #0910h(NT) Adopted, VV; HJ 21 , PG.1312
3/7/2012	H	Ought to Pass with Amendment #0910h(NT): MA VV; HJ 21 , PG.1312
3/28/2012	S	Introduced and Referred to Internal Affairs
4/26/2012	S	Hearing: 5/4/12, Room 100, SH, 1:00 p.m.; SC17
5/8/2012	S	Committee Report: Inexpedient to Legislate, 5/16/12; SC19
5/16/2012	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1237 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

N/A HANDOUTS FROM THE PUBLIC HEARING

N/A PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # ____ ____ - AMENDMENT # ____
____ - AMENDMENT # ____ ____ - AMENDMENT # ____

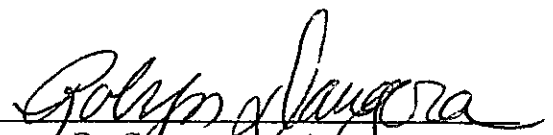
ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK

5/31/12


BY COMMITTEE AIDE