

# Bill as Introduced

SB 4 - AS INTRODUCED

2011 SESSION

11-0524

01/09

SENATE BILL

4

AN ACT

requiring legislative approval of cost items for state employee contract negotiations.

SPONSORS:

Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Rep. O'Brien, Hills 4;  
Rep. Bettencourt, Rock 4; Rep. Chandler, Carr 1

COMMITTEE:

Executive Departments and Administration

---

ANALYSIS

This bill requires legislative approval of cost items for state employee contract 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Eleven*

AN ACT requiring legislative approval of cost items for state employee contract negotiations.

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

1       1 New Paragraph; Bargaining by State Employees. Amend RSA 273-A:9 by inserting after  
2 paragraph III-a the following new paragraph:

3             III-b. All cost items, as defined under RSA 273-A:1, IV, for any contract negotiated under  
4 this section shall be presented to the general court for approval prior to them taking effect. The  
5 general court shall vote to approve or reject the cost items as negotiated, but may not amend or  
6 otherwise alter the cost items resulting from negotiations.

7       2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Sen., Bradley, Dist. 3  
March 14, 2011  
2011-0861s  
01/04

Amendment to SB 4

- 1 Amend the bill by replacing section 2 with the following:
- 2
- 3     2 Effective Date. This act shall take effect upon its passage.

Senate Executive Departments and Administration  
March 24, 2011  
2011-1195s  
08/10

Amendment to SB 4

- 1 Amend the bill by replacing section 2 with the following:
- 2
- 3 2 Effective Date. This act shall take effect upon its passage.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

✓ Senator Sharon Carson Chairman  
 ✓ Senator Fenton Groen V Chairman  
 ✓ Senator Sylvia Larsen  
 ✓ Senator Jim Luther  
 Senator Raymond White

|  |   |
|--|---|
| For Use by Senate Clerk's<br>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: March 2, 2011**

**HEARINGS**

**Thursday**

**3/17/2011**

|  |         |         |
|--|---------|---------|
| EXECUTIVE DEPARTMENTS AND ADMINISTRATION | SH 100  | 9:00 AM |
| (Name of Committee)                      | (Place) | (Time)  |

**EXECUTIVE SESSION MAY FOLLOW**

|          |       |   |
|----------|-------|---|
| 9:00 AM  | SB190 | relative to the duties and membership of the executive branch ethics committee.                               |
| 9:20 AM  | SB166 | relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. |
| 9:40 AM  | SB92  | establishing an economic strategic commission to review the relationship between business and government.     |
| 10:20 AM | SB4   | requiring legislative approval of cost items for state employee contract negotiations.                        |

**Sponsors:**

**SB190**

Sen. Lou D'Allesandro

**SB166**

Sen. Sharon Carson  
 Rep. Alfred Baldasaro

**SB92**

Sen. Andy Sanborn  
 Rep. Neal Kurk  
 Sen. Jeb Bradley  
 Sen. Jim Luther

**SB4**

Sen. Jeb Bradley  
 Rep. Gene Chandler

Sen. Lou D'Allesandro  
 Rep. Daniel Tamburello

Rep. William O'Brien  
 Sen. James Forsythe  
 Sen. Fenton Groen

Sen. Peter Bragdon

Sen. Jeb Bradley  
 Rep. Robert Introne

Rep. David Bettencourt  
 Rep. Dan McGuire  
 Sen. Tom De Blois

Rep. William O'Brien

Sen. Gary Lambert

Rep. Thomas Keane  
 Sen. Raymond White  
 Sen. Peter Bragdon

Rep. David Bettencourt

Deborah Chroniak 271-1403

Sen. Sharon Carson

Chairman



# Executive Dept. and Administration Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Deb Chroniak, Legislative Aide

**RE:** Hearing report on SB 4 – requiring legislative approval of cost items for state employee contract negotiations.

**HEARING DATE:** March 17, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senator Sharon Carson, Dist 14; Senator Fenton Groen, Dist 6; Senator Sylvia Larsen, Dist 15; Senator Jim Luther, Dist 12

**MEMBERS OF THE COMMITTEE ABSENT:** Senator Ray White, Dist 9

**Sponsor(s):** Sen. Bradley, Dist 3; Sen. Bragdon, Dist 11; Rep. O'Brien, Hills 4; Rep. Bettencourt, Rock 4; Rep. Chandler, Carr 1

**What the bill does:** This bill requires legislative approval of cost items for state employee contract negotiations.

**Who supports the bill:** Senator Jeb Bradley, Senator Peter Bragdon, Rep. Gene Chandler, Diana Lacey, SEA.

**Who opposes the bill:** No one.

**No position:** Diana Lacey, SEA.

The Public Hearing opened at 10:48 a.m.

### Summary of testimony received:

The Chair, Senator Sharon Carson opened the hearing by calling on the prime sponsor of the bill.

- Senator Jeb Bradley stated that this legislation is an initiative that he brought forward for inclusive and transparent government. Essentially to make sure that the Legislature has a seat at the table with regard to any new contracts, which are negotiated by the Executive Branch and the State Employees Association.
- He further stated that there is nothing more to this bill than that, and that this was not an attempt to under-mind the collective bargaining rights that the State Employee Association has, but rather to make sure that the Legislature, the General Court has a seat at the table, the way that the Legislative Body would have a seat at the table at town meetings throughout our state.
- SB 4 does not recreate the Joint Committee on Employee Relations – which was responsible for submitting and reviewing collective bargaining. That was repealed in HB 1690 in 2010.
- SB 4 recreates some sort of an oversight responsibility and provides the Legislature with latitude to decide how to exercise that as part of the budget, or some sort of separate legislation.
- Senator Bradley stated that according to the LBA, the Governor's budget projects nearly a billion dollars for fiscal year 2011-2012 for salaries and benefits covered under the bargaining agreements. After the last negotiations in 2008 through HB 2, the Legislature approved about \$72 million in raises for FY 2008-2009. The magnitude is large, and we should have a seat at the table, rather than an up or down vote on HB 2 or HB 1 as it comes before the Legislature. This is about the Legislature having the opportunity to fulfill its responsibility for budgeting for the State of New Hampshire.
- Senator Luther asked, what would be the range of contracts that would fall under this framework.
- Senator Bradley stated that it is his understanding that the contract that is negotiated by the Executive Branch, and there are various members of the negotiating team, i.e., the State Employees Association, covers the different state departments that are covered under that contract.
- Senator Luther then asked, if Senator Bradley had a sense of how this might operate.
- Senator Bradley stated that on line 5 of the bill the Legislature would vote to approve or reject the cost items as negotiated; they could not amend or alter the cost items, but they would have more of an approval than what they presently have.

- Senator Larsen was curious about the timing of this, stating that, generally, a contract is negotiated in June/July, and the Joint Committee on Employee Relations usually waited until a contract was agreed to before going to the state employees for agreement, and now we are late August when the Joint Committee reviews the terms of the contract. If you were to wait until the Legislature would reconvene and approve cost items, you are now in January when a bill is introduced to receive legislative approval, well into the following year before you are into a contract. How would you receive legislative approval, because it would be well into the following year before you are into a contract? You would always be behind and there would be no resolution to a contract in a timely way.
- Senator Bradley stated that if a contract were negotiated between July 1<sup>st</sup> and January 1<sup>st</sup>, the Governor could call a Special Session to approve.
- Diana Lacey, President of the SEA is in support of the concept of the legislative intent and the role with collect bargaining, but would seek an amendment to SB 4 to reinstate the Committee on Joint Employee Relations, which was abolished in the last session.
- Background information was then touched upon. This is not about the SEA contract; it is about any contract that they have with state employees. There are nine (9) contracts for the state employees and NH troopers, and seven (7) contracts under the Police Benevolent Association. There are contracts in the Judicial Branch and they negotiate their contracts, and they are also in the state budget – not sure where it would impact the community college system.
- Old model – In December of even numbered years – committee populated by the Speaker of the House appointment and Senate President appointed those people would meet with the state’s negotiating team – just the state, not the employees, to see the intent for what they wanted to see happen with bargaining. January is when bargaining begins. The Joint Committee on Employee Relations then meets. Negotiation season runs parallel to budget season. They buck up against each other because workers are in negotiation – not sure if health care costs are going up, if raises are going to happen, etc.
- The SEA will have a tentative negotiated agreement around May or June. Employees go first through the ratification process.
- Currently, no obligation for state to bring forward all nine (9) contracts at once – that could be a problem, so if SEA agrees and the troopers agree, this runs parallel – other groups might come forward in the middle of summer. Urges against this option because of this factor.

- Pointed out employees are less than 17% of the state budget at this time. Middle of the legislative season, the joint fiscal committee meets. Joint Committee on Employee Relations is still a viable solution, perhaps eliminated without sorting the idea of putting something in its place.
- Senator Luther asked about what the SEA would like to see in an amendment.
- Ms. Lacey indicated that the SEA would like to see the reinstatement of the Joint Committee on Employee Relations.
- Senator Luther asked what was Ms. Lacey's understanding as to why that committee was abolished.
- Ms. Lacey stated that, at the time the Committee was abolished, she was not the President of the SEA and was not aware that the Committee was going to be abolished. There was some legislation at that time, which was going to abolish commissions, but she was not aware of legislative committees being abolished.

The public hearing closed at 11:02 a.m.

**Funding:** Not Applicable.

**Future Action:** Pending.

**DAC**

[file: SB 04 report]  
Date: March 18, 2011

**SENATE CALENDAR NOTICE  
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Sharon Carson Chairman  
 Senator Fenton Groen V Chairman  
 Senator Sylvia Larsen  
 Senator Jim Luther  
 Senator Raymond White

|                                       |   |
|---------------------------------------|---|
| 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: November 9, 2011**

**EXECUTIVE SESSIONS**

**Thursday**

**12/8/2011**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SH 100**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION ON PENDING LEGISLATION**

- |          |  |
|----------|--|
| HB102    | (New Title) establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.      |
| HB418-FN | (New Title) relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. |
| SB4      | requiring legislative approval of cost items for state employee contract negotiations.   |
| SB143-FN | requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account.              |
| SB177    | relative to training of directors and officers of nonprofit corporations.  |
| SB185-FN | establishing a restitution fund for victims of financial fraud and continually appropriating a special fund.   |
| SB186-FN | repealing the exemption from the consumer protection act for certain regulated trade and commerce.   |
| SB188-FN | relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities.  |

**Sponsors:**

**SENATE CALENDAR NOTICE**  
**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Sharon Carson Chairman  
 Senator Fenton Groen V Chairman  
 Senator Sylvia Larsen  
 Senator Jim Luther  
 Senator Raymond White

|  |   |
|--|---|
| For Use by Senate Clerk's<br>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: November 9, 2011**

**EXECUTIVE SESSIONS**

**Thursday**

**12/8/2011**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SH 100**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION ON PENDING LEGISLATION**

**HB102**

Rep. Marshall Quandt

Rep. Matt Quandt

Rep. Wyman Shuler

Sen. Sharon Carson

**HB418-FN**

Rep. Seth Cohn

Rep. Calvin Pratt

Rep. George Lambert

Rep. Sean Cox

Rep. Bruce MacMahon

Rep. Joshua Davenport

**SB4**

Sen. Jeb Bradley

Sen. Peter Bragdon

Rep. William O'Brien

Rep. David Bettencourt

Rep. Gene Chandler

**SB143-FN**

Sen. Raymond White

Sen. Jeb Bradley

Sen. Andy Sanborn

Rep. Kenneth Hawkins

Rep. Kevin Avar

Rep. John Hunt

**SB177**

Sen. Bob Odell

Rep. Russell Day

Sen. Sharon Carson

**SB185-FN**

Sen. Lou D'Allesandro

Rep. Donna Schlachman

Rep. Kenneth Gidge

**SB186-FN**

Sen. Sharon Carson

Rep. Jeffrey Goley

Rep. Marshall Quandt

Rep. Jennifer Coffey

**SB188-FN**

Sen. Peter Bragdon

Sen. Raymond White

Deborah Chroniak 271-1403

Sen. Sharon Carson

Chairman

# Speakers





# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 24, 2011

THE COMMITTEE ON Executive Departments and Administration  
to which was referred Senate Bill 4

AN ACT                      requiring legislative approval of cost items for state  
employee contract negotiations.

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

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:    3-2

AMENDMENT # 1195s

Senator Jim Luther  
For the Committee

Deb Chroniak 271-1403

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: December 8, 2011

THE COMMITTEE ON Executive Departments and Administration  
to which was referred Senate Bill 4

AN ACT                      requiring legislative approval of cost items for state  
employee contract negotiations.

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

**BE REFERRED TO INTERIM STUDY**

BY A VOTE OF:    4-0

AMENDMENT #            s

Senator Sharon M. Carson  
For the Committee

Deb Chroniak 271-1403

## New Hampshire General Court - Bill Status System

**Docket of SB4**

Docket Abbreviations

**Bill Title:** requiring legislative approval of cost items for state employee contract negotiations.*Official Docket of SB4:*

| <b>Date</b> | <b>Body</b> | <b>Description</b>   |
|-------------|-------------|--|
| 2/23/2011   | S           | Introduced and Referred to Executive Departments and Administration; <b>SJ 8</b> , Pg.81               |
| 3/2/2011    | S           | Hearing: 3/17/11, Room 100, State House, 10:20 a.m.; <b>SC14</b>                                       |
| 3/24/2011   | S           | Committee Report: Ought to Pass with Amendment 1195s, 3/30/11; <b>SC17</b>                             |
| 3/30/2011   | S           | Without Objection, President Bragdon moved to Special Order SB 4 to after lunch; <b>SJ 11</b> , Pg.211 |
| 3/30/2011   | S           | Committee Report: Ought to Pass with Amendment #2011-1195s, 3/30/11                                    |
| 3/30/2011   | S           | Committee Amendment 1195s, AF, VV; <b>SJ 11</b> , Pg.236   |
| 3/30/2011   | S           | Ought to Pass, MF, VV; <b>SJ 11</b> , Pg.236   |
| 3/30/2011   | S           | Sen. Bradley moved to Rereferred to Committee, MA, VV; <b>SJ 11</b> , Pg.236                           |
| 9/1/2011    | S           | Work Session on Re-referred Bill: 9/8/11, Room 100, SH, 10:00 a.m.; <b>SC36</b>                        |
| 1/12/2012   | S           | Committee Report: Referred to Interim Study, 1/18/12; <b>SC3</b>                                       |
| 1/18/2012   | S           | Refer to Interim Study, MA, VV;  |

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB4 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
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 08615       - AMENDMENT # \_\_\_\_\_

- AMENDMENT # 11955       - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE

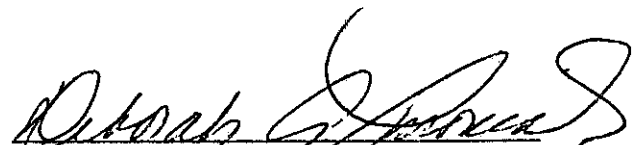
FINAL VERSION       AS AMENDED BY THE SENATE

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

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

1-23-12



BY COMMITTEE AIDE