

Bill as  
Introduced

HB 187 - AS INTRODUCED

2013 SESSION

13-0472  
06/10

HOUSE BILL

**187**

AN ACT

relative to deliberative sessions in towns that have adopted official ballot voting.

SPONSORS:

Rep. Porter, Hills 1

COMMITTEE:

Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill provides that the dollar amount agreed to in a collective bargaining agreement between a public employer and an employee organization shall not be modified by the legislative body of the public employer.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen*

AN ACT relative to deliberative sessions in towns that have adopted official ballot voting.

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

- 1       1 Obligation to Bargain; Modification of Cost Items at Deliberative Session. Amend RSA 273-  
2 A:3, II(b) to read as follows:  
3               (b) Only cost items shall be submitted to the legislative body of the public employer for  
4 approval at the next annual meeting of the legislative body, unless there is an emergency as defined  
5 in RSA 31:5 or RSA 197:3. ~~[If the legislative body rejects any part of the submission, or while~~  
6 ~~accepting the submission takes any action which would result in a modification of the terms of the~~  
7 ~~cost item submitted to it, either party may reopen negotiations on all or part of the entire~~  
8 ~~agreement.] **No cost item agreed to by the public employer and the employee organization**~~  
9 ~~**shall be modified by the legislative body of such public employer.**~~  
10       2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. L. Tanner, Sull. 9  
Rep. J. Schmidt, Hills. 28  
January 25, 2013  
2013-0060h  
06/09



Amendment to HB 187

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to cost items in negotiated agreements.

4

5 Amend the bill by replacing section 1 with the following:

6

7 1 Obligation to Bargain; Modification of Cost Items in Negotiated Agreements. Amend RSA  
8 273-A:3, II(b) to read as follows:

9 (b) Only cost items shall be submitted to the legislative body of the public employer for  
10 approval at the next annual meeting of the legislative body, unless there is an emergency as defined  
11 in RSA 31:5 or RSA 197:3. If the legislative body rejects [~~any part of~~] the submission, or while  
12 accepting the submission takes any action which would result in a modification of the terms of the  
13 cost item submitted to it, either party may reopen negotiations on [~~all or part of~~] the entire  
14 agreement. *No cost item agreed to by the public employer and the employee organization*  
15 *shall be modified by the legislative body of such public employer.*

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 187

**BILL TITLE:** relative to deliberative sessions in towns that have adopted official ballot voting.

**DATE:** January 23, 2013

**LOB ROOM:** 307      **Time Public Hearing Called to Order:** 1:30 p.m.

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. A. White, S. Kelly, Coulombe, C. Rice, Weed, G. Schmidt, DiSilvestro, Andrews, Cahill, Ley, Panner, Daniels, Burchell, H. Richardson, Infantine, Pellegrino, Flanagan, Emerick, Sedensky and St. James.

**Bill Sponsors:** Rep. Porter, Hills 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Marjorie Porter** - Prime sponsor of the bill. Supports the bill. Was a member of School Board in 1987 – understanding of town was the cost items of a collective bargaining – could not be changed. Last year, special meeting, negotiated a contract with teachers, moderator and public hearing said dollar amounts could not be changed. But in fact, the law says it can be changed – so proposal is to correct language in the law. If a union and town change dollar amount, it can be accepted.

**Rep. Shawn Jasper** - Opposes the bill. Numbers in collective bargaining can be changed, he wasn't aware. Should be an opportunity to see the dollars because presented by both parties and the meetings. Contracts usually rejected by taxpayers think amount is unreasonable.

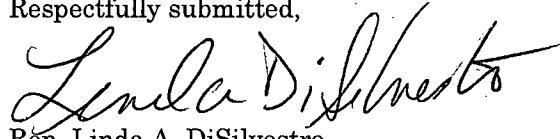
**Cordell Johnston, NH Municipal Association** - Neutral. Title and bill seems inconsistent with each other. Doesn't distinguish between towns and school districts. Clarity needed in language of existing bill onto whether or not line items can be changed. Decide which items can be changed or not – law as it stands is not clear. How long as this cost item occurred over the years – unable to answer.

**Dean Michener, NH School Boards Association** - Supports the bill. Legislative body when changes line item costs – sends a contract back to the parties to readdress negotiations. Electoral body's agreement should be the consideration in the SB 2 Act. Votes take action on the cost item – they don't know the negotiation between the union and a school board. If school board doesn't explain terms and conditions of there proposals – then the voter only votes on the dollar amount. Any changes to a contract need to be re-negotiated. No hard data on this type of situation reoccurring. If an amendment is made in a contract- it should always go back to negotiations.

**Laura Hainey, AFT-NH** - Supports the bill. Came to light past session – cleaning up language. Attorney's advice said yes they can change line item – but it does have to be renegotiated. Ask that this bill move forward.

**Glen Milner, State Employee Association** - Opinion – agrees with Mr. Michener today. Crystal eleven of amendment line item – it goes back to negotiations. Should keep in language. Line 7 starting with either party to last word in line 8 agreement. Should negotiations stayed closed to public? Yes, it allows for robust conversation. This also protects an employer as well.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda DiSilvestro". The signature is written in black ink and is positioned above the typed name.

Rep. Linda A. DiSilvestro  
Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

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**Bill Sponsors:** Rep. Porter, Hills 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\*<sup>1</sup> Rep. Margie Porter - Support  
was a member of Sch Bd 1987 - understanding of Town was  
the cost items of a collective bargaining - could not be changed.  
Last yr - special mtg - nego a contract withes - moderator & Public hearing  
with no. said dollar amts could not be changed. but in fact  
the law says it CAN be changed - so proposal is to correct  
language in the law.  
if a union & town change & amt it can be accepted.

2 Rep. Shawn Jasper - Oppose

#'s in cafeteria bargaining can be charged - he wasn't aware. Should be an opportunity to see the #'s being presented by both parties & the meetings. Contracts usually rejected by forepayers that amount is unreasonable.

3. Cordell Johnson - neutral -

title - & bill seems inconsistent with each other. Doesn't distinguish between towns & schools dist.

Clarity needed in language of expiring bill acts whether or not certain items can be charged.

Decide what items can be charged or not - how as it stands is not clear.

How long as this cost item covered for the year - unable to answer.

4. Dean Michener - Support -

legislative body when charges have items cert - sends a contract back to the parties to re-address negotiations.

Filtered bodies agreement should be the consideration in an SBE Act. Voters take action on the cert item - they don't know the negotiation between the union & each Board.

## 4. Dean Michener

FS sch! Bad doesn't explain terms & credits of these proposals - then the voter only votes on the dollar amt. Any changes to a contract - needs to be renegotiated.

No had data on this type of situation re-occurring. If an Amendment is made on a contract - it should always go back to negotiators.

## 5. Laura Haimey - support.

Came to light pass ~~change~~<sup>session</sup> - cleaning up language. Atty's advice said yes they can change line item - but it does have to be re-negotiated. Ask that this bill move forward.

## 6. Glenn Milner -

Michener  
opinion - agreed w/ Mr. ~~Mitchner~~ today. Crystal clear of amendment line item - it gets back to negotiators.

Should keep in language

line 7 starting w/ either party to last word in line 8 - agreement.

Should negotiators stayed closed to public? - Yes. It allows for Robert conversations.

This also protects an employer as well.

# Voting Sheets

**HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**EXECUTIVE SESSION on HB 187**

**BILL TITLE:** relative to deliberative sessions in towns that have adopted official ballot voting.

**DATE:** February 5, 2013

**LOB ROOM:** 307

**Amendments:**

Sponsor: Rep. L. Tanner & J. Schmidt OLS Document #: 2013 0060h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTR, ITL, Retained (Please circle one.)

Moved by Rep. Tanner

Seconded by Rep. Schmidt

Vote: 18-0 (Please attach record of roll call vote.)

**Motions:** OTR, OTPA, ITL, Retained (Please circle one.)

Moved by Rep. Tanner

Seconded by Rep. St. James

Vote: 18-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Linda A. DiSilvestro, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

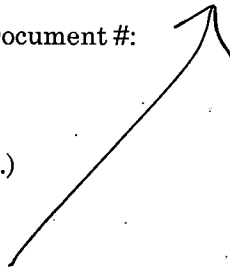
EXECUTIVE SESSION on HB 187

BILL TITLE: relative to deliberative sessions in towns that have adopted official ballot voting.

DATE: 2/5/13

LOB ROOM: 307

Amendments:

Sponsor: Rep. *Tanner* OLS Document #: *0060h*  
Sponsor: Rep. *Schmidt* OLS Document #:  
Sponsor: Rep. OLS Document #: 

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Tanner*  
Seconded by Rep. *St James*  
Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *18-0*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
Rep. Linda A. DiSilvestro, Clerk





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 9:29:31 AM  
Roll Call Committee Registers  
Report

2013 SESSION

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: 187 Title: relative of deliberative session in town that have adapted  
 PH Date: 1 123 13 official voting Exec Session Date: 1 5 13  
 Motion: \_\_\_\_\_ Amendment #: 0060h

| MEMBER                      | YEAS | NAYS |
|-----------------------------|------|------|
| White, Andrew A, Chairman   | Y    |      |
| Kelly, Sally H, V Chairman  | Y    |      |
| Weed, Charles F             | Y    |      |
| Rice, Chip L                | Y    |      |
| Coulombe, Gary M            | Y    |      |
| Andrews, Christopher R      | Y    |      |
| Cahill, Michael D           | Y    |      |
| DiSilvestro, Linda A, Clerk | Y    |      |
| Ley, Douglas A              | Y    |      |
| Schmidt, Janice E           | Y    |      |
| Tanner, Linda L             | Y    |      |
| Daniels, Gary L,            | Y    |      |
| Infantine, William J,       | ant  |      |
| Richardson, Herbert D       | Y    |      |
| Pellegrino, Tony J          | Y    |      |
| Sedensky, John B,           | Y    |      |
| Flanagan, Jack B            | ant  |      |
| Burchell, Richard B         | Y    |      |
| Emerick, J. Tracy           | Y    |      |
| St.James, Kevin P           | Y    |      |
| <b>TOTAL VOTE:</b>          |      |      |

18-0



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 9:29:31 AM  
Roll Call Committee Registers  
Report

2013 SESSION

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: 187 Title: Relative to deliberative sessions in forms that have  
PH Date: 1/23/13 adopted official ballot voting 2/5/13 Exec Session Date:  
Motion: OTPA Amendment #: 0060h

| MEMBER                      | YEAS   | NAYS |
|-----------------------------|--------|------|
| White, Andrew A, Chairman   | Y      |      |
| Kelly, Sally H, V Chairman  | Y      |      |
| Weed, Charles F             | Y      |      |
| Rice, Chip L                | Y      |      |
| Coulombe, Gary M            | Y      |      |
| Andrews, Christopher R      | Y      |      |
| Cahill, Michael D           | Y      |      |
| DiSilvestro, Linda A, Clerk | Y      |      |
| Ley, Douglas A              | Y      |      |
| Schmidt, Janice E           | Y      |      |
| Tanner, Linda L             | Y      |      |
| Daniels, Gary L,            | Y      |      |
| Infantine, William J,       | absent |      |
| Richardson, Herbert D       | Y      |      |
| Pellegrino, Tony J          | Y      |      |
| Sedensky, John B,           | Y      |      |
| Flanagan, Jack B            | absent |      |
| Burchell, Richard B         | Y      |      |
| Emerick, J. Tracy           | Y      |      |
| St.James, Kevin P           | Y      |      |
| <b>TOTAL VOTE:</b>          |        |      |

18-0

# Committee Report

**CONSENT CALENDAR**

**February 7, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on LABOR, INDUSTRIAL AND  
REHABILITATIVE SERVICES to which was referred  
HB187,

AN ACT relative to deliberative sessions in towns that  
have adopted official ballot voting. Having considered  
the same, report the same with the following  
amendment, and the recommendation that the bill  
OUGHT TO PASS WITH AMENDMENT.

**Rep. Linda L Tanner**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

|                   |   |
|-------------------|---|
| Committee:        | <b>LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES</b>  |
| Bill Number:      | <b>HB187</b>  |
| Title:            | <b>relative to deliberative sessions in towns that have adopted official ballot voting.</b> |
| Date:             | <b>February 7, 2013</b>   |
| Consent Calendar: | <b>YES</b>  |
| Recommendation:   | <b>OUGHT TO PASS WITH AMENDMENT</b>   |

### STATEMENT OF INTENT

HB 187 has proposed to address the confusion specifically in HB 2 towns, regarding the legislative bodies ability to amend cost items agreed upon by the governing body and the labor groups. This bill as amended (2013-0060h) clarifies that the cost items must be accepted or rejected and may not be amended because a negotiated agreement is a result and balance of all components such as benefits, working conditions as well as cost items.

Vote 18-0.

Rep. Linda L Tanner  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB187**, relative to deliberative sessions in towns that have adopted official ballot voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda L Tanner for LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES. HB 187 has proposed to address the confusion specifically in HB 2 towns, regarding the legislative bodies ability to amend cost items agreed upon by the governing body and the labor groups. This bill as amended (2013-0060h) clarifies that the cost items must be accepted or rejected and may not be amended because a negotiated agreement is a result and balance of all components such as benefits, working conditions as well as cost items. **Vote 18-0.**

HB 187

OTP/A

HB 187 has proposed to address the confusion specifically in HB 2 towns, regarding the legislative bodies ability to amend cost items agreed upon by the governing body and the labor groups. This bill as amended (2013-0060h) clarifies that the cost items must be accepted or rejected and may not be amended because a negotiated agreement is a result and balance of all components such as benefits, working conditions as well as cost items.

Linda Tanner

COMMITTEE REPORT

COMMITTEE: Labor, Industrial + Rehabilitative Svcs.

BILL NUMBER: HB 187

TITLE: ~~Relative to deliberative sesss~~

Relative to cost items in negotiated agreements

DATE: 2/5/2013 CONSENT CALENDAR: YES [X] NO [ ]

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. 2013-0060h

STATEMENT OF INTENT:

Specifically in HB 2 TOWNS,

HB 187 was proposed to address the confusion regarding the legislative bodies ability to amend cost items <sup>Agreed upon</sup> ~~to proposed~~ by the governing body and the labor group.

This bill as ammended (2013-0060h) clarifies that <sup>Cost items</sup> the agreement must be accepted or rejected <sup>and may not be</sup> as a whole <sup>ammended</sup> because a negotiated agreement is a result and balance of <sup>all</sup> ~~interrelated~~ components such as benefits, working conditions as well as cost items. ~~This bill has~~ the support of The NH School board association among others

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Sandra L. Tanner  
For the Committee