

Bill as Introduced

SB 153-FN - AS AMENDED BY THE SENATE

03/07/13 0322s

2013 SESSION

13-0976
06/05

SENATE BILL

153-FN

AN ACT

relative to legislative approval of collective bargaining agreements entered into by the state.

SPONSORS:

Sen. Bragdon, Dist 11

COMMITTEE:

Finance

AMENDED ANALYSIS

This bill requires approval by the fiscal committee of the general court of the cost items of all collective bargaining agreements entered into by the state.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 153-FN - AS AMENDED BY THE SENATE

03/07/13 0322s

13-0976
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to legislative approval of collective bargaining agreements entered into
by the state.

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 I the following new paragraph:

3 I-a. Notwithstanding any other provision of law to the contrary, the cost items of every
4 collective bargaining agreement entered into by the state shall be approved by the fiscal committee
5 of the general court before each takes effect.

6 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0976
01/25/13

SB 153-FN - FISCAL NOTE

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

FISCAL IMPACT:

The Department of Administrative Services and Judicial Branch state this bill, as introduced, may have an indeterminable impact on state expenditures in FY 2014 and each year thereafter. There will be no impact on state, county, or local revenue, or county and local expenditures.

METHODOLOGY:

The Department of Administrative Services states this bill would require Fiscal Committee approval of all collective bargaining agreements with the state before they take effect. The Department states that while approval by the Fiscal Committee does not have a fiscal impact in and of itself, there may be an indeterminable fiscal impact associated with how long it takes for Fiscal Committee approval. For example, the Department states savings from a negotiated agreement could be lost while awaiting Legislative approval.

The Judicial Branch states it currently negotiates collective bargaining agreements with its two unions and anticipates any expenditures would be incidental to preparation and presentation to the Fiscal Committee, which would be less than \$10,000 annually.

SB 153 FISCAL NOTE

AN ACT relative to legislative approval of collective bargaining agreements entered into by
the state.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as amended by the Senate (Amendment #2013-0322s), as it is awaiting information from the Department of Administrative Services and the Judicial Branch. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON SB 153-FN

BILL TITLE: relative to legislative approval of collective bargaining agreements entered into by the state.

DATE: April 30, 2013

LOB ROOM: 307 **Time Public Hearing Called to Order:** 10:15 a.m.

Time Adjourned:

(please circle if present)

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

Bill Sponsors: Sen. Bragdon, Dist 11

TESTIMONY

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

Sen. Peter Bragdon - Prime sponsor of the bill. This bill keeps the state in line with the way City and Towns negotiate collective bargaining good step in accountability in the process. This relates to crucial items the legislators should have a final say.

Rep. Kelly: Why this bill now? **ANS:** The legislator deals with budget issues and would be in line with that governing body.

Rep. Flanagan: What if there is a stalemate? **ANS:** If both sides turn it down then it goes back to the table.

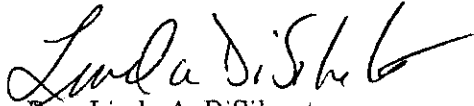
Rep. Emerick: Can legislative body change cost item value? **ANS:** Believe it goes back to the table – seeing where the voters are in paying the bill.

Rep. Weed: Possible definition change? **ANS:** “The legislative body is the fiscal committee”.

Rep. Andrews: Do you look at the entire context? That is looked? The entire contract would fail in the case of cost items that are not accepted. Would it be possible to add a legislator to the bargaining team? **ANS:** Good question. Not sure how that would be accepted.

*** Glen Milner, State Employee Association** - Supports the bill. Written testimony. Although Governor passes the contract the money is appropriated by the legislative body. Cost benefit – any item that has to have financial approval by the legislative body. Suggest a new paragraph which has been placed in the folder. This bill replaces the legislative body of history – to a fiscal committee – wants to make sure that any “new” appropriations be spoken to but if the contract comes forth with no new cost items, then it should not go to the fiscal committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda DiSilvestro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rep. Linda A. DiSilvestro
Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON SB 153-FN

BILL TITLE: relative to legislative approval of collective bargaining agreements entered into by the state.

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Committee Members: Reps. A. White, S. Kelly, Coulombe, C. Rice, Weed, J. Schmidt, D. Silvestro, Andrews, Cahill, Ley, Tanner, Daniels, Burchell, H. Richardson, Infantine, Pellegrino, Flanagan, Emerick, Sedensky and St. James

Bill Sponsors: Sen. Bragdon, Dist 11

TESTIMONY

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

Bragdon - this bill keeps the State in line w/ the way City & Town negotiates collective bargaining Board step in accountability in the process. This relates to civil items - the legislators should have a final say.

Kelly - why this bill now? - the legislators deal w/ budget issues & want to be in line w/ that governing body

Flanagan - why is there a stalemate? - If both sides cannot deal the it goes back to the table.

Emerick - can legislative body change cost of living? - Refers it goes back to the table - seeing where the voters are on passing the bill.

Weed - possible defunct change? "The legislative body is the fiscal committee".

Andreas - do you look at the entire context that is looked? - The entire contract would fail in the case of cost items that are not accepted.

Would it be possible to add a Legislature to the bargaining team?
Good question - not sure how that would be accepted.

Glenn Miller - Out Com'l Counsel Rep (SEA) written Testimony
Although Gov. passes the contract the money is appropriated by the legislative body.

Cost Benefit - any item that has to have financial approval by the legislative body.

Suggests a new paragraph which has been placed in the folder.

This bill replaces the legislative body of the State - to a fiscal committee - want to make sure that any "NEW" appropriations be spoken to but if the contract comes forth with no new cost items - then it should not go to the fiscal committee.

Testimony

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

I-a. Notwithstanding any other provision of law to the contrary, ~~the~~ **new** cost items of every collective bargaining agreement entered into by the state shall be approved by the fiscal committee of the general court. ~~before each takes effect.~~

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

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 153-FN

BILL TITLE: relative to legislative approval of collective bargaining agreements entered into by the state.

DATE: May 7, 2013

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Weed

Seconded by Rep. DiSilvestro

Vote: 11-9 (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: NO

(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 SB 153-FN

BILL TITLE: relative to legislative approval of collective bargaining agreements entered into by the state.

DATE: 5/7/13

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Web

Seconded by Rep. DiSilvestro

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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Linda A. DiSilvestro, Clerk



2013 SESSION

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: 153 Title: Legislative approval of collective bargaining agreements
PH Date: 5/7/13 Entered into by Ho S Clerk Exec Session Date: 4/30/13
Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
White, Andrew A, Chairman	Y	
Kelly, Sally H, V Chairman	Y	
Weed, Charles F	Y	
Rice, Chip L <i>Shurtzoff</i>	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 <i>Qualey</i>	Y	
Daniels, Gary L,		N
Infantine, William J,		N
Richardson, Herbert D		N
Pellegrino, Tony J		N
Sedensky, John B,		N
Flanagan, Jack B		N
Burchell, Richard B		N
Emerick, J. Tracy		N
St.James, Kevin P		N
TOTAL VOTE:	11	9

Committee Report

REGULAR CALENDAR

May 9, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on LABOR,

INDUSTRIAL AND REHABILITATIVE SERVICES to

which was referred SB153-FN,

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

Having considered the same, report the same with the following Resolution: RESOLVED, That it is

INEXPEDIENT TO LEGISLATE.

Rep. Charles F Weed

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**
Bill Number: **SB153-FN**
Title: **relative to legislative approval of collective bargaining agreements entered into by the state.**
Date: **May 9, 2013**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The majority of the committee believes that the general court currently has general oversight in monitoring cost items negotiated between the state and public employees through the budget process. Additionally, this bill has the potential of politicalizing the bargaining process and of enabling micro-management of carefully negotiated contract items that had been deliberated by experienced negotiators over a period of many months. In addition, the language of SB 153 gives authority to the Fiscal Committee to approve "cost items" of every contract negotiated by public employees and the state. This could nullify parts of previous contracts negotiated in good faith in historical bienniums. Finally, neither the sponsor nor any other testimony heard claimed there was a problem that needed fixing.

Vote 11-9

Rep. Charles F Weed
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB153-FN, relative to legislative approval of collective bargaining agreements entered into by the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for the **Majority** of **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**. The majority of the committee believes that the general court currently has general oversight in monitoring cost items negotiated between the state and public employees through the budget process. Additionally, this bill has the potential of politicalizing the bargaining process and of enabling micro-management of carefully negotiated contract items that had been deliberated by experienced negotiators over a period of many months. In addition, the language of SB 153 gives authority to the Fiscal Committee to approve "cost items" of every contract negotiated by public employees and the state. This could nullify parts of previous contracts negotiated in good faith in historical bienniums. Finally, neither the sponsor nor any other testimony heard claimed there was a problem that needed fixing. **Vote 11-9.**

Original: House Clerk
Cc: Committee Bill File

SB 153

Majority

ITL

The majority of the committee believes that the general court currently has general oversight in monitoring cost items negotiated between the state and public employees through the budget process. Additionally, this bill has the potential of politicalizing the bargaining process and of enabling micro-management of carefully negotiated contract items that had been deliberated by experienced negotiators over a period of many months. In addition, the language of SB 153 gives authority to the Fiscal Committee to approve "cost items" of every contract negotiated by public employees and the state. This could nullify parts of previous contracts negotiated in good faith in historical bienniums. Finally, neither the sponsor nor any other testimony heard claimed there was a problem that needed fixing.

Charles Weed

SB 153

Majority

ITL

The majority of the committee believes that the general court currently has general oversight in monitoring cost items negotiated between the state and public employees through the budget process. Additionally, this bill has the potential of politicalizing the bargaining process and of enabling micro-management of carefully negotiated contract items that had been deliberated by experienced ~~negotiations~~ over a period of many months. In addition, the language of SB 153 gives authority to the Fiscal Committee to approve "cost items" of every contract negotiated by public employees and the state. This could nullify parts of previous contracts negotiated in good faith in historical bienniums. Finally, neither the sponsor nor any other testimony heard claimed there was a problem that needed fixing.

Charles Weed

Negotiators

COMMITTEE REPORT

COMMITTEE: Labor...

BILL NUMBER: SB 153

TITLE: Relative to collective bargaining...

DATE: _____ CONSENT CALENDAR: YES NO

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

Amendment No. _____

STATEMENT OF INTENT:

The majority of the committee believes that the general court currently has general oversight in monitoring cost items negotiated between the state and public employees through the budget process. Additionally, this bill has the potential of politicizing the bargaining process and of enabling micro-management of carefully negotiated contract items that had been ~~deliberately~~ deliberated by experienced negotiators over a period of many months. In addition, the language of SB 153 gives authority to the Fiscal Committee to approve "cost items" of every contract negotiated by public employees and the state. This could nullify parts of previous ^{contracts} negotiated in good faith in historical bienniums. Finally, neither the sponsor nor any other testimony heard claimed there was a problem that needed fixing.

COMMITTEE VOTE: 11 yes 9 no

RESPECTFULLY SUBMITTED,

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

Rep. Charles F. Wells
For the Committee

May 9, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on LABOR,

INDUSTRIAL AND REHABILITATIVE SERVICES to

which was referred SB153-FN,

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. J. Tracy Emerick

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee: **LABOR, INDUSTRIAL AND REHABILITATIVE
SERVICES**
Bill Number: **SB153-FN**
Title: **relative to legislative approval of collective
bargaining agreements entered into by the
state.**
Date: **May 9, 2013**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS**

STATEMENT OF INTENT

Currently there is no check and balance at the state level for legislative approval of collective bargaining agreement. All other levels of government (county, city, town, and schools) require legislative approval. The state should use the same approach to maintain the integrity of the process.

Rep. J. Tracy Emerick
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB153-FN, relative to legislative approval of collective bargaining agreements entered into by the state. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for the **Minority** of LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES. Currently there is no check and balance at the state level for legislative approval of collective bargaining agreement. All other levels of government (county, city, town, and schools) require legislative approval. The state should use the same approach to maintain the integrity of the process.

Original: House Clerk
Cc: Committee Bill File

SB 153

Minority

OTP

Currently there is no check and balance at the state level for legislative approval of collective bargaining agreement. All other levels of government (county, city, town, and schools) require legislative approval. The state should use the same approach to maintain the integrity of the process.

J. Tracy Emerick

MINORITY REPORT

COMMITTEE: Labor

BILL NUMBER: SB153

TITLE: _____

DATE: 5/7/13 CONSENT CALENDAR: YES NO

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

Amendment No.

STATEMENT OF INTENT:

Currently there is no check and balance at the state level for legislative approval of ~~these contract~~ ^{collective bargaining} ~~agreements~~ _{costs}. All other levels of government (county, city, town, school ~~boards~~) require legislative approval. The state should use the ~~same~~ ^{same} approach ~~process~~ approach to maintain the integrity of the process.

COMMITTEE VOTE: 11-9

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. *J. Emerick*
For the Minority
Emerick