

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 187 - AS AMENDED BY THE HOUSE

13Feb2013... 0060h

2013 SESSION

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HOUSE BILL

187

AN ACT relative to cost items in negotiated agreements.

SPONSORS: Rep. Porter, Hills 1

COMMITTEE: Labor, Industrial and Rehabilitative Services

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.

Explanation: Matter added to current law appears in ***bold italics***.
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HB 187 - AS AMENDED BY THE HOUSE

13Feb2013... 0060h

13-0472
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to cost items in negotiated agreements.

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

1 1 Obligation to Bargain; Modification of Cost Items in Negotiated Agreements. Amend RSA
2 273-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.

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

ATTENDANCE

- ✓ Senator David Boutin Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator Bette Lasky
- ✓ Senator David Pierce
- ✓ Senator Nancy Stiles

6

START: 10:00 AM
STOP: 10:06 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 21, 2013

HEARINGS

Wednesday

3/27/2013

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM HB113 relative to lot access for erection of buildings.
- 9:15 AM HB147-FN (New Title) repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.
- 9:30 AM HB181 repealing the equalization standards board.
- 9:45 AM HB182 relative to appointments to the assessing standards board.
- 10:00 AM HB187 (New Title) relative to cost items in negotiated agreements.

Sponsors:

- HB113**
Rep. James Belanger
- HB147-FN**
Rep. Priscilla Lockwood
- HB181**
Rep. Priscilla Lockwood
- HB182**
Rep. Priscilla Lockwood
- HB187**
Rep. Marjorie Porter

- Rep. Mary Cooney
- Rep. Dan McGuire Rep. Mary Cooney
- Rep. Mary Cooney

PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE
Hearing Report

Deb Martone, Legislative Aide

HB 187 -- An Act relative to cost items in negotiated agreements.

Hearing Date: March 27, 2013

Time Opened: 10:00 am

Time Closed: 10:06 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles, Lasky and Pierce.

Bill Analysis: 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.

Sponsors: Representative Porter

Who supports the bill: Representatives Porter, Belanger and Tatro; Dean Michener, NH School Boards Association.

Summary of testimony presented in support:

Representative Porter:

- Town Moderators would regularly maintain the practice that when a collective bargaining agreement comes before the body, the dollar figure could not be changed. The reason given for this practice is because if the dollar figure changes, it essentially nullifies the collective bargaining agreement that was reached. This practice was in effect in the town of Hillsborough from 1987 until 2012.
- In March of 2012 the teachers and school board negotiated a new contract, but it was defeated. Negotiations resumed, a new agreement was reached, and because Hillsborough is a SB2 town, a special meeting was called.
- When the deliberative session for the special meeting was held, however, the Town Moderator changed his longstanding interpretation of the law, citing the advice of school district counsel. He advised voters the dollar amounts could be changed, but that the change would not be binding on either party, and the contract could be rejected by either party. Eventually, no changes were voted and the contract passed.
- Representative Porter researched the practices of other towns and found some moderators allowed changes, while others did not. To eliminate the confusion and make the practice uniform statewide, she filed the bill.

Dean Michener, NH School Boards Association:

- New Hampshire is a bit unique in negotiations. Generally, when two parties negotiate at the table and reach an agreement, there is closure.

But here in our state we require legislative body approval of those cost items. If you have modification of any terms of the agreement between the two parties, the effect of that is to send the two parties back to the table. Any changes that might be made, either at the legislative body or the deliberative session, i.e., a change to the cost items, sends a message. But the impact of that action is to return to negotiations. Unless you are actually sitting at the table, you are not aware of the full scope of those negotiations.

- The locally elected school board is the representative of the community and is responsible for doing the negotiations. The terms of that agreement should be the ones presented to the legislative body for their consideration and ultimate vote.
- This becomes even more of an issue with SB2 towns because of the deliberative session.

Action: The committee voted unanimously to pass HB 187.

dam

Date hearing report completed: March 28, 2013

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: March 28, 2013

THE COMMITTEE ON Public and Municipal Affairs
to which was referred House Bill 187

AN ACT (New Title) relative to cost items in negotiated
agreements.

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

OUGHT TO PASS

BY A VOTE OF: 5-0

CONSENT CALENDAR VOTE: 5-0

Senator David Pierce for the Committee

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.

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB187

Docket Abbreviations

Bill Title: (New Title) relative to cost items in negotiated agreements.*Official Docket of HB187:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Labor, Industrial and Rehabilitative Services; HJ 12 , PG.186
1/14/2013	H	Public Hearing: 1/23/2013 1:30 PM LOB 307
1/31/2013	H	Executive Session: 2/5/2013 1:00 PM LOB 307
2/7/2013	H	Committee Report: Ought to Pass with Amendment #0060h(NT) for Feb 13 (Vote 18-0; CC); HC 13 , PG.210
2/7/2013	H	Proposed Committee Amendment #2013-0060h (New Title); HC 13 , PG.233
2/13/2013	H	Amendment #0060h(NT): AA VV; HJ 17 , PG.330
2/13/2013	H	Ought to Pass with Amendment #0060h(NT): MA VV; HJ 17 , PG.330
2/14/2013	S	Introduced and Referred to Public & Municipal Affairs
3/21/2013	S	Hearing: 3/27/13, Room 102, LOB, 10:00 a.m. SC13
4/8/2013	S	Committee Report: Ought to Pass, 4/18/13; Vote 5-0; CC; SC16
4/18/2013	S	Sen. Bragdon Moved to Remove HB 187 from the Consent Calendar
4/18/2013	S	Without Objection, HB 187 is Special Ordered to the Next Session Day, 2/3 necessary, MA;
4/23/2013	S	Committee Report: Ought to Pass, 5/2/13; SC18
5/2/2013	S	Without Objection, HB 187 is Special Ordered to the Next Session Day, 2/3 necessary, MA;
5/10/2013	S	Committee Report: Ought to Pass, 5/23/13; SC21
5/23/2013	S	Ought to Pass: MA, VV; OT3rdg;
6/6/2013	S	Enrolled
6/13/2013	H	Enrolled [Recess of 6/5/13]; HJ49 , PG.1648
7/25/2013	H	Signed By Governor 07/24/2013; Effective 09/22/2013; Chapter 0244

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 187 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 # _____ ____ - 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

07/26/13

Debra A. Martore
BY COMMITTEE AIDE