

Bill as Introduced

HB 153 - AS INTRODUCED

2013 SESSION

03-0413

08/04

HOUSE BILL

153

AN ACT

prohibiting the designation of industrial hemp as a controlled substance.

SPONSORS:

Rep. Michael Garcia, Hills 34; Rep. Warden, Hills 39; Rep. Jones, Straf 24

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the designation of industrial hemp as a controlled substance.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting the designation of industrial hemp as a controlled substance.

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

- 1 1 New Paragraph; Industrial Hemp. Amend RSA 318-B:1-a by inserting after paragraph VIII
- 2 the following new paragraph:
- 3 IX. Industrial hemp shall not be designated as a controlled substance.
- 4 2 Effective Date. This act shall take effect 60 days after its passage.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

08/07/13 0822s

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.

LEAO
13-0976
Amended 03/18/13

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.

Amendments



Amendment to SB 153-FN

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

2

3 1 New Paragraph; Bargaining by State Employees. Amend RSA 273-A:9 by inserting after
4 paragraph I the following new paragraph:

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

Amendment to SB 153-FN
- Page 2 -



2013-0322s

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.

Committee Minutes

**SENATE CALENDAR NOTICE
FINANCE**

Senator Chuck Morse Chairman
 Senator Jeanie Forrester V Chairman
 Senator Peter Bragdon
 Senator Lou D'Allesandro
 Senator Sylvia Larsen
 Senator Bob Odell

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: February 6, 2013

HEARINGS

Tuesday

2/12/2013

FINANCE

SH 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	SB190-FN	relative to admission fees for certain persons at state parks and historical sites.
1:15 PM	SB192-FN-L	establishing a state infrastructure bank.
1:35 PM	SB157-FN	establishing a New Hampshire disaster relief fund.
PM	SB153-FN	relative to legislative approval of collective bargaining agreements entered into by the state.

Sponsors:

SB190-FN

Sen. Nancy Stiles

Rep. Andrew Renzullo

Rep. David Borden

SB192-FN-L

Sen. Sharon Carson

Sen. Jim Rausch

Rep. Mary Griffin

Rep. Andrew Renzullo

Rep. Kathleen Stroud

SB157-FN

Sen. Sylvia Larsen

SB153-FN

Sen. Peter Bragdon

SENATE FINANCE COMMITTEE

Shannon Whitehead, Legislative Aide

SB 153-FN – relative to legislative approval of collective bargaining agreements entered into by the state.

Hearing Date: February 12, 2013

Time Opened: 2:00pm

Time Closed: 2:16pm

Members of the Committee Present: Senators: Morse, Bragdon, Odell, Larsen and Forrester

Members of the Committee Absent: Sen. D'Allesandro

Bill Analysis: This bill requires approval by the fiscal committee of the general court of all collective bargaining agreements entered into by the state.

Sponsors: Sen. Bragdon, Dist 11

Who supports the bill: Sen. Bragdon

Who opposes the bill: Jay Ward (State Employees Association)

Summary of testimony presented in support:

Sen. Bragdon:

- The bill states any collective bargaining agreement has to be approved by the Fiscal Committee of General Court before it can take effect. The Legislature is not in session all year long.
- Explained that the bill mimics what we see in our local towns and school districts. Explained that having somebody other than just one person determining what the contract is going to be.
- Clarifies that participates in our local town and school districts, that whenever there's a collective bargaining agreement that the school board or the town negotiates with the unit, whether it's teachers or regular employees or police, the cost items involved with that, have to be approved by the town meeting, the governing body of the legislative body of the school district or the town.
- In State Government, as it stands right now for collective bargaining agreements, the Governor signs them and the Legislature has no say, including the cost items.

Sen. Morse: Asked if this came about because of the elimination of the JERC Committee.

Sen. Bragdon:

- The JERC Committee had already been eliminated.
- JERC Committee received information on the collective bargaining agreement after the budget had been passed:
- Explained the purpose of the JERC Committee was to make recommendations to the Legislature while they're deliberating the budget about collective bargaining.
- By the time it got to the JERC Committee the budget already been passed and the Committee served no useful purpose.

Summary of testimony presented in opposition:**Jay Ward**

- Concern about current language. 273-A:3, the obligation to bargain. And subsection (b) is only cost items shall be submitted to the legislative body of the public employer for approval at the next annual meeting of the legislative body.
- Suggests that the wording be changed to reflect the cost items and not the entire contract. There are things that are in negotiation in a contract that probably are not in the purview of the legislative body to accept or reject.
- Fully supports the right for the legislative body, the Fiscal Committee, and agrees that the Fiscal Committee is a better choice than the entire legislature.
- Reasons: 1) Meetings take place throughout the year and the Legislature is out of session in July. 2) If contracts go beyond that period, typically have to wait for another whole cycle. 3) Suggests- just changing the language to collectively bargain cost item increases will be presented for approval by the Fiscal Committee of the General Court before the next contract takes effect.

Sen. Bragdon: Asked how many different collective bargaining agreements there are

Jay Ward: Around 10.

Fiscal Note: n/a

Future Action: OTP-A 5-0, Sen. Larsen for the committee

sgw

Date hearing report completed: Feb 14, 2013

[file: SB 0153-FN report]

SENATE FINANCE COMMITTEE

State House, Room 103
Concord, NH
Tuesday, February 12, 2012

SENATE BILL 153-FN, AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

TESTIMONY OF:

Senate President Peter Bragdon. Pg. 1
Jay Ward. Pg. 2

CHAIRMAN MORSE: I'll open the hearing on Senate Bill 153 and ask Senator Bragdon to introduce the bill.

SEN. PRESIDENT PETER BRAGDON, State Senator, Senate District #11: Thank you, Mr. Chairman, Members of the Committee. Senator Bragdon representing District 11, here to introduce Senate Bill 153. And this really comes about just as I was cleaning up some notes and stuff in the last session. This was -- I don't know if it was a bill or an amendment that was working its way through the process last year and somehow never made it to fruition. But I think a lot of people thought it had some merit so I thought I would introduce it again as a bill this year. I think its demise was in the House last year, if I recall correctly, or maybe at Committee of Conference. But as most of us know who participate in our local town and school districts, whenever there's a collective bargaining agreement that the school board or the town negotiates with the unit, whether it's teachers or regular employees or police, the cost items involved with that have to be approved by the town meeting, the governing body of the -- the legislative body of the school district or the town.

Whereas, in State Government, as it stands right now for collective bargaining agreements, the Governor signs them and the Legislature has no say on any part of it, including the cost

items. So what this says, obviously, since the Legislature is not in session all during the year, what this says is any collective bargaining agreement has to be approved by the Fiscal Committee of General Court before it can take effect. So it pretty much mimics what we see in our local towns and school districts, have somebody other than just one person determining what the contract is going to be. And I guess that's about the simplest explanation I can give on it. I'd be happy to answer any questions.

CHAIRMAN MORSE: Questions for Senator Bragdon. This came about because we eliminated the JERC Committee.

SEN. PRESIDENT BRAGDON: Well, yes. I think it's kind of a separate thing. The JERC Committee had already been eliminated and, in my opinion, having served on the Committee, not being a jerk, but having served on the JERC Committee, I found it relatively useless anyways. So its demise was probably a good thing; but, in reality, somebody besides the Governor. My experience on the JERC Committee was we received information on the collective bargaining agreement after the budget had been passed. The purpose of the JERC Committee was to make recommendations to the Legislature while they're deliberating the budget about collective bargaining. My experience was by the time it got to the JERC Committee the budget already been passed and the Committee served no useful purpose.

CHAIRMAN MORSE: Any further questions? Seeing none. Thank you. Jay Ward.

JAY WARD, State Employees Association: Thank you, Mr. Chairman, Members of the Committee. For the record, my name is Jay Ward and I'm here representing the State Employees Association. While we certainly appreciate where this Bill is going to replace -- and, actually, it's no longer the JERC Committee. They renamed it the JCER Committee, the Joint Committee on Employee Relations, which was eliminated a couple of years ago. So we do support building something to take its place. And while we support the concept, we have some concern about this current language. And I'll just read real quickly

SENATE FINANCE COMMITTEE

FEBRUARY 12, 2013

SENATE BILL 153-FN

273-A:3, the obligation to bargain. And subsection (b) is only cost items shall be submitted to the legislative body of the public employer for approval at the next annual meeting of the legislative body.

So I would maybe suggest that the wording be changed to reflect the cost items and not the entire contract. And I think we have had discussions about this for the previous years. There are things that are in negotiation in a contract that probably are not in the purview of the legislative body to accept or reject. But we do fully support the right for the legislative body, in this case the Fiscal Committee, and we agree that the Fiscal Committee is probably a much better choice than the entire legislature for a number of reasons. One being that you meet throughout the year and the Legislature is out of session in July. So if contracts go beyond that period, we typically have to wait for another whole cycle. And with the Fiscal Committee that's a great alternative to that.

So I do -- would think that by just changing the language to collectively bargain cost item increases will be presented for approval by the Fiscal Committee of the General Court before the next contract takes effect, we certainly could support something like that.

CHAIRMAN MORSE: Questions. Senator Bragdon.

SEN. PRESIDENT BRAGDON: Thank you, Mr. Chair. Jay, I know you don't necessarily represent all the different groups, but how many different collective bargaining agreements are there?

MR. WARD: I think there's around 10.

SEN. PRESIDENT BRAGDON: Okay. Thank you.

MR. WARD: Don't quote me on that but it's about 10.

SEN. PRESIDENT BRAGDON: Okay.

CHAIRMAN MORSE: Further questions? Seeing none. That was a short hearing.

MR. WARD: Thank you very much.

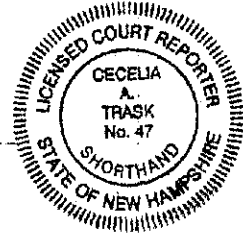
CHAIRMAN MORSE: Thank you. I'll close the hearing on Senate Bill 153.

(Hearing concluded at 2:16 p.m.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask
Cecelia A. Trask, LSR, RMR, CRK
State of New Hampshire
License No. 47



Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 12, 2013

THE COMMITTEE ON Finance

to which was referred Senate Bill 153-FN

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

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

SHOULD PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0322s

Senator Sylvia B. Larsen
For the Committee

Shannon Whitehead 271-4980

New Hampshire General Court - Bill Status System

Docket of SB153

Docket Abbreviations

Bill Title: relative to legislative approval of collective bargaining agreements entered into by the state.*Official Docket of SB153:*

Date	Body	Description
1/31/2013	S	Introduced and Referred to Finance
2/6/2013	S	Hearing: 2/12/13, Room 103, SH, 1:50 p.m.; SC8
2/20/2013	S	Committee Report: Ought to Pass with Amendment #2013-0322s, 3/7/13; SC10
3/7/2013	S	Committee Amendment 0322s, AA, VV
3/7/2013	S	Ought to Pass with Amendment 0322s, RC 13Y-11N, MA; OT3rdg; SJ 6
3/27/2013	H	Introduced and Referred to Finance; HJ31 , PG.1075
4/24/2013	H	Vacated from Finance; HJ38 , PG.1239
4/24/2013	H	Referred to Labor, Industrial and Rehabilitative Services; HJ38 , PG.1239
4/24/2013	H	Public Hearing: 4/30/2013 10:15 AM LOB 307
5/1/2013	H	Executive Session: 5/7/2013 10:30 AM LOB 307
5/9/2013	H	Majority Committee Report: Inexpedient to Legislate for May 29 (Vote 11-9; RC); HC40 , PG.1372
5/9/2013	H	Minority Committee Report: Ought to Pass; HC40 , PG.1372
5/29/2013	H	Inexpedient to Legislate: MA RC 191-135; HJ45 , PG.1513-1515

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 153-FN

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 # 2013-03225 - 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): FN, transcript

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

DATE DELIVERED TO SENATE CLERK

7-25-13

SGW
BY COMMITTEE AIDE