
Committee Report

REGULAR CALENDAR

February 20, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred HB 1354,**

**AN ACT adding the speaker of the house of
representatives and senate president as permanent
members of the university system board of trustees.
Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Carolyn Halstead

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

| | |
|-------------------|--|
| Committee: | Education |
| Bill Number: | HB 1354 |
| Title: | adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. |
| Date: | February 20, 2018 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

This bill makes the Speaker of the House of Representatives and Senate President permanent voting members of the University System Board of Trustees. The Board of Trustees is composed of 27 members that include 11 members appointed by the Governor, six elected by alumni, two elected by students, and eight who are members by virtue of their office. As a member of the Board, trustees have a duty to: 1) serve as advocates for higher education and the University System, helping to raise the profile of each institution and the system as a whole; 2) ensure that the mission of the institution is kept current and aligned with public purposes; and 3) maintain a thorough understanding of economic trends and social needs of New Hampshire and their potential impact to higher education. Currently, the House Speaker and Senate President, who have the skill and knowledge needed to govern the system, are non-voting members. The House Speaker and Senate President, both elected officials by the citizens of NH, are not allowed to vote on behalf of the people who sent them to Concord. The University System has many difficult issues to overcome such as student affordability, capital needs, funding strategies, leadership-labor costs, and more that require resolution and the voting voices of the Speaker of the House and President of the Senate.

Vote 10-9.

Rep. Carolyn Halstead
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn Halstead for the **Majority** of Education. This bill makes the Speaker of the House of Representatives and Senate President permanent voting members of the University System Board of Trustees. The Board of Trustees is composed of 27 members that include 11 members appointed by the Governor, six elected by alumni, two elected by students, and eight who are members by virtue of their office. As a member of the Board, trustees have a duty to: 1) serve as advocates for higher education and the University System, helping to raise the profile of each institution and the system as a whole; 2) ensure that the mission of the institution is kept current and aligned with public purposes; and 3) maintain a thorough understanding of economic trends and social needs of New Hampshire and their potential impact to higher education. Currently, the House Speaker and Senate President, who have the skill and knowledge needed to govern the system, are non-voting members. The House Speaker and Senate President, both elected officials by the citizens of NH, are not allowed to vote on behalf of the people who sent them to Concord. The University System has many difficult issues to overcome such as student affordability, capital needs, funding strategies, leadership-labor costs, and more that require resolution and the voting voices of the Speaker of the House and President of the Senate. **Vote 10-9.**

Original: House Clerk
Cc: Committee Bill File

**MAJORITY
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Researcher Edited

Vote 10-9.

Rep. Carolyn Halstead
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

HB1354

HB1354 makes the Speaker of the House of Representatives and Senate President permanent voting members of the University System Board of Trustees. The Board of Trustees is comprised of 27 members that include 11 members appointed by the Governor; 6 elected by alumni, 2 elected by students, and 8 who are members by virtue of their office. As a member of the Board, trustees, have a duty to: 1.) serve as an advocate for higher education and the University System, helping to raise the profile of each institution and the System as a whole, 2.) ensure that the mission of the institution is kept current and aligned with public purposes, and 3.) maintain a thorough understanding of economic trends and social needs with the State of New Hampshire and their potential impact to higher education. Currently, the Speaker and Senate President who have the skill and knowledge needed to govern the system are non-voting members. The Speaker and President of the Senate, both elected officials by the citizens of NH, are not allowed to vote on behalf of the people who sent them to Concord. The USNH has many difficult decisions to overcome such as student affordability, capital needs, funding strategies, leadership-labor costs and more that require resolution and the voting voices of the Speaker and President of the Senate.

Rep Halstead

Rep. Gadd - Re-written Bill

REGULAR CALENDAR

February 20, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Education to which
was referred HB 1354,

AN ACT adding the speaker of the house of
representatives and senate president as permanent
members of the university system board of trustees.

Having considered the same, and being unable to agree
with the Majority, report with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Mel Myler

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

| | |
|-------------------|--|
| Committee: | Education |
| Bill Number: | HB 1354 |
| Title: | adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. |
| Date: | February 20, 2018 |
| Consent Calendar: | REGULAR |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

The minority believes that this proposal poses a potential conflict. Trustees of the University System of New Hampshire are responsible for implementing the mission and fiduciary responsibility of the institution. Legislative representatives are responsible to the state. In creating budgets, fiscal allocations, constitutional amendments, etc., state legislative representatives may come into conflict with the interests of other state priorities. Further, other northeast state university trustees have state representatives as non-voting members.

Rep. Mel Myler
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. **INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for the **Minority** of Education. The minority believes that this proposal poses a potential conflict. Trustees of the University System of New Hampshire are responsible for implementing the mission and fiduciary responsibility of the institution. Legislative representatives are responsible to the state. In creating budgets, fiscal allocations, constitutional amendments, etc., state legislative representatives may come into conflict with the interests of other state priorities. Further, other northeast state university trustees have state representatives as non-voting members.

**MINORITY
COMMITTEE REPORT**

| | |
|-------------------|--|
| Committee: | Education |
| Bill Number: | HB 1354 |
| Title: | adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. |
| Date: | February 20, 2018 |
| Consent Calendar: | REGULAR |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

The minority believes that this proposal poses a potential conflict. Trustees of the University of New Hampshire System are responsible to implement the mission and fiduciary responsibility of the institution. Legislative representatives are responsible to the state. In creating budgets, fiscal allocations, constitution, etc., State Legislative Representatives may come into conflict with the interests of other state priorities. Further, other northeast state university trustees have State Representatives as non-voting members.

Edited by Researcher

Rep. Mel Myler
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

MINORITY REPORT

Myler

COMMITTEE: Education

BILL NUMBER: AB 1354

*OR
RML*

TITLE: adding the speaker of Hof R & Senate
Pres. as permanent members of the USBOT

DATE: 2-20-2018 CONSENT CALENDAR: YES NO

*choose
one*

- 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 MINORITY BELIEVES THAT THIS PROPOSAL POSSES A POTENTIAL CONFLICT.
TRUSTEES OF THE UNH SYSTEM ARE RESPONSIBLE TO IMPLEMENT THE
MISSION AND FIDUCIARY RESPONSIBILITY OF THE INSTITUTION. LEGISLATIVE
REPRESENTATIVES ARE RESPONSIBLE TO THE STATE. IN CREATING BUDGETS
FISCAL ALLOCATIONS, CONSTRUCTION, ETC., STATE LEGISLATIVE REPRESENTATIVES
MAY COME INTO CONFLICT WITH THE INTERESTS OF OTHER STATE PRIORITIES.
FURTHER, OTHER NORTHEASTERN UNIVERSITY TRUSTEES HAVE STATE REPRESENTATIVES
AS NON-VOTING MEMBERS

COMMITTEE VOTE: 10-9

RESPECTFULLY SUBMITTED,

| |
|-------------------------------|
| • Copy to Committee Bill File |
|-------------------------------|

Rep. *JM Myler*
 For the Minority

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1354

BILL TITLE: adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

DATE: February 20, 2018

LOB ROOM: 207

MOTIONS: OUGHT TO PASS

Moved by Rep. Halstead

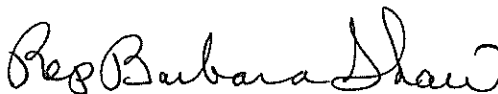
Seconded by Rep. Pitre

Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Barbara Shaw, Clerk



2018 SESSION

EDUCATION

Bill #: HB 1354

Title:

adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

PH Date: 01/23/2018

Exec Session Date: 02/20/2018

Motion: OTP

Amendment #: _____

| MEMBER | YEAS | NAYS |
|------------------------------|------|------|
| Ladd, Rick M. Chariman | ✓ | |
| Wolf, Terry M. Vice Chairman | ✓ | |
| Cordelli, Glenn | ✓ | |
| Grenier, James L. | ✓ | |
| Pitre, Joseph A. | ✓ | |
| Elliott, Robert J. | ✓ | |
| Moore, Josh | ✓ | |
| Sullivan, Victoria L. | ✓ | |
| Halstead, Carolyn | — | — |
| Moffett, Michael | ✓ | |
| Wolf, Dan | ✓ | |
| Shaw, Barbara E. Clerk | | ✓ |
| Myler, Mel | | ✓ |
| Gile, Mary Stuart | | ✓ |
| Heath, Mary | | ✓ |
| Burton, Wayne M. | | ✓ |
| Cornell, Patricia | | ✓ |
| Doherty, David | | ✓ |
| Tanner, Linda L. | | ✓ |
| Le, Tamara | | ✓ |
| TOTAL VOTE: | | |

10

9

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1354

BILL TITLE: adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

DATE: January 23, 2018

ROOM: 207 Time Public Hearing Called to Order: 1:04 PM
Time Adjourned: 1:20 PM

(please circle if present)

Committee Members: Reps. Ladd, T. Wolf, Cordelli, Grenier, Pitre, Elliott, J. Moore, V. Sullivan, Halstead, M. Moffett, D. Wolf, Myler, Gile, Heath, Burton, Cornell, Doherty, Tanner, T. Le and Shaw

Bill Sponsors:
Rep. Hinch Rep. Hennessey

TESTIMONY

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

- * Rep. Dick Hinch
- * Ronald Rodgers USNH General Counsel

Testimony

NEW HAMPSHIRE GENERAL COURT
House Education Committee

January 23, 2018

HB 1354

Testimony of Ronald Rodgers, General Counsel
University System of New Hampshire

Good afternoon. My name is Ronald Rodgers, and I am the General Counsel for the University System of New Hampshire. I am offering testimony on behalf of the University System and its Board of Trustees.

Under current law, adopted in the previous legislative session, the Speaker of the House and the President of the Senate are both non-voting members of the USNH Board of Trustees. Also under current law they are each entitled to name a designee to serve in their place. The law will expire in December of this year. HB 1354, would make the Speaker and the President, or their designees, full voting members of the Board and remove the expiration provision, making the law "permanent." For the past two years, the USNH Board has been appreciative of, and benefited from, the participation of former-Speaker Shawn Jasper and President Chuck Morse and is looking forward to the participation of Representative Rick Ladd and Senator Jim Gray, the current designees.

For the following reasons the USNH Board is concerned about the provision of HB 1354 that would make these two seats full voting members of the Board. First, in the execution of their Board-related responsibilities every trustee has a legally-binding fiduciary duty to consider and act only in furtherance of the best interests of USNH. In contrast, a member of the General Court has a duty to represent the best interests of the constituents who elected them. It is easy to imagine how any number of recurring issues would bring these two sets of duties into direct and potentially irreconcilable conflict. For one obvious example, consider the same person voting in first in a Board meeting and a later in the legislature on a USNH biennial request for appropriations from the state's operating and capital budgets. For another example, consider the potential difficulty of voting in both places on a proposal to raise the in-state tuition for New Hampshire students. We surveyed the composition of the governing board of each of the public systems and flagship institutions in New England and New York and found none of them have a seat reserved for a member of the state legislature. The potential for an irreconcilable conflict of duties likely is among the principal reasons for that absence.

Second, the authority of Speaker and the President to designate anyone, without limitation, to serve in their stead makes these seats unique – every other Board member is subject to an appointment or election process or serves by virtue of holding another office and none is entitled to name a designee or participate by proxy. Even the Governor's appointees serve only with the consent of the Executive Council. Last session the General Court wisely counter-balanced the unfettered discretion to name a designee by making the two seats non-voting. The USNH Board believes that counter-balance continues to make very good sense and, for those reasons, these two seats should continue to be non-voting.

For those reasons we respectfully request this Committee to vote to recommend HB 1354, as currently drafted, inexpedient to legislate. I would be happy to answer any questions you may have.

Thank you for this opportunity to testify on HB 1354.

Bill as Introduced

HB 1354 - AS INTRODUCED

2018 SESSION

18-2383
04/01

HOUSE BILL **1354**

AN ACT adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

SPONSORS: Rep. Hinch, Hills. 21; Rep. Hennessey, Graf. 1

COMMITTEE: Education

ANALYSIS

This bill makes the speaker of the house of representatives and senate president permanent voting members of the university system board of trustees.

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 Eighteen

AN ACT adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

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

1 1 University System; Trustees of the University System. Amend RSA 187-A:13, VIII and IX to
2 read as follows:

3 VIII. The senate president or designee from the senate leadership[~~who shall be a~~
4 ~~nonvoting member~~].

5 IX. The speaker of the house of representatives or designee from the house leadership[~~who~~
6 ~~shall be a nonvoting member~~].

7 2 Repeal. 2015, 276:250, relative to the membership of the speaker of the house of
8 representatives and senate president on the university system board of trustees, is repealed.

9 3 Effective Date. This act shall take effect upon its passage.