



## GREATER MANCHESTER CHAMBER OF COMMERCE

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### SPONSOR INSIGHT:

Sponsor's Analysis: As the legislature gets into high gear, with most of the bills now being printed and scheduled for hearings, one of the issues that is dividing the parties is how to handle the education funding mandate from the Supreme Court. Several bills have been proposed to establish a definition of educational "adequacy" and a commission has been proposed. The first hearing on the definition of adequacy has been held by the House Education Committee and a schedule of hearings around the state published, providing for public input. At least one constitutional amendment concerning targeted aid has had a hearing, this one by Rep. Neal Kurk, a conservative Republican, and not indicated to be one sponsored by Governor Lynch as his "limited amendment."

The Democratic strategy seems to be to get the definition of adequacy done this session and then seek to delay any further action on the matter. Republicans, on the other hand, have begun to assert that there are several matters that have to be decided by the legislature if there is a chance to avoid having the Supreme Court issue a decision on the matter. Writing in the Union Leader on Wednesday, Rep. David Hess, Republican of Hooksett and a prominent member of the Republican leadership, stated that the legislature not only needed to come up with the definition, but also establish a cost to provide it and a mechanism to fund it, if the court's mandate is to be followed.

This difference may prove to be a fundamental difference in strategy between the parties, and a basic theme for the 2007 session. How it plays out, and which party is right about how to follow the court's latest decision, may be fundamental in following future legal, political and legislative activities.

On another front, confusion and concern that followed the passage of a new lobbying statute passed by the 2006 legislature, amending RSA 15. The new law requires registration as lobbyists by anyone employed by an entity and whose duties include representing the employer before the legislative or executive branches of government. Interpretations by the Attorney General's office make this requirement quite broad, requiring not-for-profit executives as well as employees of businesses to register even if they have hired an independent lobbyist. The requirement that everyone register, even if for only one appearance that is a minor part of someone's job, has created much concern. The monthly reporting forms have caused confusion, as well.

Next week, a bill to amend the new law to lessen its breadth and coverage, and to limit the number of governmental contacts included in the definition of lobbying, will be heard. HB523, sponsored by Rep. Liz Hager, will be heard by the Legislative Administration

Committee on February 13 at 2:00 p.m. in room 204 of the Legislative Office Building. This is a good opportunity for business and not-for-profit representatives to explain to the legislature that they should be able to present their positions to the government without onerous filing requirements, monthly reporting on unintelligible forms, and duplicate reports of political campaign contributions. It also will be an opportunity to revisit the question of why anyone should have to register as a lobbyist in order to speak to the executive branch of government, which operates in a fundamentally different way from the legislature. Those not aware of the new law should become familiar with it and support changes to it.

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### CHAMBER INSIGHT: ---

Last week in *Chamber Insight* we overviewed a variety of bills the Chamber's Government Affairs Committee (GAC) was in the process of reviewing and formulating a position on. This week I'd like to focus in on two of those bills in particular, HB143 and SB 97.

HB 143, "relative to the apportionment of civil damages," defines the term "party" for the distribution of damages in civil lawsuits. In a nutshell this bill defines the term "party" as only those who are named as either plaintiffs or defendants in a lawsuit. Under current law, when discussing who is at fault in a civil damage case the court can find blame in other parties who are not named in the case. HB 143 changes that by only allowing the judge or jury to find fault in parties who named as actual plaintiffs or defendants. The real world effect of HB 143 is best summarized in the following example. Say you have 4 parties of equal blame being sued for \$1 million dollars of damage. If 3 of the defendants settle pre-trial for 10% of the total damages each (\$100,000 per defendant) HB 143 would stick the final party who did not settle with 70% (\$700,000) of the total damages despite an equal 25% share of the blame. This outcome is avoided in the current system by allowing the court to apportion fault in parties who may have already settled or are not named in the case.

You may be wondering why this issue is of concern to the business community. While there isn't an obvious direct impact, the fact of the matter is that businesses and municipalities often find themselves as defendants in these types of cases. Overall this issue ultimately boils down to fairness between plaintiffs and defendants. Supporters of HB 143 will argue that this change will allow plaintiffs to be awarded the damages they are deserving of. However, this change will clearly open up defendants to having to pay damages that are grossly disproportionate to their amount of blame. The most prudent course of action in this case is to remain with the status quo. The current statute governing the apportionment of damages created in 1986 struck a fair balance between plaintiffs and defendants and deserves to be maintained.

In response, the GMCC will actively oppose HB 143. The GMCC is not alone in this endeavor, however. The Business and Industry Association has also signaled their opposition to HB143. In addition, a coalition of concerned businesses, insurance groups, and chambers of commerce is forming to unify opposition to HB 143. Together the GMCC and these likeminded organizations will form a powerful opposition to HB143.

Meanwhile in the State Senate there is good news for Senate Bill 97. In case you don't recall, SB 97 creates a steady stream of funding for the NH's Worker Training Fund. Under

the current statute, the fund only receives funding if the Unemployment Trust Fund reaches a certain trigger. This legislation will amend the trigger to ensure a steady stream of funding for the program while providing additional administrative funding to the NH Dept. of Employment Security, the department that oversees the trust fund. This bill has the strong support of the GMCC.

The Senate Commerce, Labor, and Consumer Protection Committee recommended SB 97 as "ought to pass" this past week. SB 97 looks to be well on its way to passage and represents a significant enhancement of New Hampshire's workforce development efforts.

As always, if you have any questions or concerns regarding these legislative issues, please do not hesitate to contact the Chamber.

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#### EYE ON POLITICS:

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NH State Legislature [www.state.nh.us](http://www.state.nh.us)

The Union Leader [www.theunionleader.com/primaryindex.html](http://www.theunionleader.com/primaryindex.html)

NH Primary Info [www.nhprimary.com](http://www.nhprimary.com)

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