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Now is the Time to Weigh in on Key Anti-Business Bills

Several anti-business bills we dealt with last session came back again this year and, with new leadership in the House and Senate and a new sense of empowerment being felt by labor groups, the dynamic in which these bills are being considered is vastly different. Some have gone or seem to be going in a good direction for the business community. For example, the House has already killed a bill to mandate a ten hour break between work shifts (HB 123), a bill to prohibit mandatory work on Thanksgiving and Christmas Day (HB 366), and a bill that would require employers to participate in the basic verification pilot program operated by the United States Department of Homeland Security and prohibit employers from discharging a legal employee during any period of non-compliance with that program (HB 605).

In addition, the House Labor Committee agreed to retain a bill that would create a state law for calculation of overtime pay that differs from federal law. The key difference is that the "regular rate" would be calculated by dividing the total pay by 40 hours rather than by the actual number of hours worked (HB 399). Consideration of this bill will continue in the summer and/or fall and the regular legislative process will resume next session.

And, an acceptable compromise was reached on a bill that seeks to protect day laborers by imposing a number of requirements on employers, including daily pay for short-term assignments and payment in cash or in a form which can be converted to cash at no cost to the employee. The tricky part was defining the scope of the bill to include day laborers but not include longer-term temporary staff or per diem employees in professions such as nursing. This bill is on the House Calendar for April 4th with a 12-4 recommendation that it pass with the compromise amendment.

Three problematic bills remain, however, and will be taken up in the House next week. Those with favorable recommendations have enough momentum to pass. It is more important this year than ever for the business community to be vocal about the financial challenges of managing a business in New Hampshire and the impact these additional, state-mandated costs will have.

- Pay for employees called in to work - HB 81, as introduced, (<http://www.gencourt.state.nh.us/legislation/2007/HB0081.html>) would increase the mandatory pay for employees called in to work from two hours pay to four

hours. A proposed amendment would increase the mandate to three hours pay and would put exemptions that currently exist in Labor Department rules into the statute. This bill is on the House Calendar for April 4th with a 10-7 committee recommendation that it pass with amendment. The minority filed a recommendation that the bill be killed.

- Minimum wage increase -
HB 514 (<http://www.gencourt.state.nh.us/legislation/2007/HB0514.html>) would increase the state minimum wage in two steps, ultimately landing at \$7.25 per hour as of September 1, 2008. Currently, the state minimum wage is \$5.15 per hour. This bill has gained momentum in recent years, however, and it is very likely to be enacted this session. The real fight has become how to treat tipped employees under the law. This bill is on the House Calendar for April 4th with a 15-2 recommendation that it pass.
- Regulating mandatory overtime for nurses and assistants -
HB 797 (<http://www.gencourt.state.nh.us/legislation/2007/HB0797.html>) would prohibit an employer from disciplining a nurse or nurse assistant for refusing to work more than 12 consecutive hours except in very limited circumstances, including surgery and critical care. This bill is on the House Calendar for April 4th with an 11-2 committee recommendation that it pass.

Valerie Acres
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CHAMBER INSIGHT:

As the legislature enters "crossover" season, the pace in which business is conducted is expected to pick up considerably. The crossover date this year is set for April 12 th , meaning all bills must be acted on by either the House or Senate depending on where each bill was originally filed. Crossover time usually means rushed committee votes and long session days. Your Chamber of Commerce will be busy monitoring all the action ensuring the legislature is aware of the concerns of the business community as we enter this critical period of the legislative session.

As you can see above in *Sponsor's Insight*, there are several bills up for consideration the in coming weeks that may impact your ability to do business in New Hampshire. If you have concerns on these bills or any for that matter, please do not hesitate to contact the Chamber.

Seeing how we are nearing the halfway point of the legislative session, this week I'd like to recap the Chamber's strategic objectives and legislative positions for 2007. The Chamber has four core strategic points of emphasis in 2007: Commuter Rail, Beautification, Developing Manchester's Riverfront, and to begin planning for a Manchester Convention Center. Clearly it is not possible or appropriate for all of these projects to be addressed through the state legislature. Restoring commuter rail service, however, has been a hot issue in the legislature that the Chamber has been heavily involved in. Two critical pieces of rail legislation supported by the Chamber, HB 311 and SB 75, have passed their first legislative body. The Chamber will continue to strongly advocate for these pieces of legislation as the session continues. The passage of HB 311 and SB 75 will truly represent a dramatic step forward in bringing commuter rail back to Southern New Hampshire and will likely make the project a reality in only a few short years.

Besides our four core strategic objectives, the Chamber continues to advocate for and against bills that impact the overall business climate in New Hampshire. This year the Chamber strongly supports such measures as SB 143 and HB 618, which create a research and development tax credit, and SB 42 which bans smoking in bars and

restaurants. The Chamber believes that creating tax incentives for those companies doing research and development will have a positive economic effect on the economy as a whole. Policies such as a R&D tax credit protect and grow our "NH Advantage" and aid us in attracting and retaining businesses in the Greater Manchester region. The Chamber also believes the smoking ban will enhance the business environment of the Greater Manchester region. By eliminating smoking in bars and restaurants we help protect our workers from the harmful effects of second hand smoke while also leveling the playing field between New Hampshire and other New England states who have gone smoke-free. A level playing field will help New Hampshire better compete in the ultra competitive tourism industry of today. I'm pleased to report that SB 143 and SB 42 are successfully moving through the legislative process and appear to enjoy broad support. The Chamber will of course continue to advocate for these important pieces of legislation and keep you up to date on their progress.

As always, if you have any questions or concerns regarding the Chamber's legislative positions, please do not hesitate to contact us. Remember, the Chamber is here to serve as your business advocate!

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