



Week Eight - March 13, 2009

This electronic publication, known as **The Advocate**, is brought to you each Friday by your Greater Nashua Chamber of Commerce, in partnership with our friends at Devine Millimet & Branch, and ActiveEdge. Please use this piece to review what has happened in Concord this past week, read about our Chamber's lobbying efforts relating to those activities, and preview what we are doing on behalf of our Chamber members in the coming week.

[This Week's Update](#)

This week's bulletin is a long one, but is packed with updates on critical issues impacting every one of our members in some form or fashion!

[This Week Sees Standing-Room Only](#)

HB 478: In keeping with standing-room only hearings, one of the week's main events for business was HB 478 that regulates remotely readable devices. This is the 6th year we have been following "remotely readable device" or "RFID" (radio frequency identification devices) issues. This year's version, sponsored by the leading privacy advocates, if passed will:

1. require consumer products and ID documents to include a consumer notice;
2. prohibit human implantation of remotely readable devices without consent;
3. prohibit electronic tracking of people; and
4. add anti-skimming language to the current statute.

Seems benign? Not so. Almost every industry and business group imaginable came out to oppose the legislation: Your Chamber of Commerce, Automobile Dealers Association, car rental companies, retail merchants, utilities, healthcare, credit card companies, Manchester Airport, technology industry, cigarette manufacturers, pharmaceutical manufacturers, grocers, consumer healthcare product manufacturers and distributors, technology standards companies. Two of our own Nashua companies sent representatives to Concord to oppose it - Nashua Corporation and WincoID. Even the President of a Massachusetts high tech company drove up to express his opposition to the bill.

Besides the sponsors and the ACLU, the only supporters were members of The Free

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State and privacy movements.

To quote Mark Brewer, the Manchester-Boston Regional Airport Director, who is “strongly opposed” to the bill, “this legislation would limit commercial service across the state of New Hampshire from complying with federally approved airport security plans... . Unfortunately, a consequence of this bill will be to limit New Hampshire’s ability to address existing and future security threats to aviation through the use of technology... and may in fact, nullify millions of dollars of existing aviation security infrastructure at the Manchester-Boston Regional Airport and other New Hampshire facilities.”

The President of Reva Systems Corporation testified to the tremendous benefits of the technology to our healthcare system in the area of patient food safety, reduction in adverse drug events, reduction in errors, improved coordination between nurses, hospitals and pharmacies. He testified the growth in RFID technology application is not just in retail, but is expanding in other business applications.

On the strict business side of the issue, with the retail industry struggling during these tough economic times, we need less mandates on business, not more. Poor supply chain visibility results in more than \$81 billion annually in losses to US business due to lost, stolen and out of stock inventory. How can we allow business to experience these losses now when the technology is available to save that lost revenue. In addition, product counterfeiting costs industries an estimated \$500 billion annually world wide.

The number of New Hampshire businesses manufacturing or supplying the RFID industry in New Hampshire has doubled in the last two years. Your Chamber will work hard to allow this exciting technology to move forward and continue to encourage new businesses to locate in Nashua to develop and employ this technology. We will work hard to defeat HB 478.

SB152: Nearly 400 people filled Reps Hall today to testify on SB 152, the bill requiring the PUC to investigate whether the scrubber installation at PSNH Merrimack Station (mandated by the Legislature in 2006) is in the public interest.

Chris Williams traveled north to testify for the Chamber in opposition to SB 152. He stated that:

“Our concerns relate to both the alarming message such an action would send to businesses already in, or considering moves to, New Hampshire, and to the consequences such an action would have on our state’s energy-producing capability and the costs for that energy.

This bill reverses a deliberative process that was created and agreed upon by all parties as a reasonable way to reduce mercury emissions within the State of New Hampshire.... The State spoke loudly and clearly just three years ago, signaling to PSNH that they must move forward expeditiously to reduce mercury by installing new scrubber equipment at the Merrimack Station in Bow by 2013.

Now, certain state legislators are attempting to reverse course midstream, completely negating the State’s agreement with PSNH. The new message being delivered through this bill is that New Hampshire’s companies cannot trust our state government to follow through on its own mandates and directives. This message is alarming at best, and hypocritical at worst. It tells potential businesses considering a move to New Hampshire that they cannot trust state officials to keep their commitments, and it tells businesses already located within New Hampshire that they must remain

state legislative happenings

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vigilant against other possible state reversals on issues that impact their ability to continue their daily operations.”

There will be a heated debate we are sure as the Senate wrestles with this issue, and business squares up against environmentalists who appear to be going back on their original commitment.

Attempting to Negotiate a Pro-Business Attitude

SB 40, the onerous New Hampshire Duty to Warn legislation put in by Labor Commissioner George Copadis, is scheduled for a hearing on the 17th before the Senate Commerce, Labor and Consumer Protection Committee. Your President, Chris Williams, and Legislative Chair, Jeff Rose, met with Commissioner Copadis today to see if there was any compromise the Commissioner would make with the business community on this business unfriendly legislation. We are hopeful that we can reach a compromise with Commissioner Copadis and with legislators on this legislation, since the current language sends a very un-friendly message to businessmen and women who sit on various boards of directors for companies in New Hampshire. As it stands now, the bill would hold board directors, investors and senior managers directly responsible and liable, which is an extreme case of “piercing the corporate veil.”

The Trailer

HB 2 The trailer bill to the budget, HB 2 was released this week and boy is it a doozy. The Governor has decided to:

Restructure all the Boards and Commissions.

All non-regulatory boards, commissions, councils and advisory committees are “sunsetting.” The real issue, however, is the administrative authority of all boards and commission governing occupations and professions are being transferred to the departments of State, HHS, Environmental Services and Safety. Sounds harmless and efficient. The devil is in the details. It states the Commission of Administrative Services, following consultation with the other commissioners “shall propose any changes to procedures for determining license and permit fees...” Considering all professions pay 125% of the cost of administration of their Boards in licensing fees - guess what - now the cost of administration went way up as they are under a large bureaucracy, not a small office of a few. Seems there is a bit of a conflict of interest issue as well, DES administering the Boards of geologist, wetland scientist, etc. The issue for business is every professional you hire (doctors, nurses, landscape architects, engineers, barbers, athletic trainers, etc.) who is licensed in the state, will see fees go up. That means your cost of doing business is going up.

Create Fee Increases for Healthcare Providers?

The Governor has proposed that the license fees of healthcare providers be increased so as to fully fund the regulatory functions of the Department of Health and Human Services. The increases have been included as possible amendments to HB 2 and to HB 638. For hospitals and nursing homes, the contemplated increase is a whopping 20 fold - from \$2.50 to \$52.00 per bed per year. This is certainly not the time for the State government to be levying greater burdens on private businesses. And don't forget that the State is already significantly underfunding Medicaid payments to nursing homes and hospitals for the care of people who are the responsibility of the State. So the idea of asking those providers to fully fund the State is pretty ironic.

Unemployment Compensation To Start a Business Moves Forward

SB 170: This week the Senate passed a piece of legislation that we discussed previously over to the House on unemployment compensation. SB 170 creates a self-employment

assistance allowance to pay an allowance in lieu of regular unemployment benefits to unemployed persons who are attempting to create a new business and become self-employed. Now, an unemployed person can only receive unemployment benefits if they are looking for a job. If an individual commits to the conditions of the self-employment assistance program, then they may receive a self-employment assistance allowance while getting help starting a business. The allowance is charged to the Unemployment Trust Fund and not the former employer, as the former employee's new business could compete with the old business. As one would expect, the bill passed the Senate on a partisan vote of 14-9.

Acknowledgements

This weekly update is made possible by the generous support of [Devine Millimet & Branch](#), one of the state's top law firms and our Chamber's contracted representative in Concord. If your business has a legislative or local issue that needs strategic consulting and attention, they are a valuable resource that can help navigate you through both local and state processes.

This weekly update is designed and maintained by our friends at [ActiveEdge](#), and we thank them for their help in delivering this piece to your inbox every Friday!

If you have questions about this update, or comments to share with us about other issues in Concord, please email Chris Williams at cwilliams@nashuachamber.com. We want to be sure we're representing you to the best of our ability, so do not hesitate to reach out to us!

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