

Bill as Introduced

HB 133 - AS INTRODUCED

2009 SESSION

09-0410
06/04

HOUSE BILL **133**

AN ACT requiring employers to report certain information regarding outsourcing to the department of labor.

SPONSORS: Rep. Weed, Ches 3; Rep. Nord, Rock 1

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires companies that have reduced their employment in New Hampshire by 50 or more employees to supply certain information to the department of labor including the number of jobs that were lost to outsourcing to foreign countries.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring employers to report certain information regarding outsourcing to the department of labor.

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

1 1 New Section; Reporting Requirement. Amend RSA 273 by inserting after section 9 the
2 following new section:

3 273:9-a Reporting Requirement. Any company doing business in this state that had a net loss of
4 50 or more employees in this state during the prior calendar year shall, commencing January 31,
5 2010, submit the following information on a department-approved form to the commissioner:

6 (a) The name and principal place of business of the company.

7 (b) Identification of any procurement contracts that the company has with the state or a
8 local government.

9 (c) Identification of any grants or loans that the company has received from the state or
10 a local government.

11 (d) A statement of the number of New Hampshire employees in the company who lost
12 their jobs in the preceding calendar year.

13 (e) A statement of the number of jobs that were added in this state in the preceding
14 calendar year.

15 (f) A statement of the number of jobs that New Hampshire employees lost that were lost
16 as a result of the company outsourcing the jobs to employees located outside of the United States.

17 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Rice, Merr. 12
Rep. Hofemann, Straf. 6
November 6, 2009
2009-2481h
06/03

IF this amendment is adopted
by the Committee, please
deliver to the House Clerk
(Room 317) or Senate Clerk
(Senate Chamber), the 2
originals and 2 copies.



Amendment to HB 133

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT requiring employers to report certain information regarding outsourcing to the
4 department of employment security.
5

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

7
8 1 New Section; Reporting Requirement. Amend RSA 282-A by inserting after section 117-a the
9 following new section:

10 282-A:117-b Reporting Requirement. Any employer doing business in this state that had a net
11 loss of 50 or more employees in this state during the prior calendar year shall, commencing January
12 31, 2011, submit the following information on a department-approved form to the commissioner of
13 the department of employment security:

14 I. The name and principal place of business of the employer.

15 II. Identification of any procurement contracts that the employer has with the state or a
16 local government.

17 III. Identification of any grants or loans that the employer has received from the state or a
18 local government.

19 IV. A statement of the number of New Hampshire employees in the employer who lost their
20 jobs in the preceding calendar year.

21 V. A statement of the number of jobs that were added in this state in the preceding calendar
22 year.

23 VI. A statement of the number of jobs that New Hampshire employees lost that were lost as
24 a result of the employer outsourcing the jobs to employees located outside of the United States.

2009-2481h

AMENDED ANALYSIS

This bill requires employers that have reduced their employment in New Hampshire by 50 or more employees to supply certain information to the department of employment security including the number of jobs that were lost to outsourcing to foreign countries.

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Amendment to HB 133

- Page 2 -

2009-2481h

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Rep. Rice, Merr. 12
Rep. Hofemann, Straf. 6
November 13, 2009
2009-2509h
06/03

Amendment to HB 133

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16 local government.

17 III. Identification of any grants or loans that the employer has received from the state or a
18 local government.

19 IV. A statement of the number of New Hampshire employees employed by the employer who
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Amendment to HB 133

- Page 2 -

2009-2509h

AMENDED ANALYSIS

This bill requires employers that have reduced their employment in New Hampshire by 50 or more employees to supply certain information to the department of employment security including the number of jobs that were lost to outsourcing to foreign countries.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 133 Date January 21, 2009
Committee Labor

**** Please Print All Information ****

[illegible]

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: January 21, 2009

LOB ROOM: 307 **Time Public Hearing Called to Order:** 1:30 p.m.

Time Adjourned: 2:51 p.m.

(please circle if present)

Committee Members: Reps. Goley, S. Kelly, Gorman, Hofemann, J. Knowles, M. Knowles, Brennan, Craig, Weed, Rice, Mears, Infantine, Daniels, Bishop, Bridle, Gleason, Dumaine, H. Richardson, Pellegrino and Sedensky.

Bill Sponsors: Rep. Weed, Ches 3; Ches 3; Rep. Nord, Rock 1

TESTIMONY

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

Rep. Charles Weed - Prime sponsor of the bill. Outsourcing is a _____ it is a New Hampshire _____. This bill will allow us to give information and look at _____ in a couple of years to see if New Hampshire is an outsourcing _____.

Rep. Infantine: Define "outsourcing". Would prefer if 100 or more employees with the 50. Rep. Weed would be amendable to 40. Outsourcing is _____ but will work if needs more definition.

Rep. Daniels: Outsourcing can be _____ to Mexico, etc. _____ lose 50 or more jobs in one year. Have to apply the jobs here to be _____-outside New Hampshire.

Rep. Susi Nord - Co-sponsor of the bill. T_____. File to committee how travel agents official _____ jobs, not much information on jobs.

Dave Juvet, BIA - Opposes the bill. Oppose because not good to "punish" companies for leaving the state. Wrong headed approach. Companies leave for many different reasons. How to define "principal place of business"

Rep. Infantine: Do _____ oppose _____ collecting this _____? No, _____ object to old is done with it late but not with actual collecting it through cleaning up language a bit.

Rep. Weed: Diminished _____ intent of bill. Only wants to collect information, good _____ policy. _____ not to promise companies.

Gary Abbott, Associated General Contractors of NH - Opposes the bill.

Rep. Sherman Packard - Opposes the bill.

Respectfully submitted,

Rep. James W. Craig
Acting Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

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Bill Sponsors: Rep. Weed, Ches 3; Ches 3; Rep. Nord, Rock 1

TESTIMONY

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Rep Weed - Ches 3

Pro Outsourcing is a hot potato but not for it is a VHT problem - this bill will allow us to gain info + look at problem in a couple of years to see if VHT has an outsourcing problem

Q Infantino - define "outsourcing" - Would prefer if 100 or more employees rather than 50 - Weed would be amendable to 50 or - Outsourcing is defined in bill (f) but will work if needs more definition.

Q Daniels - Outsourcing can be interpreted to specified etc - And will mean any entity - focus loss 50 or more jobs in 1 year - how to report the jobs lost to be outsourced outside VHT.

Rep Susan Wood - Rock Dist 1

Pro There is no Trade Law - Like to know how Trade agents affect America jobs - not need info on jobs

offpr Dave Jewell - BIA

Offpr becomes not good to "family" companies for
leaving the state - Worry about approval
Companies leave for many different reasons
He is good about "principal place of business"

Q In future - do you offpr simply collect the data?
A - No - object to what is done w it later
but not w actually collecting it other than
cleaning up language a bit

Rep Weir -

Distressed about intel of bill - only wants
to collect info - good public policy
Don't want to punish companies

Sub C.

(Rice, Hofmann, Infantino)

1/29/09 @ 9:00

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9/2
1-2
1/1-2

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17 2 Effective Date. This act shall take effect 60 days after its passage.

Sub-Committee Actions

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: 1/29/09, 2/3/09, & 3/12/09

Subcommittee Members: Reps. Rice, Hofemann, and Infantine

Comments and Recommendations: Rep. Weed will conduct further investigation and coordinate with the Department of Labor to ascertain if a form already exists that encompasses the concerns of this bill.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Hofemann

Seconded by Rep. Infantine

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Rice
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: 1/29/09 + 2/3/09 + 3/12/09

Subcommittee Members: Reps. Rice, Hofmann, + Infantine

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. HOFMANN

Seconded by Rep. INFANTINE

Vote: UNAM

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

REP NEED WILL CONDUCT FURTHER INVESTIGATION AND
CO-ORDINATE WITH THE DEPT OF LABOR TO ASCERTAIN
IF A FORM ALREADY EXISTS THAT ENCOMPASSES THE
CONCERNS OF THIS BILL.





Maria Dalterio
General Counsel

NH Employment Security
32 South Main Street
Concord, NH 03301-4857

Tel (603) 528-9363
Fax (603) 528-9331
Maria.Dalterio@nhes.nh.gov

Chip Rice

To: Weed, Charles (Chuck); jgoley03104@yahoo.com
Subject: RE: Trade Act information related to HB 133

-----Original Message-----

From: Weed, Charles (Chuck) [mailto:cweed@keene.edu]
Sent: Tuesday, March 03, 2009 12:22 PM
To: chip.rice@comcast.net; jgoley03104@yahoo.com
Subject: FW: Trade Act information related to HB 133

Chip/Jeff--It looks like hb 133 is not all about duplication of effort.
Chuck weed

-----Original Message-----

From: Maria.Dalterio [mailto:Maria.Dalterio@nhes.nh.gov]
Sent: Tuesday, March 03, 2009 11:59 AM
To: Weed, Charles (Chuck)
Subject: RE: Trade Act information related to HB 133

Dear Rep. Weed - Sorry I did not get back to you sooner. After checking with Rick Ricker, the head of NHES' Employment and Labor Statistics Bureau, I believe that NHES does not collect the data described in d., e. and f. We have some data in each of those categories, but it is not complete in any of them. Therefore, I do not believe that HB 133 would replicate information that we already have/could provide.

Once again, I apologize for the lateness of this reply.

Maria

-----Original Message-----

From: Weed, Charles (Chuck) [mailto:cweed@keene.edu]
Sent: Monday, March 02, 2009 11:09 AM
To: Maria.Dalterio
Cc: chip.rice@comcast.net; jgoley03104@yahoo.com
Subject: RE: Trade Act information related to HB 133

maria--have you had any luck in searching the info about HB 133-esp--regarding items d, e, and f . ? the info about trade act certification was very helpful. i am getting pressure from the labor committee chair and the subcommittee regarding the need to exec the bill. chuck weed

From: Maria.Dalterio [mailto:Maria.Dalterio@nhes.nh.gov]
Sent: Fri 2/13/2009 3:30 PM
To: Weed, Charles (Chuck)
Subject: RE: Trade Act information related to HB 133

Hi Rep. Weed - I'll need to do some more research to be certain about whether NHES could provide that information. I'll get back to you as soon as I can.

Maria

-----Original Message-----

From: Weed, Charles (Chuck) [mailto:cweed@keene.edu]

- Sent: Thursday, February 12, 2009 6:02 PM
To: Maria.Dalterio; chip.rice@comcast.net
Subject: RE: Trade Act information related to HB 133

thank you Maria---i will try to call you tomorrow---i interpret your input previously, that regarding items d, e, and f of HB 133 you already collect and can provide us information when requested. can you also provide data about affected workers in item f in the last 10 yrs?
cweed

-----Original Message-----

From: Maria.Dalterio [mailto:Maria.Dalterio@nhes.nh.gov]
Sent: Thu 2/12/2009 3:20 PM
To: Weed, Charles (Chuck)
Subject: Trade Act information related to HB 133

Dear Rep. Weed,

As you requested, here is some additional information on Trade Act processing and verification by NH Employment Security. The federal Dept. of Labor does the certification of an employer that determines whether those laid off by that employer are eligible for Trade Act Adjustment services. Employers themselves can apply for the certification, as can a minimum of 3 employees who have been or are soon to be laid off or their union. When a company becomes Trade Act certified, NH Employment Security receives a list of the employees laid off or about to be laid off so that we can offer them additional services for which they are eligible. When we receive from people who come to us for re-employment services any indication that a lay-off may be due to a shift in production outside the U.S., NHES advises them of their ability to petition the Dept. of Labor for Trade Act certification of their former employer. The criteria for certification include outsourcing of work to other countries. For a fuller description of the criteria, please see the U.S. Dept. of Labor's web site,
<http://www.dol.gov/dol/topic/training/tradeact.htm>.

I hope this information is helpful to you in considering HB 133.

Sincerely,
Maria Dalterio
NH Employment Security
528-9363

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: November 5, 2009

Subcommittee Members: Reps. Rice, Hofemann, and Infantine

Comments and Recommendations: Please see attached.

Amendments:

Sponsor: Rep. Rice and Hofemann OLS Document #: 2009 2481h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTR OTP/A ITL, Retained (Please circle one.)

Moved by Rep. Rice

Seconded by Rep. Hofemann

Vote: 2-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Hofemann
Subcommittee Chairman Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

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Subcommittee Members: Reps. Rice, Hofemann, and Infantine

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Sponsor: Rep.	OLS Document #:

Motions: OTP (OTP/A) ITL, Retained (Please circle one.)

Moved by Rep. *RICE, H*

Seconded by Rep. *HOPEMANN*

Vote: *2 - 0*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

JEFFERSON

ATTY - GAVE FORM

1641 - #EMPLOYERS WITH 50 OR MORE

AMBA BILL
FM DOL TO
DES
REGIONS OUTSOURCING
2011 ACS

RSA
FM 273
TO 282A
RSA



ADMINISTRATIVE
32 SOUTH MAIN STREET
CONCORD, NEW HAMPSHIRE
03301-4857



TARA G. REARDON, COMMISSIONER
DARRELL L. GATES, DEPUTY COMMISSIONER

MARIA
DALTERIO

Account #

Name

TRADE, BUSINESS, AND WORKFORCE TRANSFER REPORT

(This report must be completed within 30 days of an employer having sold or transferred all, or a portion of, its trade, or workforce RSA 282-A EMP 302.13)

SALE OF BUSINESS OR ENTITY CHANGE SECTIONS

1. Changed to (check one) Sole Proprietorship ☐ Partnership ☐ Corporation ☐ LLC ☐ Date of Change _____
2. Business Sold or Leased: Yes ☐ (complete information below) No ☐
% of Assets Sold or Leased: _____
Sold/Leased to: _____
Name _____
DBA _____
Address _____
3. Do you still furnish employment in New Hampshire under this account number?
Yes ☐ If YES, Please explain: _____
No ☐ If NO, Specify last date of employment in NH: _____

TRANSFER OF WORKFORCE SECTION

4. Date of Transfer All or Portion of NH Workforce: _____
 5. Business Workforce Transferred to (Transferee): _____
Name _____
DBA _____
Address _____
 6. Number of NH Employees Transferred: _____
(Must complete the TRADE, BUSINESS, AND WORKFORCE TRANSFER REPORT - TRANSFERRED EMPLOYEES form or attach a separate list providing transferred employees names, social security numbers, and gross wages for the last 4 completed calendar quarters prior to the date of transfer)
 7. Number of Employees Retained: _____
 8. Is there any common ownership, management or control between parties (Transferor and Transferee)?
Yes ☐ No ☐
If YES, Please explain: _____
 9. Attach a list of the Owners, all Partners, Authorized Corporate Officers and Authorized Members of Limited Liability Companies.
10. I (we) declare under the pains and penalties of perjury that I (we) prepared this report, including any accompanying schedules and attachments, to the best of my (our) knowledge and belief, a true, and complete report based on all the information relating to the matters required to be reported in this report of which I (we) have any knowledge.

Name

Title

Date

Signature

Address

Telephone #

NHES is a proud member of America's Workforce Network and NH Works. NHES is an Equal Opportunity Employer and complies with the Americans with Disabilities Act. Auxiliary aids and services are available upon request of individuals with disabilities
Telephone (603) 228-4033 Fax (603) 229-4323 TDD/ TTY Access: Relay NH 1-800-735-2964 Web site: www.nh.gov/nhes

TRADE, BUSINESS, AND WORKFORCE TRANSFER REPORT

Employer Name

Account #

Transferred Employees

[illegible]

282-A:91-a Special Rules Regarding Transfers of Experience and Assignment of Rates. –

I. Notwithstanding any other provision of law, the following shall apply regarding assignment of rates and transfers of experience:

(a) (1) If an employer transfers its trade or business, or a portion thereof, to an employing unit or to another employer and, at the time of the transfer, there is any common ownership, management, or control of the 2 employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. The rates of both employers shall be recalculated and made effective following the date of the transfer of trade or business in accordance with such rules as the commissioner may adopt.

(2) If, following a transfer of experience under subparagraph (1), the commissioner determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, then the experience rating of the employer accounts involved shall be combined and the combined rate assigned to each employer in accordance with such rules as the commissioner may adopt.

(b) Whenever a person who is not an employer under this chapter at the time he or she acquires the trade or business, or a portion thereof, of an employer, the unemployment experience of the acquired business shall not be transferred to such person if the commissioner finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under RSA 282-A:81.

(c) In determining whether there is any common ownership, management, or control of 2 employers, the commissioner shall use objective factors which may include the extent of commonality or similarity of: ownership; any familial relationships; principals or corporate officers; organizational structure; day-to-day operations; assets and liabilities; and stated business purposes. Ownership of publicly-traded mutual funds, publicly-traded stocks, and similar publicly-traded investments shall not be indicative of common ownership, management, or control.

(d) In determining whether a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the commissioner shall use objective standards which may include the cost of acquiring the business to which the experience was transferred, how long such business enterprise was continued after the transfer, the extent to which such business enterprise reduced its workforce following the transfer, the size of each employer's workforce before and after the transfer, and the business activity conducted by each employer prior to, and after, the transfer.

(e) In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the commissioner shall use objective factors which may include the cost of acquiring the business, whether the person continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(f) (1) If a person knowingly violates or attempts to violate subparagraph (a), (b), or (i) or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person in a way that results in a violation of such provision, the person shall be subject to the following penalties:

(A) If the person is an employer, such employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and the 3 rate years immediately following this rate year. However, if the person's business is already at such highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contributions of 2 percent of taxable wages shall be imposed for such year.

(B) If the person is not an employer, such person shall be subject to a civil fine of not more than \$5,000. Any such fine shall be deposited in the fund established by RSA 282-A:140. Such person shall also be jointly and severally liable with any liable employer for additional contributions and all related penalties, fees, interest, and costs owed as a result of the application of this section. Such person shall be subject to civil action for such liability in any manner provided for collection of contributions in RSA

282-A:141-156.

(2) In addition to other penalties imposed in this paragraph, any violation of this section may be prosecuted under RSA 282-A:166 or any other appropriate statute.

(g) The commissioner shall establish procedures to identify the transfer or acquisition of a business for purposes of this section.

(h) For purposes of this section:

(1) "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(2) "Person" means "person" as defined in section 7701(a)(1) of the Internal Revenue Code of 1986.

(3) "Trade or business" includes the employer's workforce.

(4) "Violates" or "attempts to violate" includes, but is not limited to, intent to evade, misrepresentation, and willful nondisclosure.

(i) The reporting by an employer of its payroll under the account of another employer with which there is no common ownership, management, or control, is prohibited unless the reporting employer is an employee leasing company lawfully making such report.

(j) A management company which contracts with any employer to report wages of managed employees shall be considered, in accordance with such rules as the commissioner may adopt, to have common management or control with such employer, and with any other management company with which the employer may contract for the same purpose in the future.

II. This section shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

Source. 2005, 239:6, eff. Jan. 1, 2006.

Rep. Rice, Merr. 12
Rep. Hofemann, Straf. 6
November 6, 2009
2009-2481h
06/03

Amendment to HB 133

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT requiring employers to report certain information regarding outsourcing to the
4 department of employment security.
5

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

7
8 1 New Section; Reporting Requirement. Amend RSA 282-A by inserting after section 117-a the
9 following new section:

10 282-A:117-b Reporting Requirement. Any employer doing business in this state that had a net
11 loss of 50 or more employees in this state during the prior calendar year shall, commencing January
12 31, 2011, submit the following information on a department-approved form to the commissioner of
13 the department of employment security:

14 I. The name and principal place of business of the employer.

15 II. Identification of any procurement contracts that the employer has with the state or a
16 local government.

17 III. Identification of any grants or loans that the employer has received from the state or a
18 local government.

19 IV. A statement of the number of New Hampshire employees in the employer who lost their
20 jobs in the preceding calendar year.

21 V. A statement of the number of jobs that were added in this state in the preceding calendar
22 year.

23 VI. A statement of the number of jobs that New Hampshire employees lost that were lost as
24 a result of the employer outsourcing the jobs to employees located outside of the United States.

Amendment to HB 133
- Page 2 -

2009-2481h

AMENDED ANALYSIS

This bill requires employers that have reduced their employment in New Hampshire by 50 or more employees to supply certain information to the department of employment security including the number of jobs that were lost to outsourcing to foreign countries.

Sub-Committee Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: October 29, 2009

Subcommittee Members: Reps. Rice, Hofemann, and Infantine

Comments and Recommendations: Will meet again next week.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Chip Rice
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: October 29, 2009

Subcommittee Members: Reps. Rice, Hofemann, and Infantino

Comments and Recommendations: will meet again next week.

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. *Chap Liao*
Subcommittee Chairman/Clerk

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: March 12, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one) **RETAIN**

Moved by Rep. Rice

Seconded by Rep. Hofemann

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE:

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) Retain

Moved by Rep. Rice

Seconded by Rep. Hofmann

Vote: (Please attach record of roll call vote.) 15-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

Bill #: HB 133 Title: requiring employers to report certain information regarding outsourcing to the department of labor
PH Date: 1 / 21 / 09 Exec Session Date: 3 / 12 / 09

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	absent	
Gorman, Mary J	absent	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	✓	
Craig, James W	✓	
Weed, Charles F	✓	
Rice, Chip L	✓	
Mears, Lucy E	✓	
Infantine, William J	✓	
Daniels, Gary L	✓	
Bishop, Franklin C	absent	
Bridle, Russell D	✓	
Gleason, John P	absent	
Dumaine, Dudley D	✓	
Richardson, Herbert D	✓	
Pellegrino, Tony J	✓	
Sedensky, John B	absent	
	15	0
TOTAL VOTE: 15-0 Printed: 1/12/2009		

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: November 10, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. Rice and Hofemann OLS Document #: 2009 2481h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) **WITHDRAWN**

Moved by Rep. Hofemann

Seconded by Rep. Weed

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: November 10, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. Hofmann + Rice

OLS Document #: 2009-2481h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hofmann

Seconded by Rep. Weed

Vote: (Please attach record of roll call vote.)

Withdrawn and
sent back to
sub committee

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

Bill #: HB 133 Title: requiring employers to report certain information regarding outsourcing to the Dept of Labor
PH Date: 1 / 21 / 09 Exec Session Date: 11 / 10 / 09

Motion: _____ **Amendment #:** 2009-4981 h

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman		
Kelly, Sally H, V Chairman		
Gorman, Mary J		
Hofemann, Roland P		
Knowles, John		
Knowles, Mary Ann, Clerk		
Brennan, William P		
Craig, James W		
Weed, Charles F		
Rice, Chip L		
Mears, Lucy E		
Infantine, William J		
Daniels, Gary L		
Bishop, Franklin C		
Bridle, Russell D		
Gleason, John P		
Dumaine, Dudley D		
Richardson, Herbert D		
Pellegrino, Tony J		
Sedensky, John B		
TOTAL VOTE:		

Printed: 1/12/2009

Bill #: HB 133 Title: requiring employers to report certain information
regarding outsourcing to the Dept of Labor.
 PH Date: 1/21/09 Exec Session Date: 11/10/09

Motion: _____ **Amendment #:** _____

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman		
Kelly, Sally H, V Chairman		
Gorman, Mary J		
Hofemann, Roland P		
Knowles, John		
Knowles, Mary Ann, Clerk		
Brennan, William P		
Craig, James W		
Weed, Charles F		
Rice, Chip L		
Mears, Lucy E		
Infantine, William J		
Daniels, Gary L		
Bishop, Franklin C		
Bridle, Russell D		
Gleason, John P		
Dumaine, Dudley D		
Richardson, Herbert D		
Pellegrino, Tony J		
Sedensky, John B		
TOTAL VOTE:		

Printed: 1/12/2009

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: November 24, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. Rice & Hofemann OLS Document #: 2009 2509h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep. Rice

Seconded by Rep. Craig

Vote: 16-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep. Rice

Seconded by Rep. Kelly

Vote: 10-7 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 133

BILL TITLE: requiring employers to report certain information regarding outsourcing to the department of labor.

DATE: November 24, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. <i>Rice</i>	OLS Document #: <i>2009-2509h</i>
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Rice*

Seconded by Rep. *Craig*

Vote: (Please attach record of roll call vote.)

16-1

Motions: OTP OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep. *Rice*

Seconded by Rep. *Kelly*

Vote: (Please attach record of roll call vote.)

10-7

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

Bill #: H.B. 133 Title: requiring employers to report certain information regarding
outsourcing to the department of labor
PH Date: 1/21/09 Exec Session Date: 11/24/09

Exec Session Date: 11 / 24 / 09

Amendment #: 2009-2509h

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	✓	
Gorman, Mary J	✓	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	✓	
Craig, James W	✓	
Weed, Charles F		
Rice, Chip L	✓	
Mears, Lucy E	✓	
Infantine, William J	✓	
Daniels, Gary L	✓	
Bishop, Franklin C	✓	
Bridle, Russell D		
Gleason, John P	✓	
Dumaine, Dudley D		
Richardson, Herbert D		✓
Pellegrino, Tony J	✓	
Sedensky, John B	✓	
TOTAL VOTE:	16	1

Printed: 1/12/2009

Bill #: HB 133 Title: requiring employers to report certain information regarding outsourcing to the department of labor
PH Date: 1 / 21 / 09 Exec Session Date: 11 / 24 / 09

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	✓	
Gorman, Mary J	✓	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	✓	
Craig, James W	✓	
Weed, Charles F		
Rice, Chip L	✓	
Mears, Lucy E	✓	
Infantine, William J		✓
Daniels, Gary L		✓
Bishop, Franklin C		✓
Bridle, Russell D		
Gleason, John P		✓
Dumaine, Dudley D		
Richardson, Herbert D		✓
Pellegrino, Tony J		✓
Sedensky, John B		✓
TOTAL VOTE:	10	7

Printed: 1/12/2009

Committee Report

REGULAR CALENDAR

November 25, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on LABOR, INDUSTRIAL AND
REHABILITATIVE SERVICES to which was referred
HB133,**

**AN ACT requiring employers to report certain
information regarding outsourcing to the department of
labor. Having considered the same, report the same
with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Chip L Rice

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES
Bill Number:	HB133
Title:	requiring employers to report certain information regarding outsourcing to the department of labor.
Date:	November 25, 2009
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill requires any employer with a net loss of more than 50 employees during the prior calendar year to report information to the Department of Employment Security such as, procurement contracts the company has with the state or local government, any grants or loans the company received from the state, the number of employees lost and added in the calendar year and the number of employees lost to outsourcing the jobs to employers outside of the United States.

Vote 10-7.

Rep. Chip L Rice
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB133, requiring employers to report certain information regarding outsourcing to the department of labor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chip L Rice for **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**. This bill requires any employer with a net loss of more than 50 employees during the prior calendar year to report information to the Department of Employment Security such as, procurement contracts the company has with the state or local government, any grants or loans the company received from the state, the number of employees lost and added in the calendar year and the number of employees lost to outsourcing the jobs to employers outside of the United States. **Vote 10-7.**

Original: House Clerk
Cc: Committee Bill File

HB 133

OTP/A

This bill requires any employer with a net loss of more than 50 employees during the prior calendar year to report information to the Department of Employment Security such as, procurement contracts the company has with the state or local government, any grants or loans the company received from the state, the number of employees lost and added in the calendar year and the number of employees lost to outsourcing the jobs to employers outside of the United States.

Chip Rice

A handwritten signature, likely of Chip Rice, consisting of a stylized 'C' and 'R'.

HB 133

OTP/A

S

↓

This bill requires any employer with a net loss or more than 50 employees during the prior calendar year to report information to the Department of Employment Security such as, procurement contracts the company has with the state or local government, any grants or loans the company received from the state, the number of employees lost and added in the calendar year and the number of employees lost to outsourcing the jobs to ~~employees~~ outside of the United States.

employers

Chip Rice

COMMITTEE REPORT

COMMITTEE: LABOR

BILL NUMBER: HB 133

TITLE: _____

DATE: 11/24/09 CONSENT CALENDAR: YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

2009-2509h

STATEMENT OF INTENT:

THIS BILL REQUIRES ANY EMPLOYER WITH A NET LOSS OF
MORE THAN 50 EMPLOYEES DURING THE PRIOR CALENDAR YEAR
TO REPORT INFORMATION TO THE DEPT. OF EMPLOYMENT SECURITY
SUCH AS, PROCUREMENT CONTRACTS THE COMPANY HAS WITH THE STATE
OR LOCAL GOVT, ANY GRANTS OR LOANS THE COMPANY RECEIVED FROM
THE STATE, THE NUMBER OF EMPLOYEES LOST ^{AND ADDED} IN THE CALENDAR
YEAR AND THE NUMBER OF ~~DEB~~ EMPLOYEES LOST TO OUTSOURCING
THE JOBS TO EMPLOYERS OUTSIDE OF THE U.S.

COMMITTEE VOTE: 10-7

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. [Signature]

For the Committee

REGULAR CALENDAR

November 25, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on LABOR,
INDUSTRIAL AND REHABILITATIVE SERVICES to
which was referred HB271, 133

AN ACT relative to relevant information in a workers'
compensation claim. 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. William J Infantine

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: **LABOR, INDUSTRIAL AND REHABILITATIVE
SERVICES**
Bill Number: **HB271**
Title: **relative to relevant information in a workers'
compensation claim.**
Date: **November 25, 2009**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The minority does not have issue with the sponsors request for information regarding the possible outsourcing of New Hampshire jobs. The minority believes the bill should have included a sunset provision and limited the employers required to provide this information to those with 75 or more employees consistent with the W.A.R.N. act legislation that takes affect 1/1/10. The bill has no penalty provision so there is little likelihood that employees will provide this information.

Rep. William J Infantine
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB271, relative to relevant information in a workers' compensation claim. **INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for the **Minority** of LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES. The minority does not have issue with the sponsors request for information regarding the possible outsourcing of New Hampshire jobs. The minority believes the bill should have included a sunset provision and limited the employers required to provide this information to those with 75 or more employees consistent with the W.A.R.N. act legislation that takes affect 1/1/10. The bill has no penalty provision so there is little likelihood that employees will provide this information.

Original: House Clerk
Cc: Committee Bill File

HB 271 – MINORITY

ITL

The minority does not have issue with the sponsors request for information regarding the possible outsourcing of New Hampshire jobs. The minority believes the bill should have included a sunset provision and limited the employers required to provide this information to those with 75 or more employees consistent with the W.A.R.N. act legislation that takes affect 1/1/10. The bill has no penalty provision so there is little likelihood that employees will provide this information.

Will Infantine



MINORITY REPORT

COMMITTEE: Labor

BILL NUMBER: 271

TITLE: Regarding the outsourcing of jobs & requiring
information from employers.

DATE: 11/24/09 CONSENT CALENDAR: YES ☐ NO ☒

☐ 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 does not have issue with
the sponsors request for information regarding
the possible outsourcing of W.H jobs.

The minority believes the bill should have included
a sunset provision ~~and sunset provision~~ and limited the
employers required to provide this information to those
with 75 or more employees consistent with the
W.A.R.N. act legislation that takes affect 11/10.
The bill has no penalty provision so there is little
likelihood that employers will provide this information

COMMITTEE VOTE: 11-7

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep. [Signature]

For the Minority