

SB 331-FN – AS INTRODUCED

2014 SESSION

14-2795  
05/03

SENATE BILL        **331-FN**

AN ACT            relative to waivers for out-of-state businesses and employees in a state of emergency.

SPONSORS:        Sen. Bradley, Dist 3; Rep. G. Chandler, Carr 1

COMMITTEE:      Commerce

---

ANALYSIS

This bill waives certain business registration and occupational licensing requirements for out-of-state businesses and employees operating in the state during a declared state of emergency.

-----

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



1 VI. "Out-of-state employee" means an individual who performs services for an out-of-state  
2 business in return for compensation and who, prior to the declared state disaster or emergency, was  
3 neither a resident of this state nor had a nexus in the state.

4 VII. "Registered business" means a business entity that is registered or licensed to do  
5 business in the state prior to the declared state disaster or emergency.

6 319-D:2 Status of Out-Of-State Businesses and Employees During Disaster Period.

7 I. Notwithstanding any other provision of law to the contrary, during a disaster period an  
8 out-of-state business that conducts operations within the state for the purpose of performing work or  
9 providing services related to a declared state disaster or emergency is deemed to have not  
10 established a level of presence that would require that business or its out-of-state employees to be  
11 subject to any state or local employment, licensing, or registration requirements, including, but not  
12 limited to:

13 (a) Business licensing or registration requirements.

14 (b) Occupational licensing fees.

15 II. After the termination of a disaster period, an out-of-state business or out-of-state  
16 employee that remains in the state is subject to the state's standards for establishing presence or  
17 residency or for doing business in the state and shall meet all business and employee licensing and  
18 registration requirements.

19 319-D:3 Notification.

20 I. An out-of-state business shall provide notification to the secretary of state as soon as  
21 practicable after entry to the state during a disaster period that the out-of-state business is in the  
22 state for purposes of responding to the declared state disaster or emergency. The out-of-state  
23 business shall provide to the secretary of state information related to the out-of-state business  
24 including but not limited to the following:

25 (a) Name;

26 (b) State of domicile;

27 (c) Principal business address;

28 (d) Federal employer identification number;

29 (e) The date when the out-of-state business entered the state; and

30 (f) Contact information while the out-of-state business is in this state.

31 II. A registered business shall provide the notification required in paragraph I for an  
32 affiliate of the registered business that enters the state as an out-of-state business. The notification  
33 under this paragraph also shall include contact information for the registered business in the state.

34 III. An out-of-state business that remains in the state after a disaster period shall notify the  
35 secretary of state and shall meet all registration, licensing, and filing requirements resulting from  
36 establishing a business presence in the state.

37 2 Effective Date. This act shall take effect 60 days after its passage.

38

**SB 331-FN FISCAL NOTE**

AN ACT                   relative to waivers for out-of-state businesses and employees in a state of emergency.

**FISCAL IMPACT:**

The Department of State, Department of Revenue Administration, and Joint Board of Licensure and Certification state this bill, **as introduced**, will have an indeterminable impact on state revenue in FY 2014 and each year thereafter. There will be no impact on county and local revenue, or state, county, and local expenditures.

**METHODOLOGY:**

The Department of State states this bill permits out-of-state business entities to operate in New Hampshire during a state of emergency without registering as a business under the laws of the state. Such a business entity would have to file a statement with the Department confirming its presence in the state during an emergency. The Department states that the processing of such filings can be absorbed within its current budget. An indeterminable amount of revenue could potentially be generated by out-of-state businesses that decide to remain in the state after an emergency has ended, in which case they would be required to formally register with the Department.

The Department of Revenue Administration states it has no data regarding businesses and employees that came to the state during past emergencies, and is unable to predict the number of businesses and employees that will come to the state during future emergencies. For this reason, the Department is unable to estimate the possible negative impact of allowing waivers of business tax liabilities during states of emergency. The Department states that any administrative costs imposed on it by the bill can be absorbed within its current budget.

The Joint Board of Licensure and Certification states it is unable to determine how many unlicensed out-of-state businesses or employees would perform work in the state as a result of the bill. For this reason, the bill's impact on state revenue is indeterminable.

The Department of Safety states the bill will have no fiscal impact.