

Bill as
Introduced

HB 241-FN - AS INTRODUCED

2013 SESSION

13-0614

06/09

HOUSE BILL **241-FN**

AN ACT establishing a state minimum hourly rate.

SPONSORS: Rep. Robertson, Ches 6

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill establishes a state minimum hourly rate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a state minimum hourly rate.

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

- 1 1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:
2 279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or
3 corporation shall employ any employee at an hourly rate lower than **\$9.25 or** that set forth in the
4 federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn or
5 cabin, who customarily and regularly receive more than \$30 a month in tips directly from the
6 customers will receive a base rate from the employer of not less than 45 percent of the applicable
7 minimum wage. If an employee shows to the satisfaction of the commissioner that the actual
8 amount of wages received at the end of each pay period did not equal the minimum wage for all
9 hours worked, the employer shall pay the employee the difference to guarantee the applicable
10 minimum wage. The limitations imposed hereby shall be subject to the following exceptions:
11 2 Community Development Finance Authority; Definitions. Amend RSA 162-L:1, VIII to read as
12 follows:
13 VIII. "Primary employment" means work which pays at least 1 1/2 times the minimum wage
14 as established **under RSA 279:21 or** under federal law, **whichever is greater**, which offers
15 adequate fringe benefits, including health insurance, and which is not seasonal or part-time.
16 3 Effective Date. This act shall take effect September 1, 2013.

LBAO
13-0614
01/07/13

HB 241-FN - FISCAL NOTE

AN ACT establishing a state minimum hourly rate.

FISCAL IMPACT:

The Department of Labor, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, as introduced, will have an indeterminable impact on county and local expenditures in FY 2014 and each year thereafter. There will be no fiscal impact on state expenditures, or state, county, and local revenue.

METHODOLOGY:

The Department of Labor states this bill establishes a minimum wage for employees in the state of the higher of \$9.25 per hour or the amount established in federal minimum wage law. The Department states it will need to revise labor posters to reflect the increased minimum wage. The Department states, however, that the posters are regularly revised in any event, so there would likely be no cost of revision to the state. Similarly, the Department already has an inspection process to ensure compliance with current labor laws, and so the cost of enforcement will be absorbed.

The New Hampshire Association of Counties states the bill will have an indeterminable impact on county expenditures. The Association states some county employees are paid wages below the proposed minimum, but it is unable to determine the precise number of such employees.

The New Hampshire Municipal Association states the bill's impact on local expenditures is indeterminable. The Association states it does not have data on the number of municipalities, if any, currently employing individuals at less than the minimum wage proposed by the bill.

The Department of Administrative services states the bill will have no impact on state expenditures, since the current minimum hourly wage for state employees is higher than that proposed by the bill.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 241-FN Date January 29, 2013
 Committee Labor

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep. Jeanine Nutter			Hills 21		<input checked="" type="checkbox"/>
KURT Ehrenburg			AFL-CIO	<input checked="" type="checkbox"/>	
Rep John T. O'Connor		Rock. Dist 6			<input checked="" type="checkbox"/>
Rep Carol M'Guire			Merr 29		<input checked="" type="checkbox"/>
Spec Bowers			self		<input checked="" type="checkbox"/>
Rep Pamela Tucher					<input checked="" type="checkbox"/>
Rep T. Robertson				<input checked="" type="checkbox"/>	
Don Gobin					<input checked="" type="checkbox"/>
Mark Cepielowski			Americans for Prosperity		<input checked="" type="checkbox"/>
Brian Hawkins	207 N. Main St Concord		SEA, SEIU Local 1984	<input checked="" type="checkbox"/>	
Don FELDES			New Hampshire Legal Assistance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tim Sink	Concord Chamber of Commerce				<input checked="" type="checkbox"/>
Olivia Zink	4 Park St #304 Concord	225-2097	NHCA	<input checked="" type="checkbox"/>	
Maggie Fortney	16 Florence Street Dover NH	(603) 988-7115		<input checked="" type="checkbox"/>	
Rep. Peter M. Sullivan			Hills 10	<input checked="" type="checkbox"/>	
Jessica Clark		225-1932	America Votes	<input checked="" type="checkbox"/>	
Jan Schuffer	Warner NH	(603) 7302	AFL-CIO	<input checked="" type="checkbox"/>	
Mary Lou Bawer	Attard St Concord	856-7517	Every Child Matters	<input checked="" type="checkbox"/>	
Vahnie Acres	Sheehan Phinney Capitol Gp		Leading Age NH + Granite State Home Health Assoc		<input checked="" type="checkbox"/>
REP BARBARA CANNETT	MAG HENRY/BRAD FORD			<input checked="" type="checkbox"/>	

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: January 29, 2013

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

Time Adjourned: 1:39 p.m.

(please circle if present)

Committee Members: Reps. A. White, S. Kelly, Coulombe, C. Rice, Weed, J. Schmidt, DiSilvestro, Andrews, Cahill, Ley, Tanner, Daniels, Burchell, H. Richardson, Infantine, Pellegrino, Flanagan, Emerick, Sedensky and St. James.

Bill Sponsors: Rep. Robertson, Ches 6

TESTIMONY

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

Timothy Robertson - Prime sponsor of the bill. People in order to survive people need two jobs. Feels minimum wage is not reflective of the times. Feels people have well been compensated well for the work they do. Need to get back to consumer purchasing through better wages.

Respectfully submitted,



Rep. Linda A. DiSilvestro
Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

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Bill Sponsors: Rep. Robertson, Ches 6

TESTIMONY

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

1. Rep Timothy Robertson - Support - ~~WA~~
People in order to survive people need two jobs.
Feels ^{MIN-}wage is not reflective of the times. Feels people
have not been compensated well for the work they do. Need
to get back to consumer purchasing through better wages.

Sub-Committee Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: February 26, 2013

Subcommittee Members: Reps. Kelly, Ley, Tanner, Pellegrino, and Emerick

Comments and Recommendations: Please see attached notes.

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. Sally Kelly
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: 2/26/13

Subcommittee Members: Reps. Kelly, Ley, Tanner, Pellegrino + Emerick

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.

Seconded by Rep.

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Subcommittee hearing on HB 127, 241, 501>>February 26, 2013

Present: Reps. Kelly (chair), Pellegrino, Emerick, Ley

Three issues or questions were focal points for the hearing:

1. Should NH re-establish in statute a state minimum wage?
2. What rate should such a minimum wage be?
3. Should a state minimum wage be indexed?

Points expressed by members:

- creating and/or raising minimum wage has a ripple effect—forces up costs of employers and forces raising of all wages, with costs passed along to consumers, meaning higher prices.
- a minimum wage is a *starting* wage, not to be confused with a living wage.
- the negative impact will be felt especially hard by small businesses in NH.
- some objection on grounds of principle—it is akin to price-fixing (though also conceded that on pragmatic grounds, it does exist and we need to reckon with it).

- restoring the state minimum wage via statute gives NH future flexibility to deal with variations in cost-of-living—i. e., Federal rate is simply inadequate for high cost-of-living in Northeast (esp. as compared to other regions of the US).

- indexing: perhaps link to CPI or some combination of indicators. Objection raised on grounds of silly to raise some 12 cents one year, 6 cents another year—becomes unwieldy and inconvenient. Another member, though, thought that at very least, could mandate a biennial report to Legislature (perhaps from Dept. of Labor) on changes in cost-of-living, shifts in workforce paid at minimum, etc.—to educate Legislature, keep issue of minimum wage and need for possible adjustments in front of NH House. 10 states already have indexing (including AZ).

- Why not have a NH minimum wage? Isn't this an assertion of state's rights, an example of local control? Why do we rely/fall back on Federal govt. in this area, when in others we are strident in wanting to pursue an independent path.

Committee also solicited some input from audience>>

- prior NH statute mandated that NH could set own rate that could be higher than Federal wage rate.

- 50% of those making minimum wage in NH are under age 25, 50% are 25 are OLDER.

- Only 7% of teenagers working are paid at minimum wage

[These two points provided by D. of Labor—2007 Fed stats]

- some discussion of role of ALEC.

In conclusion:

- Should NH restore state minimum in statute? 2-2 (political lines)

- basic agreement that cannot go forth with anything more than a small increase

- indexing/mandated reporting to House: some support but would need much more elaboration.

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: February 28, 2013

Subcommittee Members: Reps. White, Kelly, Weed, Rice, Coulombe, Andrews, Cahill,
DiSilvestro, Ley, Schmidt, Tanner, Daniels, Infantine, Richardson,
Pellegrino, Sedensky, Flanagan, Burchell, Emerick, and St. James

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.

Seconded by Rep.

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Linda A. DiSilvestro
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: February 28, 2013

Subcommittee Members: Reps. White, Kelly, Weed, Rice, Coulombe, Andrews, Cahill, DiSilvestro, Ley, Schmidt, Tanner, Daniels, Infantine, Richardson, Pellegrino, Sedensky, Flanagan, Burchell, Emerick, and St. James

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.

Seconded by Rep.

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Testimony

Raising of the Minimum Wage

HB 241

For some time now, not only the State of New Hampshire but the entire country has had an ongoing debate about when and if to raise the minimum wage. Not only research but common sense tells us that if employees at every level are fairly compensated, they will be more committed to their jobs and develop a sense of loyalty to their employer.

Many in our society applaud a corporation that sponsors a charity or institution such as a hospital, school, orchestra, to name a few, and it makes for good press. Some people demonize those who must rely on food stamps, subsidized fuel and housing, food pantries, as being underachievers, lazy, a drag on society, and at taxpayer expense. A living wage will greatly reduce the need for such support. We all know people who are hard working employees with skills we could never match who are not being fairly compensated. It is because of their work that their employer prospers. It's time to spread the profits of a business down to the people who have helped build that success. An increase in the minimum wage to at least \$9.25 will be a step in the right direction.

Respectfully submitted,

Judith A. Ackerson

3 Morning Glory Drive

Franklin NH 03235

Tel. 603-934-2543

Please add this letter of testimony to Comm.
file on HB 241

**Raising of the Minimum Wage
HB 241**

For some time now, not only the State of New Hampshire but the entire country has had an ongoing debate about when and if to raise the minimum wage. Not only research but common sense tells us that if employees at every level are fairly compensated, they will be more committed to their jobs and develop a sense of loyalty to their employer.

Many in our society applaud a corporation that sponsors a charity or institution such as a hospital, school, orchestra, to name a few, and it makes for good press. Some people demonize those who must rely on food stamps, subsidized fuel and housing, food pantries, as being underachievers, lazy, a drag on society, and at taxpayer expense. A living wage will greatly reduce the need for such support. We all know people who are hard working employees with skills we could never match who are not being fairly compensated. It is because of their work that their employer prospers. It's time to spread the profits of a business down to the people who have helped build that success. An increase in the minimum wage to at least \$9.25 will be a step in the right direction.

Respectfully submitted,
Judith A. Ackerson
3 Morning Glory Drive
Franklin NH 03235
Tel. 603-934-2543

LOB 307

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: March 5, 2013

LOB ROOM: 307

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. Coulombe

Seconded by Rep. DiSilvestro

Vote: 19-1 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Linda A. DiSilvestro, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 241-FN

BILL TITLE: establishing a state minimum hourly rate.

DATE: 3/5/13

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Coutombe

Seconded by Rep. DiSilvestro

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

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 19/1

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Linda A. DiSilvestro, Clerk



2013 SESSION

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES.

Bill #: 241-FR Title: State minimum hourly rate

PH Date: 1/29/13 Exec Session Date: 3/5/13

Motion: FTL Amendment #: _____

MEMBER	YEAS	NAYS
White, Andrew A, Chairman	Y	
Kelly, Sally H, V Chairman	Y	
Weed, Charles F		N
Rice, Chip L	Y	
Coulombe, Gary M	Y	
Andrews, Christopher R	Y	
Cahill, Michael D	Y	
DiSilvestro, Linda A, Clerk	Y	
Ley, Douglas A	Y	
Schmidt, Janice E	Y	
Tanner, Linda L	Y	
Daniels, Gary L,	Y	
Infantine, William J,	Y	
Richardson, Herbert D	Y	
Pellegrino, Tony J	Y	
Sedensky, John B,	Y	
Flanagan, Jack B	Y	
Burchell, Richard B	Y	
Emerick, J. Tracy	Y	
St.James, Kevin P	Y	
TOTAL VOTE:	19	1

Committee Report

CONSENT CALENDAR

March 6, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on LABOR, INDUSTRIAL AND
REHABILITATIVE SERVICES to which was referred
HB241-FN,**

AN ACT establishing a state minimum hourly rate.

**Having considered the same, report the same with the
following Resolution: RESOLVED, That it is
INEXPEDIENT TO LEGISLATE.**

Rep. Gary M Coulombe

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES
Bill Number:	HB241-FN
Title:	establishing a state minimum hourly rate.
Date:	March 6, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

There were three bills submitted this session regarding minimum wage: HB 127, HB 241, and HB 501. The Labor Committee examined these three bills together and used HB 501 as a vehicle of forward. Therefore, a recommendation of ITL was made for both HB 127 and HB 241.

Vote 19-1.

Rep. Gary M Coulombe
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB241-FN, establishing a state minimum hourly rate. **INEXPEDIENT TO LEGISLATE**.
Rep. Gary M Coulombe for LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES. There were three bills submitted this session regarding minimum wage: HB 127, HB 241, and HB 501. The Labor Committee examined these three bills together and used HB 501 as a vehicle of forward. Therefore, a recommendation of ITL was made for both HB 127 and HB 241. **Vote 19-1.**

HB 241

ITL

There were three bills submitted this session regarding minimum wage: HB 127, HB 241, and HB 501. The Labor Committee examined these three bills together and used HB 501 as a vehicle of forward. Therefore, a recommendation of ITL was made for both HB 127 and HB 241.

Rep. Coulombe