

CONSENT CALENDAR

February 9, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Labor, Industrial and Rehabilitative Services to which was referred CACR 28,

AN ACT relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified

existence. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Lino Avellani

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	CACR 28
Title:	relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified existence.
Date:	February 9, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The mechanics of this constitutional amendment required a trailer bill, HB 1403, that the sponsor asked to be found Inexpedient to Legislate. That makes this CACR unworkable and as a result we found this Inexpedient to Legislate.

Vote 20-1.

Rep. Lino Avellani
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

CACR 28, relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified existence. **INEXPEDIENT TO LEGISLATE.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. The mechanics of this constitutional amendment required a trailer bill, HB 1403, that the sponsor asked to be found Inexpedient to Legislate. That makes this CACR unworkable and as a result we found this Inexpedient to Legislate. **Vote 20-1.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on CACR 28

BILL TITLE: relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified existence.

DATE: February 3, 2022

LOB ROOM: 305 - 307

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Avellani

Seconded by Rep. Turcotte

Vote: 20-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jonathan Mackie, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on CACR 28

BILL TITLE: relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified existence.

DATE: 2/3/22

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Avellani Seconded by Rep. Tureotte Vote: 20-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: 
Rep Jonathan Mackie, Clerk



2022 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: CACR 28 Motion: ITL AM #: _____ Exec Session Date: 2/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman			
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Callum, John M.	✓		
Mackie, Jonathan D. Clerk	✓		
Love, David C.	✓		
Warden, Mark	✓		
Turcotte, Leonard P.	✓		
Prout, Andrew J.	✓		
Boyd, Stephen E.	✓		
Hough, Gregg	✓		
Sullivan, Brian M.	✓		
Soucy, Timothy A.	✓		
Baroody, Benjamin C. <u>Pimentel</u>	✓		
Cahill, Michael D.	✓		
DiSilvestro, Linda A.	✓		
Schmidt, Janice E.		✓	
Toomey, Dan	✓		
Bouchard, Donald J.	✓		
Adjutant, Joshua	✓		
Maneval, Andrew	✓		

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON CACR 28

BILL TITLE: relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified existence.

DATE: January 13, 2022

LOB ROOM: 305 - 307 **Time Public Hearing Called to Order:** 11:00 a.m.

Time Adjourned: 11:20 a.m.

Committee Members: Reps. Infantine, Mackie, Avellani, Callum, Warden, Turcotte, S. Boyd, Hough, Sullivan, Cahill, DiSilvestro, Toomey, Bouchard, Adjutant and Maneval

Bill Sponsors:

Rep. Labranche
Rep. Read

Rep. Gallagher
Rep. Ellison

Rep. Laughton

TESTIMONY

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

Rep. Tony LaBranche introduced CACR 28. This bill is to take the minimum wage out of the legislature and put it in the hands of a commission.

Rep. Turcotte asked on line 3 and 17 what does reasonable mean

Rep Labranche replied up to the commission

Rep Turcotte asked what is the difference between salary and wage

Rep. Labranche. They are the same thing

Rep Turcotte. What is a normal work day and work week?

Rep Labranche. 8 hours a day, 40 hours a week

Rep Turcotte. What is a dignified existence?

Rep. Labranche. Up to the commission to decide.

Rep. Turcotte. Line 21 refers to a commission. What is this commission?

Rep. Labranche. That commission would be formed by another bill I have submitted

Rep Hough. What is wrong with the free market system of establishing the wages?

Rep. Labranche. It is not fair to the worker

Rep. Hough. But you think a commission of bureaucrats can set this fairly?

Rep. Labranche. Yes

Rep. Avellani. What is the enforcement mechanism?

Rep. Labranche. The state would enforce it

Rep Avellani. Which department?

Rep Labranche. To be determined.

Rep Adjutant asked if it would have to be a unanimous agreement on the commission to set a wage.

Rep Labranche. No

Rep. Cahill. Could they decide the minimum wage would be \$0 per hour?

Rep. Labranche. Would probably not be accepted in a court

Rep Cahill asked if the commission could lower the minimum wage?

Rep. Labranche. Yes

Rep. Cahill. Could wages be different in different parts of the state?

Rep. Labranche. Yes. Higher costs of living in different parts could cause that

Rep Meneval asked for clarification of equal conditions and equal work

Rep Labranche. That was intended to mean the same wages for different races, genders.

Rep Sullivan asked if he was correct in thinking that the courts would probably end up defining dignified existence

Rep. Labranche. Could end up in court.

Rep. Avallani asked how you balance equality when you say the wages would be different in different parts of the state.

Rep. Labranche. Cost of living differences are not the same as paying different races or genders different amounts.

Respectfully submitted,

Rep. Jonathan D. Mackie

Clerk

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill CACR28 on 2022-01-13

Support: 3 Oppose: 8 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/10/2022 1:30 PM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Support	No	No	1/11/2022 8:08 AM
Pray, D.	Amherst, NH dapsrp@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/11/2022 4:26 PM
Hodgkins, Russell	Amherst, NH hodgkins_russ@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/12/2022 4:50 PM
McGurn, Paul	Derry, NH paul.mcgurn@gmail.com	A Member of the Public	Myself	Support	No	No	1/12/2022 6:35 PM
Petrusewicz, Carol	rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/12/2022 10:36 PM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/12/2022 10:37 PM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/12/2022 10:38 PM
Chadwick, Ray	Bedford, NH rfchadwick@juno.com	A Member of the Public	Myself	Oppose	No	No	1/13/2022 3:11 AM
Juvet, David	Concord, NH djuvet@biaofnh.com	A Lobbyist	Business & Industry Association of New Hampshire	Oppose	No	No	1/13/2022 8:09 AM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	1/13/2022 11:12 AM

worker and the employer. This type of system has been adopted in many countries around the world for this very reason.

With that I ask the committee to pass this legislation with an OTP motion.

Here is a very good video on the topic:

[https://www.youtube.com/watch?v= M3vTvm2cfM](https://www.youtube.com/watch?v=M3vTvm2cfM)

Respectfully Submitted,

Rep. Tony Labranche

Amherst, NH

Hello Members of the House Labor, Industrial, and Rehabilitative Services Committee,

My name is Representative Tony Labranche and I represent Amherst, NH. I come before you today to introduce CACR 28. This constitutional amendment would set up a constitutional requirement for a minimum wage to be set by an independent commission of the General Court. This amendment is actually tied to another bill which sets up said commission which I will be introducing to this committee at a later date. The idea here is to take the minimum wage debate out of the political process which can lead to wide fluctuations in the minimum wage and into an independent body which will study the economic landscape and cost of living changes. The main concerns of small businesses that I hear most often in other states and when the federal government does decide to increase the minimum wage it is usually short noticed and multiple dollar increases. This means not only do small businesses have little time to prepare themselves for this change but it is a significant increase. Republicans mostly do not want an income tax and most Democrats today believe in an increase of the minimum wage to 15\$ an hour. There is a steep divide on this issue. The goal of this commission would be to find a middle ground and to make any increase be cents a year with much more notice than current changes. This idea of an independent minimum wage commission is an idea that seeks to fulfill the needs of both the

Heather Goley

From: Ray Chadwick <rfchadwick@juno.com>
Sent: Thursday, January 13, 2022 3:34 AM
To: ~House Labor, Industrial and Rehabilitative Services
Cc: dmc2015@comcast.net; danmcguire@gmail.com
Subject: Granite State Taxpayers Opposes CACR 28

House Labor, Industrial and Rehabilitative Services Committee Members

My name is Ray Chadwick, Chairman of *Granite State Taxpayers (GST)*. Our Mission is to inform, educate and motivate New Hampshire taxpayers and to lobby the Legislature on their behalf. We advocate for low taxes, balanced budgets, frugal, limited government that works within its constitutional authority, and local control.

Granite State Taxpayers Opposes CACR 28

This resolution states that all workers have the right to a minimum salary, fixed periodically, for a normal working day, that provides them with well-being and a dignified existence. The salary will always be equal for equal work in identical conditions of efficiency. All matters relative to fixing of the minimum salaries will be the responsibility of a commission that the general court shall establish.

This resolution appears to vest in the general court the authority and responsibility for setting wages through New Hampshire. The presumption is that the General Court would have a better ability to set wages that the marketplace and the laws of supply and demand.

Wage plans are destined to fail because bureaucracies are not as responsive to markets as individuals are.

Debates and lawsuits inevitable regarding what exactly constitutes "well-being" and "a dignified existence."
This CACR sets up a scenario where the State will eventually be responsible for paying people.
None of this is a proper role of state government under the State constitution..

Granite State Taxpayers Recommends a vote of "ITL" for CACR 28.

Thank you for your attention and for your commitment to the citizens of New Hampshire.

Ray Chadwick, Chairman
Granite State Taxpayers
101 Powder Hill Road
Bedford, NH 03110
1-603-566-9129
www.GraniteStateTaxpayers.org

Heather Goley

From: Peter de Bruyn Kops <dbk@acugen.com>
Sent: Monday, January 10, 2022 10:13 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: CACR28 ITL

Mr. Chairman and members of the committee:

My name is Peter de Bruyn Kops and I am a resident of Amherst, NH. I own and operate two businesses in New Hampshire and I am a board member of Granite State Taxpayers. Thank you for reading my testimony.

If you thought a court could do a lot with the word "cherish" in the NH Constitution, just watch what can be done with the word "dignified".

If the proposed commission sets a wage level to make one person dignified, and that causes a less-skilled person to be uneconomic to employ and therefore unemployable and on welfare, what has been accomplished? Do we need another program to make the person on welfare dignified?

This CACR does not say there should be one minimum wage/salary. Maybe the commission will define a minimum wage/salary for each type of work for each employer in the state. That commission will need a large staff to make sure that a job in employer A pays the same as a job in employer B if there are identical conditions of efficiency. What if employer A has to change that job to deal with competitive pressures or some other reason? How will employer A know what new wage/salary the commission would find acceptable?

Do we really want an unelected commission with the power to muck up every employer in the state?

As I said in testimony to you last year, regulation of wages and salaries harms the most vulnerable and promotes automation and robotics. That is still true.

CACR28 is harmful with no redeeming value. It should be taken out back of the barn and put out of its misery.

Please vote CACR28 ITL.

Peter de Bruyn Kops
dbk @ acugen.com
603-673-3551

CACR 28 - AS INTRODUCED

2022 SESSION

22-2665
07/04

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **28**

RELATING TO: the minimum wage.

PROVIDING THAT: all workers have a right to a minimum wage that provides them with well-being and a dignified existence.

SPONSORS: Rep. Labranche, Hills. 22; Rep. Gallagher, Merr. 15; Rep. Laughton, Hills. 31;
Rep. Read, Rock. 17; Rep. Ellison, Merr. 27

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This constitutional amendment concurrent resolution provides workers with the right to a minimum wage that provides them with well-being and a dignified existence.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
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 Twenty Two

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: the minimum wage.

PROVIDING THAT: all workers have a right to a minimum wage that provides them with well-being and a dignified existence.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the first part of the constitution be amended by inserting after article 2-b the
2 following new article:

3 [Art.] 2-c. [Right to reasonable standard of living.] All workers have the right to a minimum
4 salary, fixed periodically, for a normal working day, that provides them with well-being and a
5 dignified existence. The salary will always be equal for equal work in identical conditions of
6 efficiency. All matters relative to fixing of the minimum salaries will be the responsibility of a
7 commission that the general court shall establish.

8 II. That the above amendment proposed to the constitution be submitted to the qualified
9 voters of the state at the state general election to be held in November, 2022.

10 III. That the selectmen of all towns, cities, wards and places in the state are directed to
11 insert in their warrants for the said 2022 election an article to the following effect: To decide
12 whether the amendments of the constitution proposed by the 2022 session of the general court shall
13 be approved.

14 IV. That the wording of the question put to the qualified voters shall be:
15 "Are you in favor of amending the first part of the constitution by inserting after article 2-b a new
16 article to read as follows:

17 [Art.] 2-c. [Right to reasonable standard of living.] All workers have the right to a minimum
18 salary, fixed periodically, for a normal working day, that provides them with well-being and a
19 dignified existence. The salary will always be equal for equal work in identical conditions of
20 efficiency. All matters relative to fixing of the minimum salaries will be the responsibility of a
21 commission that the general court shall establish."

22 V. That the secretary of state shall print the question to be submitted on a separate ballot or
23 on the same ballot with other constitutional questions. The ballot containing the question shall
24 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in
25 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
26 be the same as the regular official ballot except that the words "Questions Relating to Constitutional
27 Amendments proposed by the 2022 General Court" shall be printed in bold type at the top of the

1 ballot.

2 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
3 becomes effective when the governor proclaims its adoption.

4 VII. Voters' Guide.

5 AT THE PRESENT TIME, the New Hampshire constitution does not provide
6 workers with the right to a minimum wage.

7 IF THE AMENDMENT IS ADOPTED, the right to a minimum wage that provides
8 workers with well-being and a dignified existence will become a right under the New Hampshire
9 constitution.