

HB 127-FN-LOCAL – AS INTRODUCED

2013 SESSION

13-0084
06/01

HOUSE BILL ***127-FN-LOCAL***

AN ACT relative to the state minimum hourly rate.

SPONSORS: Rep. P. Sullivan, Hills 10; Rep. Horrigan, Straf 6

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill:

I. Adds a state minimum hourly wage.

II. Requires the commissioner of the department of labor to calculate the minimum wage in a manner that reflects the cost of living.

III. Requires a majority vote of the general court to approve such adjustment.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the state minimum hourly rate.

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

1 1 State Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as
2 follows:

3 279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or
4 corporation shall employ any employee at an hourly rate lower than **\$8.00 or** that set forth in the
5 federal minimum wage law, as amended. ***On September 1, 2013 and biennially thereafter, the***
6 ***commissioner shall calculate a minimum hourly rate by adjusting the current year's***
7 ***minimum hourly rate by the rate of inflation based on the Consumer Price Index for All***
8 ***Urban Consumers, Northeast Region, as published by the United States Bureau of Labor***
9 ***Statistics. Each adjusted minimum hourly rate calculated under this section shall be***
10 ***reported to the general court. No adjustment to the minimum hourly rate shall take effect***
11 ***unless it is approved by a majority vote of the general court. Any approved adjustment***
12 ***shall take effect the following January 1.*** Tipped employees of a restaurant, hotel, motel, inn or
13 cabin, who customarily and regularly receive more than \$30 a month in tips directly from the
14 customers will receive a base rate from the employer of not less than 45 percent of the applicable
15 minimum wage. If an employee shows to the satisfaction of the commissioner that the actual
16 amount of wages received at the end of each pay period did not equal the minimum wage for all
17 hours worked, the employer shall pay the employee the difference to guarantee the applicable
18 minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

19 2 Effective Date. This act shall take effect 60 days after its passage.

HB 127-FN-LOCAL - FISCAL NOTE

AN ACT relative to the state minimum hourly rate.

FISCAL IMPACT:

The Department of Labor and New Hampshire Municipal Association state this bill, as introduced, may have an indeterminable impact on local expenditures in FY 2013 and each year thereafter. There will be no fiscal impact on state and county 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 \$8.00 per hour or the amount established in federal minimum wage law. The bill further requires the commissioner of the Department of Labor, on September 1, 2013 and biennially thereafter, to recalculate the minimum wage by adjusting the current year's wage by the rate of inflation. The revised wage would be subject to approval by a majority vote of the general court. 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 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.

The New Hampshire Association of Counties states the bill will have no impact on county expenditures, since all county employees currently earn a wage higher than the minimum proposed by the bill.