

CHAPTER 50
HB 1174 – FINAL VERSION

6Feb2014... 0260h

2014 SESSION

14-2010
06/01

HOUSE BILL ***1174***

AN ACT establishing a committee to study the payment of subminimum wages to persons with disabilities.

SPONSORS: Rep. Muns, Rock 21; Rep. Butler, Carr 7; Rep. Cahill, Rock 17; Rep. Emerick, Rock 21; Sen. Hosmer, Dist 7; Sen. Fuller Clark, Dist 21

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

 This bill establishes a committee to identify and recommend changes to New Hampshire laws and rules on the payment of subminimum wages to persons with disabilities.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT establishing a committee to study the payment of subminimum wages to persons with disabilities.

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

1 50:1 Statement of Purpose. The general court finds that:

2 I. The state of New Hampshire is committed to ensuring that all workers earn at least the
3 state minimum wage.

4 II. The state of New Hampshire and all of its state agencies are committed to employment
5 policies that enable persons with disabilities to exercise self-determination, be independent, be
6 productive, and be integrated and included in all facets of community life.

7 III. Employers should be encouraged to hire qualified workers with disabilities and pay them
8 at least the prevailing wage.

9 IV. Employment in the general workforce is the first and preferred outcome in the provision
10 of publicly funded services for all working age citizens with disabilities, regardless of level of
11 disability.

12 50:2 Payment of Subminimum Wages; Persons with Disabilities; Committee Established;
13 Membership; Compensation.

14 I. There is established a committee to study and identify New Hampshire laws and rules
15 that permit the payment of subminimum wages to persons with disabilities, and to recommend
16 changing such laws to reflect the contemporary policy and practice of providing wages to individuals
17 with disabilities that are fair and comparable to those wages paid to individuals without disabilities.

18 II. The members of the committee shall be as follows:

19 (a) Four members of the house of representatives, appointed by the speaker of the house
20 of representatives.

21 (b) One member of the senate, appointed by the president of the senate.

22 III. The committee may work with and obtain information from the following individuals,
23 state agencies, and organizations, and others as deemed appropriate:

24 (a) Persons with disabilities.

25 (b) Employers of persons with disabilities.

26 (c) Advocates for persons with disabilities.

27 (d) The department of labor.

28 (e) The bureau of developmental services, department of health and human services.

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- 1 (f) The governor's commission on disability.
- 2 (g) The bureau of vocational rehabilitation.
- 3 (h) Special educators who specialize in transition.
- 4 (i) The New Hampshire council on developmental disabilities.
- 5 (j) The Disabilities Rights Center.
- 6 (k) The Community Support Network, Inc.

7 IV. Members of the committee shall receive mileage at the legislative rate when attending to
8 the duties of the committee.

9 50:3 Duties. The committee shall:

10 I. Analyze federal laws on wages, including section 14(c) of the Fair Labor Standards Act.

11 II. Identify specific state statutes and rules that need to be changed to end the payment of
12 subminimum wages to workers with disabilities.

13 III. Analyze national and state data on the payment of subminimum wages to workers with
14 disabilities. This analysis shall include the employers and provider agencies in New Hampshire that
15 are currently paying subminimum wages and the circumstances under which such wages are being
16 paid.

17 IV. Analyze the potential impact in New Hampshire of proposed federal legislation to phase
18 out the payment of subminimum wages to workers with disabilities.

19 V. Analyze the economic advantages and disadvantages to employers of phasing out the
20 payment of subminimum wages to workers with disabilities in New Hampshire.

21 VI. Analyze whether public funds are being used in New Hampshire to directly or indirectly
22 support paying subminimum wages to workers with disabilities, and recommend a policy to end such
23 practices.

24 VII. Develop a strategic plan to be used by employers and provider agencies to effectively
25 phase out the payment of subminimum wages that includes a timeline, mechanisms to provide
26 technical assistance and training to employers and provider agencies as they phase out subminimum
27 wage arrangements, and access to employment services for individuals with disabilities as they are
28 phased out of subminimum wage arrangements.

29 50:4 Chairperson; Quorum. The first-named house member shall be the committee chairperson.
30 The first meeting of the committee shall be called by the committee chairperson. The first meeting of
31 the committee shall be held within 45 days of the effective date of this section. Four members of the
32 committee shall constitute a quorum.

33 50:5 Report. The committee shall report its findings and any recommendations for proposed
34 legislation to the speaker of the house of representatives, the president of the senate, the house
35 clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

36 50:6 Effective Date. This act shall take effect upon its passage.

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- 1 Approved: May 27, 2014
- 2 Effective Date: May 27, 2014