

HB 392-FN - AS INTRODUCED

2015 SESSION

15-0025  
06/10

HOUSE BILL            **392-FN**

AN ACT                relative to the minimum hourly wage.

SPONSORS:            Rep. White, Graf 13; Rep. Horrigan, Straf 6; Rep. Moffett, Merr 9; Rep. Cahill,  
Rock 17

COMMITTEE:          Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill establishes a state minimum hourly wage to be adjusted by the cost of living index.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to the minimum hourly wage.

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

1           1 Minimum Hourly Rate; 2016. 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 **\$8.25 or** that set forth in the  
5 federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn or  
6 cabin, who customarily and regularly receive more than \$30 a month in tips directly from the  
7 customers will receive a base rate from the employer [~~of not less than 45 percent~~] **equal to 100**  
8 **percent** of the applicable minimum wage. If an employee shows to the satisfaction of the  
9 commissioner that the [~~actual amount~~] **combination** of wages **and tips** received at the end of each  
10 pay period [~~did not equal~~] **would exceed 150 percent of** the **applicable** minimum wage for all  
11 hours worked, the employer [~~shall~~] **may** pay the employee [~~the difference to guarantee~~] **80 percent**  
12 **of** the applicable minimum wage. The limitations imposed hereby shall be subject to the following  
13 exceptions:

14           2 Minimum Hourly Rate; 2017. The introductory paragraph of RSA 279:21 is repealed and  
15 reenacted to read as follows:

16           279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or  
17 corporation shall employ any employee at an hourly rate lower than \$9.00 or that set forth in the  
18 federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn, or  
19 cabin, who customarily and regularly receive more than \$30 a month in tips directly from the  
20 customers will receive a base rate from the employer equal to 100 percent of the applicable minimum  
21 wage. If an employer shows to the satisfaction of the commissioner that the combination of wages  
22 and tips received at the end of each pay period would exceed 150 percent of the applicable minimum  
23 wage for all hours worked, the employer may pay the employee 80 percent of applicable minimum  
24 wage. The limitations imposed hereby shall be subject to the following exceptions:

25           3 Minimum Hurly Rate; 2018. The introductory paragraph of RSA 279:21 is repealed and  
26 reenacted to read as follows:

27           279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or  
28 corporation shall employ any employee at an hourly rate lower than \$10.00 or that set forth in the  
29 federal minimum wage law, as amended. Beginning in September 2018 and each September  
30 thereafter, the commissioner shall adjust the minimum hourly rate then in effect based upon the  
31 increase in the cost of living. The increase in the cost of living shall be calculated using the 12-

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1 month percentage increase, if any, in the Consumer Price Index for all Urban Consumers, U.S. city  
2 average, all items or its successor index as published by the Bureau of Labor Statistics of the United  
3 States Department of Labor, for the most recent 12-month period for which data is available at the  
4 time that the calculation is made. The commissioner shall round the adjusted minimum hourly rate  
5 to the nearest multiple of 5 cents and announce it by October 1 of each year and it shall become  
6 effective on January 1 of the following year. Tipped employees of a restaurant, hotel, motel, inn, or  
7 cabin, who customarily and regularly receive more than \$30 a month in tips directly from the  
8 customers will receive a base rate from the employer equal to 100 percent of the applicable minimum  
9 wage. If an employer shows to the satisfaction of the commissioner that the combination of wages  
10 and tips received at the end of each pay period would exceed 150 percent of the applicable minimum  
11 wage for all hours worked, the employer may pay the employee 80 percent of applicable minimum  
12 wage. The limitations imposed hereby shall be subject to the following exceptions:

13 4 Effective Date.

14 I. Section 2 of this act shall take effect January 1, 2017

15 I. Section 3 of this act shall take effect January 1, 2018.

16 III. The remainder of this act shall take effect January 1, 2016.

**HB 392-FN - FISCAL NOTE**

AN ACT                    relative to the minimum hourly wage.

**FISCAL IMPACT:**

The New Hampshire Municipal Association states this bill, **as introduced**, may increase local expenditures by an indeterminable amount in FY 2016 and each year thereafter. The Department of Labor states this bill may increase state expenditures by an indeterminable amount in FY 2019 and each year thereafter. There will be no fiscal impact on county expenditures or state, county, and local revenue.

**METHODOLOGY:**

The New Hampshire Municipal Association states this bill increases the minimum hourly wage from \$7.25 an hour to \$8.25 an hour on January 1, 2016, to \$9.00 an hour on January 1, 2017, to \$10.00 an hour on January 1, 2018, and on January 1, 2019 and each year thereafter, by the prior twelve month average percent increase in the cost of living annually calculated each September. The Association states this bill would increase wages of any local employees currently being paid less than the new minimum wage rates. While the Association does not know how many localities would be impacted, it believes the impact would be minimal.

The Department of Labor states this bill may result in some minimal administrative costs in September 2018 and each September thereafter in order to calculate the minimum wage.

The Department of Administrative Services states this bill will have no impact on state expenditures as the current minimum wage paid to State employees exceeds the amounts contained in the bill.

The New Hampshire Association of Counties states this bill will not impact county expenditures because counties currently pay all employees more than the minimum wage.