

CHAPTER 204

HB 133 – FINAL VERSION

2011 SESSION

11-0024

06/03

HOUSE BILL **133**

AN ACT relative to the minimum wage.

SPONSORS: Rep. C. McGuire, Merr 8

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill modifies the state minimum hourly wage.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

11-0024

06/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the minimum wage.

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

204:1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as

amended~~[, or as follows, whichever is higher:~~

~~Date Hourly Rate~~

~~On and after September 1, 1997 \$5.15~~

~~On and after September 1, 2007 \$6.50~~

~~On and after September 1, 2008 \$7.25].~~

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. Restaurant shall include an establishment in a temporary or permanent building, kept, used, maintained, advertised, and held out to the public to be a place where meals are regularly prepared or served for which a charge is made and where seating and table service is available for customers or where delivery services are available. The term does not include establishments which do not primarily prepare and serve food. Tipped employees shall also include employees who deliver meals prepared in a restaurant to the customer's home, office, or other location. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

204:2 Minimum Wage; Version Effective December 31, 2011. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended~~[, or as follows, whichever is higher:~~

~~Date Hourly Rate~~

~~On and after September 1, 1997 \$5.15~~

~~On and after September 1, 2007 \$6.50~~

~~On and after September 1, 2008 \$7.25].~~

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following

exceptions:

204:3 Community Development Finance Authority; Definitions. Amend RSA 162-L:1, VIII to read as follows:

VIII. "Primary employment" means work which pays at least 1 1/2 times the minimum wage as established under ~~[RSA 279:21 or under]~~ federal law~~[, whichever is greater]~~, which offers adequate fringe benefits, including health insurance, and which is not seasonal or part-time.

204:4 Effective Date.

I. Section 2 of this act shall take effect December 31, 2011 at 12:01 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: Enacted in accordance with Article 44, Part II, of N.H. Constitution, without signature of the governor, June 22, 2011.

Effective Date: I. Section 2 shall take effect December 31, 2011 at 12:01 a.m.

II. Remainder shall take effect August 21, 2011.