

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 497

BY CHEW

AN ACT

RELATING TO LABOR; REPEALING SECTION 44-1502, IDAHO CODE, RELATING TO MINIMUM WAGES; AMENDING CHAPTER 15, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1502, IDAHO CODE, TO PROVIDE FOR MINIMUM WAGES; AMENDING SECTION 44-1503, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [44-1502](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 15, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44-1502, Idaho Code, and to read as follows:

44-1502. MINIMUM WAGES. (1) Except as otherwise provided in this section, no employer shall pay an employee wages computed at a rate of less than:

(a) Ten dollars (\$10.00) per hour, effective July 1, 2022; and

(b) Fifteen dollars (\$15.00) per hour, effective July 1, 2024.

(2) Counties named in chapter 1, title 31, Idaho Code, and municipal corporations governed by title 50, Idaho Code, may establish and enforce minimum wage laws higher than the minimum wages provided for in this section.

(3) Beginning July 1, 2024, and on July 1 of each year thereafter, the minimum wage shall be adjusted by the change, if any, in the cost of living. A change in the cost of living shall be calculated based on the consumer price index for all urban consumers (CPI-U), or its successor index, as published by the United States department of labor, bureau of labor statistics, or its successor agency. The percentage change in the CPI-U shall be calculated as of March of the immediately preceding year as compared to March of the year before. Any change in the minimum wage shall be rounded to the nearest five cents (5¢). The director of the Idaho department of labor shall make the calculation required by this subsection and shall publish the adjusted minimum wage for the forthcoming year on the Idaho department of labor website by May 15 of each year.

(4) Notwithstanding the provisions of this section, no employee, whether or not tipped, shall be paid less than the federal minimum wage.

SECTION 3. That Section 44-1503, Idaho Code, be, and the same is hereby amended to read as follows:

44-1503. DEFINITIONS. "Agriculture" includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, aquacultural or horticultural commodities; the raising of livestock, bees, fur-bearing animals or poultry; and any practices, includ-

1 ing any forestry or lumbering operations, performed by a farmer or on a farm
2 as an incident to or in conjunction with such farming operation, including
3 preparation for market, delivery to storage or to market or to carriers for
4 transportation to market.

5 "Wages" paid to any employee includes compensation paid to such em-
6 ployee in the form of legal tender of the United States, checks on banks
7 convertible into cash on demand, and also includes the reasonable cost as
8 determined by the employment security agency to the employer of furnishing
9 such employee with board, lodging or other facilities if such board, lodg-
10 ing or other facilities are customarily furnished by such employer to his
11 employee and used by employees, and commissions of every kind, and tips or
12 gratuities ~~as provided by section 44-1502, Idaho Code.~~

13 "Employ" includes to suffer or permit to work. "Employee" includes any
14 individual employed by an employer. "Employer" includes any person employ-
15 ing an employee or acting directly or indirectly in the interest of an em-
16 ployer in relation to an employee but shall not include the United States
17 or any state or political subdivision of a state, or any labor organization
18 (other than when acting as an employer) or anyone acting in the capacity of
19 officer or agent of such labor organization.

20 "Person" means any individual, partnership, association, corporation,
21 business, trust, legal representative, or any organized group of persons.

22 "Tipped employee" means any employee engaged in an occupation in which
23 he customarily and regularly receives more than thirty dollars (\$30.00) a
24 month in tips.

25 SECTION 4. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2022.