

IN THE SENATE

SENATE BILL NO. 1229

BY BURGOYNE

AN ACT

RELATING TO LABOR; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MINIMUM WAGE; 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 amended to read as follows:

44-1502. MINIMUM WAGES. (1) Except as ~~hereinafter~~ otherwise provided in this section, no employer shall pay to ~~any of his employees any an employee~~ wages computed at a rate of less than ~~seven dollars and twenty-five cents (\$7.25)~~ fifteen dollars (\$15.00) per hour for employment. ~~The amount of the minimum wage shall conform to, and track with, the federal minimum wage.~~

(2) In determining the wage of a tipped employee, the amount of direct wages paid by an employer to the employee shall be deemed to be increased on account of tips actually received by the employee; ~~provided however, the direct wages paid to the employee by the employer shall not be in an amount less than three dollars and thirty-five cents (\$3.35) an hour.~~ If the tips actually received by the a tipped employee combined with the direct wages paid by the employer do not at least equal the minimum wage, as provided in subsection (1) of this section, then the employer must make up the difference a direct payment of wages to the employee to bring the employee's compensation up to the minimum wage. In the event a dispute arises between the employee and the employer with respect to the amount of tips actually received by the employee, it shall be the employer's burden to demonstrate the amount of tips actually received by the employee. Any portion of tips paid to an employee, ~~which that~~ is shared with other employees under a tip pooling or similar arrangement, shall not be deemed, for the purpose of this section, to be tips actually received by the employee.

(3) ~~In lieu of the rate prescribed by subsection (1) of this section, an employer may pay an employee who has not attained twenty (20) years of age a wage which is not less than four dollars and twenty-five cents (\$4.25) an hour during the first ninety (90) consecutive calendar days after such employee is initially employed. No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.~~

~~(4) No political subdivision of this state, as defined by section 6-902, Idaho Code, shall establish by ordinance or other action minimum wages higher than the minimum wages provided in this section. 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.~~

1       (4) Beginning January 1, 2024, and on January 1 of each year thereafter,  
2 the minimum wage shall be adjusted by the change, if any, in the cost of liv-  
3 ing. A change in the cost of living shall be calculated based on the consumer  
4 price index for all urban consumers (CPI-U), or its successor index, as pub-  
5 lished by the United States department of labor, bureau of labor statistics,  
6 or its successor agency. The percentage change in the CPI-U shall be calcu-  
7 lated as of August of the immediately preceding year as compared to August of  
8 the year before. Any change in the minimum wage shall be rounded to the near-  
9 est five cents (5¢). The director of the Idaho department of labor shall make  
10 the calculation required by this subsection and shall publish the adjusted  
11 minimum wage for the forthcoming year on the Idaho department of labor web-  
12 site by October 15 of each year.

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

15       SECTION 2. An emergency existing therefor, which emergency is hereby  
16 declared to exist, this act shall be in full force and effect on and after  
17 July 1, 2022.