

IN THE SENATE

SENATE BILL NO. 1347

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO MINIMUM WAGE; AMENDING SECTION 44-1502, IDAHO CODE, TO PROVIDE
2 THAT IDAHO MINIMUM WAGE LAW EXEMPTIONS SHALL CONFORM TO AND TRACK WITH
3 FEDERAL MINIMUM WAGE LAW EXEMPTIONS; AND AMENDING SECTION 44-1504,
4 IDAHO CODE, TO PROVIDE AN EXEMPTION FROM APPLICATION OF MINIMUM WAGE LAW
5 TO CERTAIN ESTABLISHMENTS, CAMPS AND EDUCATIONAL CONFERENCE CENTERS;
6 AND DECLARING AN EMERGENCY.
7

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

9 SECTION 1. That Section 44-1502, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 44-1502. MINIMUM WAGES. (1) Except as hereinafter otherwise provided,
12 no employer shall pay to any of his employees any wages computed at a rate
13 of less than four dollars and seventy-five cents (\$4.75) commencing April
14 1, 1997, and five dollars and fifteen cents (\$5.15) commencing September
15 1, 1997, per hour for employment. The amount of the minimum wage shall
16 conform to, and track with, the federal minimum wage. Idaho minimum wage law
17 exemptions shall also conform to, and track with, the federal minimum wage
18 law exemptions.

19 (2) In determining the wage of a tipped employee, the amount of direct
20 wages paid by an employer to the employee shall be deemed to be increased
21 on account of tips actually received by the employee; provided however,
22 the direct wages paid to the employee by the employer shall not be in an
23 amount less than three dollars and thirty-five cents (\$3.35) an hour. If the
24 tips actually received by the employee combined with the direct wages paid
25 by the employer do not at least equal the minimum wage, the employer must
26 make up the difference. In the event a dispute arises between the employee
27 and the employer with respect to the amount of tips actually received by
28 the employee, it shall be the employer's burden to demonstrate the amount
29 of tips actually received by the employee. Any portion of tips paid to an
30 employee, which is shared with other employees under a tip pooling or similar
31 arrangement, shall not be deemed, for the purpose of this section, to be tips
32 actually received by the employee.

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

1 SECTION 2. That Section 44-1504, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 44-1504. EMPLOYEES EXCEPTED FROM PROVISIONS OF ACT. The provisions of
4 this act shall not apply to:

5 (1) Any employee employed in a bona fide executive, administrative or
6 professional capacity; or

7 (2) Anyone engaged in domestic service; or

8 (3) Any individual employed as an outside salesman; or

9 (4) Seasonal employees of a nonprofit camping program; or

10 (5) Any child under the age of sixteen (16) years working part time or
11 at odd jobs not exceeding a total of four (4) hours per day with any one (1)
12 employer; or

13 (6) Any employee employed by an establishment which is an amusement
14 or recreational establishment, organized camp, or religious or nonprofit
15 educational conference center, if it does not operate for more than seven
16 (7) months in any calendar year or, during the preceding calendar year,
17 its average receipts for any six (6) months of such year were not more than
18 thirty-three and one-third percent (33 1/3%) of its average receipts for the
19 other six (6) months of such year except this exemption does not apply with
20 respect to any employee of a private entity engaged in providing services or
21 facilities in a national park or a national forest, or on land in the national
22 wildlife refuge system, under a contract with the secretary of the interior
23 or the secretary of agriculture, unless the private entity is engaged in
24 providing services and facilities directly related to skiing; or

25 (~~6~~7) Any individual employed in agriculture if:

26 (a) Such employee is the parent, spouse, child or other member of his
27 employer's immediate family; or

28 (b) Such employee is older than sixteen (16) years of age and:

29 (i) Is employed as a harvest laborer and is paid on a piece-rate
30 basis in an operation which has been, and is customarily and
31 generally recognized as having been, paid on a piece-rate basis in
32 the region of employment, and

33 (ii) Commutes daily from his permanent residence to the farm on
34 which he is so employed, and

35 (iii) Has been employed in agriculture less than thirteen (13)
36 weeks during the preceding calendar year; or

37 (c) Such employee is sixteen (16) years of age or under and:

38 (i) Is employed as a harvest laborer, is paid on a piece-rate
39 basis in an operation which has been, and is customarily and
40 generally recognized as having been, paid on a piece-rate basis in
41 the region of employment, and

42 (ii) Is employed on the same farm as his parent or person standing
43 in the place of his parent, and

44 (iii) Is paid at the same piece-rate basis as employees over the
45 age of sixteen (16) years are paid on the same farm; or

46 (d) Such employee is principally engaged in the range production of
47 livestock.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.