

AN ACT

ENTITLED, An Act to increase the minimum wage and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 60-11-3 be amended to read as follows:

60-11-3. Every employer shall pay to each employee who has reached the age of eighteen years, wages at a rate of not less than four dollars and seventy-five cents an hour. Violation of this section is a Class 2 misdemeanor.

The provisions of this section do not apply to babysitters or outside salesmen.

Section 2. That § 60-11-3 be amended to read as follows:

60-11-3. Every employer shall pay to each employee who has reached the age of eighteen years, wages at a rate of not less than five dollars and fifteen cents an hour. Violation of this section is a Class 2 misdemeanor.

The provisions of this section do not apply to babysitters or outside salesmen.

Section 3. That § 60-11-3.1 be amended to read as follows:

60-11-3.1. Any employer of a tipped employee shall pay a cash wage of not less than two dollars and thirteen cents an hour if the employer claims a tip credit against the employer's minimum wage obligation. If an employee's tips combined with the employer's cash wage of not less than two dollars and thirteen cents an hour do not equal the minimum hourly wage, the employer shall make up the difference as additional wages for each regular pay period of the employer.

A "tipped employee" is one engaged in an occupation in which the employee customarily and regularly receives more than thirty-five dollars a month in tips or other considerations.

This section does not apply to babysitters or outside salesmen.

Section 4. The provisions of section 2 of this Act are effective on September 1, 1997.

Section 5. That § 60-11-4.1 be amended to read as follows:

60-11-4.1. Any employee who is eighteen or nineteen years of age may be paid an opportunity wage as defined in section 6 of the Fair Labor Standards Amendments of 1996 as of October 1, 1996.

Section 6. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after April 1, 1997.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1065

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1065
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State