

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

358A0478

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1065** - 1/30/97

Introduced by: Representatives Hagg, Brosz, Cutler, de Hueck, Derby, Hunt, and Madden and
Senators Rounds, Everist, Halverson, and Shoener

1 FOR AN ACT ENTITLED, An Act to increase the minimum wage and to declare an emergency.

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

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

4 60-11-3. Every employer shall pay to each ~~of his employees~~ employee who has reached the
5 age of eighteen years, wages at a rate of not less than four dollars and ~~twenty-five~~ seventy-five
6 cents an hour. Violation of this section is a Class 2 misdemeanor.

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

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

9 60-11-3. Every employer shall pay to each ~~of his employees~~ employee who has reached the
10 age of eighteen years, wages at a rate of not less than ~~four~~ five dollars and ~~twenty-five~~ fifteen
11 cents an hour. Violation of this section is a Class 2 misdemeanor.

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

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

14 60-11-3.1. ~~Tips or other considerations received by a tipped employee may be credited by the~~
15 ~~employer toward the minimum wage provided in § 60-11-3 up to a maximum of fifty percent of~~

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

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

9 This section does not apply to babysitters or outside salesmen.

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

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

12 60-11-4.1. Any employee who is eighteen or nineteen years of age may be paid ~~a training an~~
13 opportunity wage as defined in section 6 of the Fair Labor Standards Amendments of ~~1989~~ 1996
14 as of ~~January 1, 1990~~ October 1, 1996.

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

1 **BILL HISTORY**

2 January 22 - First read in House and referred to State Affairs. H.J. 80

3 January 29 - Scheduled for hearing.

4 January 29 - Passed as amended, AYES 12, NAYS 1. H.J. 192