

REFERENCE TITLE: **minimum wage; disabled employees**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2318

Introduced by
Representatives Reagan, Konopnicki, Mason, Weiers J, Senators Aguirre,
Garcia, Gray L, Leff, O'Halleran: Representatives Ableser, Anderson,
Barnes, Barto, Boone, Bradley, Burns J, Clark, Driggs, Garcia M, Groe,
Kavanagh, McComish, Miranda, Nelson, Pearce, Senators Flake, Harper,
Huppenthal, Johnson, Tibshraeny

AN ACT

AMENDING SECTION 23-363, ARIZONA REVISED STATUTES; RELATING TO MINIMUM WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 23-363, Arizona Revised Statutes, is
4 amended to read:

5 23-363. Minimum wage

6 A. Employers shall pay employees no less than the minimum wage, which
7 shall be six dollars and seventy-five cents (\$6.75) an hour beginning on
8 January 1, 2007.

9 B. The minimum wage shall be increased on January 1, 2008 and on
10 January 1 of successive years by the increase in the cost of living. The
11 increase in the cost of living shall be measured by the percentage increase
12 as of August of the immediately preceding year over the level as of August of
13 the previous year of the consumer price index (all urban consumers, U.S. city
14 average for all items) or its successor index as published by the U.S.
15 department of labor or its successor agency, with the amount of the minimum
16 wage increase rounded to the nearest multiple of five cents.

17 C. For any employee who customarily and regularly receives tips or
18 gratuities from patrons or others, the employer may pay a wage up to \$3.00
19 per hour less than the minimum wage if the employer can establish by its
20 records of charged tips or by the employee's declaration for federal
21 insurance contributions act (FICA) purposes that for each week, when adding
22 tips received to wages paid, the employee received not less than the minimum
23 wage for all hours worked. Compliance with this provision will be determined
24 by averaging tips received by the employee over the course of the employer's
25 payroll period or any other period selected by the employer that complies
26 with regulations adopted by the commission.

27 D. THIS SECTION DOES NOT APPLY TO EMPLOYEES WITH DISABILITIES WHO ARE
28 COVERED BY A SPECIAL CERTIFICATE THAT IS ISSUED UNDER SECTION 14(c) OF THE
29 FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE SECTION 214(c)).

30 Sec. 2. Requirements for enactment; three-fourths vote

31 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
32 section 23-363, Arizona Revised Statutes, as amended by this act, is
33 effective only on the affirmative vote of at least three-fourths of the
34 members of each house of the legislature.

35 Sec. 3. Emergency

36 This act is an emergency measure that is necessary to preserve the
37 public peace, health or safety and is operative immediately as provided by
38 law.