

REFERENCE TITLE: **minimum wage; younger workers**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# **HB 2639**

Introduced by  
Representative Hendrix

**AN ACT**

**AMENDING SECTION 23-363, ARIZONA REVISED STATUTES; RELATING TO THE MINIMUM WAGE.**

(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,  
3 section 1, Constitution of Arizona, section 23-363, Arizona Revised Statutes,  
4 is 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. BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2013, THE MINIMUM  
28 WAGE TO BE PAID AN EMPLOYEE WHO IS UNDER TWENTY-TWO YEARS OF AGE IS  
29 SEVENTY-FIVE PER CENT OF THE MINIMUM WAGE OTHERWISE PRESCRIBED IN THIS  
30 SECTION.

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

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