

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 383**

Introduced by Quick, 35; Bolz, 29; Cavanaugh, 6; Crawford, 45; DeBoer,  
10; Howard, 9; Hunt, 8; McDonnell, 5; Morfeld, 46; Pansing  
Brooks, 28; Vargas, 7; Wishart, 27.

Read first time January 17, 2019

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section
- 2 48-1203, Revised Statutes Cumulative Supplement, 2018; to provide
- 3 for an annual adjustment to the minimum wage; to provide duties for
- 4 the State Treasurer and Department of Labor; to define a term; and
- 5 to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 48-1203 (1) Except as otherwise provided in this section and section  
4 48-1203.01, every employer shall pay to each of his or her employees a  
5 minimum wage of:

6 (a) Seven dollars and twenty-five cents per hour through December  
7 31, 2014;

8 (b) Eight dollars per hour on and after January 1, 2015, through  
9 December 31, 2015;~~and~~

10 (c) Nine dollars per hour on and after January 1, 2016 through April  
11 1, 2020; and -

12 (d) The amount set pursuant to subsection (2) of this section on and  
13 after April 1, 2020.

14 (2)(a) By January 31, 2020, and on or before each January 31  
15 thereafter, the State Treasurer shall adjust the minimum wage by an  
16 amount determined by the State Treasurer at the end of the preceding  
17 calendar year to reflect the average annual percentage change in the  
18 consumer price index for the most recent five-year period for which data  
19 is available. The minimum wage so adjusted shall be rounded to the  
20 nearest cent divisible by five. Such minimum wage shall become effective  
21 beginning April 1 of such year.

22 (b) An annual increase under this subsection shall not exceed three  
23 and one-half percent.

24 (c) By February 1, 2020, and on or before each February 1  
25 thereafter, the Department of Labor shall post on the department's web  
26 site the adjusted minimum wage that will take effect April 1 of such  
27 year.

28 (d) As used in this subsection, consumer price index means the  
29 Consumer Price Index for All Urban Consumers, as prepared by the United  
30 States Department of Labor, Bureau of Labor Statistics.

31 (3) (-2) For persons compensated by way of gratuities such as

1 waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the  
2 employer shall pay wages at the minimum rate of two dollars and thirteen  
3 cents per hour, plus all gratuities given to them for services rendered.  
4 The sum of wages and gratuities received by each person compensated by  
5 way of gratuities shall equal or exceed the minimum wage rate provided in  
6 subsection (1) of this section. In determining whether or not the  
7 individual is compensated by way of gratuities, the burden of proof shall  
8 be upon the employer.

9 (4) ~~(3)~~ Any employer employing student-learners as part of a bona  
10 fide vocational training program shall pay such student-learners' wages  
11 at a rate of at least seventy-five percent of the minimum wage rate which  
12 would otherwise be applicable.

13 Sec. 2. Original section 48-1203, Revised Statutes Cumulative  
14 Supplement, 2018, is repealed.