

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 327

Introduced by Raybould, 28.

Read first time January 11, 2023

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, 2020, as amended by
- 3 section 1, Initiative Law 2022, No. 433; to change provisions
- 4 relating to the minimum wage; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1203, Revised Statutes Cumulative Supplement,
2 2020, as amended by section 1, Initiative Law 2022, No. 433, is amended
3 to read:

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

7 (a) Nine dollars per hour through December 31, 2022;

8 (b) Ten dollars and fifty cents per hour on and after January 1,
9 2023, through December 31, 2023;

10 (c) Twelve dollars per hour on and after January 1, 2024, through
11 December 31, 2024;

12 (d) Thirteen dollars and fifty cents per hour on and after January
13 1, 2025, through December 31, 2025; and

14 (e) Fifteen dollars per hour on and after January 1, 2026, through
15 December 31, 2026.

16 (2) The minimum wage established in subdivision (1)(e) of this
17 section shall be increased on January 1, 2027, and on January 1 of
18 successive years, by the lesser of (a) one and one-half percent, rounded
19 to the nearest cent, or (b) the increase in the cost of living. The
20 increase in the cost of living, which shall be measured by the percentage
21 increase, if any, as of August of the previous year over the level as of
22 August of the year preceding that year in the consumer price index for
23 all urban consumers (CPI-U) for the Midwest Region, or its successor
24 index, as published by the U.S. Department of Labor, or its successor
25 agency, with the amount of the minimum wage increase rounded up to the
26 nearest multiple of five cents. No later than October 15 of each year,
27 commencing October 15, 2026, the Nebraska Department of Labor shall
28 calculate and publish the minimum wage rate that will take effect the
29 following January 1.

30 (3) For persons compensated by way of gratuities such as waitresses,
31 waiters, hotel bellhops, porters, and shoeshine persons, the employer

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

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

12 Sec. 2. Original section 48-1203, Revised Statutes Cumulative
13 Supplement, 2020, as amended by section 1, Initiative Law 2022, No. 433,
14 is repealed.