

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

392P0413

## SENATE BILL NO. 146

Introduced by: Senators Koetzle, Heidepriem, Hoerth, Jerstad, Katus, Kloucek, Turbak Berry, and Two Bulls and Representatives Lucas, Bradford, Burg, Cutler, Dennert, Elliott, Engels, Gassman, Glenski, Halverson, Hargens, Miles, Nygaard, Thompson, and Van Norman

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the minimum wage  
2 for tipped employees.

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

4 Section 1. That § 60-11-3.1 be repealed.

5 ~~— 60-11-3.1. Any employer of a tipped employee shall pay a cash wage of not less than two~~  
6 ~~dollars and thirteen cents an hour if the employer claims a tip credit against the employer's~~  
7 ~~minimum wage obligation. If an employee's tips combined with the employer's cash wage of not~~  
8 ~~less than two dollars and thirteen cents an hour do not equal the minimum hourly wage, the~~  
9 ~~employer shall make up the difference as additional wages for each regular pay period of the~~  
10 ~~employer.~~

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

13 ~~— This section does not apply to babysitters or outside salesmen.~~

