

H.B. No. 56

Introduced by:

William F. Craft
Harold Heeltum
LaVern C. Boal
Boyd Bennett
L. Edward Senebrough
A BILL

for

AN ACT to amend and re-enact Section 27-208, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 97, Session Laws of Wyoming 1965, relating to the payment of a minimum wage, and providing for an annual increase thereof; to amend and re-enact Section 27-210, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 97, Session Laws of Wyoming 1965, relating to liability for payment of wages below the minimum rate; and providing that minimum wage claims may be assigned to the commissioner of labor and statistics for collection.

Wm. A. Miller
James A. Miller
Earl H. Parsons
Leon Keith
James Quigg

JAN 1 2 1967 Introduced
JAN 1 2 1967 Read first time
JAN 1 2 1967 Referred to Com. No. 13
JAN 1 2 1967 Delivered to Printing Com
JAN 1 3 1967 Returned from Printing Com
JAN 1 3 1967 Delivered to Com. No.

JAN 1 7 1967 RETURNED

Recommended Amend and Do Pass

PLACED ON GENERAL FILE

JAN 1 8 1967 CONSIDERED IN COM. OF WHOLE
Standing Com. Amendment

H. B. 56 - Standing Comm. Amend.
Line 10 of the title, strike the semicolon and place a period.
Strike the balance of the title.
Page 2, line 25, strike the balance of the bill.

Adopted
Amended as follows

H. B. 56 - C of W Amend.
Page 2, line 3, change the written figure "five" to "ten" and the numbers to "(\$1.10)".
Page 2, line 5, change the written figure "ten" to "twenty" and the numbers to "(\$1.20)".
Page 2, line 6, change the written number "fifteen" to "thirty". Page 2, line 7, change the numbers in parenthesis to "(\$1.30)" after the word "hour". Place a comma and the word "thereafter", followed by a period. Strike the balance of the section through line 11.

Adopted
Amended as follows

H. B. 56 - C of W #2 Amend.
Page 2, Line 7 - Delete "until".

Adopted

RECOMMENDED DO.....PASS

JAN 1 9 1967

READ SECOND TIME,

ENGROSSED

APPROVED AS TO FORM

House Attorney

Date

1/12/67

Introduced, read first time, referred to Com. No. 13

Standing Com. Report: Do Do not Amend

Com. of Whole: Do Do not Amend Indef. Postponed.

2nd: Amend 3rd: Amend Ayes Noes

Passed by Senate: Ayes Noes

H. B. 56

Introduced by:

William F. Craft, Harold Hellbaum, LaVerne
C. Boal, Bob J. Burnett, G. Edward
Sencabaugh, Warren A. Morton, James A.
Wilcox, Earl K. Parsons, Leon Keith, James
Quigg Kelly

A BILL

for

1 AN ACT to amend and re-enact Section 27-208, Wyoming
2 Statutes 1957, as amended and re-enacted by
3 Section 1, Chapter 97, Session Laws of Wyoming
4 1965, relating to the payment of a minimum wage,
5 and providing for an annual increase thereof;
6 to amend and re-enact Section 27-210, Wyoming
7 Statutes 1957, as amended and re-enacted by
8 Section 2, Chapter 97, Session Laws of Wyoming
9 1965, relating to liability for payment of wages
10 below the minimum rate; and providing that
11 minimum wage claims may be assigned to the
12 commissioner of labor and statistics for collection.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

14 Section 1. Section 27-208, Wyoming Statutes
15 1957, as amended and re-enacted by Section 1, Chapter
16 97, Session Laws of Wyoming 1965, is amended and
17 re-enacted to read as follows:

1 Every employer shall pay to each of his or her
2 employees, wages at a rate of not less than ~~one~~
3 ~~dollar (\$1.00)~~ ONE DOLLAR AND FIVE CENTS (\$1.05)
4 per hour UNTIL DECEMBER 31, 1967; ONE DOLLAR AND
5 TEN CENTS (\$1.10) PER HOUR FROM JANUARY 1, 1968,
6 UNTIL DECEMBER 31, 1968; ONE DOLLAR AND FIFTEEN
7 CENTS (\$1.15) PER HOUR FROM JANUARY 1, 1969, UNTIL
8 UNTIL DECEMBER 31, 1969; ONE DOLLAR AND TWENTY
9 CENTS (\$1.20) PER HOUR FROM JANUARY 1, 1970, UNTIL
10 DECEMBER 31, 1970; AND ONE DOLLAR AND TWENTY-FIVE
11 CENTS (\$1.25) PER HOUR, THEREAFTER.

12 Section 2. Section 27-210, Wyoming Statutes
13 1957, as amended and re-enacted by Section 2,
14 Chapter 97, Session Laws of Wyoming 1965, is amended
15 and re-enacted to read as follows:

16 (A) Any employer who shall pay to any employee
17 wages at a rate less than ~~one-dollar-(\$1.00)-per~~
18 ~~hour~~ THAT PRESCRIBED IN THE FOREGOING SECTION shall
19 be liable in a civil action, to the employee in the
20 amount of his or her unpaid minimum wage, and the
21 aggrieved employee may bring a civil action for
22 enforcement of this act and the recovery of his or
23 her unpaid wages together with reasonable attorney
24 fees and the costs of the action.

25 (B) THE COMMISSIONER OF LABOR AND STATISTICS
26 IS HEREBY EMPOWERED TO TAKE ASSIGNMENTS OF UNPAID
27 MINIMUM WAGE CLAIMS AND PROSECUTE ACTIONS FOR THE
28 COLLECTION OF UNPAID MINIMUM WAGES FOR PERSONS
29 FINANCIALLY UNABLE TO PROSECUTE SUCH CLAIMS WHEN,
30 IN THE JUDGMENT OF THE COMMISSIONER, SUCH CLAIMS

1 ARE VALID AND ENFORCEABLE IN THE COURTS. IT SHALL
2 BE THE DUTY OF THE COUNTY AND PROSECUTING ATTORNEY
3 OF THE COUNTY WHEREIN THE ACTION IS COMMENCED, TO
4 ASSIST THE COMMISSIONER OF LABOR AND STATISTICS IN
5 SUCH CAUSE. IN ALL SUITS COMMENCED BY THE COMMISSIONER
6 OF LABOR AND STATISTICS, NO COURT COSTS OR ANY FEES
7 FOR NECESSARY WRITS, PROCESS AND PROCEEDINGS SHALL
8 BE PAYABLE IN ADVANCE. IN THE EVENT THERE IS A
9 JUDGMENT RENDERED AGAINST THE DEFENDANT, THE COURT
10 SHALL ASSESS AS PART OF SUCH JUDGMENT THE COSTS OF
11 SUCH PROCEEDINGS. UPON COLLECTION OF SUCH JUDGMENT
12 THE COMMISSIONER OF LABOR AND STATISTICS SHALL PAY
13 FROM THE PROCEEDS OF SUCH JUDGMENT SUCH COSTS TO
14 SUCH PERSON WHO IS BY LAW ENTITLED TO SAME. THE
15 COMMISSIONER OF LABOR AND STATISTICS MAY JOIN IN
16 SINGLE PROCEEDING ANY NUMBER OF MINIMUM WAGE CLAIMS
17 AGAINST THE SAME EMPLOYER, BUT THE COURT SHALL HAVE
18 THE DISCRETIONARY POWER TO ORDER A SEVERANCE OR
19 SEPARATE TRIALS. NOTHING IN SECTION (B) HEREOF SHALL
20 BE CONSTRUED TO PREVENT ANY EMPLOYEE FROM MAKING
21 COMPLAINT OR PROSECUTING HIS OWN CLAIM FOR UNPAID
22 MINIMUM WAGES PURSUANT TO SECTION (A) HEREOF.

Enr 96

Introduced by:

William F. Craft
Harold Hellbaum
LaVerne C. Boal
Bob J. Burnett
G. Edward Sencabaugh
Warren A. Morton
James A. Willox
Earl K. Parsons
Leon Keith
James Quigg Kelly

A BILL
for

AN ACT to amend and re-enact Section 27-208, Wyoming Statutes 1957, as amended and re-enacted by Section 1, Chapter 97, Session Laws of Wyoming 1965, relating to the payment of a minimum wage, and providing for an annual increase thereof; to amend and re-enact Section 27-210, Wyoming Statutes 1957, as amended and re-enacted by Section 2, Chapter 97, Session Laws of Wyoming 1965, relating to liability for payment of wages below the minimum rate.

Jan. 12, 1967
Introduced
Read First Time
Referred to Com. No. 13
Delivered to Printing Com.

Jan. 13, 1967
Returned from Printing Com.
Delivered to Com. No

Jan. 17, 1967
Returned
Recommended Amend and Do Pass
Placed on General File

Jan. 18, 1967
Considered in Com. of Whole
Standing Com. Amendment
H.B. 56 - Standing Comm. Amend. Line 10
of the title, strike the semicolon and
cont.

place a period. Strike the balance of the title. Page 2, line 25, strike the balance of the bill.

Adopted

Amended as follows

H.B. 56 - C of W Amend. Page 2, line 3, change the written figure "five" to "ten" and the numbers to "\$1.10". Page 2, line 5, change the written figure "ten" to "twenty" and the numbers to "\$1.20". Page 2, line 6, change the written number "fifteen" to "thirty". Page 2, line 7, change the numbers in parenthesis to "\$1.30" after the word "hour". Place a comma and the word "thereafter", followed by a period. Strike the balance of the section through line 11.

Adopted

Amended as follows

H.B. 56 - C of W #2 Amend. Page 2, Line 7 - Delete "until". Adopted
Recommended Do Pass

Jan. 19, 1967
Read Second Time
Engrossed

JAN 20 1967 Read Third Time

Amended as follows

Adopted

Amended as follows

H.B. 56 - 3rd Reading #3 Amend.
Line 10, reinsert the semicolon
and the rest of the language thru
line 12 of the bill before the
committee amendment.

Adopted

PASSED

Ayes 60 Nays 1 Excused 1 Absent 1

Sent to Senate

Received from House JAN 23 1967
Read first time JAN 23 1967
Referred to Com. No. 12
Delivered to Com. No. 12

FEB 10 1967 COM. RECOMMENDATION

AMEND AND DO PASS

FEB 11 1967 CONSIDERED IN COM. OF WHOLE
RECOMMENDED DO PASS

COM. OF WHOLE REPORT ADOPTED

FEB 13 1967 READ SECOND TIME
AMENDED AS FOLLOWS

2nd. Read. Amtd. H.B. 56

On page 2, after line 11 add the
following paragraph:

"(a) FOR THE PURPOSE OF THIS
LAW, IN DETERMINING THE WAGE RATE
OF A TIPPED EMPLOYEE, THE AMOUNT
PAID SUCH EMPLOYEE BY HIS EMPLOYER
SHALL BE DEEMED TO BE INCREASED ON
ACCOUNT OF TIPS RECEIVED BY AN
EMPLOYEE BY AN AMOUNT NOT IN EXCESS
OF FIFTY PER CENTUM (50%) OF THE
APPLICABLE MINIMUM WAGE. PROVIDED
HOWEVER, IN ALL CASES THE MINIMUM WAGE
PAID BY AN EMPLOYER TO HIS EMPLOYEE
SHALL NOT BE LESS THAN ONE DOLLAR
(\$1.00) PER HOUR. PROOF OF A
CUSTOMARY TIPPING PERCENTAGE OF
SALES OR SERVICE SHALL BE AN
ADMISSIBLE FORM OF PROOF OF THE
AMOUNT OF TIPS. A "TIP" EMPLOYEE
IS ONE WHO CUSTOMARILY AND
REGULARLY RECEIVES MORE THAN
TWENTY DOLLARS (\$20.00) A MONTH
IN TIPS."

FEB 14 1967 READ THIRD TIME

AYES 26 NOES 4 PASSED
EXCUSED 4 ABSENT 3
SENT TO HOUSE

FEB 14 1967

Received Amended
House did concur on Senate Amendments
Ayes 22 Noes 25 Excused 3 Absent 3
Delivered to Enrolling Section

2/15/67 H.E.A. No. 96, Signed by Speaker
2/16/67 Signed by President
2/24/67 Approved by Governor
Chapter No. 164, Session Laws of Wyoming

Page 2, Line 25, insert "(B) THE COMMISSIONER OF LABOR AND STATISTICS IS HEREBY EMPOWERED TO TAKE ASSIGNMENTS OF UNPAID MINIMUM WAGE CLAIMS AND PROSECUTE ACTIONS FOR THE COLLECTION OF UNPAID MINIMUM WAGES FOR PERSONS FINANCIALLY UNABLE TO PROSECUTE SUCH CLAIMS WHEN, IN THE JUDGMENT OF THE COMMISSIONER, SUCH CLAIMS ARE VALID AND ENFORCEABLE IN THE COURTS. IT SHALL BE THE DUTY OF THE COUNTY AND PROSECUTING ATTORNEY OF THE COUNTY WHEREIN THE ACTION IS COMMENCED, TO ASSIST THE COMMISSIONER OF LABOR AND STATISTICS IN SUCH CAUSE. IN ALL SUITS COMMENCED BY THE COMMISSIONER OF LABOR AND STATISTICS, NO COURT COSTS OR ANY FEES FOR NECESSARY WRITS, PROCESS AND PROCEEDINGS SHALL BE PAYABLE IN ADVANCE. IN THE EVENT THERE IS A JUDGMENT RENDERED AGAINST THE DEFENDANT, THE COURT SHALL ASSESS AS PART OF SUCH JUDGMENT THE COSTS OF SUCH PROCEEDINGS. UPON COLLECTION OF SUCH JUDGMENT THE COMMISSIONER OF LABOR AND STATISTICS SHALL PAY FROM THE PROCEEDS OF SUCH JUDGMENT SUCH COSTS TO SUCH PERSON WHO IS BY LAW ENTITLED TO SAME. THE COMMISSIONER OF LABOR AND STATISTICS MAY JOIN IN SINGLE PROCEEDING ANY NUMBER OF MINIMUM WAGE CLAIMS AGAINST THE SAME EMPLOYER, BUT THE COURT SHALL HAVE THE DISCRETIONARY POWER TO ORDER A SEVERANCE OR SEPARATE TRIALS. NOTHING IN SECTION (B) HEREOF SHALL BE CONSTRUED TO PREVENT ANY EMPLOYEE FROM MAKING COMPLAINT OR PROSECUTING HIS OWN CLAIM FOR UNPAID MINIMUM WAGES PURSUANT TO SECTION (A) HEREOF."

Date

1/12/67 Introduced, read first time, referred to Com. No. 13

_____ Standing Com. Report: Do _____ Do not _____ Amend _____

_____ Com. of Whole: Do _____ Do not _____ Amend _____ Indef. Postponed.

_____ 2nd: Amend _____ 3rd: Amend _____ Ayes _____ Noes _____

_____ Passed by Senate: Ayes _____ Noes _____

H. B. 56

Enw 96

Introduced by: William F. Craft, Harold Hellbaum,
LaVerne C. Boal, Bob J. Burnett,
G. Edward Sencabaugh, Warren A. Morton,
James A. Willox, Earl K. Parsons, Leon
Keith, James Quigg Kelly

A BILL

for

1 AN ACT to amend and re-enact Section 27-208, Wyoming Statutes
2 1957, as amended and re-enacted by Section 1, Chapter 97,
3 Session Laws of Wyoming 1965, relating to the payment of a
4 minimum wage, and providing for an annual increase thereof;
5 to amend and re-enact Section 27-210, Wyoming Statutes 1957,
6 as amended and re-enacted by Section 2, Chapter 97, Session
7 Laws of Wyoming 1965, relating to liability for payment of
8 wages below the minimum rate.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING

10 Section 1. Section 27-208, Wyoming Statutes 1957, as amended
11 and re-enacted by Section 1, Chapter 97, Session Laws of Wyoming 1965,
12 is amended and re-enacted to read as follows:

13 Every employer shall pay to each of his or her employees, wages
14 at a rate of not less than ~~one dollar (\$1.00)~~ ONE DOLLAR AND TEN CENTS
15 (\$1.10) per hour UNTIL DECEMBER 31, 1967; ONE DOLLAR AND TWENTY CENTS
16 (\$1.20) PER HOUR FROM JANUARY 1, 1968, UNTIL DECEMBER 31, 1968; ONE
17 DOLLAR AND THIRTY CENTS (\$1.30) PER HOUR, THEREAFTER.

18 ^(a) Section 2. Section 27-210, Wyoming Statutes 1957, as amended
19 and re-enacted by Section 2, Chapter 97, Session Laws of Wyoming 1965,

1 is amended and re-enacted to read as follows:

2 (A) Any employer who shall pay to any employee wages at a
3 rate less than ~~one dollar (\$1.00) per hour~~ THAT PRESCRIBED IN THE
4 FOREGOING SECTION shall be liable in a civil action, to the employee
5 in the amount of his or her unpaid minimum wage, and the aggrieved
6 employee may bring a civil action for enforcement of this act and
7 the recovery of his or her unpaid wages together with reasonable
8 attorney fees and the costs of the action.

(B)