

3-21-2005

Minimum Wage Increase. Initiative Statute.

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SA2005RF0060

Law Offices of

OLSON

HAGEL &

FISHBURN

LLP

January 25 2005

VIA HAND DELIVERY

Ms. Tricia Knight
Initiative Coordinator
Attorney General's Office
1300 I Street
Sacramento, CA 95814

RECEIVED

JAN 26 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: REQUEST FOR TITLE AND SUMMARY

Dear Ms. Knight:

I hereby request that the Attorney General prepare a title and summary for the enclosed proposed initiative. Enclosed is a check for \$200. My residence address is attached to this letter.

Very Truly Yours,

OLSON HAGEL & FISHBURN LLP

LANCE H. OLSON

LHO:all
Enclosure

Lance H. Olson

Bruce J. Hage

Diane M. Fishburn

Elizabeth L. Gabe

Deborah B. Caplan

Thomas E. Gauthier

N. Eugene Hill

Robert S. McWhorter

Of Counsel

Leroy Y. Fong

555 Capitol Mall, Suite 1425 Sacramento, CA 95814-4602
Telephone: (916) 442-2952 Facsimile: (916) 442-1280 www.olsonhagel.com



FAIR MINIMUM WAGE ACT OF 2005

SECTION 1 - Findings and Declarations

The People of California find and declare that:

At \$6.75 per hour, the current minimum wage punishes hard work. It is so low that it prevents families on welfare from becoming independent and self-sufficient;

Increasing the minimum wage will reward work by making it pay more than welfare;

Executive CEO pay increases while the minimum wage continues to fall. For the minimum wage to match the purchasing power it had in 1968, it would have to be \$9.00 per hour. If it had kept up with productivity gains, it would be over \$25.00 today. According to *Business Week*, the average CEO of a major corporation made 42 times the average hourly worker's pay in 1980, 85 times in 1990 and a staggering 531 times in 2000;

Because good paying jobs are becoming so hard to find, it is more important than ever that California has a minimum wage that is fair and adequate;

The purpose of the Fair Minimum Wage Act of 2005 is to restore the purchasing power of the minimum wage and to help minimum wage workers lift themselves out of poverty;

To achieve that purpose, the Fair Minimum Wage Act of 2005 will increase the minimum wage to \$7.40 per hour in 2006, to \$7.90 per hour in 2007 and index it for cost of living increases in the future;

The current minimum wage is inadequate as a fundamental minimum labor standard for working Californians;

California has the lowest minimum wage on the West Coast and by far the highest housing costs. Washington has a minimum wage of \$7.35, Oregon has a minimum wage of \$7.25, and Alaska has a minimum wage of \$7.15. Washington, Oregon, and Nevada index their minimum wages to account for the increased cost of living increases in the future;

An increased minimum wage cannot be shown to have a negative impact on job growth. During the past six years, states with higher minimum wages than the Federal wage created more jobs than states at the Federal minimum wage level;

A fair minimum wage will help workers, businesses and communities alike, because minimum wage workers stay at their jobs longer and have more income to spend in their communities.

SECTION 2 - Minimum Wage Increase and Indexing

Section 1182.12 is added to the Labor Code to read:

(a) Notwithstanding any other provision of this part, on and after January 1, 2006, the minimum wage for all industries shall not be less than seven dollars and forty cents (\$7.40) per hour; on and after January 1, 2007, the minimum wage for all industries shall not be less than seven dollars and ninety cents (\$7.90) per hour. The Industrial Welfare Commission or its successor shall, at a public meeting, adopt minimum wage orders applicable to all industries that are consistent with this section without convening wage boards, which wage orders shall be final and conclusive for all purposes.

(b) (1) The minimum wage is automatically adjusted on January 1 of each year to maintain employee purchasing power diminished by the rate of inflation that occurred during the previous year.

(2) The automatically adjusted minimum wage is calculated by multiplying the minimum wage in effect on December 31 by the percentage of inflation that occurred during the previous year, adding this amount of increase to the wage from the previous year, and rounding up the product to the nearest five cents (\$0.05). The Industrial Welfare Commission or its successor shall publicize the automatically adjusted minimum wage.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Percentage of inflation" - means the percentage of inflation specified in the California Consumer Price Index for All Urban Consumers, as published by the Department of Industrial Relations, Division of Labor Statistics and Research, or its successor index.

(2) "Previous Year" - means the 12-month period that ends on August 31 of the calendar year prior to the adjustment period.

(d) This section may not be construed to either preclude an increase of the minimum wage by the Industrial Welfare Commission or its successor in an amount that is greater than the rate calculated pursuant to subdivision (b) or result in a reduction in the minimum wage.

(e) The first automatic adjustment to the minimum wage shall occur on January 1, 2008.

SECTION 3 - Name of Act

This statute shall be known as the Fair Minimum Wage Act of 2005.

SECTION 4 - Severability

It is the intent of the People that the provisions of this Act are severable and that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid such invalidity shall not affect any other provision or application of this Act which can be given effect without invalid provision or application.