

## SENATE BILL No. 187

By Senators Hensley, Barone, Betts, Francisco, Gilstrap, Goodwin,  
Haley and Steineger

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10 AN ACT concerning the state minimum wage; amending K.S.A. 44-1203  
11 and repealing the existing section.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-  
15 1203. ~~(a)~~ Except as otherwise provided in the minimum wage and maxi-  
16 mum hours law, every employer shall pay to each employee wages at a  
17 rate of not less than ~~\$2.65~~ \$5.15 an hour. In calculating such minimum  
18 wage rate, an employer may include tips and gratuities received by an  
19 employee in an amount equal to not more than 40% of the minimum  
20 wage rate if such tips and gratuities have customarily constituted part of  
21 the remuneration of the employee and if the employee concerned actually  
22 received and retained such tips and gratuities. The secretary shall require  
23 each employer desiring approval of an allowance for gratuities to provide  
24 substantial evidence of the amounts of such gratuities on account of which  
25 the employer has taken an allowance pursuant to this section.

26 ~~(b) The provisions of this section shall not apply to any employers~~  
27 ~~and employees who are covered under the provisions of section 6 of the~~  
28 ~~fair labor standards act of 1938 as amended (29 U.S.C.A. § 206), and as~~  
29 ~~amended by the fair labor standards amendments of 1974 and any other~~  
30 ~~acts amendatory thereof or supplemental thereto.~~

31 Sec. 2. K.S.A. 44-1203 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its  
33 publication in the statute book.