

## HOUSE BILL No. 2165

By Committee on Economic Development and Tourism

1-23

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9 AN ACT concerning the minimum wage and maximum hours law; in-  
10 creasing the minimum wage and providing the secretary of labor with  
11 authority to make future increases; amending K.S.A. 44-1203 and re-  
12 pealing the existing section.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-  
16 1203. (a) Except as otherwise provided in the minimum wage and maxi-  
17 mum hours law, every employer shall pay to each employee wages at a  
18 rate of not less than ~~\$2.65~~ \$5.15 an hour. *In the event that the minimum*  
19 *wage rate per hour amount in force under section 6 of the fair labor*  
20 *standards act of 1938 (29 U.S.C. § 206), and amendments thereto, exceeds*  
21 *\$5.15 an hour, the secretary shall have authority to establish, by rules*  
22 *and regulations, a minimum wage rate in excess of \$5.15 per hour, but in*  
23 *no event in excess of the minimum wage rate per hour amount in force*  
24 *under section 6 of the fair labor standards act of 1938, and amendments*  
25 *thereto. The secretary of state shall publish notice of any such minimum*  
26 *wage rate established by the secretary in the Kansas register on a date*  
27 *which shall coincide with the effective date of the rules and regulations*  
28 *establishing such rate.*

29 (b) In calculating such minimum wage rate, an employer may include  
30 tips and gratuities received by an employee in an amount equal to not  
31 more than 40% of the minimum wage rate if such tips and gratuities have  
32 customarily constituted part of the remuneration of the employee and if  
33 the employee concerned actually received and retained such tips and  
34 gratuities. The secretary shall require each employer desiring approval of  
35 an allowance for gratuities to provide substantial evidence of the amounts  
36 of such gratuities on account of which the employer has taken an allow-  
37 ance pursuant to this section.

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

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

1     Sec. 3. This act shall take effect and be in force from and after its  
2     publication in the Kansas register.