

**SENATE BILL No. 466**

By Senator Reitz

1-24

9 AN ACT concerning the minimum wage and maximum hours law;  
10 amending K.S.A. 44-1203 and repealing the existing section.

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

13 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-  
14 1203. (a) Except as otherwise provided in the minimum wage and maxi-  
15 mum hours law, every employer shall pay to each employee wages at a  
16 rate ~~of not less than \$2.65 an hour.~~ *as follows:*

17 (1) *Prior to August 1, 2008, employee wages shall be paid at a rate*  
18 *of not less than \$2.65 an hour;*

19 (2) *on and after August 1, 2008, and prior to August 1, 2009, em-*  
20 *ployee wages shall be paid at a rate of not less than \$6.55 an hour; and*

21 (3) *on and after August 1, 2009, employee wages shall be paid at a*  
22 *rate of not less than \$7.25 an hour.*

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

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

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 K.S.A. 44-1203 is hereby repealed.

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