

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2179**, as amended by House Committee, on page 2, following line 28, by inserting:

"New Sec. 2. (a) Every employer shall pay to each employee no less than:

(1) The minimum wage of \$7.25 in effect January 1, 2013 pursuant to subsection (a) of K.S.A. 44-1203, and amendments thereto, as calculated pursuant to subsection (b) of K.S.A. 44-1203, and amendments thereto, and as cumulatively increased on January 1, 2014 and on January 1 of each successive year as provided by this section; or

(2) a minimum or prevailing wage rate otherwise required by state or federal law, if higher.

(b) The minimum wage required to be paid shall be increased cumulatively on January 1, 2014 and on January 1 of successive years by the increase in the cost of living. On or before September 30, 2013, and on or before September 30 of each successive year, the secretary of labor shall measure the increase in the cost of living by the percentage increase as of July of that year over the level as of July of the immediately preceding year of the consumer price index for all urban consumers, U.S. city average for all items (CPI-U), or its successor index as published by the United States department of labor or its successor agency, with the amount of the minimum wage increase rounded to the nearest five cents.

(c) The secretary of labor shall promptly publish the determination of an increase in the minimum wage as measured by the increase in the cost of living, if any, on the website of the department of labor, in the Kansas register, and in such other manner, in the discretion of the secretary,

as will provide timely and adequate notice to employers of the increase in the minimum wage, if any, required January 1 of the immediately following year pursuant to this section.

(d) This section shall be a part of and supplemental to the minimum wage and maximum hours law.

Sec. 3. K.S.A. 2012 Supp. 44-1203 is hereby amended to read as follows: 44-1203. (a) Except as otherwise provided in the minimum wage and maximum hours law, every employer shall pay to each employee wages at a rate as follows:

(1) Prior to January 1, 2010, employee wages shall be paid at a rate of not less than \$2.65 an hour; ~~and~~

(2) on and after January 1, 2010, employee wages shall be paid at a rate of not less than \$7.25 an hour; and

(3) on and after January 1, 2014, the rate as increased cumulatively pursuant to the provisions of section 2, and amendments thereto.

(b) In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee if such tips and gratuities have customarily constituted part of the remuneration of the employee and if the employee concerned actually received and retained such tips and gratuities. For employees receiving tips and gratuities, the employer shall pay a minimum wage of at least \$2.13 an hour. If when combined with the minimum wage rate prescribed in this subsection the amount of the employee's tips and gratuities are:

(1) At least equal to ~~\$7.25~~ an the minimum wage as determined pursuant to subsection (a) per hour, no further payment is required by the employer; or

(2) less than ~~\$7.25~~ an the minimum wage as determined pursuant to subsection (a) per hour, the employer must pay the employee the difference between ~~\$7.25~~ an the minimum wage as

determined pursuant to subsection (a) per hour and the actual hourly amount received by the employee determined by combining the amount of tips and gratuities received by the employee with the minimum wage prescribed by this subsection paid by the employer.

(c) The provisions of this section shall not apply to any employers and employees who are covered under the provisions of the federal fair labor standards act (~~29 U.S.C.A. § 201 et seq.~~), ~~and any other acts amendatory thereof or supplemental thereto.~~;

And by renumbering sections accordingly;

Also on page 2, in line 29, by striking "is" and inserting "and 44-1203 are";

On page 1, in the title, in line 1, by striking "the secretary of"; also in line 1, after "labor" by inserting "and employment"; in line 2, before "amending" by inserting "minimum wage; indexing to the consumer price increase;"; also in line 2, after "and" by inserting "44-1203 and"; in line 3, by striking "section" and inserting "sections"

_____ District.