

HOUSE BILL No. 2560

By Committee on Commerce, Labor and Economic Development

2-3

1 AN ACT concerning the minimum wage; amending K.S.A. 2013 Supp.
2 44-1203 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2013 Supp. 44-1203 is hereby amended to read as
6 follows: 44-1203. (a) Except as otherwise provided in the minimum wage
7 and maximum hours law, every employer shall pay to each employee
8 wages at a rate as follows:

9 (1) Prior to January 1, ~~2010~~ 2015, employee wages shall be paid at a
10 rate of not less than ~~\$2.65~~ \$7.25 an hour; and

11 (2) on and after January 1, ~~2010~~ 2015, employee wages shall be paid
12 at a rate of not less than ~~\$7.25~~ \$10.10 an hour.

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

21 (1) At least equal to ~~\$7.25~~ \$10.10 an hour, no further payment is
22 required by the employer; or

23 (2) less than ~~\$7.25~~ \$10.10 an hour, the employer must pay the
24 employee the difference between ~~\$7.25~~ \$10.10 an hour and the actual
25 hourly amount received by the employee determined by combining the
26 amount of tips and gratuities received by the employee with the minimum
27 wage prescribed by this subsection paid by the employer.

28 (c) (1) The provisions of this section shall ~~not~~ apply to ~~any~~ all
29 employers ~~and employees who are covered under the provisions of the~~
30 ~~federal fair labor standards act (29 U.S.C.A. § 201 et seq.), and any other~~
31 ~~acts amendatory thereof or supplemental thereto.~~

32 (2) *Notwithstanding any provision of K.S.A. 44-1202, and*
33 *amendments thereto, to the contrary, for the purposes of this section, the*
34 *term employer shall have the meaning ascribed to such term in K.S.A. 44-*
35 *313, and amendments thereto.*

36 Sec. 2. K.S.A. 2013 Supp. 44-1203 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after
2 January 1, 2015, and its publication in the statute book.