

**SENATE BILL No. 80**

By Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and  
Pettey

1-26

1 AN ACT concerning the minimum wage; enacting the Kansas working  
2 families pay raise act; amending K.S.A. 2014 Supp. 44-1203 and  
3 repealing the existing section.

4

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

6 Section 1. K.S.A. 2014 Supp. 44-1203 is hereby amended to read as  
7 follows: 44-1203. (a) Except as otherwise provided in the minimum wage  
8 and maximum hours law, every employer shall pay to each employee  
9 wages at a rate as follows:

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

12 (2) on and after January 1, 2010, *and prior to January 1, 2016,*  
13 *employee wages shall be paid at a rate of not less than \$7.25 an hour;*

14 (3) *on and after January 1, 2016, and prior to January 1, 2017,*  
15 *employee wages shall be paid at a rate of not less than \$8.25 an hour;*

16 (4) *on and after January 1, 2017, and prior to January 1, 2018,*  
17 *employee wages shall be paid at a rate of not less than \$9.25 an hour; and*

18 (5) *on and after January 1, 2018, employee wages shall be paid at a*  
19 *rate of not less than \$10.25 an hour.*

20 (b) In calculating such minimum wage rate, an employer may include  
21 tips and gratuities received by an employee if such tips and gratuities have  
22 customarily constituted part of the remuneration of the employee and if the  
23 employee concerned actually received and retained such tips and  
24 gratuities. For employees receiving tips and gratuities, the employer shall  
25 pay a minimum wage of at least \$2.13 an hour *prior to January 1, 2016;*  
26 *at least \$2.48 an hour on and after January 1, 2016, and prior to January*  
27 *1, 2017; at least \$2.78 an hour on and after January 1, 2017, and prior to*  
28 *January 1, 2018; and at least \$3.08 an hour on and after January 1, 2018.*  
29 If when combined with the minimum wage rate prescribed in this  
30 subsection the amount of the employee's tips and gratuities are:

31 (1) At least equal to ~~\$7.25 an hour~~ *the minimum wage rate per hour*  
32 *prescribed by subsection (a), no further payment is required by the*  
33 *employer; or*

34 (2) less than ~~\$7.25 an hour~~ *the minimum wage rate per hour*  
35 *prescribed by subsection (a), the employer must pay the employee the*

1 difference between ~~\$7.25 an hour~~ *the minimum wage rate per hour*  
2 *prescribed by subsection (a)* and the actual hourly amount received by the  
3 employee determined by combining the amount of tips and gratuities  
4 received by the employee with the minimum wage prescribed by this  
5 subsection paid by the employer.

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

10 (d) *The 2015 amendments to this section shall be known as the*  
11 *Kansas working families pay raise act.*

12 Sec. 2. K.S.A. 2014 Supp. 44-1203 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after  
14 January 1, 2016, and its publication in the statute book.