

HOUSE BILL No. 2323

By Representative Winn

2-13

1 AN ACT concerning labor and employment; relating to the minimum
2 wage; indexing to the consumer price index; amending K.S.A. 2012
3 Supp. 44-1203 and repealing the existing section.
4

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

6 New Section 1. (a) Every employer shall pay to each employee no
7 less than:

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

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

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

25 (c) The secretary of labor shall promptly publish the determination of
26 an increase in the minimum wage as measured by the increase in the cost
27 of living, if any, on the website of the department of labor, in the Kansas
28 register, and in such other manner, in the discretion of the secretary, as will
29 provide timely and adequate notice to employers of the increase in the
30 minimum wage, if any, required on January 1 of the immediately
31 following year pursuant to this section.

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

34 Sec. 2. K.S.A. 2012 Supp. 44-1203 is hereby amended to read as
35 follows: 44-1203. (a) Except as otherwise provided in the minimum wage
36 and maximum hours law, every employer shall pay to each employee

1 wages at a rate as follows:

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

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

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

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

16 (1) At least equal to \$7.25 an hour, no further payment is required by
17 the employer; or

18 (2) less than \$7.25 an hour, the employer must pay the employee the
19 difference between \$7.25 an hour and the actual hourly amount received
20 by the employee determined by combining the amount of tips and
21 gratuities received by the employee with the minimum wage prescribed by
22 this subsection paid by the employer.

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

27 Sec. 3. K.S.A. 2012 Supp. 44-1203 is hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.