

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for HB 2430**, on page 1, following line 5, by inserting:

"Section 1. On and after January 1, 2015, K.S.A. 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~~ 2015, employee wages shall be paid at a rate of not less than ~~\$2.65~~ \$7.25 an hour; and

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

(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~~ \$10.10 an hour, no further payment is required by the employer; or

(2) less than ~~\$7.25~~ \$10.10 an hour, the employer must pay the employee the difference between ~~\$7.25~~ \$10.10 an 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)(1) The provisions of this section shall ~~not~~ apply to ~~any~~ all 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.~~

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

And by renumbering sections accordingly;

On page 5, after line 35, by inserting:

"Sec. 5. On January 1, 2015, K.S.A. 2013 Supp. 44-1203 is hereby repealed.";

On page 1, in the title, in line 1, after "concerning" by inserting "employment; relating to employee wages; concerning"; in line 2, after "Supp." by inserting "44-1203,"

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\_\_\_\_\_ District.