

HOUSE BILL No. 2316

By Representatives Frownfelter, Burroughs, Carmichael, Highberger, Kuether and Whipple

2-11

1 AN ACT concerning the minimum wage; relating to a livable wage;
2 amending K.S.A. 2014 Supp. 44-1203 and repealing the existing
3 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 \$8.06 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 \$8.87 an hour;*

18 (5) *on and after January 1, 2018, and prior to January 1, 2019,*
19 *employee wages shall be paid at a rate of not less than \$9.68 an hour;*

20 (6) *on and after January 1, 2019, and prior to January 1, 2020,*
21 *employee wages shall be paid at a rate of not less than \$10.50 an hour;*

22 (7) *on and after January 1, 2020, and prior to January 1, 2021,*
23 *employee wages shall be paid at a rate of not less than \$11.32 an hour;*

24 *and*

25 (8) *on and after January 1, 2021, employee wages shall be paid at a*
26 *rate of not less than \$11.32 an hour or the rate as cumulatively increased*
27 *pursuant to subsection (d), whichever is greater.*

28 (b) In calculating such minimum wage rate, an employer may include
29 tips and gratuities received by an employee if such tips and gratuities have
30 customarily constituted part of the remuneration of the employee and if the
31 employee concerned actually received and retained such tips and
32 gratuities. For employees receiving tips and gratuities, the employer shall
33 pay a minimum wage of at least \$2.13 an hour *prior to January 1, 2016;*
34 *at least \$2.36 an hour on and after January 1, 2016, and prior to January*
35 *1, 2017; at least \$2.60 an hour on and after January 1, 2017, and prior to*

1 January 1, 2018; at least \$2.84 an hour on and after January 1, 2018, and
2 prior to January 1, 2019; at least \$3.08 an hour on and after January 1,
3 2019, and prior to January 2020; at least \$3.32 an hour on and after
4 January 1, 2020, and prior to January 1, 2021; and on and after January
5 1, 2021, at a rate of not less than \$3.32 an hour or the rate as
6 cumulatively increased pursuant to subsection (d), whichever is greater. If
7 when combined with the minimum wage rate prescribed in this subsection
8 the amount of the employee's tips and gratuities are:

9 (1) At least equal to ~~\$7.25 an hour~~ the minimum wage rate per hour
10 prescribed by subsections (a) and (d), no further payment is required by
11 the employer; or

12 (2) less than ~~\$7.25 an hour~~ the minimum wage rate per hour
13 prescribed by subsections (a) and (d), the employer must pay the
14 employee the difference between ~~\$7.25 an hour~~ the applicable minimum
15 wage rate per hour prescribed by subsections (a) and (d) and the actual
16 hourly amount received by the employee determined by combining the
17 amount of tips and gratuities received by the employee with the minimum
18 wage prescribed by this subsection paid by the employer.

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

23 (d) *The minimum wage required to be paid pursuant to subsection (a)*
24 *shall be increased cumulatively on July 1, 2021, and on July 1 of each*
25 *successive year so as to be an hourly wage that on an annual basis is not*
26 *less than 200% of the federal poverty guidelines level for individuals for*
27 *such year as published by the federal department of health and human*
28 *services in the federal register. The secretary of labor shall promptly*
29 *publish the secretary's determination of the increase of the minimum*
30 *hourly wage and the minimum hourly wage for employees receiving tips*
31 *and gratuities as a result of any such increase in the federal poverty*
32 *guidelines level for individuals on the website of the department of labor*
33 *and in the Kansas register.*

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

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