

## SENATE BILL No. 288

By Senators Hensley, Feleciano, Gilstrap, Gooch, Haley and Steineger

2-7

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AN ACT concerning the state minimum wage; amending K.S.A. 44-1203 and repealing the existing section.

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

Section 1. 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 of not less than \$2.65 an hour. *On and after July 1, 2001, such minimum wage shall be an amount per hour equal to the amount provided by section 6 of the fair labor standards act and amendments thereto. The secretary shall continuously monitor changes in the wages specified in the fair labor standards act and shall notify Kansas employers of changes thereto.* In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee in an amount equal to not more than 40% of the minimum wage rate 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. The secretary shall require each employer desiring approval of an allowance for gratuities to provide substantial evidence of the amounts of such gratuities on account of which the employer has taken an allowance pursuant to this section.

~~(b) The provisions of this section shall not apply to any employers and employees who are covered under the provisions of section 6 of the fair labor standards act of 1938 as amended (29 U.S.C.A. § 206), and as amended by the fair labor standards amendments of 1974 and any other acts amendatory thereof or supplemental thereto.~~

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 K.S.A. 44-1203 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.