

HOUSE BILL No. 2366

By Committee on Economic Development and Tourism

2-2

9 AN ACT concerning the minimum wage and maximum hours law; in-
10 creasing the minimum wage; amending K.S.A. 44-1203 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-
15 1203. (a) Except as otherwise provided in the minimum wage and maxi-
16 mum hours law, every employer shall pay to each employee wages at a
17 rate of not less than ~~\$2.65~~ \$7.25 an hour. *For the year 2007, and each*
18 *year thereafter, the secretary of labor shall prepare a report describing*
19 *the net percentage change in the CPI (urban) between December 1 and*
20 *December 1 of the prior year, as certified to the secretary by the director*
21 *of the budget on December 1 of each year, and recommending legislation*
22 *providing for an adjusted minimum wage rate in accordance with the net*
23 *percentage change in the CPI (urban). Within two weeks of the beginning*
24 *of each legislative session, the secretary shall transmit such report to the*
25 *speaker of the house of representatives, the president of the senate, the*
26 *chair of the house standing committee on commerce and labor and the*
27 *chair of the senate standing committee on commerce.*

28 (b) In calculating such minimum wage rate, an employer may include
29 tips and gratuities received by an employee in an amount equal to not
30 more than 40% of the minimum wage rate if such tips and gratuities have
31 customarily constituted part of the remuneration of the employee and if
32 the employee concerned actually received and retained such tips and
33 gratuities. The secretary shall require each employer desiring approval of
34 an allowance for gratuities to provide substantial evidence of the amounts
35 of such gratuities on account of which the employer has taken an allow-
36 ance pursuant to this section.

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

42 Sec. 2. K.S.A. 44-1203 is hereby repealed.
43

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the Kansas register.