

## SENATE BILL No. 337

By Senators Francisco and Betts and Barone, Goodwin, Haley, Hensley, Reitz, Steineger and Wysong

2-7

10 AN ACT concerning the minimum wage and maximum hours law;  
11 amending K.S.A. 44-1203 and repealing the existing section.  
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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 an hour.~~ *as follows:*

18 (1) *Prior to September 1, 2007, employee wages shall be paid at a*  
19 *rate of not less than \$2.65 an hour;*

20 (2) *on and after September 1, 2007, and prior to September 1, 2008,*  
21 *wages shall be paid at a rate of not less than \$5.85 an hour;*

22 (3) *on and after September 1, 2008, and prior to September 1, 2009,*  
23 *employee wages shall be paid at a rate of not less than \$6.55 an hour; and*

24 (4) *on and after September 1, 2009, employee wages shall be paid at*  
25 *a rate of not less than \$7.25 an hour.*

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

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

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 K.S.A. 44-1203 is hereby repealed.

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