

SENATE BILL No. 291

By Committee on Ways and Means

3-11

1 AN ACT concerning labor and employment; increasing the minimum
2 wage; providing that the highest minimum wage under state or federal
3 law will apply; amending K.S.A. 2020 Supp. 44-1203 and repealing the
4 existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2020 Supp. 44-1203 is hereby amended to read as
8 follows: 44-1203. (a) Except as otherwise provided in the minimum wage
9 and maximum hours law, every employer shall pay to each employee
10 wages at a rate as follows:

11 (1) ~~Prior to January 1, 2010, employee wages shall be paid at a rate of~~
12 ~~not less than \$2.65 an hour, and~~

13 (2) ~~On and after January 1, 2010, and prior to January 1, 2022,~~
14 ~~employee wages shall be paid at a rate of not less than \$7.25 an hour;~~

15 (2) *on and after January 1, 2022, and prior to January 1, 2023,*
16 *employee wages shall be paid at a rate of not less than \$10 an hour;*

17 (3) *on and after January 1, 2023, and prior to January 1, 2024,*
18 *employee wages shall be paid at a rate of not less than \$11 an hour;*

19 (4) *on and after January 1, 2024, and prior to January 1, 2025,*
20 *employee wages shall be paid at a rate of not less than \$12 an hour;*

21 (5) *on and after January 1, 2025, and prior to January 1, 2026,*
22 *employee wages shall be paid at a rate of not less than \$13 an hour;*

23 (6) *on and after January 1, 2026, and prior to January 1, 2027,*
24 *employee wages shall be paid at a rate of not less than \$14 an hour; and*

25 (7) *on and after January 1, 2027, employee wages shall be paid at a*
26 *rate of not less than \$15 an hour.*

27 (b) In calculating such minimum wage rate, an employer may include
28 tips and gratuities received by an employee if such tips and gratuities have
29 customarily constituted part of the remuneration of the employee and if the
30 employee concerned actually received and retained such tips and
31 gratuities. For employees receiving tips and gratuities, the employer shall
32 pay a minimum wage of at least \$2.13 an hour *prior to January 1, 2022,*
33 *and at least \$3.13 an hour on and after January 1, 2022.* If when
34 combined with the minimum wage rate prescribed in this subsection the
35 amount of the employee's tips and gratuities are:

36 (1) ~~At least equal to \$7.25 an hour~~ *the minimum wage rate per hour*

1 *prescribed by subsection (a)*, no further payment is required by the
2 employer; or

3 (2) ~~less than \$7.25 an hour~~ *the minimum wage rate per hour*
4 *prescribed by subsection (a)*, the employer must pay the employee the
5 difference between ~~\$7.25 an hour~~ *the minimum wage rate per hour*
6 *prescribed by subsection (a)* and the actual hourly amount received by the
7 employee determined by combining the amount of tips and gratuities
8 received by the employee with the minimum wage prescribed by this
9 subsection paid by the employer.

10 (c) The provisions of this section shall ~~not~~ apply to any employers
11 and employees who are covered under the provisions of the federal fair
12 labor standards act (~~29 U.S.C.A. U.S.C. § 201 et seq.~~), and any other acts
13 amendatory thereof or supplemental thereto, *if the wage rate per hour*
14 *prescribed by this section is greater than the wage rate per hour*
15 *prescribed by such federal law.*

16 Sec. 2. K.S.A. 2020 Supp. 44-1203 is hereby repealed.

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