

SENATE BILL No. 141

By Senators Holland, Faust-Goudeau, Francisco, Hawk, Hensley, Miller, Pettey
and Ware

2-11

1 AN ACT concerning labor and employment; relating to increasing the
2 minimum wage; amending K.S.A. 2018 Supp. 44-1203 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 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, 2020,~~
13 ~~employee wages shall be paid at a rate of not less than \$7.25 an hour;~~

14 (2) *on and after January 1, 2020, and prior to January 1, 2021,*
15 *employee wages shall be paid at a rate of not less than \$8.60 an hour;*

16 (3) *on and after January 1, 2021, and prior to January 1, 2022,*
17 *employee wages shall be paid at a rate of not less than \$9.60 an hour;*

18 (4) *on and after January 1, 2022, and prior to January 1, 2023,*
19 *employee wages shall be paid at a rate of not less than \$10.80 an hour;*

20 (5) *on and after January 1, 2023, and prior to January 1, 2024,*
21 *employee wages shall be paid at a rate of not less than \$12.00 an hour;*

22 (6) *on and after January 1, 2024, and prior to January 1, 2025,*
23 *employee wages shall be paid at a rate of not less than \$13.00 an hour;*

24 *and*

25 (7) *on and after January 1, 2025, and on and after January 1 of each*
26 *year thereafter, employee wages shall be paid at the rate for the*
27 *immediately preceding year, increased by the percentage that is the sum*
28 *of:*

29 (A) *The percentage increase in the cost of living determined by the*
30 *percentage increase in the not seasonally adjusted 12-month average*
31 *consumer price index for urban wage earners and clerical workers (CPI-*
32 *W), or its successor index published by the United States department of*
33 *labor, or its successor agency, for the immediately preceding 12 months as*
34 *published in July of the previous year, with the amount of the minimum*
35 *wage rate increase so determined rounded up to the nearest \$.05; and*

1 (B) the percentage increase in the average statewide wage rate for all
2 industries based on the quarterly census of employment and wages
3 published by the labor market information services of the Kansas
4 department of labor (QCEW), or its successor agency, for the immediately
5 preceding 12 months as published in July of the previous year, with the
6 amount of the minimum wage rate increase so determined rounded up to
7 the nearest \$.05.

8 (b) In calculating such minimum wage rate, an employer may include
9 tips and gratuities received by an employee if such tips and gratuities have
10 customarily constituted part of the remuneration of the employee and if the
11 employee concerned actually received and retained such tips and
12 gratuities. For employees receiving tips and gratuities, the employer shall
13 pay a minimum wage of at least \$2.13 an hour prior to January 1, 2020,
14 and on and after January 1, 2020, and on and after each successive
15 January 1, at least 70% of the minimum wage rate required for the year as
16 provided by subsection (a), rounded up to the nearest \$.05. If, when
17 combined with the minimum wage rate prescribed in this subsection, the
18 amount of the employee's tips and gratuities are:

19 (1) At least equal to ~~\$7.25 an hour~~ 70% of the minimum wage rate
20 per hour prescribed by subsection (a), rounded up to the nearest \$.05, no
21 further payment is required by the employer; or

22 (2) less than ~~\$7.25 an hour~~ 70% of the minimum wage rate per hour
23 prescribed by subsection (a), rounded up to the nearest \$.05, the employer
24 must pay the employee the difference between ~~\$7.25 an hour~~ 70% on the
25 minimum wage rate per hour prescribed by subsection (a), rounded up to
26 the nearest \$.05, and the actual hourly amount received by the employee
27 determined by combining the amount of tips and gratuities received by the
28 employee with the minimum wage prescribed by this subsection paid by
29 the employer.

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

34 Sec. 2. K.S.A. 2018 Supp. 44-1203 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after
36 January 1, 2020, and its publication in the statute book.