

**HOUSE BILL No. 2368**

By Representatives Haswood, Meyer, Vaughn, Woodard and Xu

2-8

1 AN ACT concerning labor and employment; increasing the minimum  
2 wage; enacting the making work pay act; amending K.S.A. 44-1203  
3 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 44-1203 is hereby amended to read as follows: 44-  
7 1203. (a) Except as otherwise provided in the minimum wage and  
8 maximum hours law, every employer shall pay to each employee wages at  
9 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, 2024,~~  
13 ~~employee wages shall be paid at a rate of not less than \$7.25 an~~ per hour;

14 (2) *on and after January 1, 2024, and prior to January 1, 2025,*  
15 *employee wages shall be paid at a rate of not less than \$10 per hour;*

16 (3) *on and after January 1, 2025, and prior to January 1, 2026,*  
17 *employee wages shall be paid at a rate of not less than \$12 per hour;*

18 (4) *on and after January 1, 2026, and prior to January 1, 2027,*  
19 *employee wages shall be paid at a rate of not less than \$14 per hour; and*

20 (5) *on and after January 1, 2027, employee wages shall be paid at a*  
21 *rate of not less than \$16 per hour.*

22 (b) In calculating such minimum wage rate, an employer may include  
23 tips and gratuities received by an employee if such tips and gratuities have  
24 customarily constituted part of the remuneration of the employee and if the  
25 employee concerned actually received and retained such tips and  
26 gratuities. For employees receiving tips and gratuities, the employer shall  
27 pay a minimum wage of at least \$2.13 ~~an~~ per hour *prior to January 1,*  
28 *2024, and at least \$3.25 per hour on and after January 1, 2024.* If, when  
29 combined with the minimum wage rate prescribed in this subsection, the  
30 amount of the employee's tips and gratuities are:

31 (1) At least equal to ~~\$7.25 an hour~~ *the minimum wage rate per hour*  
32 *prescribed by subsection (a),* no further payment is required by the  
33 employer; or

34 (2) less than ~~\$7.25 an hour~~ *the minimum wage rate per hour*  
35 *prescribed by subsection (a),* the employer must pay the employee the  
36 difference between ~~\$7.25 an hour~~ *the minimum wage rate per hour*

1 *prescribed by subsection (a)* and the actual hourly amount received by the  
2 employee determined by combining the amount of tips and gratuities  
3 received by the employee with the minimum wage prescribed by this  
4 subsection paid by the employer.

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

11 (d) *The 2023 amendments to this section shall be known as the*  
12 *making work pay act.*

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

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