

HOUSE BILL No. 2179

By Committee on General Government Budget

1-31

1 AN ACT concerning the secretary of labor; relating to assignment of wage
2 claims taken by the secretary; amending K.S.A. 2012 Supp. 44-324 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2012 Supp. 44-324 is hereby amended to read as
7 follows: 44-324. (a) Any proceeding by one or more employees to assert
8 any claim arising under or pursuant to this act may be brought in any court
9 of competent jurisdiction.

10 (b) ~~Whenever the secretary determines under K.S.A. 44-322a, and~~
11 ~~amendments thereto, that an employee has a valid claim for unpaid wages~~
12 ~~and determines that the amount of the claim is less than \$10,000, the~~
13 ~~secretary, upon the written request of the employee, shall take an~~
14 ~~assignment of the claim in trust for such employee and shall take action~~
15 ~~appropriate to enforce or defend such claim. Whenever the secretary~~
16 ~~determines under K.S.A. 44-322a, and amendments thereto, that an~~
17 ~~employee has a valid claim for unpaid wages and determines that the~~
18 ~~amount of the claim is equal to or greater than \$10,000, the secretary, upon~~
19 ~~the written request of the employee, may take an assignment of the claim~~
20 ~~in trust for such employee and if the assessment is taken, shall take action~~
21 ~~appropriate to enforce or defend such claim. With the written consent of~~
22 ~~the assignor, the secretary may settle or adjust any claim assigned pursuant~~
23 ~~to this subsection. Whenever the secretary takes an assignment of a claim~~
24 ~~in trust for an employee under this section, the secretary shall charge and~~
25 ~~collect a fee therefor which fee shall be fixed by rules and regulations~~
26 ~~adopted by the secretary. The fee fixed by rules and regulations shall be in~~
27 ~~an amount of not more than \$25 per claim assigned under this section.~~

28 (c) ~~If the secretary prevails on behalf of the employee, the court shall~~
29 ~~award a judgment to the agency in an amount equal to the cost of~~
30 ~~reasonable attorney fees for such action.~~

31 (d) ~~There is hereby created the wage claims assignment fee fund. The~~
32 ~~secretary shall remit all moneys received for assignment and attorney fees~~
33 ~~charged and collected under this section to the state treasurer in~~
34 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~
35 ~~thereto. Upon receipt of each such remittance, the state treasurer shall~~
36 ~~deposit the entire amount in the state treasury. Ten percent of each such~~

1 deposit shall be credited to the state general fund and the balance shall be
2 credited to the wage claims assignment fee fund. All expenditures from the
3 wage claims assignment fee fund shall be made in accordance with
4 appropriation acts upon warrants of the director of accounts and reports
5 issued pursuant to vouchers approved by the secretary or by a person or
6 persons designated by the secretary.

7 Sec. 2. K.S.A. 2012 Supp. 44-324 is hereby repealed.

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