

As Amended by House Committee

Session of 2013

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 (e) 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) Whenever the secretary determines under K.S.A. 44-322a,~~
32 ~~and amendments thereto, that an employee has a valid claim for~~
33 ~~unpaid wages and determines that the amount of the claim is less than~~
34 ~~\$10,000, the secretary, upon the written request of the employee, may~~
35 ~~take an assignment of the claim in trust for such employee and shall~~
36 ~~take action appropriate to enforce or defend such claim. Whenever the~~

1 secretary determines under K.S.A. 44-322a, and amendments thereto,
2 that an employee has a valid claim for unpaid wages and determines
3 that the amount of the claim is equal to or greater than \$10,000, the
4 secretary, upon the written request of the employee, may take an
5 assignment of the claim in trust for such employee and if the
6 assignment is taken, shall take action appropriate to enforce or defend
7 such claim. With the written consent of the assignor, the secretary may
8 settle or adjust any claim assigned pursuant to this subsection.
9 Whenever the secretary takes an assignment of a claim in trust for an
10 employee under this section, the secretary shall charge and collect a
11 fee therefor which fee shall be fixed by rules and regulations adopted
12 by the secretary. The fee fixed by rules and regulations shall be in an
13 amount of not more than \$25 per claim assigned under this section.

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

17 (d) There is hereby created the wage claims assignment fee fund. The
18 secretary shall remit all moneys received for assignment and attorney fees
19 charged and collected under this section to the state treasurer in
20 accordance with the provisions of K.S.A. 75-4215, and amendments
21 thereto. Upon receipt of each such remittance, the state treasurer shall
22 deposit the entire amount in the state treasury. Ten percent of each such
23 deposit shall be credited to the state general fund and the balance shall be
24 credited to the wage claims assignment fee fund. All expenditures from the
25 wage claims assignment fee fund shall be made in accordance with
26 appropriation acts upon warrants of the director of accounts and reports
27 issued pursuant to vouchers approved by the secretary or by a person or
28 persons designated by the secretary.

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

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