

HOUSE BILL No. 2253

By Representative Hodge

2-12

1 AN ACT concerning labor and employment; relating to unpaid wage
2 claims; costs and attorney fees; amending K.S.A. 2018 Supp. 44-324
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. 2018 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. *Any judgment for the plaintiff in a proceeding*
10 *pursuant to this act shall include all costs reasonably incurred in*
11 *connection with the proceeding, including attorney fees.*

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

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

33 (d) There is hereby created the wage claims assignment fee fund. The
34 secretary shall remit all moneys received for assignment and attorney fees
35 charged and collected under this section to the state treasurer in
36 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall
2 deposit the entire amount in the state treasury. Ten percent of each such
3 deposit shall be credited to the state general fund and the balance shall be
4 credited to the wage claims assignment fee fund. All expenditures from the
5 wage claims assignment fee fund shall be made in accordance with
6 appropriation acts upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the secretary or by a person or
8 persons designated by the secretary.

9 Sec. 2. K.S.A. 2018 Supp. 44-324 is hereby repealed.

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