

HOUSE BILL No. 2405

By Representatives Flaharty, Flora, Hawk, Holland, Kuether, Lane, Loganbill, Mah, Ruff, Ruiz, B. Sharp, Svaty, Treaster and Ward

2-9

10 AN ACT concerning employment contracts; relating to good faith and
11 fair dealing; amending K.S.A. 2004 Supp. 44-609 and repealing the
12 existing section.
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2004 Supp. 44-609 is hereby amended to read as
16 follows: 44-609. (a) It is hereby declared necessary for the promotion of
17 the general welfare that workers engaged in any of the industries, em-
18 ployments, utilities or common carriers shall receive at all times a fair
19 wage and have healthful and moral surroundings while engaged in such
20 labor; and that capital invested therein shall receive at all times a fair rate
21 of return to the owners thereof. The right of every person to make such
22 person's own choice of employment and to make and carry out fair, just
23 and reasonable contracts and agreements of employment, is hereby rec-
24 ognized. If, during the continuance of any such employment, the terms
25 or conditions of any such contract or agreement hereafter entered into,
26 are by the secretary of labor, in any action or proceeding properly before
27 the secretary under the provisions of this act, found to be unfair, unjust
28 or unreasonable, the secretary may by proper order so modify the terms
29 and conditions thereof so that they will be and remain fair, just and rea-
30 sonable and all such orders shall be enforced as in this act provided.

31 (b) *All contracts and agreements regarding human labor contain im-*
32 *plied covenants of good faith and fair dealing.*

33 Sec. 2. K.S.A. 2004 Supp. 44-609 is hereby repealed.

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