

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2253

As Amended by House Committee on Judiciary

Brief*

HB 2253, as amended, would create the Transparency in Lawsuits Protection Act, stating the Legislature's intent that, unless expressly provided, no statute, rule, regulation, ordinance, or other enactment of the state creates a private right of action. Similarly, it would require any legislation creating a private right of action to contain express language providing for the right and, absent that language, would prohibit courts from construing a statute to imply a private right of action. Further, it would provide that the Act is not meant to be construed to prevent the breach of any duty imposed by law from being used as the basis for a cause of action under any theory of recovery otherwise recognized by law, including, but not limited to, theories of recovery under the law of torts or contracts.

Background

In the House Committee on Judiciary, a representative of the Kansas Chamber of Commerce and a local attorney appeared in support of HB 2253. No opponents appeared before the Committee. The Committee amended the bill to extend to statutes, rules, regulations, ordinances, and other enactments of the state, rather than to "legislative acts." It also added provisions stating the Transparency in Lawsuits Protection Act is not meant to be construed to prevent the breach of any duty imposed by law from being used as the basis for a cause of action under any theory of recovery otherwise provided by law.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note for HB 2253, as introduced, indicates passage of the bill would have no fiscal effect.