

SESSION OF 2012

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2313**

As Agreed to March 30, 2012

Brief*

Senate Sub. for HB 2313 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.

Conference Committee Action

The Conference Committee agreed to strike the contents of Senate Sub. for HB 2313 and add the provisions of HB 2253.

Background

HB 2313, as introduced, would have required sexually violent predators civilly committed to the custody of the

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

Secretary of Social and Rehabilitation Services (SRS) to exhaust all administrative remedies prior to filing any civil action that names as the defendant the State of Kansas, any political subdivision of the state, any public official, the Secretary of SRS, or any SRS employee.

Senate Sub. for HB 2313 would have made amendments concerning placement of a juvenile offender placed in Kansas.

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.

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

Transparency in Lawsuits Protection Act

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