

February 9, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2087 by Representative Mast, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2087 is respectfully submitted to your committee.

HB 2087 would protect the rights and privileges granted under the United States Constitution. The bill contains the following substantive provisions:

1. A ruling by a court, arbitrator, tribunal, or administrative agency that is based on any law, legal code, or system, as applied to the dispute at issue, that would not grant the parties the same fundamental liberties, rights, and privileges granted under the United States and Kansas Constitutions would be void and unenforceable.
2. A choice of contractual provisions where the law, legal code, or system chosen, as applied to the dispute at issue, would not grant the parties the same fundamental liberties, rights, and privileges granted under the United States and Kansas Constitutions would be void and unenforceable.
3. A contractual provision granting the courts or arbitration panels jurisdiction over the parties to adjudicate contractual disputes would be void and unenforceable if the jurisdiction chosen includes any law, legal code, or system, as applied to the dispute at issue, that would not grant the parties the same fundamental liberties, rights, and privileges granted under the United States and Kansas Constitutions.
4. If a Kansas resident, subject to personal jurisdiction in Kansas, seeks to maintain litigation, arbitration, agency, or similar proceedings in Kansas and Kansas courts decide to not take jurisdiction on a claim or if a related claim violates or would likely violate the fundamental liberties, rights, and privileges granted under the United States and Kansas Constitutions in the foreign forum with respect to the matter in dispute, then it would be public policy in Kansas to deny the claim.

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Page 2—Fisc_Note_Hb2087

Passage of HB 2087 would have no fiscal effect on the Judicial Branch.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary