

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2087

As Amended by House Committee on
Judiciary

Brief*

HB 2087 would note the Kansas Legislature's recognition of the right to contract freely under Kansas law, which can be reasonably and rationally circumscribed pursuant to the State's interest in protecting and promoting rights and privileges granted by the U.S. and Kansas Constitutions. It also would make void and unenforceable:

- Any court, arbitration, tribunal, or administrative ruling or decision based on a foreign law, legal code, or system that does not grant the parties affected the fundamental liberties, rights, and privileges granted by the U.S. and Kansas Constitutions.
- A contract or contractual provision, if severable, that provides for the choice of a foreign law, legal code, or system to govern disputes between the parties that does not grant the parties affected the fundamental liberties, rights, and privileges granted by the U.S. and Kansas Constitutions.
- A contract or contractual provision, if severable, that grants in personam jurisdiction for adjudication of disputes if the jurisdiction chosen includes any foreign law, legal code, or system that does not grant the parties affected the fundamental liberties, rights, and privileges granted by the U.S. and Kansas Constitutions.

*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>

Further, the bill would provide for denial of a claim of forum non conveniens or a related claim if a resident, subject to personal jurisdiction in Kansas, seeks to maintain litigation, arbitration, agency, or similarly binding proceedings and granting the claim violates or would likely violate the fundamental liberties, rights, and privileges granted by the U.S. and Kansas Constitutions.

The bill also defines "foreign law," "legal code," or "system."

Background

In the House Committee on Judiciary, Representative Peggy Mast, a local attorney, and a concerned citizen appeared in support of the bill. No opponents offered testimony. The House Committee on Judiciary amended the bill by adding "foreign" before "law" in four locations in the bill.

The fiscal note indicates passage of HB 2087 would have no impact on the Judicial Branch.