



Testimony before House Judiciary

House Bill 2253

Presented by Eric Stafford, Senior Director of Government Affairs

Wednesday, January 25, 2012

Mister Chairman and members of the committee, my name is Eric Stafford and I am the Senior Director of Government Affairs with the Kansas Chamber of Commerce. Thank you for allowing us to submit testimony in support of House Bill 2253, a bill dealing with private rights of action.

Each fall, we conduct an annual competitive index (ACI) study to review how our state rates regionally, and nationally on a variety of issues. We have historically maintained strong rankings in our state's legal climate. However, the combination of the lack of legal reform bills in our state, and strong efforts to improve legal climates in other state, our ranking has dropped out of the top 10 toward the bottom of the top 15.

HB 2253 is a great start for improving our legal climate by preventing new, unintended causes of action from springing to life. HB 2253 gives clear direction that no law, unless specifically stated, shall create a private right of action. In many instances, it is unclear as to whether statutes permit a right of action.

The most recent approach by the U.S. Supreme Court (1979) stated "the question is of legislative intent, not whether the Court thinks it can improve upon the statutory scheme (Congress) enacted."

Therefore, to take potential ambiguity out of the hands of the courts, we would encourage this legislature to pass House Bill 2253.

I would like to thank you for the chance to speak to the committee today in support of House Bill 2253 and am happy to answer any questions you may have.



The Kansas Chamber, with headquarters in Topeka, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to do business. The Chamber represents small, medium and large employers all across Kansas.