
SEABOARD CORPORATION

March 7, 2013

Dear Representative Kinzer and Members of the House Judiciary Committee:

Thank you for the opportunity to submit written testimony from Seaboard Corporation, one of only three Fortune 500 companies headquartered in Kansas. Seaboard is one of the largest vertically integrated pork producers and processors in the United States. In Kansas alone, Seaboard has employees and offices located in Merriam, Hugoton, Leoti and Rolla.

Seaboard strongly opposes SB124 and hopes that you will vote against all efforts to change the KRTA to be consistent with this Senate Bill.

Seaboard's recent experience underscores why the KRTA is essential to even the largest Kansas businesses. In 2009, Seaboard was forced to file a lawsuit in Kansas state court against two out-of-state companies involved in an anticompetitive conspiracy that directly harmed Seaboard. In violation of the KRTA, these out-of-state companies rigged bids for insurance policies Seaboard purchased for its businesses here in Kansas and around the world.

Without the full consideration damages provided by the KRTA, it would have been incredibly difficult and enormously costly for Seaboard to prove the amount of its damages. By eliminating full consideration damages, SB124 only rewards those companies involved in anticompetitive conduct that harms every Kansan and harms every Kansas business. SB124 makes it easier for companies engaged in reprehensible conduct like bid-rigging and price-fixing to avoid punishment for conduct we all agree should be against the law.

As a Kansas company, Seaboard relies upon Kansas law to ensure that there is a level playing field for businesses in this State so that we can fairly compete with business in other states and around the world. The KRTA provides that protection. While we agree that the Legislature should make reasonable and measured changes to the KRTA, SB124 destroys these protections that are essential to small and large Kansas businesses alike.

We strongly oppose SB124 and ask that you vote against all attempts to wholly eliminate full consideration damages from the KRTA.

Very truly yours,

SEABOARD CORPORATION



David M. Becker
Senior Vice President and General Counsel

9000 West 67th Street • Shawnee Mission, Kansas
Phone: 913-676-8800 • Fax: 913-676-8872 • Telex: 21

HOUSE JUDICIARY

DATE:

ATTACHMENT 13
