

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 124** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 13, by striking all before "an" and inserting "Except as otherwise provided in subsections (d) and (e), the Kansas restraint of trade act shall be construed in harmony with ruling judicial interpretations of federal antitrust law by the United States supreme court. If such judicial interpretations are in conflict with or inconsistent with the express provisions of subsection (c), the provisions of subsection (c) shall control.

(c) ";

Also on page 2, by striking all in lines 24 through 40;

On page 3, in line 10, before "The" by inserting "(d) The Kansas restraint of trade act shall not be construed to prohibit:

- (1) Actions or proceedings concerning intrastate commerce;
- (2) actions or proceedings by indirect purchasers pursuant to K.S.A. 50-161,

and amendments thereto;

(3) recovery of damages pursuant to K.S.A. 50-161, and amendments thereto;

(4) any remedy or penalty provided in the Kansas restraint of trade act, including, but not limited to, recovery of civil penalties pursuant to K.S.A. 50-160, and amendments thereto; and

(5) any action or proceeding brought by the attorney general pursuant to authority provided in the Kansas restraint of trade act, or any other power or duty of the attorney general provided in such act.

(e)";

And by redesignating subsections accordingly;

On page 5, in line 19, by striking "(1)"; in line 30, by striking "(2)"; in line 33, by striking "either but not both: (A)"; in line 34, by striking all following "sustained"; by striking all in lines 35 through 38; in line 39, by striking "(3)";

On page 6, in line 8, by striking ", 50-"; in line 9, by striking "158 and 50-161" and inserting "and 50-112"; also in line 9, by striking "cause"; in line 10, by striking "of action" and inserting "choses in action or defenses"; in line 11, following the first "act" by inserting "amended or"; also in line 11, by striking "cause of action that has" and inserting "choses in action or defenses that have"; in line 12, by striking "March 1, 2013," and inserting "the effective date of this act"; also in line 12, by striking "such"; in line 13, by striking "March 1, 2013" and inserting "the effective date of this act"; in line 19, by

striking "statute book" and inserting "Kansas register";

And your committee on conference recommends the adoption of this report.

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Conferees on part of House

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Conferees on part of Senate