

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **SB 124** be amended on page 1, in line 6, by striking the first "and" and inserting a comma; also in line 6, following "50-112" by inserting ", 50-158 and 50-161"; by striking all in lines 12 through 36;

On page 2, by striking lines 1 through 3 and inserting:

"(b) Except as otherwise provided in subsections (c) and (d), the Kansas restraint of trade act shall be construed in harmony with ruling judicial interpretations of comparable federal antitrust law by the United States supreme court.

(c) 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.";

Also on page 2, in line 4, by striking "(c)" and inserting "(d)"; also in line 4, by striking all after "act"; in line 5, by striking all before "shall"; also in line 5, following "not" by inserting "be construed to"; in line 6, by striking "is governed by" and inserting "complies with"; in line 26,

following "act;" by inserting:

"(6) any association that complies with the provisions and application of article 15 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the cooperative societies act;

(7) any group purchasing organization or group purchasing cooperative engaged in coordinated purchasing activities designed to obtain lower prices or increase efficiencies for its members so long as it does not possess monopoly power;"

Also on page 2, in line 27, by striking "(6)" and inserting "(8)"; in line 28, by striking "(d)" and inserting "(e)"; in line 33, by striking "(e)" and inserting "(f)";

On page 3, following line 38, by inserting:

"Sec. 4. K.S.A. 50-158 is hereby amended to read as follows: 50-158. The provisions of ~~article 4 of chapter 50 of the Kansas Statutes Annotated, and amendments thereto, and the provisions of K.S.A. 50-158 through 50-160~~ K.S.A. 50-101 through 50-162 and section 1, and amendments thereto, may be cited as the Kansas restraint of trade act.";

And by redesignating sections accordingly;

On page 4, in line 14, by striking all after "sustained"; in line 15, by striking all before the period; in line 26, following "50-112" by inserting ", 50-108, 50-115, 50-158"; in line 28, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 2, following "50-112" by inserting ", 50-158"; also in line 2, following "sections" by inserting "; also repealing K.S.A. 50-108 and 50-115"; and the bill be passed as amended.

Chairperson"