

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 16, 2006, in Room 123-S of the Capitol.

All members were present except:

David Haley- excused  
Dwayne Umbarger- excused  
Barbara Allen arrived, 9:36 a.m.  
Greta Goodwin arrived, 9:37 a.m.  
Kay O'Connor arrived, 9:39 a.m.  
Derek Schmidt arrived, 9:47 a.m.  
Donald Betts arrived, 10:00 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Helen Pedigo, Office of Revisor of Statutes  
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Jerry Sloan, Office of Judicial Administration  
Curtis Woods, Kansas Chamber of Commerce  
Scott Nehrbass, President-elect, Kansas Association of Defense Counsel  
James R. Zakoura, Attorney, Smithyman & Zakoura  
Joe Zima, General Counsel, USD 501

Others attending:

See attached list.

The hearing **SB 568--Delay of phased in increase of court of appeals to 14 judges** was opened.

Jerry Sloan appeared as a proponent providing background on the bill (Attachment 1).

There being no further conferees, the hearing on **SB 568** was closed.

The hearing on **SB 548--Recovery of certain damages in antitrust cases** was opened.

Curtis Woods appeared in support providing background on the bill (Attachment 2). Mr. Woods indicated the full consideration statute produces punitive results in excess of any existing antitrust statute in the United States. Mr. Woods also claimed Kansas is drawing antitrust plaintiffs from around the country due to its potential for overly excessive judgements.

Scott Nehrbass spoke in support stating his opinion that the full consideration statute does not deter price fixing and indicated the Kansas appellate court has never ruled on the constitutionality of full consideration (Attachment 3).

James Zakoura appeared in opposition indicating it is bad public policy to repeal a statute providing a specific remedy for violations of antitrust law when suits are pending (Attachment 4). Kansas antitrust laws have been on the books since 1889 and have worked well. Claims that such statutes are anti-business is false since it speaks only to a remedy of a violation and provided a list of the three anti-trust cases pending in Kansas.

Joe Zima spoke in opposition providing accounts of successes his school district using current anti-trust law (Attachment 5).

Written testimony in support of **SB 548** was submitted by:

Thomas M. Palace, Executive Director, Petroleum Marketers and Convenience Store Association of Kansas (Attachment 6)  
Lew Ebert, Kansas Chamber of Commerce (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on March 16, 2006, in Room 123-S of the Capitol.

Written testimony in opposition to **SB 548** was submitted by:

Gary D. McCallister, Attorney, McCallister & Associates (Attachment 8)

There being no further conferees, the hearing on **SB 548** was closed.

The meeting adjourned at 10:28 a.m. The next scheduled meeting is March 20, 2006.