

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 758

BY: BROWN

AS INTRODUCED

AN ACT RELATING TO TRUSTS AND POOLS; AMENDING 79 O.S. 1991, SECTION 21, WHICH RELATES TO CERTAIN PROCEEDINGS BY ATTORNEY GENERAL; ALLOWING ATTORNEY GENERAL TO PROSECUTE AND RECOVER DAMAGES UNDER CERTAIN PROVISIONS OF FEDERAL LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 79 O.S. 1991, Section 21, is amended to read as follows:

Section 21. A. If the Attorney General shall have sufficient evidence that the provisions of the Constitution or any law pursuant thereto against the establishment or maintenance of any trust, monopoly or unreasonable restraint of trade, or any of the provisions of this article, are about to be or have been violated by any person, firm, corporation or association engaged in any quasi-public business or having a virtual monopoly of any commodity or business, with the intention or effect of destroying competition or restraining trade, contrary to the provisions of this article, he may file information in the Supreme Court, and by proceeding as against nuisance, enjoin and restrain said combination or arrangement or any of its members, or by proceeding analogous to libel, cause any or all the personal property of said offending

person, firm or corporation or association, used or to be used, in whole or in part, in any transaction which in effect or intent hinders competition, or produces unreasonable restriction of trade, to be forfeited to the state in the discretion of the court, together with all the commodities in the possession or control of such offending corporation, person, firm or association, used or intended for such use in violation of the Constitution or laws pursuant thereto, or this article; and he may take both said proceedings.

B. The Attorney General may bring an action on behalf of the state and as parens patriae on behalf of natural persons residing in the state to recover damages and other relief provided for by the federal antitrust laws, Title 15, United States Code.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1830

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