

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Wyoming Antitrust Act.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to antitrust; creating the Wyoming
2 Antitrust Act; providing definitions; prohibiting antitrust
3 conspiracies, monopolies and unfair trade practices;
4 providing for treble damages; providing for penalties;
5 creating an account; providing an appropriation; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 40-25-101 through 40-25-116 are
11 created to read:

12

13

CHAPTER 25

1

WYOMING ANTITRUST ACT

2

3

40-25-101. Short title.

4

5 This chapter shall be known and may be cited as the

6 "Wyoming Antitrust Act".

7

8

40-25-102. Legislative findings; purpose of act.

9

10 (a) The legislature finds and determines that
11 competition is fundamental to the free market system and
12 that the unrestrained interaction of competitive forces will
13 yield the best allocation of our economic resources, the
14 lowest prices, the highest quality and the greatest material
15 progress, while at the same time providing an environment
16 conducive to the preservation of our democratic, political
17 and social institutions.

18

19 (b) The purpose of this chapter is to encourage free
20 and open competition in the interest of the general welfare
21 and economy of Wyoming by prohibiting monopolistic and
22 unfair trade practices, combinations and conspiracies in

1 restraint of trade or commerce and by providing adequate
2 penalties for the enforcement of its provisions.

3

4 **40-25-103. Definitions.**

5

6 (a) As used in this chapter:

7

8 (i) "Attempt to monopolize" means action taken
9 without a legitimate business purpose and with a specific
10 intent of destroying competition or controlling prices to
11 substantially lessen competition, or creating a monopoly,
12 where there is a dangerous probability of creating a
13 monopoly;

14

15 (ii) "Commodity" includes any product of the
16 soil, any article of merchandise or trade or commerce, and
17 any other kind of real or personal property;

18

19 (iii) "Manufacturer" means the producer or
20 originator of any commodity or service;

21

22 (iv) "Person" means as defined in W.S.
23 8-1-102(a)(vi);

1

2 (v) "Service" includes any activity that is
3 performed in whole or in part for the purpose of financial
4 gain including, but not limited to, personal service,
5 professional service, rental, leasing or licensing for use;

6

7 (vi) "Trade or commerce" includes all economic
8 activity involving, or relating to, any commodity, service,
9 or business activity, including the cost of exchange or
10 transportation.

11

12 **40-25-104. Illegal anticompetitive activities.**

13

14 (a) Every contract, combination in the form of trust
15 or otherwise, or conspiracy in restraint of trade or
16 commerce shall be illegal.

17

18 (b) It shall be unlawful for any person to monopolize,
19 attempt to monopolize or have the effect of monopolizing, or
20 combine or conspire with any other person or persons to
21 monopolize, any part of trade or commerce.

22

23 **40-25-105. Exempt activities.**

1

2 (a) This chapter shall not be construed to prohibit:

3

4 (i) The activities of any public utility to the
5 extent that those activities are subject to regulation by
6 the public service commission, the state or federal
7 department of transportation, the federal energy regulatory
8 commission, the federal communications commission, the
9 interstate commerce commission, or successor agencies;

10

11 (ii) The activities of any insurer, insurance
12 producer, independent insurance adjuster, or rating
13 organization including, but not limited to, making or
14 participating in joint underwriting or reinsurance
15 arrangements, to the extent that those activities are
16 subject to regulation by the commissioner of insurance;

17

18 (iii) The activities of securities dealers,
19 issuers, or agents, to the extent that those activities are
20 subject to regulation under the laws of either this state or
21 the United States;

22

1 (iv) The activities of any state or national
2 banking institution, to the extent that the activities are
3 regulated or supervised by state government officers or
4 agencies under the banking laws of this state or by federal
5 government officers or agencies under the banking laws of
6 the United States;

7

8 (v) The activities of any state or federal
9 savings and loan association to the extent that those
10 activities are regulated or supervised by state government
11 officers or agencies under the banking laws of this state or
12 federal government officers or agencies under the banking
13 laws of the United States;

14

15 (vi) The activities of a municipality to the
16 extent authorized or directed by state law; or

17

18 (vii) The activities of an emergency medical
19 service provider licensed under the Wyoming Emergency
20 Medical Services Act of 1977, to the extent that those
21 activities are regulated by state government officers or
22 agencies under that act.

23

1 (b) The labor of a human being is not a commodity or
2 article of commerce.

3
4 (c) Nothing contained in this chapter shall be
5 construed to forbid the existence and operation of labor,
6 agricultural or horticultural organizations, instituted for
7 the purpose of mutual help and not having capital stock or
8 conducted for profit, or to forbid or restrain individual
9 members of these organizations from lawfully carrying out
10 their legitimate objects; nor shall these organizations or
11 membership in them be held to be illegal combinations or
12 conspiracies in restraint of trade under this chapter.

13
14 [Staff Note: Need to conform exception for health care
15 entities allowed by W.S. 35-24-101. Also conform with W.S.
16 40_4_101.]

17
18 **40-25-106. Attorney general's powers; investigations;**
19 **institution of actions; cooperation.**

20
21 (a) The attorney general may investigate suspected
22 violations of this chapter and institute appropriate actions

1 regarding those suspected violations as provided in this
2 chapter.

3

4 (b) Any violations of this chapter which come to the
5 attention of any state government officer or agency shall be
6 reported to the attorney general. All state government
7 officers and agencies shall cooperate with, and assist in,
8 any prosecution for violation of this chapter.

9

10 (c) The attorney general may proceed under any
11 antitrust laws in the state or federal courts on behalf of
12 this state, any of its political subdivisions or agencies,
13 or as parens patriae on behalf of natural persons in this
14 state.

15

16 **40-25-107. Civil antitrust investigations; demand for**
17 **production of documents and responses to written**
18 **interrogatories; oral examination; judicial order for**
19 **compliance; confidentiality; subpoenas precluded.**

20

21 (a) When the attorney general has reasonable cause to
22 believe that any person may be in possession, custody or
23 control of any information relevant to a civil antitrust

1 investigation, he may, prior to the commencement of a civil
2 action thereon, issue and cause to be served upon that
3 person a written civil investigative demand requesting that
4 person to:

5

6 (i) Produce the documentary material for
7 inspection, copying or reproduction by the state where the
8 documents are located or produced;

9

10 (ii) Give oral testimony under oath, concerning
11 the subject of the investigation;

12

13 (iii) Respond to written interrogatories; or

14

15 (iv) Furnish any combination of these.

16

17 (b) Each demand shall state:

18

19 (i) The nature of the activities under
20 investigation, constituting the alleged antitrust violation,
21 which may result in a violation of this chapter and the
22 applicable provision of law;

23

1 (ii) That the recipient is entitled to counsel;

2

3 (iii) That the documents, materials or testimony
4 in response to the demand may be used in a civil or criminal
5 proceeding;

6

7 (iv) That if the recipient does not comply with
8 the demand the attorney general may compel compliance by
9 appearance, upon reasonable notice to the recipient, before
10 the district court in the judicial district where the
11 recipient resides or does business and only upon a showing
12 before that district court that the requirements of
13 subsection (s) of this section have been met;

14

15 (v) That the recipient has the right at any time
16 before the return date of the demand, or within thirty (30)
17 days, whichever period is shorter, to seek a court order
18 determining the validity of the demand; and

19

20 (vi) That at any time during the proceeding the
21 person may assert any applicable privilege.

22

1 (c) If the demand is for production of documentary
2 material, it shall also:

3

4 (i) Describe the documentary material to be
5 produced with sufficient definiteness and certainty as to
6 permit the material to be fairly identified;

7

8 (ii) Prescribe return dates that provide a
9 reasonable period of time within which the material demanded
10 may be assembled and made available for inspection and
11 reproduction; and

12

13 (iii) Identify the individual at the attorney
14 general's office to whom the material shall be made
15 available.

16

17 (d) If the demand is for the giving of oral testimony,
18 it shall also:

19

20 (i) Prescribe the date, time and place at which
21 oral testimony shall be commenced;

22

1 (ii) State that a member of the attorney
2 general's office staff shall conduct the examination; and

3

4 (iii) State that the recording or the transcript
5 of such examination shall be submitted to and maintained by
6 the attorney general.

7

8 (e) If the demand is for responses to written
9 interrogatories, it shall also:

10

11 (i) State that each interrogatory shall be
12 answered separately and fully in writing and under oath,
13 unless the person objects to the interrogatory, in which
14 event the reasons for objection shall be stated in lieu of
15 an answer;

16

17 (ii) State that the answers are to be signed by
18 the person making them, and the objections are to be signed
19 by the attorney making them;

20

21 (iii) Identify by name and address the individual
22 at the attorney general's office on whom answers and

1 objections provided under this subsection are to be served;
2 and

3

4 (iv) Prescribe the date on or before which these
5 answers and objections are to be served on the identified
6 individual.

7

8 (f) The civil investigative demand may be served upon
9 any person who is subject to the jurisdiction of any Wyoming
10 court and shall be served upon the person in the manner
11 provided for service of a subpoena.

12

13 (g) The documents submitted in response to a demand
14 served under this section shall be accompanied by an
15 affidavit, in the form the demand designates, by the person,
16 if a natural person, to whom the demand is directed or, if
17 not a natural person, by a person having knowledge of the
18 facts and circumstances relating to the production. The
19 affidavit shall:

20

21 (i) State that all of the documentary material
22 required by the demand and in the possession, custody or
23 control of the person to whom the demand is directed has in

1 good faith been produced and made available to the attorney
2 general;

3

4 (ii) Identify any demanded documents that are not
5 produced and state the reason why each document was not
6 produced.

7

8 (h) The examination of any person pursuant to a demand
9 for oral testimony served under this section shall be taken
10 before an officer authorized to administer oaths or
11 affirmations by the laws of the United States or of the
12 place where the examination is held. The officer before
13 whom the testimony is to be taken shall put the witness on
14 oath or affirmation and shall personally, or by someone
15 acting under his direction and in his presence, record the
16 testimony of the witness. If the testimony is taken
17 stenographically, it shall be transcribed and the officer
18 before whom the testimony is taken shall promptly transmit
19 the transcript of the testimony to the attorney general.

20

21 (j) When taking oral testimony, all persons other than
22 personnel from the attorney general's office, the witness,
23 counsel for the witness and the officer before whom the

1 testimony is to be taken shall be excluded from the place
2 where the examination is held.

3

4 (k) The oral testimony of any person taken pursuant to
5 a demand served under this section shall be taken in the
6 county where the person resides or transacts business or in
7 any other place agreed upon by the attorney general and the
8 person.

9

10 (m) When testimony is fully transcribed, the
11 transcript shall be certified by the officer before whom the
12 testimony was taken and submitted to the witness for
13 examination and signing, in accordance with the Wyoming
14 Rules of Civil Procedure. A copy of the deposition shall be
15 furnished free of charge to each witness upon his request.

16

17 (n) Any change in testimony recorded by
18 nonstenographic means shall be made in the manner provided
19 in the Wyoming Rules of Civil Procedure for changing
20 deposition testimony recorded by nonstenographic means.

21

22 (o) Any person compelled to appear under a demand for
23 oral testimony under this section may be accompanied,

1 represented, and advised by counsel. Counsel may advise the
2 person, in confidence, either upon the request of the person
3 or upon counsel's own initiative, with respect to any
4 question asked of the person. The person or counsel may
5 object on the record to any question, in whole or in part,
6 and shall briefly state for the record the reason for the
7 objection. An objection may properly be made, received and
8 entered upon the record when it is claimed that the person
9 is entitled to refuse to answer the question on grounds of
10 any constitutional or other legal right or privilege,
11 including the privilege against self-incrimination. If the
12 person refuses to answer any question, the attorney general
13 may petition the district court for an order compelling the
14 person to answer the question.

15

16 (p) If any person compelled to appear under a demand
17 for oral testimony or other information pursuant to this
18 section refuses to answer any questions or produce
19 information on grounds of the privilege against self-
20 incrimination, the testimony of that person may be compelled
21 as in criminal cases.

22

1 (q) Any person appearing for oral examination pursuant
2 to a demand served under this section is entitled to the
3 same fees and mileage which are paid to witnesses in the
4 district courts of the state of Wyoming. Witness fees and
5 expenses shall be tendered and paid as in any civil action.

6

7 (r) The providing of any testimony, documents or
8 objects in response to a civil investigative demand issued
9 pursuant to the provisions of this chapter shall be
10 considered part of an official proceeding.

11

12 (s) If a person fails to comply with the demand served
13 upon him under this section, the attorney general may file
14 in the district court of the county in which the person
15 resides, is found or does business, a petition for an order
16 compelling compliance with the demand. Notice of hearing of
17 the petition and a copy of the petition shall be served upon
18 the person, who may appear in opposition to the petition.
19 If the court finds that the demand is proper, that there is
20 reasonable cause to believe there has been a violation of
21 this chapter, and that the information sought or document or
22 object demanded is relevant to the violation, it shall order

1 the person to comply with the demand, subject to
2 modifications the court may prescribe.

3

4 (t) At any time before the return date specified in a
5 demand or within thirty (30) days after the demand has been
6 served, whichever period is shorter, the person who has been
7 served may file a petition for an order modifying or setting
8 aside the demand. This petition shall be filed in the
9 district court in the county of the person's residence,
10 principal office, place of business or in the district court
11 in Laramie County. The petition shall specify each ground
12 upon which the petitioner relies in seeking the relief
13 sought. The petition may be based upon any failure of the
14 demand to comply with the provisions of this section or upon
15 any constitutional or other legal right or privilege of the
16 petitioner. The petitioner shall serve notice of hearing of
17 the petition and a copy of the petition upon the attorney
18 general. The attorney general may submit an answer to the
19 petition within thirty (30) days after receipt of the
20 petition.

21

22 (u) After hearing on the petition described in
23 subsection (t) of this section, and for good cause shown,

1 the court may make any further order in the proceedings that
2 justice requires to protect the person from unreasonable
3 annoyance, embarrassment, oppression, burden or expense. At
4 any hearing pursuant to this section it is the attorney
5 general's burden to establish that the demand is proper,
6 that there is reasonable cause to believe that there has
7 been a violation of this chapter, and that the information
8 sought or document or object demanded is relevant to the
9 violation.

10

11 (v) Any procedure, testimony taken or material
12 produced under this section shall be kept confidential by
13 the attorney general unless confidentiality is waived in
14 writing by the person who has testified or produced
15 documents or objects.

16

17 (w) Notwithstanding any other provision of this
18 section, the attorney general may disclose testimony or
19 documents obtained under this section, without either the
20 consent of the person from whom it was received or the
21 person being investigated, to:

22

23 (i) Any grand jury; and

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(ii) Officers and employees of federal or state law enforcement agencies, provided the person from whom the information, documents, or objects were obtained is notified twenty (20) days prior to disclosure, and the federal or state law enforcement agency certifies that the information will be:

(A) Maintained in confidence, as required by subsection (v) of this section; and

(B) Used only for official law enforcement purposes.

[Staff Note: Have we switched from a probable cause standard for seizure to a reasonable cause standard here?]

40-25-108. Attorney general may bring action for injunctive relief, damages, or civil penalty.

(a) The attorney general may bring an action for appropriate injunctive relief, and for damages or a civil penalty in the name of the state, any of its political subdivisions or agencies, or as parens patriae on behalf of

1 natural persons in this state, for a violation of this
2 chapter. Actions may be brought under this section
3 regardless of whether the plaintiff dealt directly or
4 indirectly with the defendant. This remedy is an additional
5 remedy to any other remedies provided by law. It may not
6 diminish or offset any other remedy.

7

8 (b) Any individual who violates this chapter is
9 subject to a civil penalty of not more than fifty thousand
10 dollars (\$50,000.00) for each violation. Any person, other
11 than an individual, who violates this chapter is subject to
12 a civil penalty of not more than one hundred thousand
13 dollars (\$100,000.00) for each violation.

14

15 **40-25-109. Person may bring action for injunctive**
16 **relief and damages; treble damages; recovery of actual**
17 **damages or civil penalty by state or political subdivisions;**
18 **immunity of political subdivisions from damages, costs, or**
19 **attorney fees.**

20

21 (a) A person who is a citizen of this state or a
22 resident of this state and who is injured or is threatened
23 with injury in his business or property by a violation of

1 the Wyoming Antitrust Act may bring an action for injunctive
2 relief and damages, regardless of whether the person dealt
3 directly or indirectly with the defendant. This remedy is
4 in addition to any other remedies provided by law. It may
5 not diminish or offset any other remedy.

6

7 (b) Subject to the provisions of subsections (e), (f)
8 and (g) of this section, the court shall award three (3)
9 times the amount of damages sustained, plus the cost of suit
10 and reasonable attorney fees, in addition to granting any
11 appropriate temporary, preliminary or permanent injunctive
12 relief, if the court finds the actions of the defendant were
13 willful.

14

15 (c) If the court determines that a judgment in the
16 amount of three (3) times the damages awarded plus attorney
17 fees and costs will directly cause the insolvency of the
18 defendant, the court shall reduce the amount of judgment to
19 the highest sum that would not cause the defendant's
20 insolvency.

21

1 (d) The court may not reduce a judgment to an amount
2 less than the amount of damages sustained plus the costs of
3 suit and reasonable attorney fees.

4
5 (e) The state or any of its political subdivisions may
6 recover the actual damages it sustains, or the civil penalty
7 provided by the Wyoming Antitrust Act, in addition to
8 injunctive relief, costs of suit and reasonable attorney
9 fees.

10
11 (f) No damages, costs or attorney fees may be
12 recovered under this section:

13
14 (i) From any political subdivision;

15
16 (ii) From the official or employee of any
17 political subdivision acting in an official capacity; or

18
19 (iii) Against any person based on any official
20 action directed by a political subdivision or its official
21 or employee acting in an official capacity.

22

1 (g) In determining the application of subsection (f)
2 of this section, existence of a jury verdict, court
3 judgment, or any subsequent litigation is prima facie
4 evidence that subsection (f) of this section is not
5 applicable.

6

7 (h) When a defendant has been sued in one (1) or more
8 actions by both direct and indirect purchasers, whether in
9 state court or federal court, a defendant shall be entitled
10 to prove as a partial or complete defense to a claim for
11 damages that the damages incurred by the plaintiff or
12 plaintiffs have been passed on to others who are entitled to
13 recover so as to avoid duplication of recovery of damages.
14 In an action by indirect purchasers, any damages or
15 settlement amounts paid to direct purchasers for the same
16 alleged antitrust violations shall constitute a defense in
17 the amount paid on a claim by indirect purchasers under this
18 chapter so as to avoid duplication of recovery of damages.

19

20 (j) It shall be presumed, in the absence of proof to
21 the contrary, that the injured persons who dealt directly
22 with the defendant incurred at least one-third (1/3) of the
23 damages, and shall, therefore, recover at least one-third

1 (1/3) of the awarded damages. It shall also be presumed, in
2 the absence of proof to the contrary, that the injured
3 persons who dealt indirectly with the defendant incurred at
4 least one-third (1/3) of the damages, and shall, therefore,
5 recover at least one-third (1/3) of the awarded damages.
6 The final one-third (1/3) of the damages shall be awarded by
7 the court to those injured persons determined by the court
8 as most likely to have absorbed the damages.

9

10 (k) There is a presumption, in the absence of proof to
11 the contrary and subject to subsection (j) of this section,
12 that each level in a product's or service's distribution
13 chain passed on any and all increments in its cost due to an
14 increase in the cost of an ingredient or a component product
15 or service that was caused by a violation of this chapter.
16 This amount shall be presumed, in the absence of evidence to
17 the contrary, to be equal to the change in the cost, in
18 dollars and cents, of the ingredient, component product or
19 service to its first purchaser.

20

21 (m) The attorney general shall be notified by the
22 plaintiff of the filing of any class action involving
23 antitrust violations that includes plaintiffs from this

1 state. The attorney general shall receive a copy of each
2 filing from each plaintiff. The attorney general may, in
3 his discretion, intervene or file amicus briefs in the case,
4 and may be heard on the question of the fairness or
5 appropriateness of any proposed settlement agreement.

6

7 (n) If, in a class action or parens patriae action
8 filed under this chapter, including the settlement of any
9 action, it is not feasible to return any part of the
10 recovery to the injured plaintiffs, the court shall order
11 the residual funds be applied to benefit the specific class
12 of injured plaintiffs, to improve antitrust enforcement
13 generally by depositing the residual funds into the attorney
14 general antitrust account created by W.S. 40-25-112, or
15 both.

16

17 (o) In any action brought under this chapter, the
18 court shall approve all attorney fees and arrangements for
19 the payment of attorney fees, including contingency fee
20 agreements.

21

22 **40-25-110. Fine and imprisonment for violation;**
23 **certain vertical agreements excluded; nolo contendere.**

1

2 (a) Any person who violates W.S. 40-25-104 by price
3 fixing, bid rigging, agreeing among competitors to divide
4 customers or territories, or by engaging in a group boycott
5 with specific intent of eliminating competition shall be
6 punished:

7

8 (i) If an individual, by a fine not to exceed
9 fifty thousand dollars (\$50,000.00) or by imprisonment for
10 an indeterminate time not to exceed three (3) years, or
11 both; or

12

13 (ii) If by a person other than an individual, a
14 fine not to exceed one hundred thousand dollars
15 (\$100,000.00).

16

17 (b) Subsection (a) of this section shall not be
18 construed to include vertical agreements between a
19 manufacturer, its distributors or their subdistributors
20 dividing customers and territories solely involving the
21 manufacturer's commodity or service where the manufacturer
22 distributes its commodity or service both directly and

1 through distributors or subdistributors in competition with
2 itself.

3

4 (c) A defendant may plead nolo contendere to a charge
5 brought under this chapter but only with the consent of the
6 court. Such a plea shall be accepted by the court only
7 after due consideration of the views of the parties and the
8 interest of the public in the effective administration of
9 justice.

10

11 **40-25-111. Conviction as prima facie evidence in**
12 **action for injunctive relief or damages.**

13

14 In any action brought by the state, a final judgment or
15 decree determining that a person has criminally violated
16 this chapter, other than a judgment entered pursuant to a
17 nolo contendere plea or a decree entered prior to the taking
18 of any testimony, shall be prima facie evidence against that
19 person in any action brought pursuant to W.S. 40-25-109, as
20 to all matters with respect to which the judgment or decree
21 would be an estoppel between the parties thereto.

22

23 **40-25-112. Attorney general antitrust account.**

1

2 (a) There is created an account known as the attorney
3 general antitrust account for the purpose of providing funds
4 to pay for any costs and expenses incurred by the attorney
5 general in relation to actions under state or federal
6 antitrust, criminal laws or civil proceedings under the
7 Consumer Credit Protection Act. These funds are in addition
8 to other funds as may be appropriated by the legislature to
9 the attorney general for the administration and enforcement
10 of the laws of this state.

11

12 (b) At the close of any fiscal year, any balance in
13 the attorney general antitrust account in excess of one
14 million dollars (\$1,000,000.00) shall be transferred to the
15 general fund.

16

17 (c) The attorney general may expend monies from the
18 attorney general antitrust account for the purposes
19 identified in subsection (a) of this section.

20

21 (d) All monies received by the state or its agencies
22 by reason of any judgment, settlement or compromise as the
23 result of any action commenced, investigated or prosecuted

1 by the attorney general, after payment of any fines,
2 restitution, payments, costs or fees allocated by the court,
3 shall be deposited in the attorney general antitrust
4 account, except as provided in subsections (e) and (f) of
5 this section.

6

7 (e) Any expenses advanced by the attorney general in
8 any of the actions under subsection (a) of this section
9 shall be credited to the attorney general antitrust account.

10

11 (f) Any monies recovered by the attorney general on
12 behalf of any private person or public body other than the
13 state shall be paid to those persons or bodies from funds
14 remaining after payment of expenses under subsection (e) of
15 this section.

16

17 **40-25-113. Attorney general to advocate competition.**

18

19 The attorney general shall have the authority and
20 responsibility to advocate the policy of competition before
21 all political subdivisions of this state and all public
22 agencies whose actions may affect the interests of persons
23 in this state.

1

2

40-25-114. Venue of actions by state; transfer.

3

4 Any action brought by the state pursuant to this chapter
5 shall be brought in any county where the defendant resides
6 or does business, or at the option of the defendant, such
7 action shall be transferred, upon motion made within thirty
8 (30) days after commencement of the action, to Laramie
9 County.

10

11

40-25-115. Statute of limitations.

12

13 (a) Any action brought by the attorney general
14 pursuant to this chapter is barred if it is not commenced
15 within four (4) years after the cause of action accrues.

16

17 (b) Any other action pursuant to this chapter is
18 barred if it is not commenced within four (4) years after
19 the cause of action accrues, or within one (1) year after
20 the conclusion of an action brought by the state pursuant to
21 this chapter based in whole or in part on any matter
22 complained of in the subsequent action, whichever is the
23 latter.

1 [Staff Note: Also place in the statute of limitations
2 statute by reference there to this act.]

3
4 **40-25-116. Interpretation of chapter.**

5
6 The legislature intends that the courts, in construing this
7 chapter, will be guided by interpretations given by the
8 federal courts to comparable federal antitrust statutes and
9 by other state courts to comparable state antitrust
10 statutes.

11
12 **Section 2.** There is appropriated one million dollars
13 (\$1,000,000.00) from the general fund to the attorney
14 general antitrust account. This appropriation shall only
15 be expended for the purpose of funding investigation and
16 litigation expenses incurred by the attorney general in
17 enforcing the Wyoming Antitrust Act. Notwithstanding any
18 other provision of law, this appropriation shall not be
19 transferred or expended for any other purpose. This
20 appropriation shall be included in the attorney general's
21 2011-2012 standard biennial budget request only to the
22 extent of replenishing the account to the one million

1 dollars (\$1,000,000.00) amount or to cover expected costs
2 of ongoing litigation.

3

4 **Section 3.** This act is effective July 1, 2009.

5

6

(END)