

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2036

4
5 By: Representative Dianne Hudson
6
7

For An Act To Be Entitled

8
9 "AN ACT TO REPEAL ARKANSAS CODE §§ 4-75-311 AND 4-75-312
10 REGARDING THE REQUIREMENT FOR CORPORATE OFFICIALS TO FILE
11 AN AFFIDAVIT OF NONPARTICIPATION IN MONOPOLIES AND THE
12 PENALTIES FOR NONCOMPLIANCE WITH THE AFFIDAVIT; AND FOR
13 OTHER PURPOSES."

Subtitle

14
15 "TO REPEAL ARKANSAS LAWS REQUIRING THE
16 FILING OF AFFIDAVIT OF NONPARTICIPATION
17 IN MONOPOLIES AND THE PENALTIES FOR
18 NONCOMPLIANCE."
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20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 4-75-311, regarding an affidavit of
24 nonparticipation in monopolies, is repealed.

25 ~~_____ 4-75-311. Affidavit of nonparticipation in monopolies - Letter of~~
26 ~~inquiry - Form.~~

27 ~~_____ (a) It shall be the duty of the Secretary of State, on or about July 1~~
28 ~~of each year, to address to the president, secretary, or treasurer of each~~
29 ~~incorporated company doing business in this state a letter of inquiry as to~~
30 ~~whether the corporation has all or any part of its interest or business in or~~
31 ~~with any trust, combination, or association of persons or stockholders as~~
32 ~~provided in this subchapter, and to require an answer under oath of the~~
33 ~~president, secretary, or treasurer, or any director of the company.~~

34 ~~_____ (b) A form of affidavit shall be enclosed in the letter of inquiry, as~~
35 ~~follows:~~

36 ~~—Affidavit.~~

1 ~~State of Arkansas,~~

2

3 ~~County of,~~

4

5 ~~"I,, do solemnly swear that I am the~~
6 ~~. (president, secretary, treasurer, or director) of the~~
7 ~~corporation known and styled, duly incorporated under the~~
8 ~~laws of on the day of,~~

9 ~~and now transacting or conducting business in the State of Arkansas, and that~~
10 ~~I am duly authorized to represent said corporation in making this affidavit;~~
11 ~~and I do further solemnly swear that said known and styled as~~

12 ~~abovesaid, has not, since January 23, 1905, created, entered into, or become a~~
13 ~~member of or a party to, and was not on the day of~~
14 ~~., nor at any day since that date, and is not now a member of or a party~~

15 ~~to any pool, trust, agreement, combination, confederation, or understanding~~
16 ~~with any other corporation, partnership, individual, or any other person or~~
17 ~~association of persons, either in this state or elsewhere, to regulate or fix~~

18 ~~in this state the price of any article of manufacture, mechanism, merchandise,~~
19 ~~commodity, convenience, repair, or any product of mining, or any article or~~
20 ~~thing whatsoever, or the price or premium to be paid for insuring property~~

21 ~~against loss or damage by fire, lightning, storm, cyclone, tornado or any~~
22 ~~other kind of policy issued by the parties abovesaid; and that it has not~~
23 ~~entered into or become a member of or a party to any pool, trust, agreement,~~

24 ~~contract, combination, or confederation, to fix or limit in this state the~~
25 ~~amount or quantity of any article of manufacture, mechanism, merchandise,~~
26 ~~commodity, convenience, repair, any product of mining, or any article or thing~~

27 ~~whatsoever, or the price or premium to be paid for insuring property against~~
28 ~~loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind~~
29 ~~of policy issued by the parties abovesaid; and that it has not issued and does~~

30 ~~not own any trust certificates, and for any corporation, agent, officer or~~
31 ~~employee or for the directors or stockholders of any corporation, has not~~
32 ~~entered into and is not now in any combination, contract or agreement with any~~

33 ~~person or persons, corporation or corporations, or with any stockholder or~~
34 ~~director thereof, the purpose and effect of which said combination, contract~~
35 ~~or agreement would be to place the management or control of such combination~~
36 ~~or combinations, or the manufactured products thereof, in the hands of any~~

1 trustee, with intent to fix or limit the price or lessen the production and
2 sale of any article of commerce, use, or consumption, or to prevent, restrict
3 or diminish the manufacture or output of any such article in Arkansas.

4 _____
5 _____ (President, Secretary, Treasurer, or
6 Director).

7
8 "Subscribed and sworn to before me, a _____ within and for the
9 county of _____, this _____ day of _____, 19____
10 _____."

11
12 [Seal.]

13
14 SECTION 2. Arkansas Code § 4-75-312, regarding penalties for
15 noncompliance with the affidavit on monopolies, is repealed.

16 ~~4-75-312. Affidavit of nonparticipation in monopolies - Penalties for~~
17 ~~noncompliance.~~

18 ~~On the refusal of the president, secretary, or treasurer of an~~
19 ~~incorporated company doing business in this state to make oath in answer to~~
20 ~~his inquiry, or on failure to do so, within thirty (30) days from the mailing~~
21 ~~thereof, the Secretary of State shall certify that fact to the Attorney~~
22 ~~General, and it shall be the duty of the Attorney General, at his earliest~~
23 ~~practicable moment, in the name of the state and at the relation of the~~
24 ~~Attorney General, to proceed against the corporation, if a domestic~~
25 ~~corporation, for the recovery of the money forfeit provided for in this~~
26 ~~subchapter and also for the forfeiture of its charter or certificate of~~
27 ~~incorporation, and if a foreign corporation, to proceed against the~~
28 ~~corporation for the recovery of the money forfeit provided for in this~~
29 ~~subchapter, and to forfeit its right to do business in this state.~~

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31 SECTION 3. All provisions of this act of general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 4. If any provisions of this act or the application thereof to
36 any person or circumstance is held invalid, the invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provisions or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 5. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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