

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0557.01 Jery Payne x2157

SENATE BILL 20-064

SENATE SPONSORSHIP

Foote,

HOUSE SPONSORSHIP

Soper and Tipper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF A PROHIBITION ON THE STATE ATTORNEY**
102 **GENERAL BRINGING AN ACTION UNDER STATE ANTITRUST LAW**
103 **WHEN CERTAIN CORPORATE ACTIONS HAVE BEEN REVIEWED BY**
104 **A FEDERAL ENTITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law prohibits the state attorney general from challenging under state law a business merger or acquisition when the merger or acquisition has been reviewed and not challenged by a federal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department, agency, or commission. The bill repeals this provision.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-4-107, **repeal** (3)
3 as follows:

4 **6-4-107. Mergers - acquisitions.** (3) ~~The attorney general shall~~
5 ~~not challenge any merger or acquisition under the provisions of this~~
6 ~~section which has been reviewed by any federal department, agency, or~~
7 ~~commission under section 7A of the federal "Clayton Act" and for which~~
8 ~~all applicable waiting periods have expired or have been terminated~~
9 ~~without a challenge to such merger or acquisition by that department,~~
10 ~~agency, or commission.~~

11 **SECTION 2. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 5, 2020, if adjournment sine die is on May 6,
15 2020); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2020 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to mergers commenced on or after the
22 applicable effective date of this act.