

## CHAPTER 455—S. F. No. 1532

*An act to amend Laws of 1909, Chapter 356, Section 1, as amended by Laws of 1935, Chapter 378, Section 2, relating to appropriation for public improvements in and about navigable lakes in certain counties.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—That Laws of 1909, Chapter 356, Section 1, as amended by Laws of 1935, Chapter 378, Section 2, is hereby amended so as to read as follows:

“Section 1. **County board may appropriate funds for improvement of lakes etc., in certain cases.**—That whenever there exists, in any organized county in the State of Minnesota now or hereafter having a population of 400,000 inhabitants or more, a navigable lake or lakes, which is, or are, wholly or for the greater part thereof within the territory or limits of said county (and which is, or are, not, either wholly or in part, within the corporate limits of any city in said county), the board of county commissioners of said county is hereby authorized and empowered to appropriate each year, from the revenue fund of said county, such sums for public improvements on, in or about said lake or lakes, as in the opinion of said board may be necessary.

Provided that the total amount of said sum or sums so appropriated during any year shall not exceed the sum of \$100,000.

Provided further that the question of population shall be determined by the official census next preceding any appropriation made under the provisions of this act.”

Approved April 26, 1937.

## CHAPTER 456—S. F. No. 1534

*An act to amend Laws 1937, Chapter 116, Section 3, relating to the prohibition of unlawful discrimination in production, manufacture and distribution of certain articles, goods, wares and merchandise, by inserting an omitted word in said section.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Laws of 1937, Chapter 116, Section 3, is hereby amended to read as follows:

"Sec. 3. Definitions.—The term "retailer" as used herein shall mean any person, partnership, firm, corporation or association, foreign or domestic, selling any commodity, article, goods, wares, or merchandise to the consumer and not for the purpose of resale in any form.

The term "Wholesaler" as used herein shall mean any person, firm or corporation, partnership, association, business trust, or any unincorporated organization, other than a manufacturer or producer and wholesalers engaged in interstate commerce who are subject to the provisions of the Robinson-Pattman Act, selling or supplying any commodity, article, goods, wares, or merchandise to retailers, industrial buyers, restaurants, institutions or the selling on the part of one wholesaler to another wholesaler.

The term "cost" as applied to the wholesale or retail vendor shall mean: 1. Where a manufacturer publishes a list price, cost shall be the manufacturer's list price less his published discounts plus the cost of doing business by said vendor: 2. On all other merchandise cost shall be the current delivered invoice or replacement cost whichever is lower plus the cost of doing business by said vendor.

The "cost of doing business" or "overhead expense" is defined as the average of all costs of doing business incurred in the conduct of such business during the calendar year immediately preceding any alleged violation of this Act, or in the event that any person, partnership, firm or corporation shall have been engaged in business within the State for a shorter period of time, in that event the average cost for such period immediately preceding any alleged violation of this Act and must include without limitation the following items of expense:

Labor, including salaries and bonuses of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, and other fixed and incidental expenses.

Any sale made by the retail vendor at less than 10 per cent above the manufacturer's published list price, less his published discounts, where the manufacturer publishes a list price or in the absence of such a list price, at less than 10 per cent above the current delivered invoice or replacement cost, shall be prima facie evidence of a violation of this act.

Provided, however, that no prosecution shall be had or any action at law for damages or injunctive relief shall lie where the vendor sells at a price not less than 15 per cent above the manufacturer's published list price, less his published discounts, where the manufacturer publishes a list price or in the absence of such a list price, at *not* less than 15 per cent above the current delivered invoice or replacement cost."

Approved April 26, 1937.