

tion of the Minnesota state archives commission. Upon receipt of satisfactory evidence, the state shall disburse an amount equal to that provided by the library board of the city of Minneapolis from either public or private funds.

Approved June 7, 1971.

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## CHAPTER 865—S.F.No.1200

[Coded]

*An act curbing monopolies and outlawing restraints of trade; providing penalties; repealing Minnesota Statutes 1969, Section 325.81.*

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

Section 1. [325.8011] **MINNESOTA ANTITRUST LAW OF 1971; CITATION.** This act may be cited as the Minnesota Antitrust Law of 1971.

Sec. 2. [325.8012] **DEFINITIONS.** Subdivision 1. Unless a different meaning is clearly indicated by the context, for the purposes of this act the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or any other tangible or intangible property, real, personal, or mixed, for use, consumption, enjoyment, or resale.

Subd. 3. "Service" means any kind of activity performed in whole or in part for financial gain.

Subd. 4. "Contract, combination, or conspiracy" means any agreement, arrangement, collusion, or understanding. "Contract" includes a purchase, a contract to purchase, a sale, a contract to sell, a lease, a contract to lease, a license, or a contract to license. "Combination" includes a trust, common selling or purchasing agent, pool, or holding company.

Subd. 5. "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

Subd. 6. "Trade or commerce" means any economic activity of any type whatsoever involving any commodity or service whatsoever.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 3. [325.8013] **UNREASONABLE RESTRAINT OF TRADE OR COMMERCE.** A contract, combination, or conspiracy between two or more persons in unreasonable restraint of trade or commerce is unlawful.

Sec. 4. [325.8014] **ESTABLISHMENT, MAINTENANCE, OR USE OF MONOPOLY POWER.** The establishment, maintenance, or use of, or any attempt to establish, maintain, or use monopoly power over any part of trade or commerce by any person or persons for the purpose of affecting competition or controlling, fixing, or maintaining prices is unlawful.

Sec. 5. [325.8015] **PRICE FIXING; PRODUCTION CONTROL; ALLOCATION OF MARKETS; COLLUSIVE BIDDING; AND CONCERTED REFUSALS TO DEAL.** Without limiting section 3 of this act, the following shall be deemed to restrain trade or commerce unreasonably and are unlawful:

(1) A contract, combination, or conspiracy between two or more persons in competition:

(a) for the purpose or with the effect of affecting, fixing, controlling or maintaining the market price, rate, or fee of any commodity or service;

(b) affecting, fixing, controlling, maintaining, limiting, or discontinuing the production, manufacture, mining, sale or supply of any commodity, or the sale or supply of any service, for the purpose or with the effect of affecting, fixing, controlling, or maintaining the market price, rate, or fee of the commodity or service; or

(c) allocating or dividing customers or markets, functional or geographical, for any commodity or service.

(2) A contract, combination, or conspiracy between two or more persons whereby, in the letting of any public contract, (a) the price quotation of any bid is fixed or controlled, (b) one or more persons refrains from the submission of a bid, or (c) competition is in any other manner restrained.

(3) A contract, combination, or conspiracy between two or more persons refusing to deal with another person, except a refusal to deal by associations, trading boards, or exchanges when predicated upon a failure to comply with rules of membership.

Sec. 6. [325.8016] **SCOPE OF ACT.** This act applies to:

(a) any contract, combination, or conspiracy when any part thereof was created, formed, or entered into in this state; and

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(b) any contract, combination, or conspiracy, wherever created, formed, or entered into; any establishment, maintenance, or use of monopoly power; and any attempt to establish, maintain, or use monopoly power; whenever any of the foregoing affects the trade or commerce of this state.

Sec. 7. [325.8017] **EXEMPTIONS.** Subdivision 1. Nothing contained in this act shall be construed to forbid the existence or operation of labor, electrical, agricultural, or horticultural organizations instituted for the purpose of mutual help, and not conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the provisions of this act when lawfully carrying out the legitimate objects hereof.

Subd. 2. Nothing contained in this act shall apply to actions or arrangements otherwise permitted, or regulated by any regulatory body or officer acting under statutory authority of this state or the United States.

Subd. 3. Nothing in this act shall apply to agreements among employers or agreements among labor unions made for the purpose of furthering the position of any of the agreeing employers or agreeing unions in the course of the collective bargaining process.

Sec. 8. [325.8018] **PENALTIES FOR VIOLATION.** Subdivision 1. Any person who is found to have violated this act shall be subject to a civil penalty of not more than \$50,000. Any person who fails to comply with a final judgment or decree rendered by a court of this state issued for a violation of this act shall be subject to a civil penalty of not more than \$100,000.

Subd. 2. Any person who is found to have willfully committed any of the acts enumerated in section 5 of this act shall be guilty of a felony and subject to a fine of not more than \$50,000 or imprisonment in the state penitentiary for not more than five years, or both.

Sec. 9. [325.8019] **DAMAGES.** Any person, any governmental body, or the state of Minnesota or any of its subdivisions or agencies, injured by a violation of this act, shall recover three times the actual damages sustained, together with costs and disbursements, including reasonable attorneys' fees.

Sec. 10. [325.802] **INJUNCTIVE RELIEF.** In addition to other remedies provided by this act, the courts of this state shall have jurisdiction to grant such temporary, interlocutory, or permanent injunctive relief as is necessary to prevent and restrain violations of this act. Applications for such relief shall be made in accordance with

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the rules of the court to which application for relief is made and according to the manner prescribed by law.

**Sec. 11. [325.8021] AUTHORITY OF THE ATTORNEY GENERAL.** The attorney general may investigate any alleged violation of this act, and if he has reasonable cause to believe that a violation is imminent, is occurring or has occurred, he may institute on behalf of the state of Minnesota, any of its departments and agencies, or any of its political subdivisions a court action seeking appropriate relief.

**Sec. 12. [325.8022] FORFEITURE OF CHARTER RIGHTS AND PRIVILEGE TO DO BUSINESS.** Subdivision 1. Upon the failure of any person to comply with the terms of a final judgment or decree rendered by a court of this state issued for a violation of the provisions of this act, or to comply with a consent settlement approved by a court of this state concerning an alleged violation of this act, the attorney general may apply to the court:

(a) for the forfeiture of any charter rights, franchise privileges or powers of such corporation held by such person under the laws of this state;

(b) for dissolution, if the person is a corporation or limited partnership organized under the laws of this state; or

(c) for the suspension of the privilege to conduct business within this state.

The court, after giving due consideration to the public interest and to relevant competitive and economic circumstances, may grant so much of the requested relief as is deemed appropriate. A dissolution shall be conducted in accordance with the procedures specified by law for either voluntary or judicial dissolution of the particular type of corporation, association, firm or partnership.

Subd. 2. If any corporation, association, partnership, or limited partnership shall be dissolved or have its privilege to transact business in this state suspended or revoked as provided in subdivision 1 of this section, no assignee, transferee, or successor-in-interest of such corporation, association, partnership, or limited partnership, shall be permitted to incorporate or to transact business in this state without first applying to the court for and receiving an order permitting incorporation or transaction of business. No order shall be granted unless the applicant proves to the satisfaction of the court that it will conduct its affairs in accordance with the provisions of this act.

**Sec. 13. [325.8023] ACTS OF OFFICERS, DIRECTORS, REPRESENTATIVES, OR AGENTS ACTING WITHIN THE SCOPE OF THEIR AUTHORITY.** Subdivision 1. A corporation, association, firm, partnership, or limited partnership is liable for the acts of its

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officers, directors, representatives, or agents acting within the scope of their authority, whether they are acting on their own behalf and for their own benefit, or acting for the corporation, association, firm, partnership, or limited partnership in their representative capacity. Proof of the acts of any such officer, director, representative, or agent shall be received as prima facie proof of the acts of the corporation, association, firm, partnership, or limited partnership itself.

Subd. 2. When a corporation, association, firm, partnership, or limited partnership violates this act, such violation shall be deemed to be that of the individual directors, members, officers, managers, employees, or agents of the corporation, association, firm, partnership, or limited partnership who knowingly authorized, ordered, aided, abetted, or advised in the commission of any of the acts constituting in whole or in part the violation, whether the individuals acted on their own behalf and for their own benefit, or for the corporation, association, firm, partnership, or limited partnership and in their representative capacity.

The individuals, in their capacity as individuals, are subject to the provisions of this act, and may be joined, if subject to personal jurisdiction, as additional parties defendant in the proceedings against the corporation, association, firm, partnership, or limited partnership.

**Sec. 14. [325.8024] JUDGMENT IN FAVOR OF STATE AS PRIMA FACIE EVIDENCE.** A final judgment or decree rendered in any civil or criminal proceeding under this act brought by or on behalf of the state of Minnesota, any of its departments or agencies, or any of its political subdivisions, to the effect that a defendant has violated this act shall be prima facie evidence against such defendant in any action or proceeding brought by any other party against such defendant under said act as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto: Provided, that this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

**Sec. 15. [325.8025] NOTIFICATION OF CIVIL ACTION.** Upon commencement of any civil action by a person, other than the attorney general, for violation of this act, the clerk of the court shall mail a copy of the complaint to the attorney general.

**Sec. 16. [325.8026] STATUTE OF LIMITATIONS.** Subdivision 1. An action under this act shall be forever barred unless commenced within four years of the date upon which the cause of action arose. No cause of action barred under existing law on the effective date of this act shall be revived by this act. For the purpose of this section, a cause of action for a continuing violation is deemed to arise at any time during the period of the violation.

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Subd. 2. If any proceeding is commenced under this act by the attorney general on behalf of the state of Minnesota, its departments or agencies, or its political subdivisions, the running of the statute of limitations in respect of every right of action arising under this act and based in whole or in part on any matter complained of in the aforementioned proceeding shall be suspended during the pendency thereof and for one year thereafter. If the running of the statute of limitations is suspended, the action shall be forever barred unless commenced within the greater of either the period of suspension or four years after the date upon which the cause of action arose.

Sec. 17. [325.8027] **VENUE.** Actions or proceedings brought by the state or any private party for violations of the provisions of this act may be brought in the district court in and for the county where the offense or any part thereof is committed, or where any of the defendants reside or is found, or where any agent of any defendant resides or is found, or where any defendant, corporation, association, firm, partnership, or limited partnership does business.

Sec. 18. [325.8028] **ACTION NOT BARRED AS AFFECTING OR INVOLVING INTERSTATE OR FOREIGN COMMERCE.** No action under this act shall be barred on the ground that the activity or conduct complained of in any way affects or involves interstate or foreign commerce.

Sec. 19. **REPEALER.** Minnesota Statutes 1969, Section 325.81, is repealed.

Approved June 7, 1971.

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## CHAPTER 866—S.F.No.1255

[Coded]

*An act relating to public welfare; defining the residence of certain students for purposes of public assistance.*

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

Section 1. [256.012] **PUBLIC WELFARE; RESIDENCE OF COLLEGE STUDENTS; APPLICATION.** Notwithstanding any law to the contrary, the residence of a person in a county for purposes of attending a college or university shall be disregarded for purposes of any type of public assistance. This act shall take effect upon the assumption of total welfare costs by the state of Minnesota.

Approved June 7, 1971.

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