
CHAPTER 524—H.F.No.3015
[Coded in Part]

An act relating to commercial law; providing for investigation by the attorney general of suspected violations of business, commerce, trade and antitrust laws; prescribing penalties; providing for assurances of discontinuance and recovery of costs; amending Minnesota Statutes 1971, Sections 325.8021; 325.907, by adding subdivisions; and Minnesota Statutes, 1973 Supplement, Section 325.907, Subdivisions 1, 2, 3, 3a, and 3b.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 325.8021, is amended to read:

325.8021 COMMERCIAL LAWS; INVESTIGATION OF SUSPECTED VIOLATIONS; AUTHORITY OF THE ATTORNEY GENERAL. The attorney general may investigate any alleged violation of sections 325.8011 to 325.8028 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. The investigatory authority of the attorney general under sections 325.8011 to 325.8028 shall include, but not be limited to, the authority provided for in Minnesota Statutes, Section 325.907.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 325.907, Subdivision 1, is amended to read:

325.907 ADDITIONAL DUTIES OF THE ATTORNEY GENERAL. Subdivision 1. **INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the act against unfair discrimination and competition (sections 325.02 to 325.075), the fair trade act (sections 325.08 to 325.14), the unlawful trade practices act (sections 325.141 to 325.148), the automobile dealer's anticoercion act (sections 325.15 to 325.24), the anti-trust act (sections 325.8011 to 325.8028), section 325.905 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325.82, the act against monopolization of food products (section 325.83), and the prevention of consumer fraud act (sections 325.78 to 325.80) and assist in the enforcement of those laws as in this section provided.

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 325.907, Subdivision 2, is amended to read:

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Subd. 2. ATTORNEY GENERAL TO ASSIST IN DISCOVERY AND PUNISHMENT OF ILLEGAL PRACTICES. When the attorney general, from information in his possession, has reasonable ground to believe that any person has ~~within one year~~ violated, or is about to violate, any of the laws of this state referred to in subdivision 1, he shall have power to investigate those violations, or suspected violations, and to take such steps as are necessary to cause the arrest and prosecution of all persons violating any of the statutes specifically mentioned in subdivision 1 or any other laws respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade. In connection with investigation under this section the attorney general upon specifying the nature of the violation or suspected violation may obtain discovery from any person regarding any matter, fact or circumstance, not privileged, which is relevant to the subject matter involved in the pending investigation, in accordance with the provisions of this subdivision. The discovery may be obtained without commencement of a civil action and without leave of court, except as expressly required by the provisions of subdivision 2a. The applicable protective provisions of rules 26.02, 30.02, 30.04 and 31.04 of the rules of civil procedure for the district courts shall apply to any discovery procedures instituted pursuant to this section. The attorney general or any person to whom discovery is directed may apply to and obtain leave of the district court in order to reduce or extend the time requirements of this subdivision, and upon a showing of good cause the district court shall order such a reduction or extension. In order to obtain discovery, the attorney general may:

(a) Serve written interrogatories on any person. Within 20 days after service of interrogatories, separate written answers and objections to each interrogatory shall be mailed to the attorney general.

(b) Upon reasonable written notice of no less than 15 days, require any person to produce for inspection and copying any documents, papers, books, accounts, letters, photographs, objects, or tangible things which are in his possession, custody, or control.

(c) Upon reasonable written notice of no less than 15 days, take the testimony of any person by deposition as to any fact or opinion relevant to the subject matter involved in the pending investigation.

For the purposes of this subdivision the term "person" has the meaning specified in section 325.78.

Sec. 4. Minnesota Statutes 1971, Section 325.907, is amended by adding a subdivision to read:

Subd. 2a. FAILURE TO COMPLY. If any person fails or refuses to answer interrogatories, to produce materials, or to be examined under oath, as required by the provisions of subdivision 2, the attorney general may give notice that he will apply to a district court, and the court, on a showing by the attorney general of cause therefor, may is-

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sue such order as may be required to compel compliance with the discovery procedures authorized by this section.

Sec. 5. Minnesota Statutes 1971, Section 325.907, is amended by adding a subdivision to read:

Subd. 2b. ASSURANCE OF DISCONTINUANCE. The attorney general may accept an assurance of discontinuance of any act or practice he deems to be in violation of the laws referred to in subdivision 1 from any person he alleges is engaging in, or has engaged in, the act or practice. The assurance may include a stipulation for the performance, provision or payment by the alleged violator of any remedies allowable under subdivision 3a. Any assurance shall be in writing and shall be filed with and subject to the approval of the district court of the county in which the alleged violator resides or has his principal place of business or in Ramsey county. An assurance shall not be considered an admission of a violation for any purpose. Failure to comply with the assurance of discontinuance shall be punishable as contempt.

For the purposes of this subdivision the term "person" has the meaning specified in section 325.78.

Sec. 6. Minnesota Statutes, 1973 Supplement, Section 325.907, Subdivision 3, is amended to read:

Subd. 3. **INJUNCTIVE RELIEF.** In addition to the penalties provided by law for violation of the laws referred to in subdivision 1, specifically and generally, whether or not injunctive relief is otherwise provided by law, the courts of this state are vested with jurisdiction to prevent and restrain violations of those laws and to require the payment of civil penalties. Whenever it shall appear to the satisfaction of the attorney general that any of those laws has been or is being violated, or is about to be violated, he shall be entitled, on behalf of the state; (a) to sue for and have injunctive relief in any court of competent jurisdiction against any such violation or threatened violation without abridging the penalties provided by law; and (b) to sue for and recover for the state, from any person who is found to have violated any of the laws referred to in subdivision 1, a civil penalty, in an amount to be determined by the court, not in excess of \$25,000. All sums recovered by the attorney general under this subdivision-section shall be deposited in the general fund of the state treasury.

Sec. 7. Minnesota Statutes, 1973 Supplement, Section 325.907, Subdivision 3a, is amended to read:

Subd. 3a. **DAMAGES.** In addition to the remedies otherwise provided by law, any person injured by a violation of any of the laws ~~specified~~ referred to in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court. The court may, as appropriate,

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enter a consent judgment or decree without the finding of illegality. In any action brought by the attorney general pursuant to this section, the court may award any of the remedies allowable under this subdivision.

Sec. 8. Minnesota Statutes, 1973 Supplement, Section 325.907, Subdivision 3b, is amended to read:

Subd. 3b. **ORDERS AND JUDGMENTS PRIMA FACIE EVIDENCE.** Any permanent injunction, judgment or order of the court made pursuant to subdivision 3 shall be prima facie evidence in an action brought under subdivision 3a that the defendant used or employed an act or practice in violation of the laws referred to in subdivision 1, provided that this subdivision shall not apply to consent judgments or decrees where the court makes no finding of illegality, including assurances of discontinuance pursuant to subdivision 2b.

Sec. 9. **EFFECTIVE DATE.** This act shall be effective the day next following its final enactment.

Approved April 11, 1974.

CHAPTER 525—H.F.No.3029
[Coded in Part]

An act relating to public welfare; eligibility requirements for medical assistance for needy persons; defining county of financial responsibility in medical assistance; amending Minnesota Statutes, 1973 Supplement, Section 256B.06, Subdivision 1, and by adding a subdivision; repealing Minnesota Statutes, 1973 Supplement, Section 256B.06, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes, 1973 Supplement, Section 256B.06, Subdivision 1, is amended to read:

256B.06 PUBLIC WELFARE; NEEDY PERSONS; MEDICAL ASSISTANCE; ELIGIBILITY REQUIREMENTS. Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

~~(2)-(3)~~ Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and dis-

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