

Introduced: 2/14/63
Referred: Commerce

1 IN THE SENATE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to curb monopolies and outlaw
7 restraints of trade or commerce; and
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 45 is amended by adding a new chapter to read:

11 CHAPTER 15. ALASKA ANTI-TRUST ACT

12 Sec. 45.15.010. RESTRAINT OF TRADE. Every contract,
13 combination, or conspiracy in unreasonable restraint of trade
14 or commerce is unlawful.

15 Sec. 45.15.020. MONOPOLIZATION. It is unlawful to
16 monopolize, attempt to monopolize, or conspire to monopolize
17 trade or commerce.

18 Sec. 45.15.030. LABOR NOT AN ARTICLE OF COMMERCE;
19 MUTUAL, NONPROFIT ORGANIZATIONS NOT AFFECTED. The labor of
20 a human being is not a commodity or article of commerce.
21 Nothing contained in this Act shall be construed to forbid
22 the existence and operation of labor, agriculture, fish
23 marketing, or horticultural organizations, instituted for
24 the purposes of mutual help, and not having capital stock or
25 conducted for profit, or to forbid or restrain individual
26 members of such organizations from lawfully carrying out the
27 legitimate objects thereof.

28 Sec. 45.15.040. CRIMINAL PENALTIES. Any person who
29 violates sec. 10 or 20 of this chapter is guilty of a

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1 misdemeanor and may be punished by fine not to exceed
2 \$50,000, or imprisonment not to exceed one year, or both.
3 Whenever a corporation violates sec. 10 or 20 of this chap-
4 ter, the individual directors, officers, agents, or other
5 persons exercising actual control over the corporation who
6 have authorized or ordered the acts constituting the viola-
7 tion, are punishable in accordance with this section. Exclu-
8 sive jurisdiction to enforce this section is vested in the
9 superior courts.

10 Sec. 45.15.050. EQUITABLE RELIEF. The superior court
11 is granted exclusive jurisdiction to prevent and restrain
12 violations of secs. 10 and 20 of this chapter.

13 Sec. 45.15.060. ENFORCEMENT. Exclusive power to en-
14 force secs. 40 and 50 of this chapter is vested in the
15 attorney general or such persons as he may designate.

16 Sec. 45.15.070. PRIVATE REMEDIES. Any person injured
17 in his business or property by a violation of sec. 10 or 20
18 of this chapter, or because he refuses to accede to a pro-
19 posal for an arrangement which, if consummated, would be in
20 violation of sec. 10 or 20 of this chapter, may bring a civil
21 action in the superior court, to enjoin further violations,
22 and to recover at the discretion of the court up to treble
23 damages for his injuries. In computing damages under this
24 section the court may consider reasonable expectation in-
25 terests. For the purposes of this section, "person injured"
26 shall include the State of Alaska, its agencies and political
27 subdivisions.

28 Sec. 45.15.080. LIMITATION OF PRIVATE DAMAGES ACTIONS.
29 Any action to enforce a claim for damages under sec. 70 of

1 this chapter is barred unless commenced within four years
2 after the cause of action accrues. Whenever any action under
3 sec. 40 or 50 of this chapter is brought by the State of
4 Alaska, the running of the foregoing statute of limitations,
5 with respect to every private right of action for damages
6 under sec. 70 of this chapter which is based in whole or in
7 part on any matter complained of in the action brought under
8 sec. 40 or 50 of this chapter shall be suspended during the
9 pendency thereof.

10 Sec. 45.15.090. EVIDENTIARY EFFECT OF JUDGMENT IN
11 FAVOR OF STATE. The final judgment or decree rendered in any
12 action brought by the State of Alaska under sec. 40 or 50 of
13 this chapter to the effect that defendant has violated sec.
14 10 or 20 of this chapter is prima facie evidence against such
15 defendant under sec. 70 of this chapter, as to all matters
16 respecting which the judgment or decree would be an estoppel
17 as between the parties thereto. This section shall not apply
18 to consent judgments or decrees, or judgments entered under
19 a decree of nolo contendere, where the court makes no finding
20 of illegality. This section in no way impairs any collateral
21 estoppel to which the state is otherwise entitled.

22 Sec. 45.15.100. PERSONAL SERVICE OUT OF STATE. Per-
23 sonal service of any process in an action under sec. 50 or
24 70 of this chapter may be made upon any person outside the
25 state; (1) if such person has done an act in violation of
26 sec. 10 or 20 of this chapter which has had the impact in
27 this state which such sections reprehend, or (2) if the
28 presence of such person before the court is necessary to the
29 securing of adequate relief. Persons in category (1) shall

1 be deemed to have submitted themselves to the jurisdiction
2 of the courts of this state by doing an act in violation of
3 this chapter.

4 Sec. 45.15.110. EXEMPTED TRANSACTIONS. Nothing in
5 this chapter applies to actions or transactions otherwise
6 permitted or regulated by any regulatory body or officer
7 acting under statutory authority of this state or the United
8 States.

9 Sec. 45.15.120. PURPOSE. It is the intent of the
10 legislature that, in construing this chapter, the courts be
11 guided by the interpretation given by the federal courts to
12 the various federal statutes dealing with the same or simi-
13 lar matters and in deciding whether conduct restrains or
14 monopolizes trade or commerce or may substantially lessen
15 competition, determination of the relevant market or effec-
16 tive area of competition shall not be limited by the bound-
17 aries of the State of Alaska. This chapter shall be
18 broadly construed to accomplish its purposes.

19 Sec. 45.15.130. SHORT TITLE. This chapter may be
20 known and cited as the "Alaska Anti-trust Act."

21 * Sec. 2. This Act takes effect on the day after its passage
22 and approval or on the day it becomes law without such approval.
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