

Introduced: 4/1/65
Referred: Commerce
and Judiciary

1 IN THE HOUSE

BY MESSRS. GUESS, KENDALL,
JOSEPHSON AND STEVENS

2 HOUSE BILL NO. 274

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to curb monopolies and outlaw re-
7 straints of trade or commerce; and providing
8 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. A contract, com-
13 bination, 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 AND
19 MUTUAL, NONPROFIT ORGANIZATIONS NOT AFFECTED. (a) The labor
20 of a human being is not a commodity or article of commerce.

21 (b) This chapter shall not be construed to forbid the
22 existence and operation of labor, agriculture, fish marketing,
23 or horticultural organizations, instituted for the purposes
24 of mutual help, and not having capital stock or conducted
25 for profit, or to forbid or restrain individual members of
26 these organizations from lawfully carrying out the legitimate
27 objects thereof.

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

1 misdemeanor and upon conviction is punishable by imprisonment
2 for not more than one year, or by a fine of not more than
3 \$50,000, or by both. If a corporation violates sec. 10 or 20
4 of this chapter, the individual directors, officers, agents,
5 or other persons exercising actual control over the corpor-
6 ation who have authorized or ordered the acts constituting
7 the violation are punishable in accordance with this section.
8 Exclusive jurisdiction to enforce this section is vested in
9 the 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 in persons he may designate.

16 Sec. 45.15.070. PRIVATE REMEDIES. A person injured in
17 his business or property by a violation of sec. 10 or 20 of
18 this chapter, or because he refuses to accede to a proposal
19 for an arrangement which, if consummated, would be in viola-
20 tion 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 includes the state, its agencies and political subdivisions.

27 Sec. 45.15.080. LIMITATION OF PRIVATE DAMAGES ACTIONS.
28 An action to enforce a claim for damages under sec. 70 of
29 this chapter is barred unless commenced within four years

1 after the cause of action accrues. If an action under sec.
2 40 or 50 of this chapter is brought by the state, the running
3 of the foregoing statute of limitations with respect to a
4 private right of action for damages under sec. 70 of this
5 chapter which is based in whole or in part on any matter
6 complained of in the action brought under sec. 40 or 50 of
7 this chapter is suspended until the action by the state is
8 resolved.

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

22 Sec. 45.15.100. PERSONAL SERVICE OUT OF STATE. (a)
23 Personal service of any process in an action under sec. 50 or
24 70 of this chapter may be made upon a person outside the
25 state

26 (1) if the person has committed an act in viola-
27 tion of sec. 10 or 20 of this chapter which has had the
28 impact in this state which these sections reprehend; or

29 (2) if the presence of the person before the court

1 is necessary to the securing of adequate relief.

2 (b) A person who is served process under (a)(1) of this
3 section is considered to have submitted himself to the juris-
4 diction of the courts of this state by doing an act in
5 violation of this chapter.

6 Sec. 45.15.110. EXEMPTED TRANSACTIONS. This chapter
7 does not apply to actions or transactions otherwise permitted
8 or regulated by any regulatory body or officer acting under
9 statutory authority of this state or the United States.

10 Sec. 45.15.120. PURPOSE. It is the intent of the
11 legislature that, in construing this chapter, the courts be
12 guided by the interpretation given by the federal courts to
13 the various federal statutes dealing with the same or similar
14 matters and in deciding whether conduct restrains or mono-
15 polizes trade or commerce or may substantially lessen
16 competition, determination of the relevant market or effective
17 area of competition not be limited by the boundaries of the
18 state. This chapter shall be broadly construed to accomplish
19 its purposes.

20 Sec. 45.15.130. SHORT TITLE. This chapter may be cited
21 as the Alaska Anti-trust Act.

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

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