HOUSE JOINT RESOLUTION NO. 12

INTRODUCED BY BRADLEY, LYNCH, D. BROWN, ADDY, TVEIT, GRADY, HARRINGTON, GUTHRIE, PAVLOVICH, THOMAS

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 23, 1989	FIRST READING.
JANUARY 30, 1989	ON MOTION, REREFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 13, 1989	PRINTING REPORT.
FEBRUARY 14, 1989	SECOND READING, DO PASS.
FEBRUARY 15, 1989	ENGROSSING REPORT.
FEBRUARY 16, 1989	THIRD READING, PASSED. AYES, 83; NOES, 15.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 18, 1989	SECOND READING, CONCURRED IN.
MARCH 21, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 22, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	HRUSE JOINT RESOLUTION NO. 12
2	INTRODUCED BY Bradley ful for from file
3	There & thereight butter (artist
4	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
6	INTERIM STUDY OF THE SYSTEM OF MARKETING MOTOR FUELS IN
7	MONTANA TO DETERMINE IF BELOW-COST PRICING GIVES UNFAIR
8	COMPETITIVE ADVANTAGE TO CERTAIN RETAILERS; AND REQUIRING A
9	REPORT OF THE STUDY'S FINDINGS TO THE 52ND LEGISLATURE.
10	•
11	WHEREAS, independent and small dealers and distributors
12	of petroleum and related products, who are vital to a
13	healthy, competitive marketplace, are unable to survive
14	subsidized, below-cost pricing at the retail level by other
15	retailers who have other sources of income; and
16	WHEREAS, subsidized, below-cost pricing is a predatory
17	practice that is not conducive to fair trade; and
18	WHEREAS, laws prohibiting below-cost pricing are
19	effective in protecting independent and small retailers and
20	wholesalers in other jurisdictions from subsidized pricing;
21	and
22	WHEREAS, a decision on whether a law prohibiting
23	below-cost pricing is needed in Montana depends upon a
24	determination that a problem of predatory pricing in the
25	motor fuels industry does exist in Montana and upon the

extent of the problem.

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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study the marketing of motor fuels in Montana to determine if there exist discriminatory or predatory systems of pricing in which independent retailers are unfairly burdened with higher costs than competing retailers owned by or affiliated with companies that also own production facilities and distribution systems.

BE IT FURTHER RESOLVED, that if the interim committee determines that discriminatory or predatory pricing is indeed subjecting independent Montana retailers to unfair competition from other retailers who benefit from below-cost pricing, the interim committee prepare legislation to remedy the problem of unfair competition caused by below-cost pricing.

19 BE IT FURTHER RESOLVED, that the interim committee 20 report in writing to the 52nd Legislature and submit 21 proposed remedial legislation if the interim committee 22 determines that legislation is necessary.

-End-

INTRODUCED BILL HTR /2

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RE-REFFERED AND

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT AS AMENDED

2	INTRODUCED BY BRADLEY, LYNCH, D. BROWN,
3	ADDY, TVEIT, GRADY, HARRINGTON, GUTHRIE,
4	PAVLOVICH, THOMAS
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9	MONTANA TO DETERMINE IF BELOW-COST SUBSIDIZED PRICING GIVES
10	AND PREDATORY MOTOR FUEL FRANCHISE PRACTICES GIVE UNFAIR
11	COMPETITIVE ADVANTAGE TO CERTAIN WHOLESALERS AND RETAILERS;
12	AND REQUIRING A REPORT OF THE STUDY'S FINDINGS TO THE 52ND
13	LEGISLATURE.
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15	WHEREAS, independent and small dealers and distributors
16	of petroleum and related products, who are vital to a
17	healthy, competitive marketplace, are unable to survive
18	subsidized7below-cost pricing AND PREDATORY MOTOR FUEL
19	FRANCHISE PRACTICES at the WHOLESALE AND retail level LEVELS
20	by other WHOLESALERS AND retailers who have other sources of
21	income; and

WHEREAS, subsidizedy--below-cost pricing is--a

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WHEREAS, laws prohibiting below-cost--pricing THOSE

ARE not conducive to fair trade; and

HOUSE JOINT RESOLUTION NO. 12



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3	subsidized	-pri	eing; and					

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determines that discriminatory or predatory pricing--is

PRACTICES ARE indeed subjecting independent Montana

WHOLESALERS AND retailers to unfair competition from other

25 WHOLESALERS AND retailers who benefit from below-cost

BE IT FURTHER RESOLVED, that if the interim committee

HJR 0012/02

- pricing THOSE PRACTICES, the interim committee prepare legislation to remedy the problem of unfair competition caused by below-cost-pricing THOSE PRACTICES.

 BE IT FURTHER RESOLVED, that the interim committee
- 5 report in writing to the 52nd Legislature and submit 6 proposed remedial legislation if the interim committee
- 7 determines that legislation is necessary.

-End-

51st Legislature HJR 0012/02

HOUSE JOINT PREGIDETON NO. 12

-	NOOD BOINT NEEDDOTTON NO. 12
2	INTRODUCED BY BRADLEY, LYNCH, D. BROWN,
· 3	ADDY, TVEIT, GRADY, HARRINGTON, GUTHRIE,
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1 PRACTICES are effective in protecting independent and small 2 retailers and wholesalers in other jurisdictions from subsidized-pricing; and WHEREAS, a decision on whether a law prohibiting 4 below-cost-pricing THOSE PRACTICES is needed in Montana depends upon a determination that a problem of SUBSIDIZED PRICING AND predatory pricing 7 MOTOR FUEL FRANCHISE AGREEMENTS in the motor fuels industry does exist in Montana and upon the extent of the problem. 10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 11 12 OF REPRESENTATIVES OF THE STATE OF MONTANA: That an appropriate interim committee be assigned to 13 study the marketing of motor fuels in Montana to determine 14 if there exist discriminatory or predatory systems of 15 pricing OR MOTOR FUEL FRANCHISE AGREEMENTS in which 16 17 independent WHOLESALERS AND retailers are unfairly burdened with higher costs than competing WHOLESALERS AND retailers 18 19 owned by or affiliated with companies that also own

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HJR 0012/02

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-End-

HJR 0012/02 HJR 0012/02

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51st Legislature

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