

Introduced by: Fischer
Date: Jan. 20, 1981
Vote: 7 YES: 9 NO
Action: Failed

KENAI PENINSULA BOROUGH

RESOLUTION 81-18

PETITIONING THE FEDERAL TRADE COMMISSION TO CONSIDER AND ENACT A REGULATION PROVIDING FOR A CREDIT TOWARD FREIGHT EXPENSES CHARGED TO ALASKA BUYERS BY FIRMS PROVIDING FREE SHIPMENT OF GOODS TO PURCHASERS IN THE 48 CONTIGUOUS STATES.

WHEREAS, it is a common practice for vendors of commercial, industrial and consumer goods to advertise and provide for free shipment of goods to purchasers located anywhere within the forty-eight contiguous states of the United States; and

WHEREAS, such vendors usually do not provide any credit against freight charges assessed on shipments to purchasers in Alaska, Hawaii, Puerto Rico, or any of the other noncontiguous territories and possessions of the United States; and

Whereas, such provisions interfere with the free flow of commerce and goods between the noncontiguous states, territories and possessions of the United States and the forty-eight contiguous states where the bulk of such goods are manufactured and distributed; and

WHEREAS, the failure to provide any credit toward shipping charges discriminates against purchasers located within a state, territory or possession which is not contiguous with the forty-eight contiguous states and places undue hardship on such purchasers; and

WHEREAS, the Assembly finds that such discriminatory practices may be in violation of the Commerce Clause of the United States Constitution and the antitrust laws of the United States;

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Assembly urges the Federal Trade Commission to investigate the practice by which certain vendors will absorb all shipping costs to any purchaser located within the forty-eight contiguous states, but does not make provision for an equivalent credit toward the cost of shipping goods to purchasers located within

Alaska, or noncontiguous states, territories and possessions of the United States and to determine whether such practices are in violation of the Commerce Clause of the United States Constitution and applicable antitrust statutes and regulations.

Section 2. That the Assembly petitions the Federal Trade Commission to promulgate regulations requiring that shippers who advertise that goods will be shipped free to purchasers within the forty-eight contiguous states, or who in fact absorb such shipping costs on a regular basis, be required to either provide free shipment to purchasers in the noncontiguous states, territories and possessions of the United States or to provide a credit toward shipping expenses equivalent to the greatest charge which the vendor would pay in shipping goods to the most costly and distant point within the forty-eight contiguous states.

Section 3. That the Assembly urges the Federal Trade Commission to consider and propose legislation to the United States Congress which would address and rectify the problems set forth in this resolution.

Section 4. That the Clerk shall serve copies of this resolution upon the Honorable Jay S. Hammond, Governor of the State of Alaska, upon the Honorable Governors and Commissioners of the noncontiguous states, territories and possessions of the United States, upon the Honorable Ted Stevens and Frank Murkowski, United States Senators, upon the Honorable Don Young, United States Representative, and upon the Honorable Chairman and Commissioners of the Federal Trade Commission.

Section 5. That this resolution takes effect immediately upon its adoption.

FAILED

~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 20 DAY OF January, 1981.


Paul Fischer
Assembly President

ATTEST:


Borough Clerk

FAILED ADOPTION
Kenai Peninsula Borough
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