

Introduced by: Glick
Date: June 5, 1984
Vote: 11 Yes, 2 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 84-106

SUPPORTING THE ENACTMENT OF FEDERAL LEGISLATION THAT WOULD EXTEND TO LOCAL GOVERNMENTS AND OFFICIALS THE SAME PROTECTION FROM ANTITRUST LIABILITY AS ENJOYED BY STATES

WHEREAS, the Sherman Antitrust Law of 1890 was meant to be applied to private sector businesses in order to prevent monopolies and deter anticompetitiveness; and

WHEREAS, Supreme Court decisions in 1978 (Louisiana), 1982 (Colorado), and more recently in Illinois, where treble damages were awarded, have applied the antitrust laws to local governments and officials for decisions made during the course of performing their everyday duties and responsibilities; and

WHEREAS, these decisions have generated a flurry of anti-trust suits against local governments and officials which could result in disruption of services in addition to greatly increasing the cost of operation because of litigation costs; and

WHEREAS, there currently is federal legislation being considered in both the House and Senate that would give local governments and officials the same protection from antitrust suits now enjoyed by states; and

WHEREAS, without federal legislation enactment, local governments and officials will be unable to protect the health, safety and welfare of their citizens;

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

Section 1. That it supports enactment of federal legislation that would give local governments and officials the same protection and consideration now enjoyed by states under the Supreme Court Decision of 1943 (Parker vs Brown) ruling.

Section 2. That it solicits the support of Governor Sheffield, through the National Governor's Association, and the congressional delegation for the State of Alaska, to secure enactment of such legislation.

Section 3. That upon adoption of this Resolution, copies shall be distributed to Governor William Sheffield, Senator Ted Stevens, Senator Frank Murkowski, Representative Don Young, Senator Strom Thurmond, Representative Hamilton Fish, Jr., and Representative Peter Rodino and the National Association of Counties office.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 19th DAY OF June, 1984.



Joseph C. Arness, Assembly President

ATTEST:



Frances Bryner
Borough Clerk