

HOUSE BILL NO. 245
INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COMMISSION ON GASOLINE PRICING COMPETITION TO EXAMINE WHETHER GASOLINE PRICES IN MONTANA ARE BEING SET IN A COMPETITIVE OR NONCOMPETITIVE MANNER AND TO EXAMINE THE SIGNIFICANT GASOLINE PRICE DIFFERENCES AMONG MONTANA COMMUNITIES; PROVIDING FOR A REPORT TO THE LEGISLATURE; PROVIDING FOR THE APPOINTMENT OF THE COMMISSION; PROVIDING FOR THE REIMBURSEMENT OF THE COMMISSIONERS FOR EXPENSES; AUTHORIZING THE COMMISSION TO HIRE STAFF AND ESTABLISH AN OFFICE; AUTHORIZING THE COMMISSION TO SUBPOENA WITNESSES AND TO REQUIRE THE PRODUCTION OF CERTAIN DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Commission on gasoline pricing competition. (1) There is a commission on gasoline pricing competition. The commission shall examine the motor fuel industry in Montana to determine if gasoline prices are being established in a competitive manner by gasoline fuel suppliers in response to market conditions or if gasoline prices are being established in a noncompetitive manner by gasoline fuel suppliers. The commission shall examine the significant gasoline price differences that exist among Montana communities. The commission shall prepare a report containing its findings for submission to the 59th legislature as provided in 5-11-210. The report may include suggested legislation to address noncompetitive gasoline pricing if the commission determines that noncompetitive gasoline pricing problems exist.

(2) The commission consists of five members appointed as follows:

- (a) one member, who shall serve as presiding officer, appointed by the governor;
- (b) one member appointed by the attorney general;
- (c) one member appointed by the state auditor;
- (d) one member appointed by the speaker of the house of representatives; and
- (e) one member appointed by the president of the senate.

(3) Members of the commission must have experience or training in economics, the petroleum industry, or antitrust law.

(4) Commission members are not entitled to compensation but must receive reimbursement for expenses as provided in Title 2, chapter 18, part 5.

(5) A vacancy on the commission must be filled by the appropriate appointing entity.

(6) The commission may hire staff for the purpose of carrying out its duties and may establish an office in Helena.

(7) (a) The commission may subpoena witnesses, take the testimony of any person under oath, administer oaths, and, in connection with the testimony, require the production of books, papers, or other tangible evidence relating to a matter in question before the commission.

(b) Subpoenas issued pursuant to this section may be enforced as provided in 2-4-104 of the Montana Administrative Procedure Act.

(8) The commission is attached to the department of commerce for administrative purposes only.

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2003.

NEW SECTION. **Section 3. Termination.** [This act] terminates January 1, 2005.

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