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SENATE JOINT MEMORIAL 50

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

ROMAN M. MAES III

A JOINT MEMORIAL

REQUESTING THE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO AND THE NEW MEXICO ATTORNEY GENERAL TO INVESTIGATE POSSIBLE ANTITRUST VIOLATIONS RAISED BY THE REFUSAL OF MAJOR OIL REFINERS TO SELL REFINED GASOLINE, PIPED TO THE ALBUQUERQUE TERMINAL, TO NATIVE AMERICAN-OWNED GASOLINE DISTRIBUTION FIRMS THAT ARE OPERATING LEGALLY IN NEW MEXICO.

WHEREAS, for the past three years certain Indian tribes or pueblos in New Mexico have lawfully operated gasoline distribution businesses where, pursuant to New Mexico law, they have received gasoline on Indian land within the state and have subsequently sold the gasoline free of the state gasoline tax; and

WHEREAS, most gasoline distributors within New Mexico obtain their gasoline from the Albuquerque terminal, which is

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1 where major oil refiners ship their gasoline into the state;  
2 and

3 WHEREAS, the major oil refiners have refused to sell  
4 their gasoline that is piped to the Albuquerque terminal to  
5 Native American-owned gasoline distributors for those  
6 distributors' off-reservation sales; and

7 WHEREAS, as a result, Native American-owned gasoline  
8 distributors have been forced to purchase gasoline from out-  
9 of-state oil refineries, causing the distributors to spend  
10 substantial sums of money to transport the gasoline to  
11 distribution sites and effectively preventing the distributors  
12 from making a profit on their sales; and

13 WHEREAS, state and federal law both state that any  
14 combination, agreement or conspiracy in restraint of trade is  
15 illegal and is subject to substantial penalties; and

16 WHEREAS, the consistent refusal of the major oil refiners  
17 to sell gasoline from the Albuquerque terminal to Native  
18 American-owned gasoline distributors raises serious questions  
19 regarding possible violation of state and federal antitrust  
20 laws;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
22 STATE OF NEW MEXICO that the United States attorney for the  
23 district of New Mexico and the New Mexico attorney general be  
24 requested to investigate possible antitrust violations raised  
25 by the refusal of major oil refiners to sell refined gasoline,

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1 piped to the Albuquerque terminal, to Native American-owned  
2 gasoline distribution firms that are operating legally in New  
3 Mexico; and

4 BE IT FURTHER RESOLVED that if, as a result of an  
5 investigation, it is determined that the oil refiners are  
6 violating state and federal antitrust laws, that the United  
7 States attorney for the district of New Mexico and the New  
8 Mexico attorney general vigorously prosecute those violations;  
9 and

10 BE IT FURTHER RESOLVED that a copy of this memorial be  
11 sent to the United States attorney for the district of New  
12 Mexico and the New Mexico attorney general.

1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
3  
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5 February 16, 1998  
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7 Mr. President:  
8

9 Your RULES COMMITTEE, to whom has been referred  
10

11 SENATE JOINT MEMORIAL 50  
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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.  
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16 Respectfully submitted,  
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22 Gloria Howes, Chairman  
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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 4 For 1 Against

Yes: 4

No: Adair

Excused: Aragon, Gorham, Stockard

Absent: None

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