

March 18, 1974

SENATOR CARPENTER: I would think for not in this amendment, no. But if we do it for railroads, why not for the packing houses. Why not do it for everybody who is affected adversely. They are all confronted with a conspiracy if it exists. If you are going to eliminate the railroads, why not eliminate all people who feel they have a right to believe that they are going to be adversely affected. It's just that simple.

SENATOR KELLY: Specifically then, I would ask, what about public utilities, like telephone companies, or natural gas, or public power districts.

SENATOR CARPENTER: Well, they are not common carriers, except for the word, where they might be transmitting the power, for example under whatever the arrangement might be then, they might come under it. I don't know exactly...

SENATOR KELLY: No, I don't mean under Proud's amendment, but would they be similarly situated where they would be in conflict with their own federal problems.

SENATOR CARPENTER: Well, let me say to that. Senator Syas maybe don't know. And Senator Syas, what he said, in the field that is talking about of course is true. That anybody who has any background of understanding of the difference between the state and federal government knows that the state in no condition or under no circumstance can ever preempt the federal government from their authority. There's just no way we can do it. They are the godfather. The federal governments. We're only talking about intra-state business. We're only talking about this bill where a conspiracy exists. If it exists. And the purpose of this bill is to find out if and where it does, and if it does to do something about it. It's just that simple. Now there is no way we can do anything to preempt the federal government from what they are going to do with or without this bill. We can't do it. And I'm not trying to do it. But if you preempt the railroads, for example, not on interstate traffic, because we can't do anything about that, to the extent that it is controlled by the ICC, or whatever the designation is, we can't disturb that. It's only where on the local level within the state, they combine for example, for whatever reasons they are, and as a result in the eyes of the law they will create a conspiracy. That's the only place they are going to be affected. And that's the place they don't want to be scrutinized.

SENATOR KELLY: Again we are back to where the controlling word is conspiracy.

SENATOR CARPENTER: That's right.

SENATOR KELLY: Thank you.

SENATOR CARPENTER: That has to be proved, and this is the bill and this is the agency, even down to the private citizen who can intervene to a court of law to attempt to prove it.

PRESIDENT: Senator Burbach.

SENATOR BURBACH: Mr. President, and members of the Legislature. I would support Senator Prouds motion for the amendment. Because in our discussion here in the last 12 or 20 minutes,