

May 24, 1973

questions of order, that's fine, there's some problem here--

SENATOR STAHMER: I don't have any question of order. I have a question of personal privilege on the procedure of the body.

PRESIDENT: Alright.

SENATOR STAHMER: We're on final reading. We have two amendments thrown at us. I don't know which one they're going to propose. I'm trying to improve this thing and we don't even have time to read it before we have opening and closing on it. Now if anyone objects, I'd like to make some kind of a statement on it to help improve what I think is deficiency in wording.

PRESIDENT: Good question. Which amendment are you talking about?

SENATOR STAHMER: I'm talking about the one he's trying to advance and I'm not trying to fight what they're doing but I would just ask Senator Kennedy if he's satisfied with this wording on lines 15 and 16 "actual differences in cost." I think what, that could perhaps be better worded to reflect what, any cost differentials that might have existed between a dealer and his own franchises and independents and that these, difference should not be allowed to vary in the future, but according to this they might have had cheaper prices, obviously, for their own units and now they wouldn't be able to even have those cheaper prices for their own units. Is this constitutionally legal? I would question it. I think this could be better worded and I just wondered if we couldn't have a little more time to study this and get it in it's best form before we hurriedly advance something that probably won't stand up in court.

PRESIDENT: Thank you Senator Stahmer. Senator Kennedy, do you care to respond?

SENATOR KENNEDY: I appreciate your thought and we have had, I suppose, as many as 7 or 8 people working on it and I think probably that wording was left in there for a reason, now, I can't answer what the attorneys' thoughts. I know we have a, a crisis here in getting it passed and that's why it was brought up now because they said in order to get it done, it would have to be done as soon as possible for the work, but we have spent two days on it.

PRESIDENT: Senator Stahmer.

SENATOR STAHMER: I'd like to offer a suggestion if I might, that that wording somehow be changed that it would reflect whatever differences that existed in the past. As it now stands, it says there can be no differences and I, I, I would suspect that in many instances there have legally been differences between the supplier's own outlets and independents. I would be amazed if there weren't and otherwise, I'm not even sure whether this is going to change existing contracts and I, Senator Kennedy, I really think that this could be better worded so that it could reflect the past differential if any and that this past differential could not be allowed to increase.

SENATOR KENNEDY: I don't--I think we get back to the original, a lot of those contracts were, you might say, over a 20-year span that were not written and if we're trying not to discriminate,