

March 11, 1974

SENATOR CARPENTER: Yes.

SENATOR KELLY: Senator, the question I have...let me find it here...is your interpretation of this sentence...make any contract with or engage in any combination or conspiracy with any other person who is, or but for a prior agreement would be, a competitor of such person. What does that mean, Senator?

SENATOR CARPENTER: It just means if you enter into a conspiracy you come under the effect of this bill. And the courts will probably have to determine whether the conspiracy exists or it doesn't.

SENATOR KELLY: A business bought out a competitor...would they be in violation of that sentence?

SENATOR CARPENTER: I wouldn't think so unless you bought it out with a conspiracy in mind between the two of you to do what the law in this case says you can't do.

SENATOR KELLY: In other words, it would be your intention that a...say like a plumbing business could buy another plumbing business....

SENATOR CARPENTER: Oh, sure.

SENATOR KELLY: Or a cleaner could buy out another dry cleaning establishment.

SENATOR CARPENTER: As long as by a considered action you didn't do it with the express purpose to set up a conspiracy in order to defraud the general public.

SENATOR KELLY: All right then, in your intention, two existing businesses could merge into a partnership?

SENATOR CARPENTER: Oh, sure. Or three could or four could.

SENATOR KELLY: Any combination....

SENATOR CARPENTER: That's right.

SENATOR KELLY: Of these areas?

SENATOR CARPENTER: Yes.

SENATOR KELLY: I have real serious concern with that and I agree with your agreement and let's get the thing going on but I would like to do some further research on it.

SENATOR CARPENTER: Well, when it gets on Final Reading, you can attempt to bring it back. What?

SENATOR KELLY: I'll be checking a little further and I'll be in touch with you, Senator.

SENATOR CARPENTER: Let me say this bill has been looked over by the Attorney General and by Jack Rogers and by the fiscal staff. Everybody that can be involved in order to bring about a bill which will do what we discussed the other day particularly in the area of livestock. It's not confined to livestock. It isn't confined to anything of a like nature. It allows the court...the Attorney General to proceed...it allows the Legislature under the present law to direct them to proceed. Now, I think we ought to expedite this bill...