

March 18, 1974

conspiracy of this bill could apply if they could prove the conspiracy.

SENATOR CAVANAUGH: Well, Senator Carpenter, what I'm trying to get at, is in the bill that you copied from, did you also copy the exemptions. Were there any other exemptions either in federal law, from the debate here, since the railroads are regulated by federal law, and I know that there is federal anti-trust legislation why railroads must somehow be exempt from federal anti-trust legislation in order to engage in price fixing which I presume they do from the debate that's gone on here. I don't know anything at all about it, and if this came from Illinois and there were also exemptions enacted at the time of Illinois. First of all, were there? And if there were why did you not incorporate them into your bill so we can have a track record as to what the legal effect of this is. I think it's a pretty broad piece of legislation and we should have some idea as to whether or not other exemptions exist and the justification for them. Exemptions may be completely justified, or completely unjustified. Now I don't know what the case is in this case.

SENATOR CARPENTER: Well, so far as I was concerned, and I assumed the responsibility for the amendment that was adopted. My advice and instructed Mr. Rogers to have no exemptions. Because my experience in this body has been in 16 years when you start putting in exemptions in the bill, that's the beginning of the end of the story of the effectiveness of any bill. And that's always the attempt people generally have in order to make an exception in order to water it down and eventually destroy it, and distrust the thing that I presume this body wanted to do in the first place. In my...in this bill there is no exemption. There should not be any exemption. And that's all we're talking about now. Senator Proud believes the railroads are entitled to an exemption. I don't. So does Senator Burbach, and I don't. When you get through, I want to ask Senator Burbach a question.

SENATOR CAVANAUGH: I'm through. Well all I can say is I simply don't know whether anybody should be exempted or not. I think, there is certainly a possibility that there are some reasonable basis for exemptions, I don't know myself if the railroads fall into that category, or they don't. I wish we had more information on it. I suppose I'd have to...I don't know what I'll do...I guess I'll just sit down.

PRESIDENT: Senator Carpenter has a question of Senator Burbach, and then Senator Keyes has a question of Senator Carpenter. And then Senator Syas wishes to speak.

SENATOR CARPENTER: Senator Burbach, if we pass this amendment. Give me a specific instance what the railroads could do.

SENATOR BURBACH: Senator Carpenter, this is my problem. I don't know what we can do, and I don't know what we are doing to them with this amendment. And this is why I suggested a moment ago that we delete this portion of it, and then have a bill next year, discussion, public hearing, so that I know and others will know exactly what we are doing to them with the bill, if we exempt them exclude them today, we've got time next year or the following year to incorporate them into the bill. I don't know.