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court under our present law. And that is one of the problems. That's why we have to repeal, for violations of this act, the parole evidence rule. Otherwise, if the guy signs a contract after being assured the contract provides something other than it actually provides, you can't get that into court. If you can't get something into court, how do you expect to get a just determination of consumer fraud? Let me just go quickly through some of the other things that the judge must take into consideration. There's such things like (d), you can go all through these. Well, there's several of them, There's (a), (b), (c), (d), (e), (f), (g). If there's that many, one, two, three, four, five, six, seven and those two other things that he had reason to know or knew that the judge must take into consideration in deciding upon unconscionability. Now, this is in addition to anything that is discussed in the Murphy amendment. So what I'm not only saying is his definition is not even close to comparison to the definition that's in my amendment. Actually it really doesn't make any difference because the Murphy amendment puts us back to where we are today or leaves us where we are today I should say. The one thing it does do, it lets the Attorney General enforce anti- or destructive practices between merchants. That's the only thing it adds to it in our present law, let's the Attorney General get involved in it. That's not even the attempt of LB327. The intent of 327 is to protect consumers against unscrupulous merchants. Let me assure you. Anyone, and this is by 99% of our merchants in the State of Nebraska would not worry about LB327 whatsoever because it would never be in violation of the act. What we're trying to do is control that 1% probably in the state who willfully, knowingly defraud and take advantage of the average consumer.

PRESIDENT: Senator Chambers and then Senator Murphy.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature. I wonder if Senator Murphy would yield to a couple of questions that I think are very simple.

SENATOR MURPHY: If they're very simple, that's the category I'm very good at. Go right ahead, Senator.

SENATOR CHAMBERS: Sometimes they're the most difficult to answer. I don't think this will be though. I'm not sure I understood something you said in your presentation. There was a section you were dealing with and I don't know which one it was because the part that caught my attention was where you said something about an individual not being required to prove that a certain act did not occur. Do you remember saying something like that and what it referred to?

SENATOR MURPHY: I believe I do, Senator, just a moment here. If my notes are right, Senator, it would be on page 13 of Senator Waldron's amendment in a sub-section (2). A person alleged to have violated this act has the burden of showing the applicability of this section. In other words, he is guilty as charged unless he can prove that section does not apply to him. Now, maybe I'm reading it wrong, I'm certainly not an attorney but that's what I read out of it. A person alleged to violate this act has the burden, now, I thought the burden of proof would be that I was guilty until, or innocent until proven guilty rather than guilty till I could prove I was innocent.

SENATOR CHAMBERS: Mr. Speaker, may Senator Waldron help because I want the point clarified if he can help?

SENATOR WALDRON: Yeah, just where it says (2), a person alleged to have violated this act has the burden of showing the applicability of this section. Now, this only applies to Section 16. That sentence applies just to Section 16, Senator Murphy, and Senator Chambers. Now, what does Section 16 say? You've got to take a