

SENATOR MURPHY: A question of Senator Johnson.

SENATOR JOHNSON: Yes, Senator Murphy.

SENATOR MURPHY: Senator Johnson, if this law, God forbid, should be adopted, what relief would I as an offended consumer have?

SENATOR JOHNSON: I don't know if you have any relief under this law, Senator Murphy. It is a criminal statute. I suppose that the only, and obviously what the statute is designed to do is to criminally penalize any merchant who engages in the prohibited conduct.

SENATOR MURPHY: But how would that penalty be invoked?

SENATOR JOHNSON: By, I suppose a consumer who believes that they have been wronged by the merchant to file a complaint with the local prosecuting officials and ask that a prosecution be undertaken by the local prosecutor.

SENATOR MURPHY: Now then, Senator Johnson, I have a feeling that this is an area in which you have a good deal of familiarity with from your past work, and I guess I'll never get over the wording that we put into the deceptive trade practices act where after enumerating I believe twelve different categories of offense that overlie, duplicate and insert themselves into the wording of this bill we finally top the whole thing off by saying that the court could invoke penalties under that act for any unconscionable act. Would you not think that this would be more than adequate coverage for the offense set forth here?

SENATOR JOHNSON: Probably.

SENATOR MURPHY: Thank you. We have another piece of unnecessary legislation.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Yes, I move the advancement of the bill. There are no amendments, I have withdrawn the amendments. If I can't get some agreement we will not offer the amendments again or at least clarifies some of the problems that each individual has, and I'm willing to let other people be involved in the process. I thought that there was a general understanding of this but I again...well for that reason I would like to move we advance the bill as it is, without any amendments.