

If I were to say strike that and reinstate the old language it would mean that the existing law is unchanged. So rather than have an entire section of statute printed which does not amend anything I would move to strike Section 16 and to make it clear again what I am talking about, if you say that all of these violations that exist with reference to food have to be done with the intent to deceive, it is difficult to establish intent. If you say that these people who handle these items and know their products "knowingly" distribute these products where they are misrepresenting the quality, the misrepresenting the prices or any other aspect of it, that would be made illegal. Actual knowledge would prevent a person from lawfully doing all of these prohibitive things. That is what the law says now. I want to leave the law as it is now. If you add the notion of intent, the court would say that you are requiring something more than mere actual knowledge. So it is not enough to show that the one dispensing this food knew that he was lying about how he represented it, knew all of these other things. If you cannot prove a specific intent then you cannot make out the offense. As the present law stands, knowing that these bad things exist with reference to food would prevent you from lawfully distributing, advertising it or whatever all those provisions are. So my amendment would strike Section 16 and leave the law as it is. And by the way, Senator Schmit nor anybody else has been able to present a single case of where a newspaper or anybody else was prosecuted or had run afoul of the law as it stands now.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I would have to oppose Senator Chambers amendment and that is all I will say on it. I'm not going to debate the issue at this time.

SENATOR CLARK: Senator Chambers, do you want to close? No closing. The motion is to return the bill for a specific amendment. All those in favor vote aye, opposed vote nay. Have you all voted on returning the bill? Once more, have you all voted on returning the bill? Record the vote. Senator Chambers.

SENATOR CHAMBERS: I'm changing to not voting and I'm going to put a reconsideration motion up there.

SENATOR CLARK: All right. Do you have anything further on this bill?

CLERK: I have nothing further on this bill, Mr. President.

SENATOR CLARK: All right, the bill is where it is then. Now we have a reconsideration motion coming up.