

guilty of negligence we are still pardoning them. If they are guilty of recklessness, we are still pardoning them. I am leaving all that language in. I am saying though if they are guilty of gross negligence and the gross negligence does cause a problem, that they should have some exposure or some liability to at least have some slight standard of care or caution. Nebraska laws and case law on the subject of gross negligence has pretty well indicated that gross negligence means no standard of care whatsoever, lacking in any responsibility, and I think from one of my conversations that was with a fellow from Safeway or some of the others, they, I got the impression, didn't have any problem with striking the word "gross" and I think we will have a much more workable law and maybe eliminate some problems. So I urge you to adopt the amendment. I do support the bill completely.

SPEAKER MARVEL: Let's see, Senator Wagner, your light was on, do you wish to speak to the...we are on the amendment. Do you wish to speak to the amendment? Okay. Senator Nichol, do you wish to speak to the amendment?

SENATOR NICHOL: Mr. Speaker, yes I do want to speak to the amendment. Senator DeCamp, I think I have this just opposite of what I think you intend to do. Now, my only hangup on the bill, and I like the bill and I want it to pass, it has to do with negligence. Now, as you are well aware, we are concerned this year about the guest statute which deals with negligence other than gross negligence, and doesn't your amendment do what we don't want to do? Now, here is the way I understand your amendment. If we accept your amendment, these entities either the donor or the entity relaying the food to the customer would have to be guilty of only ordinary negligence to be liable. In other words, you are taking out the word "gross" and it would make them much more liable than if we left the word "gross" in. Right?

SENATOR DeCAMP: Quite correct, that is what I am saying. I think with the bill the way it is you are saying, no matter what they do basically there is no liability. I am saying I am going to pardon them for ordinary negligence. I am going to pardon them, I think it is recklessness in there, but I am saying gross negligence is going too far. I am saying...(interruption).

SENATOR NICHOL: Let me suggest a compromise perhaps, Senator DeCamp. Maybe this would do it. The donor should be free of liability because they are giving the food