

SENATOR HOAGLAND: I would like to rise in support of Senator DeCamp's amendment. I think the issue that Senator DeCamp is pointing to with his amendment is a very, very important one. I think if we are not awfully careful about monitoring the quality of the food that we distribute through this program, we could wind up with some real serious problems on our hands. Now, currently, when food is sold to the general public, manufacturers of food are liable under a strict liability theory. In other words, if something is wrong with the food, it doesn't matter whether they are negligent or gross negligent, or grossly negligent, they are simply liable for any problem or any defect in the food at all. Now, what Senator DeCamp's amendment would do is it would change it from absolute strict liability to a negligent standard. Now that still means that the manufacturer has to be careless to one degree or another before he can be held liable. I think it is very important to retain some sort of standard like that. The way the bill is written now, I think that Senator Nichol was implying in his remarks just like the guest statute and there is virtually no liability, you know, for a manufacturer even in situations where his conduct is really very difficult to justify. Now Senator Kahle certainly comes up with a good idea about requiring these community action agencies that distribute the food to have product liability insurance, but I don't think we can rely on them to have that. A lot of these are going to be charities. A lot of them are going to be little storefront operations that will have virtually no assets at all against which somebody injured by this food could sue. So I think if we are going to go with Senator Kahle's alternative, we ought to write into the statute a requirement that they carry liability insurance of certain relatively high limits, because if somebody is injured by defective food, of course, their damages could be exceedingly high and we do need to protect potential consumers from that danger. So, again I think Senator DeCamp is to be commended for bringing this issue to the body and I would support his amendment. If we are going to put all of the liability on the distributors though I think we need some pretty darn tough language in there to be sure they have got the kind of insurance coverage that we need, and to say that food can't be distributed unless it is distributed through an organization that has that kind of insurance coverage. Thank you, Mr. President.

SENATOR CLARK: I would like to introduce to the Legislature Bill and Mary Umberger under the south balcony from Elwood, Nebraska and they are guests of Senator Vickers.