

eating the Beau Viva soup was a poor person who happened to get the soup at a soup kitchen in New York, the survivors of that poor person would never be able to recover against the Beau Viva consumme soup manufacturers, whereas everybody else who ate the soup and died, the estate would be able to recover. Okay. Now it doesn't seem right to me that we are saying to a poor person, if you want to get this charitable help, if you want to get the charitable help, you have got to forfeit your legal rights, and that is what LB 38 would do. So what Senator DeCamp has done is Senator DeCamp is trying to carve out a middle ground. He is saying simply, you don't have to fully forfeit your legal rights to receive the free food, you only forfeit some. Concepts of strict liability and tort with respect to the manufacturers and distributors of food will not be present. On the other hand, if the manufacturer or the distributor of food operates in a careless fashion, a negligent fashion and causes you some injury as a result of that, then you have an action, and I think that is a respectable middle ground for this legislation. I can support this legislation with that kind of amendment because it balances the needs of the poor folk on the one hand against the concerns of the manufacturer and the distributor for some absolution from tort liability. It is a good middle ground.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: I am going to ask unanimous consent to withdraw the amendment at this time with this understanding. I have talked to Senator Nichol, Senator Fowler, who is interested in it, Senator Kahle. We are going to rework the language a little to home in on the very things that Vard addressed so that we do have some point of responsibility and so we can get this program implemented. So I would ask to withdraw it and then let's hustle the bill along and I think on Select File we will have the language that everybody can live with and we will get this goal done.

SPEAKER MARVEL: Is there any objection? If not, so ordered. The amendment is withdrawn. Senator Wagner, do you wish to speak to the bill as a whole?

SENATOR WAGNER. Mr. Speaker and members of the body, I think this bill here has been very well explained by Senator Kahle. I think it is a very excellent bill. Maybe some of the wording there needs change, but this bill