

the organizations that got them distributing them with no standard of care or protective standards whatsoever. So I sought to remove the word "gross" from the word "negligence" and thereby impose some standards on the distributor, such as the Safeway or the A & P, and to remove the word "gross" and put some standards on the distributors, the noncharitable groups or...I mean... yes. Senator Nichol proposed as an alternative that if I did that I would not get the main purpose of the bill accomplished, Senator Kahle's purpose, which was to get excess food that stores and organizations or manufacturers do have into the hands and stomachs of people ultimately rather than into the garbage heap. So we settled on as an alternative imposing a standard of care, that being negligence, ordinary negligence, on the distributors, the ultimate distributors, the nonprofit groups and so on and so forth, and that is basically what the amendment does. It leaves what Senator Kahle intended to do on the manufacturers so that they will distribute the food, we are assured, but it does impose ordinary negligence standard on the distributors. I urge you to adopt the amendment. I understand Senator Hoagland is concerned because he believes, as I understand it, that the real standard should be let's say on Safeway, the deep pockets, the one that would have assets, and the counter to this, of course, that I think we heard last week was that, look, these people are willing to give this food that they are now throwing away in many cases, but they are not going to do it if you are making it so risky for them. I am not sure it is a perfect solution for anybody, but I think it is a solution that will get large quantities of food available and distributed and used in something other than a garbage dump, and it does impose a standard on the groups so that they are going to have to be careful and watchful and cautious. And I guess I think it is something that we should give a try to.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Well, this bill...Mr. President and members, this bill sort of sneaked through Select File the other day and we knew that we would need to put some responsibility on what I thought should be the distributor rather than the donor of the goods. I might say that we have done some looking into this situation and of the states that already have done this, Maryland, Colorado, Idaho, Georgia, have no gross negligence at all in their laws. Oregon and Arizona do have some. My experience with this bill since I have been involved in it has been that the distributors of food, whether it be wholesale, retail, or