

charitable group that gives food to the elderly, when if anything goes wrong why they could sue us for a million dollars and break us. Why take that risk? Throw it to the garbage. We can write it off for tax the same way as if we gave it away. We come out the same way and we have no risk. What we are doing in the bill and with the amendment particularly is we are saying, okay, Bernice Labeledz chain store, you can go ahead and give your excess food, good food, not garbage, give the food that is good food to Senator Faberman's nonprofit group and you won't be subject to the strict liability. In fact, we are going to let you get away with up to gross negligence. Now I realize that sounds outrageous at some point and that is why I tried to change that originally. We are going to say, we know you are pretty careful in your handling of food, go ahead and give your food to Rex and he will distribute it, but we are saying to Rex, Rex, we are not going to let you as the distributor get away with gross negligence, you've got to have some standard of care, you've got to use some ordinary negligence standards. So what Rex is going to do, he is going to say, fine, at least we can get the food, we're going to be careful in what we select because we have got a standard there of being reasonably careful in even accepting the food, then in distributing it we have got a standard of ordinary negligence so we're going to be pretty cautious there. We probably will buy liability insurance just to be safe, but at least that way we get the food from being thrown away to the garbage, to the distributor and hopefully they will get it distributed to the people and it will serve some good rather than being thrown away. That is what the amendment does. I would urge you to adopt the amendment and see how it works for a year.

PRESIDENT: All right, the motion is the return of LB 38 for purposes of the specific DeCamp amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 41 ayes, 0 nays, Mr. President on the motion to return the bill.

PRESIDENT: The motion carries. LB 38 is returned. Do you want to take up the amendment right now? Senator DeCamp, do you want to move the amendment? The motion is to move....any discussion on the DeCamp amendment? If not, that is the opening and the closing and the wave of the hand. We will now vote on the amendment on LB 38. All those in favor vote aye, opposed nay. Record the vote.