

March 2, 1981

LB 38

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The motion carries. The DeCamp amendment is adopted. Does someone want to move this back to E & R for Engrossment? Senator Kahle.

SENATOR KAHLE: I move that we move this back to E & R for Engrossment.

PRESIDENT: The motion is to readvance LB 38 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. It is back for reengrossment. I understand there is another amendment on the desk. Read the amendment, Mr. Clerk.

CLERK: Mr. President, Senator Vard Johnson moves to return LB 38 to Select File for a specific amendment, and the amendment would read as follows: (Read the V. Johnson amendment as found on page 708 of the Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker and members of the body, if you would just turn to your yellow copy, Final Reading copy, page 3, section 2, line 5, you will see what section 2 does. Section 2 says, any charitable or nonprofit organization distributing food pursuant to the act shall put on a label. It says you have to have a label on all the food or on the individual container or package of the food stating that the food is not for resale. Okay, that's what it says. But what my amendment does, it says you have got to have a few more words on the label. My amendment says that you have to also put on the label the expression that this organization shall not be liable for damages in any civil action based on strict liability in tort for any injury or death because of the condition of such food. In other words, it's a warning, a warning to those persons who get the food that the State of Nebraska has modified state law with respect to liability for food distribution. Now there is plenty of precedent for this. As you may recall, under our medical malpractice bill we require such a warning to be posted in the doctors' offices i.e. that the doctor has opted to be covered by Nebraska's medical malpractice laws and therefore you patient enter at your own risk, so to speak, or you enter subject to the Nebraska laws. So this amendment says the same thing, to any person who