

March 11, 1982

LB 547

SENATOR FOWLER: Mr. President, I introduced the amendment to get some discussion and we certainly got that. I have been maligned by being called an attorney and then accused by Senator Cullan that he wouldn't want to be an attorney if I was an attorney and, Senator Cullan, I guess I could say I am not going to law school and you are and I don't intend to. Senator Schmit and everybody seems to act like we should have been much more alert on this bill and perhaps, but if you look at the committee statement on the original bill, LB 547, the committee statement says is to adopt the Nebraska Food Act. If you flip through the bill, the sections that are on Final Reading that we are talking about were not in the original bill. They are in amendments. The summary of purpose in the committee statement says LB 547 was introduced by the Ag and Environment Committee to update and consolidate all statutes dealing with the manufacturing, sales, distribution, handling, storage, and serving of food for human consumption. So these sections that were introduced to restore things in fact did not have the committee hearing. They were not introduced as the bill. Now, let's see what the description of committee amendments, if any, it says an amendment was adopted to add charitable and fraternal organizations to those not required to get a permit under the act. That is the committee statement on 547. That is the amount of information we were provided. I would think that any reasonable person, attorney or not, could get the misconception that this bill has nothing to do with motels and hotels and be somewhat surprised on Final Reading to find sections dealing with liability. Now if they were repealed last session, certainly that bill had an opportunity for full discussion, and if the industry felt in fact that these statutes had value, they could have introduced a bill rather than get them reinstated through an amendment, and there could have been a public hearing. Now if, in fact, we are updating the dollar amounts, that is probably healthy. \$250 obviously is too low, but then \$500 for the value of your possessions also seems low. Additionally if this was the law in the State of Nebraska, I cannot recall ever knowing of any forms that anyone ever filled out to declare the value of their goods in hotels and motels or any printing on the walls indicating what your liability was or wasn't under the law. Senator Johnson said that it was an archaic law as viewed by the Department of Agriculture. That may mean it was a law that people weren't notified about. It may be a law that in fact was not really in place, a law that should have been repealed and we should go to another concept of negligence. So I guess I would say that the bill and the reason for the motion to return is that I think that what is offered in Final Reading is not what was offered in the original bill. The committee statement is weak in explaining it. In fact it doesn't explain it at all, these sections of