

amendment. And I guess I suggest you put it on, kind of. In the original bill we used the word "negligence". In other words, when we are discussing a county official or a public official dealing with...doing work on providing information, we are saying that they are not responsible, liable if you would, in damages for negligence. Well, instead of using the word "negligence", this amendment would change the word to "gross negligence". To make a long story short, it is my understanding that all of the various parties that ostensibly have an interest in this bill agree on this, or agree to accept this. Now, why would you want to do this? In order to allay the fears of, let's say, county clerks, deputy clerks, people that would be working with this equipment, you want to assure them that in their \$12,000 a year job they have not, through a simple act of negligence, made themselves liable for a \$100,000 blunder, that cost a bank \$100,000, or a farmer 200,000, or whatever. So, we are making the standard less strict to apply to that public official. We are making the standard "gross negligence" instead of ordinary "negligence". And those of you who have been around here a long time, as all of you have, have repeatedly heard the debates over whether something is negligence or gross negligence, that it is a much, much different standard to have gross negligence than ordinary negligence. So, I urge adoption of the amendment. Then I also urge you to watch whether you, in the future years, want to maintain this same standard, gross negligence, or whether you want to make adjustments.

SPEAKER NICHOL: Thank you. Senator Schmit, please. Then Senator Haberman.

SENATOR SCHMIT: Mr. President and members, I guess the question then that arises, in the event there is an error, who is responsible, John, in the event that a loss must be sustained? I recognize the sincere concern you have. But in the event that if I go to the central filing system and it appears that there is no obligation, no lien upon a property, and I rely upon that, and it is an error, who then in fact has to stand the expense?

SENATOR DECAMP: Senator Schmit, the answer to that is, the lender, at least that would be my impression, my belief, my answer. That is what I pointed out to the lenders in a number of meetings. They understand that, and they understand the other half of the equation, that it wasn't the county officials that asked for this system. So, they have, at this point, accepted the responsibility to assume that risk. Now, I've got to think, I've got to think that they will, in implementing this