

SENATOR DeCAMP: If the cattle market keeps going down, I will go around the section with you.

SENATOR KREMER: Thank you.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I wonder if Senator Haberman is in the Chamber and if he might yield to a couple of questions since he volunteered to do that a second ago?

SPEAKER MARVEL: Is Senator Haberman in the room? There he is. Senator Haberman, Senator Cullan has a question. Do you yield?

SENATOR HABERMAN: Yes.

SENATOR CULLAN: Senator Haberman, I appreciate the fact that you have been on the Banking, Commerce and Insurance Committee and that you have a good understanding of this issue. Since you volunteered to respond to a couple questions I thought I might be willing to, thought I might take you up on that request. Senator, could you tell me what really is negligence? Because it appears to me that the real issue here is what is the difference between negligence and what is the difference between gross negligence? Now I wonder if you could tell me, Senator Haberman, what really is negligence?

SENATOR HABERMAN: Senator Cullan, I see that you are putting part of your law education to work and being not a lawyer, I would say that that is an arguable definition. Some courts would say negligence is one thing and some courts would say negligence is another and I cannot answer your question as what is negligence, but I can answer what is gross negligence.

SENATOR CULLAN: Okay, so you are really not sure what the definition of negligence is?

SENATOR HABERMAN: Nope.

SENATOR CULLAN: Just for your own benefit, a common accepted definition of negligence, although it is often a question of fact as to whether a specific incident is negligence or not, that is a question for the jury to determine, but a general definition of negligence is what an ordinarily reasonable, prudent person would do under like circumstances. What then, Senator Haberman, is gross negligence?

SENATOR HABERMAN: Well the way it has been explained to me, gross negligence is that you have to be intoxicated and you can't hardly ever prove gross negligence. That is why they