

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 22, 2000 LB 628

disk, I'm advised, yet the requester insisted that...

SENATOR CUDABACK: One minute.

SENATOR MATZKE: ...the information be supplied on a floppy disk. What would be the responsibility of the county official in that regard?

SENATOR BRASHEAR: Once again, the great group that put this whole bill together rides to the rescue. The...and the requester is out of luck. The bill provides that if the records requested are kept on floppy disk, then that floppy disk must be made available to the requester. In the instance you've identified, based on the facts as you have set them forth, since you only main...since the records are only maintained in hard copy, that's the only way the custodian has an obligation to provide them to the requester. The requester will have to decide how to get them on floppy disk.

SENATOR MATZKE: One further, actually two further questions dealing with liability, Senator Brashear. What liability...

SENATOR CUDABACK: Time.

SENATOR MATZKE: ...does the county official have in...

SENATOR CUDABACK: Time, Senator Matzke, but your light is next if you wish to continue.

SENATOR MATZKE: Thank you. What liability would the county official have if there are 11,000 separate individual records and they miss a few of them? Through no intentional negligence but just by accident, they are...they miss a few and don't supply every last one that's requested. What is the liability on the county official under this bill?

SENATOR BRASHEAR: I'm dredging the recesses of my mind, subjects studied long ago and probably not well enough, but it seems to me that would fall into the category of de minimis and, if it was anything, it would be the lowest form of misfeasance. That's the best that I can do, Senator Matzke, under the circumstances. I'm trying to indicate that it's very, very