

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

February 23, 2005 LB 7

SENATOR CUDABACK: Thank you, Senator Engel. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature. Senator Pedersen, if I could ask you a couple of questions it would be helpful to me.

SENATOR CUDABACK: Senator Pedersen, would you respond?

SENATOR Dw. PEDERSEN: Yes.

SENATOR BEUTLER: I think that by and large, what most people will be concerned about, if they're concerned at all about your bill, would be the questions of liability and safety. What...the first question...I mean, there are two aspects of liability, I suppose. What is the city's liability, if any; and what additional liability would drivers have, if any, out there on the streets? With respect to the city, they would be designating the...as I understand it from the committee amendment, the times and the locations where you could solicit. Hopefully they would use good judgment. But let's take a worst-case scenario. Maybe they allow you to solicit at dusk or at night. Maybe they allow you to do it on a three-lane street and you can go to the middle lane to solicit. In other words, if the city creates a situation that might be determined by the court to be, per se, a dangerous situation, is it not possible that the city might be liable for injuries to these persons, in the event that the city is called upon to defend the scheme that it's representing to people to be presumably a safe thing to do?

SENATOR Dw. PEDERSEN: Senator Beutler, in answering that, I would say, yes, there's a big possibility that would be there. But by giving the local communities and cities and villages and towns their permission to do this, they can draft their own ordinance. If I were on one of them committees, I would say, you've got to get liability. The organization itself would have to...I would say they could draft their ordinance to say that the organization would have to get liability insurance.

SENATOR BEUTLER: Would it be agreeable to you if we put into the bill that in fact they should have that insurance, or, in