

SENATOR BOHLKE: Madam President and members, and, Senator Maurstad, if you'll listen first to a true story I'm going to tell you, and then I will ask you some questions as a follow-up. A number of years ago in Hastings, in our home, I had children playing out in our front yard. We lived close to a busy street. A motorcyclist was apparently speeding through a residential neighborhood, had gone about a block. And in Hastings, I know, as in Fremont and other communities, we have the dips in some of our intersections, hit the dip and came up towards our front yard. The officer speeding and following that person actually came with the car, slamming up over the curb, across the sidewalk and into our front yard. At that time I happened to be at the front door watching this. Now, there was no question in my mind as far as who was negligent, and the severe, terrible ramifications that could have happened. I called the law enforcement agency, very angry, very upset about that particular procedure. If I understand it, under your bill, that (a) now I would have to prove that they were negligent, and (b) if I...if we had insurance, which we would have had, but we had neighbor children there, I would have to use my insurance, which then I would assume would mean with that kind of a claim we would have been talking about millions of dollars, we probably would have lost our insurance; and as that works I'm sure other people in our array would have paid for that, so other people would have had their insurance rates going up. But, more importantly, all of that burden would have now been on our shoulders rather than on the shoulders of the law officer who was speeding down a residential street and came up onto our front yard with little children playing there. Do I understand that correctly?

PRESIDENT ROBAK: Senator Maurstad.

SENATOR MAURSTAD: Senator Bohlke, I don't...I don't believe that you do, because in the situation that you're describing it would be my contention, as you've described it, that the officer would have been in fact negligent and, as a result, would have...you would have been able to collect from the city since their officer was pursuing in a negligent fashion.

SENATOR BOHLKE: But do I have to prove that negligence?

SENATOR MAURSTAD: Excuse me?