

made about why this amendment should not be adopted and why it should not be reconsidered. Let me just say, for example, if you should adopt this amendment, you would actually put into place two different systems of law for trails. You would have one standard of negligence for trails that are funded out of this fund and you would have an entirely different standard of negligence for trails that weren't funded out of this fund, so it doesn't even make sense to do this because you're going to be treating the same people in two different ways on the mere happenstance of how the trail was funded. So there are a number of problems like this that we can go through again and bring to your consideration, but I think the better thing to do would be for them, if they're distraught about liability, would be to think about farmer operation liability in a broader context with a new bill next year, address trails generally, not just trails funded out of this particular fund, look at county roads and ask why would we treat county roads different from trails, why would we treat NRD property different, why would we treat homeowners' property different, and ask why it is that an intentional standard, an intentional standard is appropriate for this particular situation. There are little kids on the trail. I think some level of negligence standard is appropriate here, not this intentional standard where people can get by with doing almost anything and not be subject to civil suits. So I hope you will consider this motion to reconsider inappropriate at this particular point in time and indicate to those who are interested in the matter that that should be addressed on a broader scale with another bill in the future. Trails aren't going to develop that fast. There will be plenty of time to address the situation before the matter gets out of hand. Thank you.

**PRESIDENT MOUL:** Thank you, Senator Beutler. Senator Chambers, followed by Senator Wehrbein.

**SENATOR CHAMBERS:** Madam President and members of the Legislature, this is the kind of issue that would draw me like a moth is drawn to a light. When you talk about liability that a person assumes for harming another, the Legislature should be very careful in enacting legislation that would almost be an inducement or encouragement for one citizen to harm another. I'd like to ask Senator Wickersham a question so that I can have a clear understanding of what his amendment does. Senator Wickersham, did Senator Beutler correctly describe what your amendment does; that there's a different standard of negligence