

saying, but he doesn't know what he's talking about, in my opinion, so I'm going to ask him some questions. And one thing I want to make crystal clear, to say that...to use the term "proximate cause" does not mean negligence. Right now you don't have to prove negligence, just establish that it resulted from what this officer was doing. And the "proximate cause" means that there is a direct relationship between their being in this chase and what happened. The cop can be driving five miles an hour on the interstate and cause an accident because of a chase. And you might say there's no way that this cop was negligent in what he or she did, but the fact that it happened as a result of this pursuit and an innocent party was hurt, the innocent party recovers. And it should be kept in mind that the cop is not the one who pays, it's the political subdivision. This is not even a law enforcement issue, this is one of public policy. Senator Maurstad, let me ask you a question.

PRESIDENT ROBAK: Senator Maurstad.

SENATOR CHAMBERS: Let's go to the first place where you want to talk about including the term "contributorily negligent". We're talking about the vehicle owner, is that correct?

SENATOR MAURSTAD: That's correct.

SENATOR CHAMBERS: Who has to establish that the vehicle owner is contributorily negligent?

SENATOR MAURSTAD: The establishment of that would be done in the same manner that you would begin the process of determining whether or not the law enforcement agency proximately caused the accident.

SENATOR CHAMBERS: Who determines...whose burden is it to establish that the driver was contributorily negligent?

SENATOR MAURSTAD: It would be the same burden as to who has to determine if there's proximate cause on the part of the law enforcement agency.

SENATOR CHAMBERS: Do you know who that person is? This is your amendment and your bill.

SENATOR MAURSTAD: Yes, it's in...