

defendants...

PRESIDENT: One minute.

SENATOR ASHFORD: ...that he wishes to recover against, but only in the case where the plaintiff has no fault. That's the joint...that's the joint and several liability section. It is...it, essentially, in most case, and I have been trying cases for 15 years, in most cases joint and several liability is out the window. There is a reallocation formula if you have a no-asset defendant, but, remember, that the negligence of the plaintiff goes into the computation. The negligence of the plaintiff goes in the computation in reallocating. If you have a defendant who is 30 percent negligent, there is a reallocation of that 30 percent back against the other defendants but also against the plaintiff. There cannot be a more fair way of dealing with that kind of circumstance and that does come about. But, again, in most cases, in most cases, and I...joint and several liability is gone,...

PRESIDENT: Time.

SENATOR ASHFORD: ...over.

PRESIDENT: Thank you. Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. Fellow senators, last year this bill passed in the waning days of our legislative session on a vote, as I understand it, of 33 to 10. It was the product of hard negotiations, the product of a long Judiciary hearing where I was a part of that. It was the product of a lot of discussion and debate and expressions of concern. It was a bill that was...had been...had had a lot of attention paid to it and it was an effective compromise among the various interests. It was not exactly as I would have drafted the bill had I been the introducer or had I been the one to put it out onto the floor of the Legislature, but it seemed to me that after all of those discussions and all of those negotiations, it was an acceptable bill and it was a good bill. It was passed and, as you know, there were 33 members of this legislative body who voted in favor of it. It was vetoed after we had adjourned. There was no chance for us to override that veto and I'm going to suggest to you that had we had the days...extra days in session: that that veto would have been overridden, been overridden easily. We had 33 votes on Final Reading and there