

attorneys. Also, I asked this Mr. Kauffman, will this really cut down lawsuits? And he told me, no. I don't have that in writing. He said he thinks it would probably create more lawsuits. I don't know if it would or not, I really don't know, have no idea. Also it was stated, and not by him, that this would probably turn over 100 years of case law, that this is a new, totally new ball game. I don't know if that's true or not either. I mean if somebody has a case and trying to decide, do I want to sue, or don't I want to sue, if there is no case law you're going to sue, aren't you? Wouldn't that create more lawsuits? In the bill...

PRESIDENT: One minute.

SENATOR KORSHOJ: ...on page 11, and, Senator Kristensen, maybe, it says there that you get your share of fault if somebody...it's uncollectible, in other words, judgment proof, then they come back and reassess you that share. Would that be constitutional, after they make one judgment then come back and say, well now you pay more because I can't collect the other?

SENATOR KRISTENSEN: Yes, I think it is constitutional. I don't think it denies you any guaranteed rights as long as the Legislature establishes the procedure for collecting judgments.

SENATOR KORSHOJ: Yeah, well I didn't know. This was my own question.

SENATOR KRISTENSEN: Yeah.

SENATOR KORSHOJ: I thought, if you're only so guilty of a certain percent, how can you get a bigger percent? I don't understand that that would be totally fair.

SENATOR KRISTENSEN: Would you like me to expand on that? I don't want to take on your time.

SENATOR KORSHOJ: Yeah, I'm down to nothing. Take nothing and we'll quit.

SENATOR KRISTENSEN: Okay. Real quickly, what happens is that if somebody has...is judgment proof, we have two defendants and it's I and Senator Smith here, and she's 45 percent negligent and I'm the other 45 percent negligent, and you can't collect part of her judgment, it isn't fair that...since we acted