

SENATOR KRISTENSEN: Thank you, Mr. President. The second section here, which is all of Section 16, and you'll see that on page 399, this truly is what I would count as bill drafting changes. I don't think that they are particularly substantive. It really puts the political Tort Claims Act into effect with this bill and refers back to it. It does make reference to if only public entities are the defendants they shall be heard to the court without a jury. That's what the law is and that, for example, if we're only suing cities and schools you don't necessarily want to put them to a jury because of the nature of saying, well they've got all the money anyway. There is always a tendency to show more sympathy towards those people, and we have not done that. But we want to make sure that that doesn't happen under this bill. And this is not a particularly...of all the three sections, this probably does the least. I'd urge its adoption. Thank you.

PRESIDENT: I'll continue with the lights that I have on. Senator Landis, did you wish to talk about this second section?

SENATOR LANDIS: Sure, that's why my light is on. You bet.

PRESIDENT: Okay.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, the Kristensen amendments are technical in nature and are meant to effectuate the underlying policy of 159. They are appropriate, they come to us from the drafting, basically, and suggestions of a Bar Association committee who oversaw the analysis of 159. And as Senator Lowell Johnson reminded me, it is important to remember that the Bar Association, while at one time negative on the technical insufficiency of the bill to make clear how it was going to be carried out, is now neutral because the bar has been persuaded that, in fact, these amendments do make the principle now understandable and workable, and yet, of course, they divide as to whether or not it's a good decision to make or not. There are lots of plaintiff's lawyers, there are lots of defendant lawyers. Among them, by the way, Senator Korshoj quoted him, one of the best in the state, Fred Kauffman, an excellent lawyer with a fine reputation, and a defendant's lawyer representing some very excellent and well-heeled defendants. Fred, I think by the way, gave some valuable testimony. Many of his arguments at the time of that hearing have been overcome by some of the Bar Association amendments that are in question before us.