

Senator Pirsch, and I was just down there trying to explain to her a little bit, even having to admit to her that I was slightly in error on one of the examples I gave to her. I want to go back and address, briefly, what she was discussing, and that was the matter of when one party will settle. If you have two defendants and one party settles, the jury is still going to look at both defendants and make some allocation of percentage of fault between the two of them. And if the one party has already settled and contracted out, he can't be hit for any more, even if the jury says he was 90 percent liable, he's still going to only be hit with what he settled for. So, in that effect, the other part of it then becomes uncollectible to the plaintiff. If he took that gamble and settled with the first defendant, and the second defendant went to trial and they didn't find him negligent at all, the plaintiff made a bad deal. The plaintiff threw the dice and missed. What this really does is it moves back the effective date to the first of March, 1991, allows us plenty of opportunity to implement this system. And, quite frankly, these are the amendments. I think that the amendments are not the controversial part of this bill. The bill itself is the part where you're going to want to get up and talk and you're going to want to ask questions about how and why the bill works, and I encourage you to do that. At this point, these amendments are the procedural changes. These are the things that will make the bill run. If you don't like the bill, but if it passes without these amendments, you're really not going to like it. You need these amendments to make the bill at least procedurally work. And, with that, I would ask you to look at some of the comments that we're going to make after the amendments get on because that is really the meat of this bill. And, with that, I would urge the adoption of these last cleanup amendments. Thank you.

PRESIDENT: Thank you. The question is the adoption of the third section of the Kristensen amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the third portion of Senator Kristensen's amendment.

PRESIDENT: The Kristensen amendments are all adopted now. Now we're back on the advancement of the bill. Senator Kristensen, did you wish to speak on that? Okay. Senator McFarland, please, followed by Senator Smith.