

us by the piece of legislation that we're being asked to support. So I'm going to try to ask a few questions. And, yes, I have been talked to by a few people about their concerns. Here's a concern that I do have, though, and some of this has come out to me in the course of listening to the debate on the floor here. Senator Hannibal made some very good statements, I thought. One of the points that was brought out is we're talking here about doing the best job we can to represent the people of the state. The people of the state are not only the plaintiffs, they are the defendants. And so it behooves us to try to be fair for all sides of the issue, not just the side you happen to be on. And so what I'm going to do is try to ask you a question here about the fact that if we had, not you. I would like to ask Senator Ashford, if we had a situation where you had a plaintiff who was, and I'm going to use some percentages here, because my understanding is that up to 49 percent you can be a...you can take the...you can bring the case in. Okay. Let's say, for the sake of making it easier we'll make all these be round figures and I'm going to say 40 percent, the plaintiff was 40 percent to blame in the case that he's bringing, that he's filing suit for, and that there were three defendants that were named, they each were 20 percent at fault, if two of those defendants, let's say, were...let's say they were bankrupt, they just didn't have the resources to pay their share, the burden, in my understanding, goes to the remaining defendants to pay the cost, right?

SENATOR ASHFORD: That's a good question, Senator Smith, and the answer is correct, in that situation where you have...when you're trying to allocate default you would allocate...actually it wouldn't go all to that 20 percent defendant. It would be allocated between the 40 percent plaintiff and...

SENATOR SMITH: The plaintiff, okay.

SENATOR ASHFORD: Everybody would take a...Everybody would take a proportionate share...or the...

SENATOR SMITH: The ones that can, the ones that are bankrupt don't take any share, in my understanding.

SENATOR ASHFORD: That's correct.

SENATOR SMITH: All right, now, all right, so let's say that this defendant now has 60 percent that he's going to take the