

abolished that in LB 88 so that the plaintiff would recover only up to...from each defendant up to their percentage of fault. There is a reallocation formula. If you have a no-asset defendant, and you may have heard a lot about that from the lobbyists, I can walk you through those formulas but I can tell you, in summary, that when you reallocate fault, it's a rare occurrence, first of all, but when you do it, the reallocation is...

SPEAKER BAACK: Time.

SENATOR ASHFORD: ...fair, it does work and it is not...it is not unfair to the large deep-pocket defendants, as is claimed.

SPEAKER BAACK: An amendment on the desk, Mr. Clerk.

CLERK: Mr. President, I do. Senator Kristensen, you had, Senator, amendments, I have AM065, that were printed with a note that you wish to withdraw those. Is that correct?

SPEAKER BAACK: Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. To say that LB 88 is a very important bill is an understatement because it is extremely important. Senator Ashford, Senator Conway have put a good share of their legislative life into this bill and so if you wonder why positions are difficult and compromise isn't easy, it's because a tremendous amount of work has been put into this piece of legislation. And the legislation has merit. Senator Ashford talks about changes that need to be made in our system and maybe, for some of the newer members and maybe just for myself as well, it's good to go over what we're really talking about. These are the rules of the game when you have a lawsuit. These do not apply to when you have divorces. This doesn't apply to criminal cases, speeding, drunk driving, any of those things. This applies when someone has done something to someone else that causes them personal injury, broken arms, legs, death; has done injury or damage to their property; they damaged their car, they've ruined their home, something hasn't worked. This is the lawsuit, this is the system of disputes and the rules of the game are who can sue who and under what system, how are we going to resolve this dispute and who is going to have to pay. This does not, this legislation does not go to if I can sue or not. In other words, the rules of can I sue you if you run into my car are still there. Can I sue you if you kill