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have to have the jury decide what's economic and what's noneconomic but that 1 percent person is going to have to pay all of the out-of-pocket expenses. Now is that fair? I guess we decide that. The key is what they will not pay is a 100 percent of the other damages. What are those other damages? Pain and suffering, the pain that you're going to have to endure. Let's say that you have a back injury so every day of your life you're going to have a pain, a severe pain in that back, you're going to have to wear a brace. You'll have to sit in the chair, like Senator Landis, with a back brace on. You're going to have pain every day of your life and they're going to award you some amount of money to compensate you. And if you're a jury, you know what I'm going to stand up and say to you?

SPEAKER BAACK: One minute.

SENATOR KRISTENSEN: I'm going to say, what is that pain worth? Is that worth a dime an hour? And you might go, well, yeah. And so they say, okay, you're awake 18 hours a day at a dime an hour, that's \$1.80 a day; \$1.80 taken times seven days and this person is projected to live another 30 or 40 years and you have pain and suffering. Under my amendment, the pain and suffering would only be given to the percentage that you're responsible. You will not pick it all up. So in the 50/50 case when you have two defendants equally liable, you will pick up 100 percent of all their out of pocket, but you'll only have to pay 50 percent of the pain and suffering. In my 1 percent/99 percent case, the 1 percent will only pay 1 percent of the pain and suffering but would have to pick up all of the out of pocket.

SPEAKER BAACK: Time.

SENATOR KRISTENSEN: That is my sense of balancing. I will put my light on and go on through the rest of the amendment. Thank you.

SPEAKER BAACK: Okay, simply for clarification here, Senator Kristensen, now you're amendment that we're talking about is amendment 102. Is that correct? AM0102. (AM0102 appears on page 469 of the Legislative Journal.)

SENATOR KRISTENSEN: Yes.

SPEAKER BAACK: That is the one that we're dealing with here.