

SENATOR KRISTENSEN: Yes.

SPEAKER BAACK: And, for the membership's sake, that amendment is in your bill book. That's where the amendment is, it's right in your bill book with LB 88. Okay, now we'll proceed to speakers in order. Senator Ashford.

SENATOR ASHFORD: Thank you, Mr. Speaker. I would like to...I guess this is the first salvo in what looks to be a long debate but let me try to respond this way. This measure, LB 88, was a balancing act. We attempted, through many, many...on many, many meetings to try to fashion a bill that was balanced between the plaintiffs and the defendants, the claimants and the defendants, and come up with something that was fair and we did it. Let me...let me tell you where Senator Kristensen is just wrong. What Senator Kristensen is saying is that if you are a claimant and you have no negligence at all, if you have no negligence at all and you sue two defendants, and he uses the example of a 1 percent defendant and a 99 percent defendant, and I'm not even going to ask him this question but I'm going to say it and I would ask him to refute it if he has any information that would refute this, is that has that ever happened to you, Senator Kristensen? It has never happened to me. It does not happen that that occurs. But even if it did, even if it did, the law is this way. When you have a claimant who was not negligent, who was an innocent bystander who was not at fault at all, that claimant should not be involved in the determination between the defendants of who pays. The law, as it stands today, simply is this. If you have two defendants, three defendants or four defendants who are all negligent to some degree, let's say 20 percent or 30 percent, and that's the more likely scenario, and one of those defendants cannot pay, for whatever reason, first of all, there has to be determination that they can't pay and that takes a while and it's very rare that you find a defendant that has no assets at all, though it does happen, but I would suggest to you in most cases it's extremely rare with insurance the way it is today and with the state law that requires liability insurance. But let's say it does happen, what the law says today is very fair. It is the defendants who are all at fault must get together and determine who pays what and that's called the law of contribution. That has been in our statutes forever. It works. It works. There is no reason why we should change that law. Now Senator Kristensen does something else though. He gets into an area that is so offensive to people who work in the court system as to be almost