

Abboud offers that single, correct step. Senator Rogers says, look, I've got people who don't understand this bill. You want to look at the part of this bill that you don't understand, it lies in the Kristensen amendment, and it lies in the other part of 88, it lies in the joint and several rules. It doesn't lie in this area. This area is easy to understand, it says this, the part that's left, once Chris Abboud's amendment is successful, is simple. It says, if I harm you, and in this accident I am more responsible than you, I owe you the amount by which I am more responsible than you are. If I harm you, and we're both at fault, I owe you the amount that I am more at fault than you are. One sentence, simple as that. You can draw it with two numbers, 60 and 40. I'm 60 percent responsible, you are 40 percent responsible, I owe you 20 percent of the recovery. See, simple. That's the easy part. What Chris has left us is the easy part. All the rest of it is the stuff that nobody understands. As a matter of fact, if you want to know what is difficult to understand is our existing law. Our existing law, in this situation where I harm you and we're both at fault, has to then say, but if I'm ordinarily responsible and you are only slightly responsible then you recover. But, if I'm ordinarily responsible and you're ordinarily responsible then there is no recovery, unless I am grossly responsible and you are only ordinarily. Now, do you understand that? I don't. Juries don't. It's difficult for the law, and what gross and what slight negligence are are difficult to define. You want a simple rule, it says this, if there is an injury and we're both at fault and I do you harm, I owe you that amount of harm that I am more responsible than you are. And that is what's left with the Abboud amendment. And that's good policy that every other state has moved to in the course of the twentieth century without making any other side arrangements that are necessary here to try to balance all of the other interests. Senator Warner, if you want to know the balancing of other interests, this has been done in a number of other states and where it's been quantified there are three effects. First, there are more recoveries of smaller amounts and the sum total of costs don't change. Why? Because more successful cases...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ..are there, but, because they've taken up the slight gross, the recoveries are smaller. Why are they smaller? Because slight gross loads the situation so that when juries come in they come in with big recoveries. You have more