

of proof, and proved by a preponderance of the evidence that a defendant, or two defendants, or three defendants are negligent, and you will be...and that that negligence or that lack or absence of reasonable care is a cause, a proximate cause of the damage to the defendant or to the plaintiff by the defendant, that you must find for the plaintiff or the claimant. And, if you find for the claimant, if you find for the claimant, you may award damages to the claimant, and those damages are set out in the instruction. And, depending upon what kind of case it is, if it's a wrongful death case where there's been a death, there are economic damages, which in a sense are...which basically is loss of past and future income, loss of personal services, such as the services that are provided by someone in the home, and loss of support, care, love and affection. Those are the other elements of damages. The jury is not instructed on economic-noneconomic, because that isn't how the world goes, that isn't how the world is. The value of a person is not just economic and just noneconomic. That's why the instruction does not make that division. This is a significant change in the law, very, very significant, because we're asking a jury to make a determination on the value of a human being, first of all in economic terms, and second of all in noneconomic terms. And we've already...are confusing the jury on the slight gross standard. Assuming that stays, or even if it goes, we're going to confuse them by saying you have to make a determination of economic and noneconomic damages. Philosophically, it just doesn't make any sense. Also...I was handed a note, but I can't read their writing. Again, if you are a farmer, if you are an unemployed person, you are not going to recover very much at all under the Kristensen amendment. If you represent any farmers in your district and you take this bill home, and you vote for it, and these farmers do not happen to have a large personal income, you are not going to recover full compensation, because the law is...

SPEAKER BAACK: One minute.

SENATOR ASHFORD: ...that noneconomic damages, noneconomic damages are as much of an element of damage as are economic damages. The value of a person as a loving, caring parent, for example, is as valid, is as valid a type of compensation as is that person would be just simply a money machine or a provider of income. So, if you want to cut off a whole slew of people from recovery, vote for the Kristensen amendment, vote for the Kristensen amendment, and then try to explain that. And,