

generally insurance, and we want... apparently we want to utilize private insurance, wherever possible, to diminish the amount of public participation in the award of damages. And by adopting this amendment, there are some insurance policies we're going to take off the table, which is going to dry up a source of revenue to reduce that part which the subdivision is going to be liable for. I think that goes contrary to what we're trying to do, which is reducing the amount for which the political subdivision would be necessary. And if we look at why we're having people bear the brunt, I don't think there's much difference. Remember, if we have... if we have an injured third party who's done nothing wrong, who has done nothing wrong and is going to absorb part of this cost, how does that conflict with a policy which says the vehicle owner, who's done nothing wrong...

PRESIDENT ROBAK: One minute.

SENATOR LINDSAY: ...except somehow the fleeing driver is in that vehicle, that fleeing driver being in that person's vehicle, that vehicle owners vehicle, is probably, in most cases is going to have, even if it's to a slight degree, more culpability than is that innocent person, that innocent third party who happened to be waiting at the wrong red light, or happened to be traveling through the wrong intersection when someone runs a stop sign in that vehicle owners car. So there's two questions that I would have. One is, whether we can cause a conflict just technically with the drafting of it between contributory negligence and comparative negligence? And the second question is, is that good policy? Is that good policy to take those insurance policies off the table and thereby increasing the amount or failing to decrease the amount that the political subdivision is going to be responsible for? If the goal is to enhance what we're getting from the private sector rather than from the public sector, then I suggest you want to defeat this amendment and make sure that we have as much insurance on the table so that... remember all this insurance is going to reduce, under subsection (3),...

PRESIDENT ROBAK: Time.

SENATOR LINDSAY: ...it's going to reduce what the political subdivision owes.

PRESIDENT ROBAK: Thank you, Senator Lindsay. Senator Bohlke.