

earlier. Those are basics of statutory construction. But even before we get to that, Senator Maurstad cannot explain clearly what his bill does or how it operates. He's giving the impression that certain things are available to an injured third party, which in fact are not. He did finally admit that if you had a situation, which under his bill, the fleeing driver is found to be 98 percent negligent, that would reduce by that amount the recovery of the injured third party. But from his point of view, sometimes that's justified. Sometimes that's merited. Well, I want somebody on this floor, including Senator Maurstad, to tell me when it's justifiable to say that an innocent third party should be denied from recovering 98 percent of the damage done to him or her through no fault of their own. Senator Maurstad, while saying sometimes that's the way it's got to be, couldn't give an example. Should we have taken Mrs. Cappiello and said, let her have 2 percent of her noneconomic damages? I don't think any damages would be recoverable except the 2 percent the way his law is drafted. Before you can even talk about recovery of economic damages in the absence of negligence, you have to have an absence of negligence. So if there is negligence, there is no place from which to recover economic damages. The driver has nothing. Senator Maurstad wants to mix and intermingle these provisions of his bill at some point, but then not see where they really have an interplay in the legal sense. This bill is one of the worst ones to come before us this session. The present law is a victim rights bill. If it's the only one in the country, what's wrong with being number one in protecting the rights of victims in a substantial way? Not by having words on the books that expresses hopes and wishes, or to steal Senator Beutler's phrase that he used earlier today in another context, taking things from the field of dreams. We are talking about concrete reality. There are people, and the numbers are growing, who are injured, and in some place killed, as a result of these police chases. For Senator Wehrbein's benefit, wherever he is, I want him to know that the present law, the one on the books, does nothing in terms of regulating police chases, limiting them, or anything else. The law that we're talking about, which Senator Maurstad is trying to gut, simply says that when an innocent third party suffers damage, that person, who is so damaged, can recover from the political subdivision hiring the officer involved in the chase. Senator Maurstad's bill, in talking about apportioning damages among different political subdivisions under the state, includes the subdivision whose