

injury is there with respect to actual out-of-pocket expenses for the plaintiff. I would distinguish the situation in which you are looking at future, what I would regard as not hard dollar out-of-pocket expenses by the plaintiff, and I would treat those differently than other kinds of damages.

PRESIDENT: You are on your last minute of time.

SENATOR BEUTLER: Let me ask you one last question just so I have all my factual questions asked. With regard to Sections 2 and 3 and the manner in which that operates, it allows for another hearing. Does that mean that the payment of prejudgment interest will not be made until that hearing has been had and cited?

SENATOR LANDIS: No. The prejudgment interest against special damages, the medical expenses, the lost wages up to the judgment, is due and owing because of subsection 4, lines 11 through 14. It is only with respect to the finding that a defendant was attempting to delay the case beyond the Supreme Court decision, beyond the Supreme Court guidelines. That if a judge finds a defendant was strategically delaying, then prejudgment interest will lay against the entire amount of the judgment, not just the kind of damages that I have previously enunciated.

PRESIDENT: That five minute period has expired, Senator Beutler.

SENATOR BEUTLER: Thank you.

PRESIDENT: Senator Harnibal.

SENATOR HANNIBAL: Mr. President and members, some questions of Senator Landis, if I may.

SENATOR LANDIS: Sure.

SENATOR HANNIBAL: I thought I understood your amendment until this discussion that has been going on and now I am a little confused also. I need to have you tell me the amendment that was passed when last we met on this issue...

SENATOR LANDIS: Your amendment.