

SENATOR HANNIBAL: Yes...dealt with dropping the interest rate to 10 percent and it dealt with the prejudgment interest on the entire amount of the award. Is your amendment affecting that provision?

SENATOR LANDIS: It does. The 10 percent, it says prejudgment interest runs on a part of the award, a certain part.

SENATOR HANNIBAL: But are they damages...out-of-pocket costs?

SENATOR LANDIS: That is right.

SENATOR HANNIBAL: Okay, and what you are saying, how you are changing the amendment that was adopted already is you are saying that the prejudgment interest at any rate will not run on future losses?

SENATOR LANDIS: Future losses, pain and suffering, emotional distress.

SENATOR HANNIBAL: And unless there has been some dilatory action found by the court?

SENATOR LANDIS: That is right.

SENATOR HANNIBAL: Okay, I think I understand your amendment now and I do oppose it. I won't take too much time because I can see there is not a lot of interest around on the floor. Maybe it is not the bill itself, maybe it is just the discussion we have had all morning. The two items that Senator Landis is amending, one is, as we just discussed, that he will eliminate prejudgment interest accruing on the total amount of any award and limit that to out-of-pocket expenses. Now one item that I would have an objection to is that if you do have an incident that is long reaching with regards, disability, there is no way to ascertain what your out-of-pocket costs will be, and certainly it could be that those out-of-pocket costs have not been reached when the trial is going on, when the judgment has been reached. Therefore, to say that the interest will only be placed on the out-of-pocket costs at the time of the judgment doesn't seem to be very fair when, in fact, the vast majority of your out-of-pocket costs ultimately could happen long after the trial because you have a long period of disability, if