

not permanent disability, similarly to lost wages. So I could not accept that part of his amendment because I don't believe it is being fair within the concept of the bill. Number two, as Senator DeCamp and Senator Beutler has pointed out, and I am not an attorney, I feel a little hesitant getting up on the floor and talking about issues that have these ramifications that I am not fully familiar with, but it appears to me that when we are going to deal with dilatory action, when we are going to look at a case with who delayed the action, and then you have a chance to bring another action after the judgment has been made by either party, saying, well, so-and-so delayed, and that is what Senator Landis is offering I believe to us is that after the judgment has been made, then the one party or another can ask any other party to come in and show cause why they didn't have delay and, thereby, negate the claim. Well, I will ask you this, if I am the plaintiff and you are the defendant, if I win my case against you, I am not going to ask you to be looked at to see whether you delayed or not. If I am the plaintiff and I have sued you, and you are the defendant,...

SPEAKER NICHOL PRESIDING

SPEAKER NICHOL: One minute.

SENATOR HANNIBAL: ...and I lose, there is no judgment at all and, therefore, no interest so I am not going to have you come in and say, well, you delayed something because I have nothing to base it on. So in fact what will actually happen is you, the defendant, if you lose and you have to pay me, that is the case when you are going to say, wait a minute, he delayed or I delayed. You are saying I delayed and I can reduce the damages if I can show the court that you have. So what we are really talking about is only one instance that I can think of where a delay is going to be asked to be sought out and that is when a defendant loses and has to pay. He is going to go back in, and I am going to have to prove again or have a judge find again that not only was I right in my claim, but now I also have to prove that I was right and I didn't...not prove necessarily...but a judge has to tell us that I was not delaying strategically. I don't think it is workable, and I think when you are talking about a second hearing that you could have...