

little bit better. My apologies for not having it on your desks at this moment. This happened a little bit too fast. What I am trying to do to Senator DeCamp's amendment is to simply put the prejudgment interest on all decree's and judgments in the hands of the judge. In other words, the present bill says that interest shall be awarded. My amendment says prejudgment interest may be awarded by the judge in any action at law or suit in equity on all or any part of the decree or judgment. My amendment further states that in determining whether to award prejudgment interest the judge shall take into consideration five different criteria. First whether any party or any party's counsel unreasonably or unnecessarily delayed the progression of the action; number two, whether liability was certain or genuinely controverted; number three, whether any portion of the judgment was for special damages and was actually incurred prior to the judgment; number four, whether the parties engaged in good faith settlement negotiations; and finally, such circumstances as may affect the fairness of awarding such interest. It is a very straightforward amendment. Very straightforward. It is essentially what I was attempting to do with the amendment which I withdrew. However this is a little more straightforward in that I did not have to address such issues as Senator Higgins one check, Senator Hall's one percent above the existing T-bill interest rate and so forth. I think it is fair to all parties, I think that it will prevent some possible or potential unjust results and I repeat, the amendment simply says, that the money may be awarded by the judge based on the five criteria which I have just enumerated. I would urge to the body to adopt the amendment to the DeCamp amendment. Thank you.

PRESIDENT: Senator Hall, do you wish to comment?

SENATOR HALL: Mr. President and members, I have no real opinion right now, I think, but I guess I will when we have to vote on Senator Barrett's amendment to the amendment. It does include or would be inclusive of the T-bill rate, the one percent over the T-bill rate which was a compromise on both sides. It is the part of the DeCamp amendment that was compromised on, both sides agreed to. It would be part of the bill whether Senator Barrett's amendment was attached or not. So in speaking to the bill mainly, I would support that portion of the bill. I just wanted to let you know that that compromise had been worked out. Thank you.