the amendment and just submit to you that I think it effectively guts the bill. For example it says, the judge "may", it doesn't say he "shall" have prejudgment interest, then it establishes criteria. You could comply with the criteria which in itself is almost too big a burden to overcome. But once you have finished overcoming that burden there is no obligation on the part of a judge to do absolutely anything other than just say this has been an interesting discussion. And, if you wanted to force anything you might appeal it, you might file another case and the higher court would say well it is discretionary with the judge. I have talked to a couple of judges, they absolutely do not want "this discretionary thing." They think in this manner it engenders, if anything just additional litigation rather than solving it. So I would urge you to vote against the Barrett amendment and stick strictly with Senator Hall's and my original amendment and deal from that basis.

PRESIDENT: Senator Haberman, do you wish to speak?

SENATOR HABERMAN: Mr. President and members of the Legislature, first of all I will answer Senator DeCamp's remark about the judges. He said that he talked to several judges and they didn't want it. I would like to call to the attention of this body, it isn't what the judges want it is what this body wants, what we think is the best for the citizens of the state. Now in here it says "may be awarded whether any parties counsel reasonably or unnecessary is delayed." I have a list here of 500 cases that were dismissed because they were delayed. I even have a case here where a member of this body that a suit was filed in 1980, 1981 there was no activity, 1982 there was no activity, and in 1983 it was dismissed for lack of prosecution. So as you can see it is a very important amendment and the judge can make this decision, he can make it, he has all the rest of the authority, so I think it is a good amendment. He will know more than anybody else as to what is reasonable and unreasonable delay. He will know why it is being delayed. He will know what is going on. I think it is a fair amendment and I have the faith of the judges, they will be fair about it and so I say it is up to our discretion as far as what we want to do and not what the judges want so I support the amendment. Thank you, Mr. President.