

PRESIDENT: Is there further discussion on the Barrett amendment to Hall's amendment? If not, Senator Barrett, do you want to close on your amendment?

SENATOR BARRETT: Thank you, Mr. President. It comes as no great surprise that the trial attorneys don't want the judges to have that much discretion. This has been a trial attorneys bill since the beginning many, many years ago. It has been a bill which has been of great concern to many of the members of this body. In response to Senator DeCamp's comment about the judge not wanting discretion, I would take exception to that blanket statement. Discretion in this case, with my amendment, will provide flexibility, flexibility to avoid the unjust results that might very well occur in individual cases. I believe a judge, not the attorney, the judge is the best person to determine the conduct of the attorney's and the judge is the person who knows best if someone is sandbagging and that has been the contention of the proponents of this bill since the beginning. The amendment is simply an effort to rearrange various proposal components, many of them previously considered, to arrive at a consensus version of a prejudgment interest bill. Again, the amendment says the judge has the discretion may...the award may be given by the judge at his discretion based on the five criteria that I have enumerated. I again urge the body to adopt the amendment. Thank you, Mr. President.

PRESIDENT: Motion is on the amendment to the amendment. All those in favor vote aye, opposed vote nay. Twenty-five votes required. You are voting on the Barrett amendment to the Hall amendment to LB 157. Please record your vote, please. I'm going to have to start putting time limits on your voting opportunities in order to move on. Please record your vote on the Barrett amendment to the Hall amendment on LB 157. The Chair will allow 20 seconds for the recording of your vote. The Chair will allow 20 seconds for the recording of your vote. Please record your vote if you wish to vote on the Barrett amendment to the Hall amendment. (inaudible) seconds. Please record your vote on the Barrett amendment to the Hall-DeCamp amendment. Record the vote, Mr. Clerk. Senator Barrett.

SENATOR BARRETT: Mr. President, I reluctantly ask for a call of the house and a roll call vote.