

an attorneys bill, as I mentioned, Senator Hefner. The attorney is going to get it either way. What this does, is it tries to avoid, actually tries to avoid the attorney getting anything at all because if the insurance company pays these on a timely basis because there is an incentive to do so, there is no need for the attorney to get involved. It's a type of system that seems to work real well in the federal courts in several different cases. The Equal Access to Justice Act allows for provision of attorneys' fees and the intent there being to try to resolve matters a little more, a little quickly, a little more quickly because there is something that both sides can end up losing in those types of cases. If you substantially prevail under an EAJA case, the courts can award fees to the person that loses, or excuse me, from the person that loses. And it has helped to, actually, to streamline those cases to get them moving, to get...to allow not only that things get handled on an expedited basis, but also to allow those people who may not...

SPEAKER BAACK: One minute.

SENATOR LINDSAY: ...have access to the courts otherwise, the ability to go in and assert their rights. And oftentimes just the fact that that's out there, the cases tend to get settled because there is some potential loss on the part of the people who are involved. This is intended to work basically the same way. We've already got it in the statute, I might add. We're not...for every other part of the work comp law if the payments aren't made, these provisions apply. All we're doing is extending those to the medical payments so we're not breaking new ground here. It is nothing that insurance companies won't be able to figure out on their actuarial tables and all that kind of stuff because we're doing it right now. I would urge the adoption of the amendment and again I'd try to answer any questions that may come up.

SPEAKER BAACK: Thank you, Senator Lindsay. Senator Coordsen.

SENATOR COORDSEN: A little bit in background, and thank you, Mr. Speaker, on this particular amendment. When a workers' compensation case is compensable the medical and hospital bills are automatically paid so long as they were within the medical fee schedules. That's the way it currently is. Prior to 1987, the Workers' Compensation Court had a medical fee schedule but it was quite out of date and it's my understanding that many insurance companies at that time paid only up to that that was