

SENATOR HANNIBAL: Thank you, Mr Speaker. Members of the Legislature, I am going to ask your support in bringing LB 289 from committee notwithstanding the action of the committee. I don't know how many of you, if any, are familiar with LB 289 and its provisions, but basically 289 was a modification of the Political Subdivisions Tort Claims Act.

SPEAKER NICHOL: Excuse me, Senator Hannibal. (Gavel.) Ladies and gentlemen, please let's afford Mr. Hannibal the courtesy to listen to him this morning. Thank you.

SENATOR HANNIBAL: Thank you, Mr. Speaker. I understand that we are starting off right out of the box this morning very early and everybody is getting on the floor. And I also would understand if this is not a very exciting issue to many people because it is a relatively specialized area and it is not something as well known as something like a seat belt or a license plate bill but it does have a lot of ramifications to all of us in this state because of what effects it has on the tort claims procedure. What I want to try to do is give you...and I am admittedly ignorant on the tort claims procedure acts and I am not an attorney and so I am not an expert at all, so I am going to try to give you just a little bit of background, if I may, on what the Political Subdivisions Tort Claims Act is. Prior to 1968 we had a policy of immunity in this state which basically said that you could not sue the state or any political subdivision for anything in the form of a tort claim. In 1968 after a federal Supreme Court said that you should be able to do such, we established our own Political Subdivision Tort Claims Act. I have passed out on your desk...and I hope you will take just a moment to look at it, a list of the states in our country and their area or their category that they fall into with regard to their own Political Subdivisions Tort Claims. If you look in the far right-hand side, you will see Nebraska noted there and it shows you that we have right now one year statute of repose with no cap on our liability. Now what this means is we said the political subdivisions can be sued but...this is back in 1968, but they must have a notification by the claimant, person who has been injured or allegedly injured, within one year of the date of occurrence and once they do that then the political subdivision...now remember we are talking about 3300 political subdivisions in the state,