

limitations indicates that once you know you have a claim there is a limit on the amount of time you can sit on it without bringing it. A statute of repose, on the other hand, simply means that you can be wiped out as far as bringing a claim because that time runs out before you even know that you have it. And that is what Senator Hannibal's bill is about. And I think it had to do with not letting you bring an action against an individual too. Isn't that it, Senator Hannibal? Wasn't that a part of it? Okay, now the reason that the city wants that provision brought in with Senator Hannibal's bill is because of the fact that you cannot bring this claim against the subdivision because you don't know you have it. But the statute of limitations against an individual is three and in some cases four years. So you cannot sue the political subdivision because you have lost your claim before you knew it but you can sue the employee. And when you recover against the employee, then the city as the principal of this agent must then pay your claim. So what the city is trying to do now is say, not only do you not have the time against the city but it is the same thing with the employee. The cities are responsible for what their employees do and a lot of cities in these other political subdivisions of self-insurers. So when in effect you sue the employee, you are suing the subdivision. That is why I am against Senator Hannibal's bill. The reason it came to their attention is because some power district ran into this situation where a citizen who could not sue the power district because the statute of repose time had run out, nevertheless sued an employee of the power district and recovered. So the claim was good. The power district was wrong. But under the statute of repose principle, the power district could not be sued. The time had run out. The employee could still be sued and when the employee was sued then the power district naturally paid the claim, not the employee. So what is being attempted through Senator Hannibal's bill is to take away any right for a citizen to sue where really serious claims arise.

SPEAKER NICHOL: One minute.

SENATOR CHAMBERS: If a tree falls on your head, you know what your cause of action is. If there is a big hole in the street and you drive through it and it damages your car and you are hurt, you know that you have got a claim and you have got to file it within a year. There is not any difficulty with that. There is not too much difficulty in