

they could get it. The next best thing is to cut off the public's right to recover in the case of damage. Senator Hannibal has said and others probably will think that it's very reasonable to give a person a one-year limit to file a claim, but there are activities that have occurred in this Legislature where we all had complete notice and time ran out on us before we could do what needed to be done and that's going to happen again before this session is over. So there is no need in giving that argument because it is specious when we deal with the real world of litigation and the court system and filing of claims. I think Senator Hoagland's amendment is very reasonable. Although I still don't like the bill because the way the law stands right now a citizen has four years time during which to file a claim, that the political subdivision will have to respond to in damages through indemnification. So I am in favor of Senator Hoagland's amendment. He is not taking anything from the political subdivisions. He is giving them something and it still will be a bad bill, but I'm in favor of his amendment because as the lawyers say to some extent it may mitigate the damage being done to the public.

SENATOR LAMB: Senator Hannibal, to address the amendment to the amendment.

SENATOR HANNIBAL: Mr. Chairman and members, just very briefly, just to respond to Senator Chambers with regards to Senator Hoagland's amendment, two points. One, the one year municipal tort claim, Political Subdivisions Tort Claim Act, the one year is present law right now. It was passed by this Legislature some time ago. It is present law. I'm suggesting that we make that law stay at one year. It is effectively not going to stay at one year by a kind of a quirk in the law some time ago, out in Buffalo County, because it gives incentive or gives reason or at least it gives a possibility to skirt the political subdivision and yet still effectively file suit or file claim against the political subdivision by waiting until that one-year period lapses. I'm not suggesting we change the one-year period on the Municipal Tort Claims Act, I'm suggesting we leave it the same. Now Senator Hoagland would have you double that period from one year to two years. I don't see that, as Senator Chambers was pointing out, four years down to one, that two is a reasonable compromise. I do not see that as a compromise going from four to two. I see it rather as taking the period and doubling it from one year to two years