

wind shield. Her description indicates that she is confused as to the identify of the alleged offending vehicle, however, since she did indicate involvement of a department vehicle, perhaps a claim should be submitted to the state's insurance carrier for consideration. The alleged damage to the claimant's automobile was not the result of any act or negligence by the Department of Roads for which the state should respond in damages. Therefore we have no alternative but to recommend denial of the claim. Risk Management recommendation--deny; normal road hazard. Ms. Grapes' insurance agency called August 20, 1990, with Mrs. Grapes in the office. She indicated that our insurance carrier had denied and they could not understand the reasons. She is sure a state car threw up gravel. She will not come to the hearing, but may appeal any negative decision, which is the reason, I imagine, for Senator Haberman's amendment today. I would recommend that the Haberman amendment not be adopted. I would respond to any questions.

SPEAKER BAACK: Further discussion on the amendment as offered by Senator Haberman. We still are under call, so members are supposed to be at their seats. I'm keeping us under call right now, because we had a situation develop a little while ago where we actually had a quorum of people check in, and then they all of a sudden..we had a quorum checked in, they excused themselves, left, and we ended up with not actually having a quorum to do business. So we...looks like I'm going to keep you under call for a while, so we can actually get something done in here. We're a half an hour late starting today, anyway. So we're going to stay under call for a while. Maybe we can get some business done. Senator Moore.

SENATOR MOORE: Well, Mr. Speaker, I, too, rise to oppose Senator Haberman's amendment, though I have great sympathy for Hazel Grapes, the fact is that I, myself, two years ago, was following a truck that was throwing gravel out and cracked my window, too. And if you approve this one, the plethora you'd bring down upon the state with these type of claims would certainly be sizable. So I would hope Senator Haberman would explain to the 74-year-old Hazel Grapes that we are indeed sorry, but the precedent we would be setting here would certainly be a bad one for state government. And I think she did file the claim process. The Office of Risk Management, as well as now the Business and Labor Committee denied this, I think the full body should also deny it. And I'm sure that Senator Haberman can go home and explain to Hazel Grapes he gave