

carried the bill at that time. It was my priority bill last session, did not come up due to a lack of time. This year I introduced the bill on my own as the principal introducer, as Senator Baack indicated, with a number of other introducers and now we've come...it is again my priority bill. We've now come to it on General File. Basically what LB 137 would do is repeal what is known as the statute of repose for product liability in the State of Nebraska. A statute of repose in layman's terms is simply a statute of limitations with respect to product liability. Currently what the law says in the State of Nebraska is if ten years have elapsed from the date that the product was first sold, we in Nebraska simply grant that product blanket immunity from any injuries that it might cause. This is something that was implemented in the late seventies. A number of states were putting limitations on product liability at that point. Nebraska was one of them. So what we have, as I said, is simply a statute. This says if a product is older than ten years old, regardless of any injury that it might cause, the manufacturer is absolved from liability if that injury occurs in the State of Nebraska. Now you have a number of pieces of information that have been passed out on your desks. I would point out to the map that I had passed out that indicates the degrees of statutes of repose around the country. Most states, as you can see, have no statute of repose. This simply is something that most states have either not deemed necessary to have in law or have decided to discard over the years. Nebraska is one of five states that has what is called an ultimate statute of repose along with Oregon, Indiana, Tennessee and North Carolina and these, as I indicated, are statutes of repose that grant blanket immunity. They simply say if a product is over so many years old, that it's assumed for absolute purposes as far as the statutes go that that product is not responsible for any injuries that might be caused by it. Several other states, about a half dozen as I look at the map, have what is called the statute of repose with exception and that is where they do have a statute of repose, they do have a statute of limitations with respect to injuries caused by products, but there are certain exceptions to that statute of repose and we will quickly get into debate on that. What the Nebraska statute does, as I said, is it is an absolute or ultimate statute of repose. My bill would just simply repeal that. That would put us in the category of the majority of states in the United States that simply say that a statute of repose is arbitrary, that there is no reason that we can go to the facts of the case and learn whether or not a product is responsible for an injury