

Nebraska statutes because of the ten year statute of repose. Take a very simple example of two companies, an automobile manufacturer in Michigan which has no statute of repose and a company in the State of Nebraska that makes light poles and what happened in the case...let's say that the owner of the company in Nebraska happens to drive a pickup truck that is made by that manufacturer in Michigan and the owner of the Nebraska company is in an accident involving that pickup truck, it's due to a flaw in the pickup truck, but the pickup truck is older than ten years. At that point the owner of the Nebraska manufacturing company that gets in the accident with the Michigan manufactured pickup can't recover because we have a ten year statute of repose in the State of Nebraska. However, if at the same time at that Michigan automobile manufacturing plant they have a light pole up that was manufactured by the company in Nebraska that also happens to be over ten years old, because of a flaw in that product, it falls over, hits the owner of the Michigan automobile company, injures him or her, that individual can recover because they are in Michigan which has no statute of repose. This is the ultimate irony of having a statute of repose, that largely what it does is it protects out-of-state manufacturers that have products in Nebraska that cause injuries. We simply, as far as just justice for the people of the State of Nebraska goes, we need to make some exceptions to the statute of repose. We need to at the very least do what the Will-Avery amendment does which is say, okay, we'll grant you that statutes will presume that the useful safe life of a product is ten years, but you, at least, Nebraska citizen, if you're injured by a product have the opportunity to come in and demonstrate to the court that actually the product that you were injured by, be it a pickup truck, be it a piece of manufacturing machinery, be it a piece of farm machinery, has a useful safe life of longer than ten years. If you could convince the court of that, then you can at least proceed with your case. You aren't automatically barred as current statutes do bar you from.

PRESIDENT MOUL: One minute.

SENATOR WILL: With that I would urge your adoption of the first division of the Will-Avery amendment.

PRESIDENT MOUL: Thank you, Senator Will. Senator Crosby.

SENATOR CROSBY: Madam President, I yield my time to Senator Kristensen. Thank you.