

socialize the costs of these unfortunate individuals and the insurance program is purchased by the sellers of these products or that system could be used. But why do you want to throw these people...why do you want to make the individual bear the whole burden of the loss if they're not at fault or why do you want to put it on the taxpayers through the social welfare system if the taxpayers aren't at fault? Why not use a very reasonable system that we've set up which is the products liability insurance system...

PRESIDENT MOUL: Time.

SENATOR BEUTLER: ...and socialize that cost and do it fairly on the basis of fault. Thank you.

PRESIDENT MOUL: Thank you, Senator Beutler. Senator Hohenstein.

SENATOR HOHENSTEIN: Thank you, Madam President, members of the body, I think LB 137 is really very important legislation and we haven't talked an awful lot yet about what it means and I want to put some information in the record that I think is important. Frankly there is not a definition of useful safe life in the amendment. I know it is modeled after the Kansas act and I want to tell you what Kansas has defined as useful safe life so we all know what we're talking about. A Kansas case says useful life begins at the time of delivery of the product and extends for the time during which the product would normally be likely to perform or be stored in a safe manner. Now that's what they mean by useful safe life. It's that time when the product would normally be used or stored in a safe manner. Obviously that requires some interpretation, but that's what we're talking about and it is determined, the useful safe life is determined at the time of delivery of the product into the stream of commerce. You don't determine the useful safe life two years or five years after it is delivered. It is determined at the time of delivery. Now the Kansas act is something a little different. The Kansas act is sort of a reversal. In the Avery-Will amendment what that does is says we're going to assume that the product, if it's beyond ten years, we're going to presume that the useful safe life has...is extinguished, that the product has a useful safe life of no more than ten years unless the injured party can show, through a number of factors, that the useful safe life is longer than ten years. The Kansas act did just the opposite. The Kansas act presumed just the