

May 3, 1993

LB 137

SENATOR WILL: ...and including any modification or alteration the product by user or third party. So in that event a manufacturer could come in and say, hey, this tractor was safe, it's useful safe life, it was well within its useful safe life, but the fact is that it's not safe anymore because it has been altered by a repair that was made. They took off a safety device that I, the manufacturer put on there and that was the cause of the injury. So all these things would be available under this amendment to indicate that anyone who says that a product that is over ten years old actually is within its useful safe life. All these things would be taken into account and would be available for the court to look at to make a finding as to whether that product actually was within its useful safe life. So I think that this is a reasonable approach. Contrary to what Senator Kristensen said, I think some of us would rather cut to what we believe is a reasonable place to end up and a realistic place to end up. I resist any notion that...

PRESIDENT MOUL: Time.

SENATOR WILL: ...I've given up the initial idea behind LB 137 because that's not the case.

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

SENATOR KRISTENSEN: Thank you, Madam President, members of the Legislature, I just real briefly before we recess here for lunch would like to maybe, and the only people that are listening are those that are interested in the bill, but would propose to you that this might be a possible area that we could compromise in this area. From what I have heard this morning and there are many members who are wondering why I would start sponsoring the statute of repose bill two years ago and I'm to the position I'm at today, but I would offer this to you and Senator Will, Senator Abboud, those that are on the bill, if there is an amendment that would go to those companies who intentionally or knew and concealed those defects, I don't believe they should enjoy the protection of the statute of repose. I think Senator Bromm has an amendment. I haven't had a chance to study it, but the concept is good. The concept is one that that I think that I could live with and I would hope that you all as major sponsors of the bill would consider that those are the people you're really after are the ones who knew there was a defect, threw it in the drawer, fired the people who did the study, did all the things that I think are outrageous behavior, I don't