

impact of this useful life system is going to be more settlements. And what are more settlements? They are more payouts, not because they're wrong, but because they can't afford to take the risk, they can't afford the risk, they can't afford the cost to go to court, they can't afford the cost of doing the business. That's the reason that I take out the useful life system. I understand that the useful life system has been borrowed from some other states, but I suggest to you that the people that you really should be offended at are those people that you can prove intentionally misrepresented. And you say, well now how in the world are you ever going to figure that out? How are you going to find out about that? Believe me, discovery. In today's world of discovery in the legal procedures, that's how you find out what the other person is. Discover, you get everything. You discover all their files. And usually those cases come out. Is this going to get everybody? There's not a law around that is going to catch everybody. But I suggest to you that the middle ground here, because I think there's a number of you that just like to do nothing, would like to defeat the Statute of Repose. There's some that want to do totally away with the Statute of Repose. I suggest to you that the people you should really go after are those people who intentionally conceal and misrepresent and they know, they know that their product is bad, they don't do it, they count beans and it's cheaper to defend themselves and let the time go. They should not get Nebraska's benefit. I would ask you to adopt this first part of the amendment. Thank you, Mr. President.

SENATOR HALL PRESIDING

SENATOR HALL: Thank you, Senator Kristensen. Senator Will, on the first portion of the Kristensen amendment.

SENATOR WILL: Thank you, Senator Hall, members of the body, I rise in opposition to the first portion of the Kristensen amendment. As you remember this is the bill, you can tell from Senator Kristensen's remarks, dealing with the Statute of Repose in the area of product liability. Currently we have a law that says that if a product is over 10 years old, it has blanket immunity if an individual is injured by using the product and the reason for that injury was a defect in the manufacture or design of the product or some other failure on the part of the manufacturer to adequately warn or instruct the individual on how to use the product, so basically in a nutshell we have a