

situation where, if that situation arises, if an individual is hurt by a product that happens to be over 10 years old such as a piece of machinery, an automobile, something like that, the individual is absolutely barred from recovering in the State of Nebraska right now. A similar situation can arise in one of our neighboring states, that individual has a chance at least to go to court and try and make the case that the product is what caused the injury, not the individual. What LB 137 originally would have done was to repeal the Statute of Repose completely. We would have joined the majority of states, I think 37 other states, that have no Statute of Repose whatsoever, that simply on a case by case basis individuals are able to go in and make their case as to whether it was the product that caused their injury or not. What happened, as you recall, on General File is that an amendment was adopted that Senator Avery and I worked out that retains the Statute of Repose essentially. It says that there is a presumption. With the passage of LB 137 as it currently resides there would be a statutory presumption that the useful safe life of a product runs out after 10 years. However, the injured person would have a light at the end of the tunnel at least, a possibility of coming in and proving that the useful safe life of the product extends beyond 10 years by a preponderance of the evidence. What has...between Select File and...or between General File and today, a number of people have been examining the bill, have been looking at various other ways of improving the bill. In my mind, in some ways. Senator Avery has an amendment I would intend to support and of...or scaling back the bill, moving us more completely back towards a complete Statute of Repose. That is what the Kristensen approach is at this point. There have been some discussions between myself and other interested senators as well as other interested individuals and I think we're at a point now where probably we simply cannot get the work done on LB 37 (sic) that needs to be done between now and the end of the session. I think we're at a point where probably the best thing to do is to work between now and January and coming up with a reasonable bill which I think, frankly, that LB 137 as it exists right now is. However, I think that we run the danger taking up the bill here at eight-thirty on the next to the last day that we can adopt any amendments at all, perhaps not using proper judgment in the amendments that we do adopt and not taking the time that is necessary to fully understand the ramifications, then perhaps advancing the bill to Final Reading and passing something, the full ramifications of which we simply don't know. I have a motion to bracket LB 137 until January 1, 1994 that I intend to