

SPEAKER LUEDTKE: The question is the adoption of the Mills' amendment to LB 665. All those in favor vote aye, opposed vote nay. Senator Simon, for what purpose do you...? Senator Bereuter, are you present? Did you want a record vote on this particular one or on the amendment itself? All right. You repeat your request for a record vote.

SENATOR BEREUTER: I would like a record vote, Mr. President.

SPEAKER LUEDTKE: All right, a record vote has been requested, Mr. Clerk. Record the vote.

CLERK: Record vote found on page 810 of the Journal. 32 ayes, 0 nays, Mr. President.

SPEAKER LUEDTKE: The motion is adopted. Read the next amendment.

CLERK: Mr. President, the next motion is offered by Senator Mills. It can be found on page 786 of the Journal, On page two line 21 strike "eight" and insert "four" (sic).

SPEAKER LUEDTKE: The Chair recognizes Senator Mills.

CLERK: Insert "ten". I'm sorry.

SPEAKER LUEDTKE: It is "eight" to "ten". The Chair recognizes Senator Mills now that that is corrected.

SENATOR MILLS: Thank you, Mr. President, the correct language as the Clerk has alarmingly straightened you out is changing the statute of repose. We've spoken about the statute of limitations in the previous amendment. This is the statute of repose and I think it is pertinent that this body look at when we are adopting such a major major piece of legislation that, I'm sure as I mentioned earlier, will be passed. I think it is important that we look at the "eight" to "ten" years. At the current time there are at least two sections of law, Senator Barnett, which provide for a ten year statute of repose and I think for purposes of uniformity, the statute as provided in product liability, that legal action should be the same. Section 25-222 provides a ten year statute of repose for professional negligence. We have looked at that, Senator Nichol, such as the doctor malpractice, ten years. Section 25-223 provides a ten year statute of repose for improvements on real property. I think Senator Chambers alluded to that earlier today and in both cases the cause of action must be filed within ten years of the act of negligence. The amendment to extend "eight" years to "ten" years is also wise from a policy standpoint. Establishment of a statute of repose is a drastic change of law which I mentioned to you earlier and it is designed, I want you to make note of this, it is designed by the proponents to remedy a problem of liability insurance and those premium increase that have been spoken to this morning. We should remember for those people in the State of Nebraska, that reasonable claims do exist. They do arise and that Ne raskans do get injured from defective products and that ten years, members of the Legislature, ten years is a more reasonable restriction on the right to recover than is eight years. I move for the adoption of the amendment.

SPEAKER LUEDTKE: There are no further persons desiring to speak. Senator Mills, I presume that constitutes your close. The motion is the adoption of the Mills' amendment number two. Senator Chambers, for what purpose did you...?