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April 3, 2001

LB 489

me talking at the back of your head, Senator Engel.

SENATOR ENGEL: How...how...how am I doing this morning? Hair in place, is it? Anyhow, the question is, is in Wisconsin does not have a statute of repose and someone in Nebraska buys their product and in the eleventh year after they've purchased that product they are injured, then they would still have, you said, an additional four years to make claim under the...under the statute...under this law, bill, rather? Is that the way I understood it?

SENATOR BRASHEAR: Yes, but I mixed two...I think I failed to be clear and concise and I apologize. In the example that Senator Wehrbein and I were discussing, if we assume for the purpose of discussion Wisconsin has no statute of repose, I do not know that to be the case, but let's assume it, under present law if the grain auger came from Nebr...from Wisconsin to Nebraska, was sold to a Nebraska farmer and a Nebraska farmer were injured in the eleventh year following the sale, the Nebraska farmer could not recover against the Wisconsin manufacturer because our present statute provides a ten-year statute of repose for all manufacturers worldwide selling their products in Nebraska. This bill changes that so that only Nebraska manufacturers get the benefit of the ten-year statute of repose and the Wisconsin manufacturer then, who sold to a Nebraska farmer, the hand was injured in the eleventh year, the Wisconsin manufacturer having, for the purpose of discussion, we're assuming no statute of repose, now the farmer has from the eleventh to the fifteenth year because there is a four-year statute of limitations on that injury claim.

SENATOR ENGEL: So in effect we're giving them, actually, a fifteen-year statute of repose in Nebraska.

SENATOR BRASHEAR: No, the statute of limitations has always been there, but where they have no statute of repose we are allowing our citizen litigants to take full advantage of the statute of limitations.

SENATOR ENGEL: Well, now that I understand, I think that's very commendable. Thank you.