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LB 812

SPEAKER BARRETT: One minute.

SENATOR HANNIBAL: We can't establish because the Supreme Court says it's too late.

SENATOR DIERKS: Well, the reason the Supreme Court says it's too late is because the statute of limitations has run out. My question is, why don't we do something about increasing the statute of limitations and putting some responsibility on these people, instead of letting them escape after four years of a statute of limitations law?

SENATOR HANNIBAL: Well, that's a legitimate question. There are three different statutes involved. There is a statute of limitations, a statute of repose, and then there is a discovery period. And with a professional negligence case like this you couldn't possibly, not necessarily couldn't...there would be cases where you couldn't possibly know you have a problem within a one year period after the building was done. And that's the professional negligence time frame, the clock that says you've got one year to do something if it's been wrong. But you couldn't possibly know that in some cases, and in this case probably not, too. So what the courts have said over the years, after you have a period of time where you actually can know, then you have one per...or could have...

SPEAKER BARRETT: Time has expired.

SENATOR HANNIBAL: ...then you could....I'll stop.

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, Senator Hannibal, were you done? You can finish answering his question, if not I've only got a couple of comments.

SPEAKER BARRETT: Thank you, Senator Korshoj. Senator Hannibal, yes, continue please.

SENATOR HANNIBAL: Mr. Speaker, thank you, Senator Korshoj. Senator Chambers and I had a lot of discussions a couple of years ago about a statute of repose statute of limitations. And basically what happens is that if "Cap" does something wrong, as a veterinarian, to my cat and I don't discover that, I have a law that says I can sue him for doing that, and I have to do