

a quandary because of liability, about what would happen if something would ever go wrong with this and the more that we looked into it and the more that we discovered that we don't have a lot of provisions in our laws and things that are thought through. We've kind of borrowed a little from one state, borrowed a little from a compact here or there, but quite frankly, has never fit into our laws. And as I spoke earlier about the statute of limitations has just been left out. It is probably one of the most crucial points of Nebraska tort law that we need to look at, the statute of repose dealing with Senator Barrett's broken chair, all those sorts of things are ideas that we need to study in detail. The proper committee to do this, although the Natural Resource Committee has been very involved with low-level waste disposal and how the money should be spent, how we're going to set up the monitoring committees, how we're going to do a lot of things with waste disposal, the proper way to look at liability issues is with the Judiciary Committee and I've talked to Chairman Chizek. He has agreed to help with this committee to study the issues of liability. As you will see, and I think it has been passed out to you, it's AM1399, talks about a study that will be conducted. It's not limited strictly to the rebuttable presumption and statute of limitations, it will take into account all areas of liability. We do have one liability protection in this state and that is strict liability. When you go to sue someone in this state, you have four things you need to do. One is you have to prove they had a duty of due care not to harm you. The second is you have to show that there was some breach of that duty. The third is you have to prove that you're the one that did the breach or caused the action and the fourth thing is to prove on how much damage you've suffered because of that breach. Our law addresses strict liability. Strict liability does away with the first two elements. We don't have to prove in this state that there is a duty to take care of us with a waste dump or anything like that and we don't have to take care of the fact that there was a breach. What we want to look at is who caused it and whose burden is it to show what cause of the injuries were. This study will do that. The site is not going to be selected until next year sometime, hopefully after this body has had another opportunity to meet and discuss issues that are going to be pertinent to everyone. That's the reason we've put in this amendment November 1 of this year there shall be a report back on what liability issues need to be addressed and solutions and source of proposals that we'll bring back to this body dealing with liability and we'll act on that next session. So you can