

Senator Hall, your light is next.

SENATOR HALL: Thank you, Madam President and members. I rise in opposition to Senator Kristensen's amendment. The argument that he made in opening somehow was that this portion of the committee amendments could not possibly be germane to the bill. Well, committee amendments are always germane to the bill, and Senator Kristensen knows that, and I guess this portion of the committee amendments are about as germane as the County Revenue Assistance Act is to the Revenue Committee. But be that as it is, the fact of the matter is we have got the statute of repose out here on the floor before us, and it is a proposal that has been here a number of times. Actually, probably one of the best arguments that were made for the statute of repose, well, let me read it to you. It says, this ten-year bar is called the statute of repose, and there is no public policy to be served by shielding the manufacturer of the defective product simply by virtue of passage of time. A product does not become defective through the years. It is either defective at the time of manufacture, or it is not. The current law serves to protect out-of-state and foreign manufacturers to the detriment of Nebraskans who are harmed or killed by these products, which may be ticking time bombs. It is simply one way for this Legislature to affirm its resolve that defective products, whether manufactured yesterday or forty years ago, are not welcome in this state, that we will do what we can to protect Nebraska citizens from those defective products. We believe that product liability ensures product reliability. It is probably one of the best capsulized arguments for the statute of repose and the repeal, or at least the backing off of that ten-year limitation that I have ever read in two paragraphs, and it was authored by Senator Kristensen when he introduced the bill in the form of LB 371 in 1991. The measure is one that I believe it was Senator Will who said does not in any way, shape, or form guarantee a result to the plaintiff. All it says is that you have the ability to take that issue to court, to argue, just as Senator Kristensen did when he introduced the bill, that the product was defective at the time it was manufactured, at the time it was assembled, at the time it was sold in this state. The fact that that malfunction, that fault did not come out for a specific period of time has no bearing whatsoever on whether or not liability ought to be there. It was there at the time that the product was put into the stream of commerce, and that's exactly what this issue is all about. Even with the committee amendments, you have a limitation that is in place