

may not be right off the top, but arguably all three of those would, and they would be done in a very timely manner. They would be done within the four-year trigger time frame that is allowed in both of these sections. But we are going to say in those cases, they get forty years. They get a forty-year window for purposes of addressing this issue. Up above we talk about in subsection (1), an action to recover damages for personal injury or death that allegedly, approximately resulting from a release shall be commenced within four years and then that you're barred after 40 years from bringing the action. If you're injured or you're dead, I would think you'd know that within that time frame, not necessarily, but in these cases we are specifically saying that we are going to allow for individuals to bring a cause of action for 40 years, whereas an individual who is injured or who is killed, as the example that Senator Will used, 10 years and a day by a faulty product, they don't have that same cause of action and we're going to allow for a cause of action if your personal property has been damaged. We're going to allow for a cause of action if your real property has been damaged. I guess if they drive the truck through your fence you can wait 35 years and make a claim and you would not have any problem collecting if you can show that it was allegedly and approximately resulting from a release or I guess an accident associated with that. Shouldn't be any problem at all for you because you're dealing with a special type of product here, one that we are going to give a higher standard to for purposes of collecting or at least bringing a cause of action. I don't think we need to do that. I don't think that those kinds of cases are going to be out there. I think the argument that somehow we're hearing...

PRESIDENT ROBAK: One minute.

SENATOR HALL: ...federal language when you look at what has taken place across, or has taken place across the country with the handout that Senator Will gave you in terms of what other states are doing, what the federal law is is it's also a cap in this area. It's a cap, it's a limitation and there is no reason in the world for the State of Nebraska to not have the same type of limitation with regard to how we treat every other product in this state. That's where the 10 year I think is an appropriate time frame. We've made that decision as a body. If individuals are hurt, killed or I guess if personal property or real property is damaged, they ought to meet the same 10 year threshold. With that again I rise in support of the amendment.