

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 4, 2005

LB 737

statute of limitations is for. The state knew it had this obligation and I don't think we should punish these people simply because they're sloppy. I don't...I don't see anything wrong with that. This is our...this is our process. If a warrant is expired, that person can present themselves to the Business and Labor Committee and the committee can forward or reject those claims. They've felt they're payable. They've forwarded them to the Legislature, and I don't intend to support Senator Wehrbein's amendment. I think it makes sense. These are known obligations of the state. I think we should honor our obligations and pay them.

SENATOR SCHIMEK: Thank you, Senator Bourne. Senator Chambers, your light is next.

SENATOR CHAMBERS: Madam President, members of the Legislature, I have been approached by people, and have tried to help them, who had workers' comp claims, they've had appeals that needed to be filed, sometimes in civil, sometime criminal cases. The lawyer missed the filing date. And the court did not say to that defendant or that debtor, you are not going to be punished because your lawyer missed the filing date. That date is set there, by that I meant a certain number of days within which you have to file, and if you don't file, it's over. I don't...it's like the Omar Khayyam rhyme: Not all your piety nor wit can lure that finger back to cancel out half a line or erase a word of it. You know, the moving finger writes; and, having writ, moves on. When that statute of limitations kicks in, it's over, and Senator Bourne knows it. There are people who have had appeals that they could have filed in very serious cases, even involving the death penalty, and the date was missed. That is a procedural error, but a substantive right was lost. There was no way for the court to get around it. The statute had set the rules of the game, and no matter how high or low the stakes, the rule laid out by the Legislature said, if you don't act before this particular line is crossed, and the line in fact is crossed, you're out of luck. Cases are legion where that kind of decision has been handed down by a court. Courts in some cases may even castigate an attorney, but that will not lead the court to undo the damage that resulted from the statute of limitation. I'm calling it a statute of limitation. The filing