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FLOOR DEBATE

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using the terminology statute of limitations, but it is more of an expired check. These people filed the claim properly. The state said it owed the money. And if you read...if you read the handout that Senator Cunningham gave, it says that we...Department of Roads recommended the claim be approved; the other one, the Department of Revenue recommended the claim be approved; and the other one, the Department of Revenue recommended the claim be approved. So what's happened is they let the warrant expire, they went and followed the statutory procedure to have it reissued and that's what we're talking about here. If you want to change the rules, change the statute, but I think we should pay these bills. I don't see this as a reward for sloppy bookkeeping. I see it as honoring the state's obligations and I think we should follow the committee's lead and pay the bill. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Thank you, Senator Bourne. Senator Flood.

SENATOR FLOOD: Thank you, Mr. President, members. This is like a lesson in continuing legal education with regard to accord and satisfaction. I may disagree with Senator Chambers and to some extent with Senator Bourne just on this point. In my opinion, the purpose of the statute of limitations is to preserve and protect evidence unless the state, in a criminal matter, for instance, has a legitimate interest in tolling the statute forever in the interest of prosecuting someone for murder or possibly sexual assault under Senator Thompson's bill. But applying the statute of limitations argument to this seems wholly unconnected, and I'll tell you why. Raising the statute of limitations, first and foremost, would be an affirmative defense that one litigant would have to raise in a civil action or, for that matter, a defendant in a criminal action. Here we have before us valid undisputed debts. Let's suggest for a moment that we pass FA222 and deny, here and after, every claim that results from a warrant that expired after one year. If I was the claimant or the payee of the warrant and I performed a service for the state of Nebraska, for instance, let's say I landscaped the State Capitol lawn for an entire year, I submitted my bill for \$50,000, I failed to cash the check, the