

know that to be a fact because I have been in those offices and I have looked out the window of that particular end of the building and you can see right across the street there is the drive in. There was absolutely no misrepresentation. It was just a lack of understanding, to be generous with it, on the part of Mr. Ley, the then Banking Director. Now, Senator Murphy indicates that we have no right to insert ourselves in this issue. Well, if we don't, who does? Granted, it is in court but I would like to point out to you that the national banks that operate within the State of Nebraska operate under the control of the Controller of Currency. That is the distinction between a state bank and a national bank is the fact that state banks do operate under the State Banking Department. The national banks operate under the control of the Controller of Currency but they also observe the rules and regulations of the State Banking Department. They also observe the state law but when it comes for their guidance and direction, they are primarily concerned with the guidance and direction that they get from the Comptroller of Currency. They not only got clearance from the Comptroller of Currency for this facility. They also got...

PRESIDENT: You have one minute, Senator.

SENATOR GOODRICH: They also got clearance from the State Banking Department and only three days before they were going to build the facility did the State Banking Department change its mind and say wait a minute we have changed our minds. You can't build that facility. It has been built already. On Friday, they got the letter changing his mind. On Monday, they had a grand opening. That is a little bit late in the game. I would submit to you that the Banking Director based his information on his change of mind on erroneous information and it should be absolutely ignored. I hope, for example, that the Omaha National Bank does not sue the State of Nebraska for placing them in this kind of a position. With that, ladies and gentlemen, I will close.

PRESIDENT: Your time is up.

SENATOR GOODRICH: And I urge you not to support the kill motion. Thank you.

PRESIDENT: Senator Swigart.

SENATOR SWIGART: Thank you, Mr. President, and colleagues, the previous speaker, not the just previous one, but the author, I should say, of the bill made this statement. The laws are very specific, he said. Well, we had three decisions by the courts that were favorable to the bank and then along came one that overturned. That doesn't sound so terribly specific, does it? Ladies and gentlemen, we are talking about a technicality but one thing we are leaving out and that is, what are we going to do about thwarting the wishes of the thousands of people, sometimes bumper to bumper, who are wanting to come into the bank and to trade. Are we going to cut them off because of this technicality? Shall we consider the wishes of the people at all? You know we are talking about this technicality and the technicality amounts to this. First let me say that this type of a bank has the same facilities that any other bank of its type has. It has two detached facilities which they are all allowed and one attached that must be within two hundred feet. This particular bank has those two that are detached