

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President, members of the Legislature, oh, my goodness, Senator Beutler, whoa, whoa, the horses aren't running that hard. They're not going that far out of the barn. That's what Senator Coordsen would probably say. Let me try to round the argument and try to corral it back to a discussion level that I think is appropriate. One is that this bill does talk about certain documents that are not discoverable. Let me try to outline for you what those documents are not. In other words, what documents will be discoverable. The underlying documents, the original documents, loan applications, federal reports, asset sheets, balances, internal memos, debit and credit transactions, postings, all sorts of things and documents that a bank does in its daily work are original documents. All of those documents are discoverable, all of them. When a loan committee meets and they go through your application and they look at your financial statement and they have those standards and they may write your loan on a four or five point basis. Those things are discoverable. There is nothing in the bill that would allow them not to be discovered. What is not discoverable is the internal review. And this bill allows or has the loan review committee, which is a committee of the bank or the institution, where they come in and look at themselves in a critical nature. And they say here are the things that we believe we're out of compliance and why do they do that? One, to make them a better institution, two, to make sure they're following federal rules and regulations, and quite frankly there's nothing in this bill that allows them to get away from federal sanctions. And I think, Senator Beutler, what Senator Beutler really talks about is a policy question that probably needs to be answered and is incumbent upon me to answer that, and here's how I'd phrase it to you. If this bill would be used for, and, Senator Beutler, I have no better term than to call it laundering of documents because that's probably as ugly a term as I can think of. In other words, to take a document that should be discoverable, that may be the smoking gun in a civil suit and to launder it through the review committee and cloak it with some immunity is wrong and it's not the intent of the bill and I don't believe this bill allows that. What I do envision, what I think is correct is that if the bank goes through and does a critical review of itself and the report that it does and it collects,