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

March 15, 2005 LB 268

but we haven't ever been able to get those kind of resources ahead to be able to do that. I support the Urban Affairs work on this, and I support the bill, and I urge you to, also.

SENATOR JANSSEN: Thank you, Senator Connealy. Senator Beutler. And this is your third time, Senator Beutler.

SENATOR BEUTLER: Thank you, Senator Janssen. Senator Friend, I think we've established...Senator Bourne has established through your conversation with him and through the previous conversation, that there is no legal liability on the part of the state in a technical sense. But I indicated to you earlier that concept of moral obligation that can be forthcoming in the event that individuals are taken unawares and don't have a full appreciation of what could happen in the future. When we went through the Commonwealth experience, we left one savings loan company in existence that didn't have FDIC coverage. And you may remember, Senator Mines and Senator Bourne, I think they participated in a conversation earlier this year about that savings and loan that had no FDIC coverage. Well, you know, to a certain extent, depositors were exposed there. However, one of the things we did in the ... after the Commonwealth foreclosure with regard to this particular savings and loan, was to require a notice in their standard forms indicating to each and every depositor in very big letters and several times a year that your deposit is not covered by FDIC and you're at risk. And there's some more language in there. I'm not sure what all it says. it seeks to make absolutely clear to every depositor that there is a risk associated with that deposit and it's a risk that's different from the risk that most banks present, and here we're telling you about it, and if you want to take that risk, fine. Would you have any objection to language in this bill which simply made a part of the boilerplate of the bill some sort of notice that said: We're doing this for your benefit in order to maximize or to minimize the tax effects of what we're doing for your benefit; however, it is subject to the claims of creditors, et cetera, et cetera, in the event that a bankruptcy or insolvency occurs. Would it make any sense to, on Select File, look at that kind of notice to these people so that no possibility of a moral obligation on the part of the state rose up at any point in time? I would yield to Senator Friend.