

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

February 2, 2006 LB 75

applicable to cities of the primary class, or cities of the primary class and cities of the metropolitan class, and we could have done that and escaped all discussion about whether you wanted it in the rest of the communities or not. But I think the better argument won, and that was, look, if we need to make it narrower, let's make it narrower and have it apply only to endowment funds, but allow communities across Nebraska to benefit, because what's going to...what is the situation here? You have two different situations. You have situations where donors will give something directly to a municipality or other political subdivision and want an endowment, or they can give it to a foundation that would serve whatever the...that very same purpose, and do it that way. Well, if a donor comes to me, for example, and says, which way should I do it, I will always say, do it through the foundation, a foundation, if you can do it that way, because your money will work and do more of the good that you want to do, if you do it that way. But nonetheless, for a variety of reasons, from time to time the donation is made directly to the governmental entity. They still get the tax deduction; that doesn't change, as between a foundation and a municipality. But their money will be subject to the lower 4 percent or less return that you get on bonds and those low-valued investments. Now if you just answer this simple question, it will tell you what we should do on this issue: If I'm a person that has worked my whole life to build up some assets, everything I've given my whole life is represented by these assets, and I'm deciding where I want to do the good that I think should be done with my assets, do I want to do it by giving it to a political subdivision, or do I want to do it by giving it to a foundation? And every time that those donors, most of whom are very sophisticated people financially, every time they look at the two different rates of return, they will choose to give their money to the foundation. Now if they thought their money was going to be wasted, that it was going to be dissipated, that it wasn't properly protected by the prudent investor rules applying to nonprofits, they wouldn't do that. But they're voting with their assets, and they're voting for the balanced rate of return. They're voting for the portfolio that includes some common stocks. And you know, one of the ironies of this situation is that even...