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February 9, 2006 LB 173

SENATOR CUDABACK: Thank you, Senator Hudkins. You've heard the opening on LB 173. There are committee amendments, as stated. Chairman Bourne, you're recognized to open on the Judiciary Committee amendments.

SENATOR BOURNE: Thank you, Mr. President, members. I want to thank Senator Hudkins for her work in this area. This is a bill that I had introduced a number of years ago, and I couldn't get it to go anywhere, so I'm glad that Senator Hudkins was able to do this. I want to tell you what's in the committee amendments, and I'm going to distinguish what the committee amendment does, relative to Senator Hudkins' explanation of the green copy of the bill. The committee amendment, AM2018, does the following: It totally replaces the green copy of the bill; it defines and excludes general use prepaid cards from gift certificate and gift card provisions in the bill; it provides for a five-year escheat period for the unredeemed value of a general use prepaid card; it states that gift certificates, gift cards, and credit memos shall not be presumed abandoned after three years unless the gift certificate, gift card, or credit memo remains unredeemed three years from its date of issuance, and contains an expiration date, or requires any type of post-sale finance charge or fee. The gift certificate or gift card amount that is presumed abandoned is the face amount of the certificate or card, less the total amount of any applicable purchases or fees. Any gift certificate, gift card, or credit memo subject to a fee shall contain a clearly and conspicuously printed statement on that card, stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, gift card, or credit memo, and at what point the fee will be charged. The statement can appear on either the front or back of the gift certificate, gift card, or credit memo in a location where it is visible to a purchaser prior to the purchase. So to follow what Senator Hudkins said, it's about awareness and knowledge. Any gift certificate, gift card, or credit memo subject to an expiration date shall contain a clearly and conspicuously printed statement on it, stating the expiration date; again, customer awareness. The statement may appear on the front or back of the gift certificate, gift card, or credit memo in a location where it's