

the differences between the...or one of the major differences between what was in LB 427 and what is in LB 579 is that the Exec Board determined, and I'm sure confident for legitimate reasons, that the Exec Board ought to have a choice in, as they do in other decisions for auditing in other internal policies, they have a choice as to whether they will hire the Auditor to do the audit or the Exec Board will hire an outside auditor, as is done in the expense record area. That essentially is the major difference between...there are some other differences, but that's the major difference between 579 and 427. After this bill came out, Senator Landis and myself, or I had some discussions with the Auditor, the Auditor acknowledged or agreed that the conditions set forth in LB 579 were acceptable to him and that...but the condition that...that he felt was not appropriate was the condition that left the decision open as to who would be hired. He acknowledged and accepted the fact that the Exec Board's rules were needed to be implemented, that he would follow those rules and that's about where we are now. The reason that this amendment is before you, at least from my standpoint, is that, as I discussed with Senator Hall at the very beginning of this process, and I agreed with him the Exec Board is the...was the proper place for this bill to go and to be discussed but that I was concerned that the body have an opportunity to decide this very critical issue of whether the body hire the Auditor to do the audit pursuant to prescribed rules and regulations that the Exec Board establishes, or whether or not the Exec Board make that decision and make a choice. I know this is a very difficult issue. I think all of you, in all probability, have made your choices and so I will leave it just at that. Just to comment briefly on the...on the legal issue, I think that the legal issue is a close call. I don't know which way a court would go if forced to make a decision on whether or not the Auditor has a constitutional duty to audit these records. I would say, in conclusion and say in summary, that even though it is a close call and there could be a very good legal argument made that the...that the right of the Auditor or duty of the Auditor audit is a constitutional duty, there could be a very good argument made as well that that duty to audit is not spelled out specifically in the law or either in the statutes or in the Constitution and that it is open to interpretation and it's open to legislative interpretation. But I would submit to you in conclusion, and then I'll give the rest of my time to Senator Landis, is that this is not a legal issue, that this is not a legal issue but it is, in fact, a political issue. This is a political body, this is a political decision.