

exists in every state. It is a position known to government, has a much more substantive history as being a part of government than the Auditor. In a lot of states they don't even have a constitutional office known as the Auditor, so it is not essential to government. Every word in the Nebraska Constitution has meaning and is given effect based on what the State Supreme Court has said. So when you find the words that the duties of these offices shall be as prescribed by law, those words, "as prescribed by law", have meaning. In this state, the law consists of constitutional provisions, statutes and decisional or case law. Under all of those items, the Legislature has plenary power to do the kind of thing that we're doing. So, as far as the legal issue, we cannot lose in court.

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: Even the way the bill is drafted now, there would be a hard row to hoe for anybody to challenge it because the Legislature can contract with either the Auditor or a private auditor. If giving the worst scenario, there might be a question about the bill, you could not raise it until the Legislature contracted with somebody other than the Auditor. I think Senator Landis, I think Senator Ashford, who live in this Legislature, have done us a disservice by this amendment. They have a right to do anything they want to, but based on all the work that has been done by others, others who I presumed were acting in good faith, to be thrown out the window in this way is a disservice to all of us. I definitely intend to vote against their amendment and support the bill.

PRESIDENT MOUL: Thank you, Senator Chambers. Senator Landis.

SENATOR LANDIS: Thank you, Madam President, and members of the Legislature, I think Senator Hall hit the right theme. This is a political question. I don't doubt that there are legal issues that are able for a court to decide and we might win, we might lose. I suggest we not go to court. I suggest that we arrive at, as Senator Hall puts it in reference to Senator Ashford, a political solution to this issue. And I suggest that we submit to a critic, we submit to a critic rather than to an auditor of our own selection. That kind of gesture is one that I think will win the approval and the support of the public. I was here as only eight others on the floor were when the original bill on confidentiality passed. Four of us voted for it, Senator Haberman, Senator Withem, Senator Chambers and myself. Five of