



Ninety-Eighth Legislature - Second Session - 2004
Introducer's Statement of Intent
LB 1087

Chairperson: DiAnna R. Schimek
Committee: Government, Military and Veterans Affairs
Date of Hearing: February 5, 2004

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1087 is intended to make clear that staff members of the Legislative Performance Audit Section are entitled to access all records held by state agencies, including those that are otherwise confidential, when doing a performance audit. At present, this access is arguably implied under Section 50-1205(8), which gives the committee the authority to issue subpoenas and compel the production of documents.

The exceptions to LB 1087 access would arise when information held by agencies cannot be provided to section staff because of federal law or because state law specifically provides that the information in question shall not be open to inspection by section staff. In such cases, the agency would be required to notify the Legislative Performance Audit Committee of the reason(s) the information cannot be released and to negotiate any "reasonable accommodations" that would enable staff to obtain legal access to the information.

Confidential information will remain confidential except as provided in LB 1087. Any audit section member who divulges confidential information to anyone, including members of the Performance Audit Committee, would be guilty of a Class III misdemeanor and subject to dismissal.

If there is disagreement between section staff and agency staff over an audit, the Speaker of the Legislature could be given access to confidential information solely for the purpose of determining the accuracy of the audit. The Speaker would be guilty of a Class III misdemeanor if he or she subsequently divulged confidential information in violation of state or federal law.

The bill would retain the existing statutory provision that exempts working papers produced in the course of a performance audit from the state public records act.

Principal Introducer: _____
Chris Beutler, Chairperson
Committee on Legislative Performance Audit