

report and the incidents that were involved in that report were already out among the press and there was no, it was no one's fault that the things transpired in that fashion, it was just that there was no ability for the report to be made public because of the way the statute was written. What this statute does, change says that the report shall become a matter of public record at the time it is transmitted pursuant to subsection 4 of this section unless the public counsel determines its release would impede an ongoing investigation. So in other words, at the time that the public counsel, the ombudsman, releases it to the Governor or the appropriate board or commission for purposes of their findings, it then becomes a matter of public record and is made available. The only reason for which the public counsel would not make it a public record is if there is a continued ongoing investigation and somehow the release of that record would hamper that investigation. I believe it's a very appropriate change that makes sense. What it does is clarify how this issue will be handled and it takes the Legislature's Executive Board out of the process. There was myself and the public counsel, Mr. Lux, who testified in support. There was no other testimony at the hearing. With that I would urge advancement of LB 856 to E & R Initial. Thank you. Mr. President.

SPEAKER WITHEM: Senator Wesely, on the motion to advance.

SENATOR WESELY: Thank you, Mr. Speaker, members, the bill at issue was one that I cosponsored with Senator Landis and, Senator Hall, I've been trying to recall, but public counsel, will they just send in a copy of the report then? Is that the only interplay then between now the Executive Board and the public counsel in this process? I'm trying to remember.

SENATOR HALL: Members, Senator Wesely, yes, we will get a copy of the report. Actually it will be submitted to the Clerk's Office and will be made public record. The change is that rather than having the Executive Board decide when it is released, once the report is finished and it's determined by the public counsel that there is no longer a need to keep it private for purposes of ongoing investigation, it becomes public record. So it will happen much faster actually. So the desire to get that information out there, have it made public and the concern with regard to the incidents that led to this legislation was that the employees who are involved could not see the report because it had not been finalized. The Legislature had not,