

interpretation of a statute over which it has enforcement authority is not controlling, but considerable weight will be given to the construction particularly when the Legislature fails to take steps to change the agency's interpretation. That's exactly what we have here. We have the Library Commission interpreting their statute of powers and duties to allow them to enter into a contract which sets fees and establishes fees for public records. And if we think that they don't have that authority, it's incumbent upon us I think to take some action and to note that particularly as soon as possible, and I think this session is probably as timely as we could expect it to be given all the circumstances. I also want to talk to you a second about how...when an agency enters into something like this and they award a contract of this scope and size how it might appear to those of us who weren't involved in the process. I handed out to you a Library Commission gateway bid comparison sheet. There was Nebraska Information Network, a nonprofit group of telephone companies based in Nebraska had submitted a bid and then there was a Nebrask(at) Interactive bid. The primary difference on paper of these bids were that under the telephone company proposal the payments to state agencies over five years were going to be about \$1.5 million more, more than the Interactive proposal. The DMV records were going to be \$2.50 instead of \$3. The revenue to the state, the profit on the telephone company proposal was going to be turned over to the state to a technology committee or board to decide how to use that profit for the expansion of video conferencing network, greater rural access to the Internet, distance learning projects, et cetera. That is so significant I think that an agency would decide to bypass those kinds of plums for the state and for the citizens of the state and award the contract to an out-of-state vendor who probably could illustrate that they had some experience and they could be up and running perhaps two months earlier. But we're talking about years, you know, what are a couple of months? And the Legislature I would hope in looking at something like this as we are faced with that decision would certainly try to...

SENATOR COORDSEN: One minute.

SENATOR BROMM: ...evaluate the value to the state of the revenue, the value to the citizens of the state of having increased access to technology as a way that the profits were used. And so I want you to have that and review it. Now, the