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a greater rate of return projected by selling the land than by hanging on to the land, how could that not be consistent with their fiduciary duty? Are there some circumstances or some other considerations that I'm not thinking of that would make that decision not consistent with their fiduciary duty?

SPEAKER KRISTENSEN: Well, I think the condition of a fiduciary duty is always existent. I put that in there primarily to emphasize that that's still the guiding principle of law that I think they're under is their fiduciary duty to the funds and to the holdings of the assets. There may be an occasion where it would make sense because of maybe an extraordinary sale or extraordinary offer that they could hang on and possibly get additional monies later. There are those rare occasions I think that it may work that they need to exercise that fiduciary duty. But for the average transaction that's going to occur here, I don't think that phrase...I just think it's duplicative and it's the same concept that they're under right now.

SENATOR BROMM: I, with my amendment, I am changing a, what I would say a negative to a positive, saying that they...instead of saying they shall not accept, I'm saying they shall except and I would ask if you have...if you had a chance to think about that and if you have an objection to that or not.

SPEAKER KRISTENSEN: Well, it does the same...it does basically the same thing. It's just the opposite. It says if it goes above that you should take it. And I'm just saying if it doesn't, you don't. To me it's acceptable. If people will accept that amendment and then vote for the Kristensen amendment, I don't have a problem with that because I accomplish the same thing either way.

SENATOR BROMM: And do you think that initial phrase that you have, "To the extent that it is consistent with the board's fiduciary duty," do you think those words add anything to what the law already is? Is there any particular significance of inserting those words there as opposed to...my understanding is that that's pretty much what the law is anyway so I'm...

SPEAKER KRISTENSEN: It is except I'll tell you the reason I put it in there was that there was discussion the other night that