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LB 588

amendment that we just voted down. And last I knew, that that was acceptable by Senator Beutler. And then this morning, just this morning--again I emphasize, this morning--in floor debate, I find out that it's not acceptable, based on that one point. I want the record to reflect that. And I want my colleagues to understand that that is what has transpired to date. I don't think that's an unfair characterization whatsoever. And perhaps Senator Beutler would want to speak to that. But to characterize AM1041 as a compromise, certainly I never saw it that way. But again, I just learned this morning that there was an objection to it, when the last word I had at the end of last week was that, you know, that isn't so bad after all. I'm not sure what the intent is behind that. But I do have concerns, as I am appropriately sharing with you. There is confusion of what's financial audit, what is a financial audit, what is a performance audit. There is a gray area. I think anyone who has studied this issue understands that there is a gray area. You know what? The peer review helps address the fact, or helps solve the questions of what's appropriate and what is not, or what is a financial audit and what is a performance audit. I will say that sometimes a financial audit means nothing without a performance audit. And we in the Legislature have been told today that we don't have the resources to do as many performance audits as we could and perhaps should, but let's just do a few anyway, meanwhile, prohibiting the State Auditor from doing performance audits. Fine. That's what we have ended up with, and I'll live with that. But as it relates to diving into confidential records, that's where I get nervous. This is outside of the scope of what I thought was an agreement...

SENATOR CUDABACK: One minute.

SENATOR SMITH: ...last year and the year before. And that's why I have grave concerns. I have additional concerns about the separation of powers. And we have the executive branch of government, and the members of that branch that are charged with the authority of enforcing the policies set forth in the Legislature. And again, if the Legislature adopts a policy that's difficult to enforce, then we need to adopt different policy. If that's too politically risky to do, and there's not the political will to do it, then we better live with our