

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 22, 2000 LB 953

neither is or ain't but it's somewhere between the latter two and nobody knew what he was talking about including himself. But that's where the Legislature is and, brothers and sisters, this is the type of moment that I enjoy the most because you think you're punishing me. But when you throw the boomerang and you throw it correctly, it doesn't wind back...it winds up back where it originated from, and if you threw the boomerang and felt it was just going to go on and on, then you turned to walk away, then you get smacked on the back of the head by what...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...you threw out there. So, Mr. President, I'm not even going to take a vote on this motion. The Legislature is satisfied that what it did is constitutional, so I'm going to withdraw that motion and we need not take a vote on that motion.

PRESIDENT MAURSTAD: Motion is withdrawn.

CLERK: I have nothing further pending on the bill, Mr. President.

PRESIDENT MAURSTAD: Debate on the advancement of LB 953. Senator Wickersham.

SENATOR WICKERSHAM: Mr. President, members of the body, I'm sorry I wasn't listening very carefully to the debate before. You should always pay more attention. But I finally did begin to pay attention, and I've had some conversations with Senator Hilgert, a little bit of a conversation with Senator Vrtiska, and whether you want to follow the advice of Senator Chambers or not, or whether you want to follow my advice or not, I think that Senator Chambers has the point. Members of the Legislature cannot serve on a board or commission that exercises any real authority after we pass the bill. That's an executive branch function. That is clearly unconstitutional. If the Conway case didn't teach us that, there are other cases that should have taught us that. That provision is unconstitutional in my...in my understanding of what the board and commission would be authorized to do. We have had other instances in which we have problems with cross-branch activities. We had an Opinion from