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that's unfair, and I offer this amendment to basically say the Bar Association can either get into the insurance business, or it can stay as the regulator of the law of the profession, but it can't do both. I'd move for the adoption of the amendment.

SPEAKER MARVEL: Senator Johnson, do you wish to speak to the Fowler amendment?

SENATOR JOHNSON: Yes, I do. Mr. Speaker, and members of this body, I appreciate what Senator Fowler...

SPEAKER MARVEL: Just a minute, you're not on.

SENATOR JOHNSON: Senator Nichol says I'm off.

SPEAKER MARVEL: Do you want to try the mike behind you, Vard?

SENATOR JOHNSON: Mr. Speaker and members of this body...

SPEAKER MARVEL: Wait a minute.

SENATOR JOHNSON: I'm on, yes. Well, Mr. Speaker and members of the body, I want to deal with a few of the aspects of Senator Fowler's amendment. Senator Fowler has indicated rightfully so that the amendment is subject to constitutional infirmity. Like it or not, the Bar Association is the creature of the Nebraska Supreme Court. It is created by the Supreme Court, and is responsible to the Supreme Court, and is administered by the Supreme Court. The Supreme Court itself is the third unit of government...the first being the Legislature, the second being the Executive, and the third being the Judiciary, or the Supreme Court, and for years, and years and years, we have maintained separation of powers in this state and in this country. There has been a large body of case law develop over the years which has held that Legislatures cannot interfere in Bar activities because that interference encroaches upon the separation of powers. It's up to the Supreme Court to regulate the Bar. For that reason Senator Fowler's amendment is, in my opinion, constitutionally infirm. But even if it were not infirm, even if we decided to pass the amendment, in my opinion the amendment would not be a wise choice for us. The Bar Association itself right now is subject to anti-trust rules and regulations. That has been so held by the United States Supreme Court. For that reason, the Bar Association may not by its cannons of ethics tell every lawyer in the