

professional about his job. I think his daughter is very professional about her job. I think, as professionals, those kind of things can be handled when you have two family members within the same department. So, with that, I would be happy to answer any questions, if there are any. If not, I would just urge the advancement of the bill.

PRESIDENT MOUL: Thank you, Speaker Baack. Mr. Clerk, do we have an amendment on the desk?

CLERK: Madam President, Senator Withem would move to amend. The amendment may be found on page 1660 of the Journal.

PRESIDENT MOUL: Senator Withem.

SENATOR WITHEM: Madam Chair, members of the body, my amendment to 852 is one which I will not be bringing to a vote today. I am bringing a matter of concern to the attention of the body. I will be withdrawing this amendment after I make an explanation of what my intent is here. And then, depending upon the mood of the body, we may come back on Select File and see if there is an interest in the Legislature in adopting this particular amendment. The problem that this amendment seeks to correct is one that arose during the course of this legislative session when the question was raised about the propriety of members of the Legislature serving on boards and commissions that are appointed by the Governor. The question was initially raised, I believe, in a Lincoln Journal editorial where the editorial writer was of the opinion that we should adopt a very strict separation of powers argument, that no legislator should be serving on any panels or commissions that are "executive in nature". This editorial prompted Senator Crosby to request an opinion from our Attorney General. The opinion that came back was one of...I'm not critical of the opinion at all because there wasn't a lot to go on, but it was one that really did not give a lot of guidance. There are...first of all, they quoted general statute constitutional doctrine regarding separation of powers, executive branch, legislative branch. They talked about a number of different court cases, none of them in Nebraska. There's never been...at least the Attorney General did not reference any, did not find any cases in Nebraska that are on point on this question. He did reference a number of court decisions in other states and then concluded with, as a result, we believe the members of the Legislature cannot serve on boards or commissions of state government which exercise...this, I