

Elmer's remarks. My intent in bringing this is to preserve the status quo as much as we can because I don't think, in Nebraska, we have the blatant violation of separation of powers, that they may exist in some states, where, again, if you would have the Chair of the Health and Human Services Committee in Nebraska sitting on the Board of Health licensing physicians and licensing doctors, you would have the Chair of the Education Committee serving on the State Board of Education, and approving and accrediting school districts, and that type of activity, those probably would be blatant separation of powers violations. We do have a problem though in that we do have an Attorney General's Opinion, although not a strong one and I don't think the Attorney General would characterize his opinion as a terribly strong one, as a matter of fact, he did indicate he can't comment on any specific case because there was no specific legislation before him, that calls into question not only your service, Senator Elmer and Senator Wehrbein but mine on the School Finance Review Commission and Senator Crosby's and Senator Bernard-Stevens' on the School Restructuring Commission and all of these others that exist. So I think it's something we do need to address as a Legislature. This is my proposal. I'm taking a little bit of time here today instead of just filing the amendment in the Journal, taking a little time to discuss it so that there is...this affects us and in some ways maybe this is our public hearing on the measure where we will now have an opportunity to act on it a little later on down the road. Maybe we don't have to act on it all this session, I don't know. We'll see how the situation develops. With that, I would like to withdraw this amendment. Thank you for your patience.

PRESIDENT MOUL: Thank you, Senator Withem. We will now proceed with debate on the motion itself to advance LB 852. Senator Schimek, followed by Senator Crosby.

SENATOR SCHIMEK: Yes, Madam President, and members of the body, I just would like to raise an issue that I think should be discussed and that I think that Senator Lindsay is going to try to address with an amendment on Select File but I just want to run it past Senator Baack and the members of the body. The language in the bill, on page 3, line 3, refers to family, and it says, "no person shall be hired as an employee of any department, referred to in Section 81-101, while a member of his or her family is serving as the head of the department." We had quite a bit of discussion of that terminology in the Government