

question of joint membership commissions. The Attorney General language did indicate that members of the executive cannot serve on boards that are "primarily" an executive or administrative function. There is no specific definition of primarily executive or administrative function, although we, last year, came up with, at least to guide our own activities in proposing legislation, a standard, would say if a commission has rule making or regulation making authority, if it's charged with implementation and administration of previous state or federal legislation, or is primarily responsible for the distribution or expenditure of funds to carry on...out and ongoing state government public program, that probably constitutes primarily executive or administrative. On the other hand, this one is really a group of individuals that have some expertise getting together, recommending policy changes, not implementing policy changes but making recommendations for policy changes. And it seems to me to say that we cannot get legis...people, because they happen to serve in this Legislature, to share their expertise on these commissions, provides the type of hamstringing of our procedures that you made reference to in the previous remarks regarding the Caporale statement on making amendments, that if we're going to solve problems in this society, we need to get the expertise from wherever it can come. So I'm comfortable that this does not violate what is intended by a strict interpretation of separation of powers at executive...members of the Legislature should not serve in executive functions. I think in other states where they've ruled on this, they've done things like almost parliamentary system of government where the Chair of the Health Committee would also be the Director of the Department of Health, or would serve on the State Board of Health, and pass legislation and then revoke licenses of physicians. And those kinds of things, I think, clearly do violate a separation of powers, but what we're doing here I don't think does, in my opinion. With that, I took a lot of your time, yield the rest of it back to you.

PRESIDENT MOUL: Senator Wesely.

SENATOR WESELY: I want to thank Senator Withem for that explanation. In addition, I note that you include a number of different...representation from different fields. And I guess if the point of this commission is accountability, the Legislature (inaudible) those entities to which the school system is accountable, so I assume that's part of your thinking as well. Thank you very much.