

members. The question addressed to the Attorney General was, does this violate the concept of separation of powers? The conclusion the Attorney General came back with was, yes, it does. I disagree with the Attorney General and I think this is an issue...we've had some discussion on this in the past and I think we need some definitive guidelines of what constitutes executive functions of agencies and what does not. But rather than ask you to go ahead and pass a bill that has a negative Attorney General's Opinion staring us in the face, I am suggesting that we remove those two members of the Legislature from the School Accountability's Commission, replace them with one additional parent so there will be two parents serving on this commission and a representative from postsecondary education. Probably should have been on the commission, to begin with, somebody from a teachers college or somebody doing work in the area of education. This whole area of what constitutes separation of powers and what does not, I notice one member of our body paying particular attention to that terminology here at the moment, is really one that we need to address as a Legislature. And I would suggest that among its other activities this summer this might be something that the Executive Board would look into. I think it's unfortunate that groups such as this one that are really basically studying issues and coming up with recommendations somehow cannot allow a member of the legislative branch and the executive branch in the same room together to share ideas. But the bill is so important and so significant, I think, that I do not want to have it fail as a result of this potential problems of separation of powers, so I would urge you to return the bill to Select File for this specific amendment.

SENATOR LAMB: The Chair recognizes Senator Crosby.

SENATOR CROSBY: Thank you, Mr. President, and members, Senator Withem, I thank you for bringing this amendment. You will remember, I had an earlier Attorney General's Opinion on the Restructuring Commission which came back pretty much the same as this one. And I share your concerns about the fact that it almost sounds, as you say, that we can't sit in the same room with anyone from the executive branch and discuss a problem or try to come up with an answer. However, I do have some constituents who continue to be opposed to LB 245 as a whole. And I'd just like to ask you some questions again, and I apologize for bringing these up again but I would like to just have some people understand and know that we're trying to do the