

to what the Legislature intended with LB 873. So the committee voted in 1981 during the summer hearing to suspend the rules of this agency because those rules were outside of legislative intent for scenic recreational road classifications. So we suspended the rules. We have that power. This committee has that power under the statutes. But our statutes then say that when the Administrative Rules and Regulations Review Committee suspends the rules of some regulatory agency as being beyond the intent of the Legislature, when it does that, it must then bring to the full body...it must bring to the full body a bill which will permanently suspend those particular rules. This is the bill. LB 649 permanently suspends those particular rules. And your vote on this bill incidentally is an up or down vote. You get three cracks at it but it is an up or down vote. You can't amend it. Our statutes say that the bill cannot be amended. You have to very simply either vote to suspend those rules permanently or vote not to suspend those rules permanently. If you vote not to suspend the rules permanently, then they are in place and they are in place for two years and cannot be touched by anybody. Or on the other hand if you vote to suspend them permanently, then those rules are suspended and what happens simply is the Board of Public Roads Classifications and Standards have got to go back to the drawing board and come up with rules and regulations that effectively meet the intent of LB 873. Now I do not believe this is the place to argue the wisdom or lack of wisdom on LB 873. If you want to argue the wisdom or lack of wisdom on that old bill, then we have got to introduce a new bill to do that. But the real question here is whether we will enforce the rule of law, and the rule of law is that a regulatory agency must adopt rules and regulations that conform to legislative intent. Your Administrative Rules and Regulations Review Committee concluded that such was not the case, that those regulations promulgated by the Board of Public Roads Classifications and Standards did not so conform to legislative intent. Now with that I at this time would move that LB 649 be advanced.

SPEAKER MARVEL: The Chair has four lights. Senator DeCamp, Senator Beyer, Senator Wesely, Senator Lamb. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, this is truly a case of first impression for this Legislature because we are testing what we set up three or four years ago which is the whole concept of the Legislature being involved in reviewing rules and regulations to make sure the rules and regulations actually comport or agree