

necessarily needed to be spent in this area. We all agree that good roads are the main thrust of our transportation, but there is also a point as to what standard the roads should be built to, and in this one I feel it does not need to be built to the 65 or 75 mile speed limit that they are talking about. So I heartily endorse this bill.

SPEAKER MARVEL: Senator Wesely, we are speaking on the motion to advance the bill.

SENATOR WESELY: I would like to ask Senator Johnson a question or two, Mr. Speaker.

SPEAKER MARVEL: Senator Johnson.

SENATOR WESELY: First off, Senator Johnson, I read recently that a court decision had been rendered concerning the one-house veto authority of the Congress. I don't understand exactly why that was decided in that manner or how it relates to Nebraska, but could you talk about that decision and how it relates to this function, because as I see it we are basically doing the same thing. This is a veto of a rule initiated by the Executive Branch of government and I wonder whether or not this doesn't follow in line with that decision which says we can't do it. And then second off I guess I wonder if the decision to remove the rule is really the proper step to take. Why wouldn't we just take the law and refine the law to more specifically identify what we want instead of granting the broad authority and delegation of authority that we do under the bill that we passed two years ago? I guess I am wondering, number one, the constitutionality and then, number two, why we couldn't take a different step in this to deal with the problem.

SENATOR V. JOHNSON: In 1977 the Legislature amended the Administrative Procedures Act to establish the Administrative Rules and Regulations Review Committee as an oversight committee. At that time the Attorney General said that he thought that this legislation was unconstitutional because it gave the Legislature the power to veto some acts occurring in the Executive Branch i.e. the power to veto some rules occurring in the Executive Branch. There have been absolutely no court cases in Nebraska on the subject because we have never done this before. This will finally put the case in terms that....it will finally put the situation in an appropriate posture for someone to contest if someone wants to so contest the case. There have been other court tests of this type of a procedure and to the best of my knowledge in two cases, Connecticut and Alaska, the two courts there did find this was an improper infringement on