

the separation of powers doctrine inherent in those state Constitutions. But there was another line of cases which have gone the other way. Recently a federal court held the one-house veto in Congress to be an improper excursion on executive power, but there is a substantial difference there because it talks about a one-house veto as opposed to a full Congressional veto of executive action. I, personally, think that our law is constitutional. That is my personal viewpoint, but I can't base that on any decisions out of the State of Nebraska because it has not been tested. Secondly, with respect to the way to go. Who is going to be the boss? Is the Legislature going to be the boss, or is the Executive going to be the boss? What you are really suggesting, Senator Wesely, is when the Executive says, we don't like a piece of legislation that you have passed and they write rules to subvert it, that we should then go back and redo our legislation to conform to their rules. I say that is basic bunkum, that we, in fact, should suspend their rules and say, you go back and you conform your rules to comport to what we thought was the best policy.

SENATOR WESELY: Okay, thank you, Senator Johnson, I appreciate that explanation. I am concerned about the constitutional question involved with this bill but at the same time as Senator DeCamp talked about, I think there has to be some legislative oversight that there has been clamor among the public trying to do something about rules and regulations that are proliferated and not really followed the directives of the legislative branch. We have seen that on the federal level and now we are seeing it on the state level and I think it is important that this Legislature at least test the authority that we have in this area because I think it is important to have that oversight function and if this is the case that it will take to decide whether or not we have that under the Constitution or not, I think we ought to take that step. I think that it is a clear case of violation of the law. I think it does not follow what we had intended, and I know because I was on the committee, the Public Works Committee that dealt with the issue two years ago and supported that issue and felt that it was a just and fair bill. And I have been very disappointed in the way it has been handled by the Roads Department, understanding their bias for a different attitude on the question at hand. So with that in mind I have followed this issue and although I am not directly affected as Senator Beyer and Senator Hoagland who are more directly involved with the legislation, nevertheless, I, too, feel that the directive involved in that bill was not carried forward as it should have been. I do think that perhaps we have to keep in mind