

it, if we pass this bill it repeals the rules but it doesn't do anything positive so there is nothing to keep the Department of Roads from changing two words in the rules and send it right back to us. It seems to me that in conjunction with the bill you have here, it would be appropriate to have a bill which does more specifically point out what you do want to happen in this case, otherwise we could go back and forth session after session here on the same issue and never get it resolved.

SENATOR V. JOHNSON: Yes, Senator Lamb, you are correct in the sense that all the Administrative Rules and Regulations Review Committee does is go over the rule at the request of a complainant, determine whether or not it is a lawful...whether it falls within and meets legislative intent and if not ultimately...if not, first give the Department a chance to correct the rule, which we did and they didn't make any corrections. And secondly, if they don't do that, to then suspend the rule. They can come back later on and amend their rules by making cosmetic changes and we will be faced with the same situation again. That would be unfortunate, in my opinion, if they were to do that.

SENATOR LAMB: Thank you.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, the intent of LB 649 has been well discussed, but I would remind you that I was the author of this legislation in '77, and I want to give you the background on that. The idea came from Wisconsin. Wisconsin was the only state at that time who had such a piece of legislation. When you talk about the court case, it was tried in Wisconsin and the law was held to be constitutional, and I remind those of you who were here at that time that when we were attempting to pass this law, the Executive Branch and all the agencies showed up to oppose it. Naturally they would because they had complete control over any rule or regulations to whatever extent they wanted to either underexceed our intent or to overexceed our intent. So I happen to believe that what we are doing here now, and if you want a test and I have an Attorney General's Opinion and he thought it might be unconstitutional, I think that this bill should be passed, because I get a little bit upset when we pass laws and we say such and such shall promulgate the rules and regulations and then we find they have exceeded the intent of the Legislature, if you will look at the remarks on the floor, or you