

looking at LB 324 which would require a constitutional amendment, to mandate that local government pay for any requirement and because of some of the facts that are brought up and some of the discussions and I think Senator Fowler was extremely correct in this, I offer this kill motion. I have tried to look briefly at what might be done to try to deal with the principle of this proposal and at the same time allow for some flexibility and some changes and I just don't see how we can change this at all. A legislative bill which might deal with the various proposals may be the preferable answer but a constitutional amendment is not. Let me just give an example of some of the things that could happen with this and I will just make, to add to some of Senator Fowler's examples, one of the things that I am fairly familiar with. As you many of you know I am employed as the Executive Director of a Nursing Home Association and consequently I am able to realize the effect of regulations on an industry, on the nursing home industry. Now a lot of people think the nursing home industry is totally free and unencumbered by government but that is not the case. In fact, government regulates very heavily the industry. The Department of Health, using some statutes that were passed by this body, but embellishing on them ever so greatly, regulates each and every aspect of a nursing home. One of things that could happen with this proposal is the proposed change in the way in which you staff nursing homes. Now that could be mandated by the Department of Health, not by the Legislature, but by the Department of Health and if that was mandated by the Department of Health, that would have an impact on every nursing home. Now you say, yes, but nursing homes are not part of government. They are not but the county pays for Medicaid patients in a nursing home and so this change, nothing to do with the Legislature, has now reverberated throughout the entire industry which now has an impact on local government which now, according to this constitutional amendment if it was accepted, would be a pass through to local governments and how are we going to determine what the appropriate costs are. What is going to keep local government from inflating them? What is to keep the industry from inflating them? What is to keep anybody from inflating them? How are we going to work out just what those costs ought to be? What is legitimate? What is wrong? What is right? And this is on a regulation that this Legislature never even passed on. This would be a regulation that was promulgated by the department only and this can happen in each and every one of our various departments because of their great regulatory power. Surely we would have a review. Surely we would have a review under our administrative rules and procedures but then the fiscal impact of that is not even clear and is