

January 25, 1982

LB 378

This little language that they insert here could be a major loophole in the courts in trying to overturn Health Department decisions. So again all of these different elements come down to one thing, trying to meet federal standards, trying to meet local standards and trying to work out some technical problems in the bill, and I would ask your support for the amendment.

PRESIDENT: All right, the motion then is the adoption of the Wesely amendment to LB 378. All those in favor vote aye, opposed nay. Technically the House is still under Call. I hate to say that because nobody moved to take us out. I guess we could just ask the Sergeant at Arms to make sure everybody gets back to their seat because actually technically the House is still under Call. As soon as this vote is over. We can't handle two motions at the same time, Senator Haberman, even as cooperative as you are. Record vote has been requested. Okay. Have you all voted? Record the vote then, make a record vote.

CLERK: (Read the record vote as found on page 400 of the Legislative Journal). 15 ayes, 21 nays, Mr. President.

PRESIDENT: Motion fails. The amendment fails. Any other amendments, Mr. Clerk?

CLERK: Mr. President, Senator Wesely would move to amend. (Read the second Wesely amendment as found on page 400 of the Legislative Journal).

PRESIDENT: I will accept Senator Haberman's motion to raise the Call at this point. Senator Haberman, the Call is raised and the Chair recognizes Senator Wesely on his amendment.

SENATOR WESELY: Thank you. Mr. President and members of the Legislature, before you is an editorial from the World Herald that was in Sunday's World Herald. It speaks to the need to not weaken the health care cost containment law which we are discussing at this point. In fact, the editorial, if you will read it, the last paragraph says: "But existing law, if anything, should be strengthened to accomplish its purpose, not weakened." Right now we are in the process of weakening the law, but this amendment would be one attempt to try and strengthen it. The appeal board that is now in place under the certificate of need process would be repealed and would be eliminated as a result of this amendment to this bill. Why am I asking for this appeal board which is made up of citizens in this state, asking that to be repealed at this point? Because