

has, in fact, overturned some of these cases. Senator Cullan shows that his interest here is making certificate of need ineffective by saying it has worked so well at overturning these cases, those few times that it has, that we want to do it all the way through. We don't want the department going out and analyzing whether or not and making recommendations which the appeal board then has the right to overturn. We want to basically set up something similar to the appeal board and then have the appeal board for a second choice. I think that is a duplication. It certainly is not intended to make certificate of need useful in terms of limiting new and continuing kinds of equipment and other kinds of health care costs. So this is in my opinion the essence of this bill. It is the essence of...

SENATOR CLARK: You have one minute left.

SENATOR NEWELL: ...what Senator Cullan's intention is and that is to make certificate of need toothless and insignificant and yet still basically with one little exception apply to the federal regulations. So I would urge this body who has, in fact, chosen not to send it back for a hearing, not to have public comment on this area, not to ask people to come in and testify in regards to the significance of this change, to consider what we are doing. I urge you to adopt the Wesely amendment. I think it will do great and wonderful things in terms at least of letting certificate of need legislation try to function. Without this we are basically saying we don't believe in certificate of need and we might as well just challenge Congress and then mandate altogether. So I urge this body to consider very seriously this amendment and to adopt it.

SENATOR CLARK: Senator Wesely, do you want to close on your amendment?

SENATOR WESELY: Mr. President and members of the Legislature, I appreciate Senator Newell's support. He made some excellent points. This is probably the key amendment that I am proposing as Senator Newell pointed out, it really does go to the heart of the whole situation. I am going to go back again and review very briefly that we talked about this issue now for three years and last year we had a bill which changed the Health Department under the Governor to get at some of the problems Senator Cullan talked about. They were too independent. They kept turning down CON applications and, by gosh, they got them, they got them under the Governor. So now they are accountable to the Governor. But at the same time that is not good enough. We want them still separated out and take away the accountability that