

things in the bill. The first amendment deals with the provision in the law that this new entity that would be allowed to be created under LB 61, that would be public hospitals cooperating with other public hospitals or private hospitals, would have been exempt from the public meetings law in cases of developing market strategy or market planning. This exemption though, I think, warranted, I think also would have been very controversial and so the committee felt that it was important to not provide for that exemption from the public meetings law and so these meetings in all their deliberations will be held in public as a result of this committee amendment if adopted. Another element of the committee amendments is the severability clause. LB 61 was introduced to provide through the statute authority to provide for public and private hospitals joining together in joint ventures. However, there were some constitutional questions involved and so a constitutional amendment was also proposed by Senator Pappas on February 12 of this year. At the request from my office an opinion was rendered by the Department of Justice that indeed LB 61 would be constitutional and so the constitutional amendment was killed and we're proceeding with LB 61. But because of the possibility always there that perhaps there may be some constitutional questions, we are adding the severability clause. And finally, we clarify in the amendments that public facilities may enter into agreements which provide a tangible benefit to the hospital making it clear that the hospital must benefit from these agreements that again deals with the public purpose part of the Constitution and would ensure the constitutionality of the measure. As you know, LB 61 does in general provide for public and private hospitals joining together in joint ventures and these amendments would help clarify that relationship.

SENATOR MARSH: Thank you, Senator Wesely. Before I call on the next speaker I would like to introduce 50 fourth graders and their teachers from Hill Elementary School in Lincoln, Nebraska. Would you please wave at us. Welcome to the Legislature. Senator Smith.

CLERK: Madam President, Senator Smith would move to amend the committee amendments. (Smith amendment appears on page 1290 of the Legislative Journal.)

SENATOR MARSH: Senator Smith.