

occupancy level is 65 percent for Children's Memorial Hospital. The whole situation here is that Bergan Mercy is in trouble in some ways, they've dropped in occupancy. They want to maintain occupancy levels. They don't want to lose this service and they're in to expand and attract business to that hospital. The question we have to ask in response to that is that's great for Bergan Mercy, we know what they're trying to do and why they're trying to do it, they think it would be in their best interest. But is it in the best interest of Omaha? Is it in the best interest of the public? Is it in the best interest of the state? Those questions have been addressed and the answer has been no, that it wasn't, that it wasn't the best thing to do. So for those reasons I think again that we ought to support the Lindsay amendment and recognize cooperation would be better here. Now I understand there were negotiations between Bergan Mercy and St. Joe's Hospital and those broke down. The better thing to do would be to get those people back together, working together and trying to work this thing out. Unfortunately, that hasn't happened. I'm not sure quite why or what the circumstance is, but greater cooperation, at this point, is what we need more of in Omaha, not more competition, not more duplication, and that is exactly what we have if this bill passes and we don't have the review of this certain circumstance.

PRESIDENT: Thank you. Senator Byars, followed by Senator Chambers.

SENATOR BYARS: I rise reluctantly, Mr. President and colleagues, to let you know that I was a member of the Certificate of Need Review Panel that heard this application. I sat for hour, after hour, after hour listening to the testimony and trying to absorb all of the facts, statistics that had a bearing on whether the certificate of need was granted or not. I have some problems with the certificate of need process. But I, in particular, am going to support Senator Lindsay's amendment for the very reason that this has been addressed. Senator Wesely is exactly right, this has been heard time and time again with the same result on every occasion. I don't think this body wants to spend another day, or two days, or three days, or a week such as the Certificate of Need Review Appeal Panel used to hear this case, that's how voluminous it is, that's how many arguments can be made. And I assure you, as you hear the arguments on both sides you'll hear some very, very valid points. But I feel a decision has been made, I don't