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you will look at the bill you will see that all others who are concerned with such liability have been left out and the hospitals left in. This means that there is a lot of fear on the part of people running hospitals, people that are on boards and trustees of hospitals for liability for anything that happens when they are doing what is essentially a public service. Under the testimony at the committee we were advised that there is no money paid by the law enforcement officers, or at least the hospitals do not charge, for this service. There are extreme difficulties involved in these tests because of the fact that no alcohol wipe can be used in the testing for sobriety and acting as law enforcement officers they have the possibility of something going wrong, somebody using a dirty needle or something like that, if that ever happened. Now the testimony was that there is . . . such contingencies are very remote, however, they do not want the tremendous possibility of a lawsuit to be brought against the hospital. Some of these are small hospitals. There was testimony from a Mr. Ron Jensen of the Hospital Association, Major Dale Whitefoot of the State Patrol who urged the necessity for such a bill because of the need for the use of these hospitals out in the state. The fact, as was testified to by Major Whitefoot that some hospitals are refusing to actually conduct the blood test anymore because of the liability. Mr. Kesner, also a Lincoln attorney, appeared in behalf of the police officers of the state, as did Mr. Roger Lott for the county attorneys of the state. Basically a law enforcement matter. There was, I will state to you, there was opposition, but the opposition suggested . . . the opposition came from trial lawyers who suggested that somebody ought to be held liable if an individual is injured as a result of such negligence on the part of anybody. Therefore, they suggested that the person who asks for the test, namely the law enforcement people the government in fact, be responsible for it. The bill does not so provide. There was an attempt made to put an amendment on in committee but the committee turned down the amendment. Mr. President, that is the essence of the bill. If we want to continue to have these tests and continue to have hospitals carry out the public service, this kind of a bill will be necessary.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: I think I have a couple questions of Senator Luedtke. Senator Luedtke, this provision has disturbed me for some time anyway, exempting any of these people from liability. All you are requiring then is to use due care and to proceed in a manner absent of negligence, right? This provision releases them from that obligation. Now what we've got is a situation where a person is required to take the blood test to protect his driving privilege and at the same time you exempt anybody for treating him negligently in the process of taking that blood test. Now the first question is, does the state of Nebraska then have the liability for any negligence that may ensue in this process? The second question is, why do we not want to require these people to act with due care?