

February 14, 1975

SENATOR WARNER: Mr. President, I support the Speakers position for three reasons. First, the body has frequently in the past has . . . not frequently but occasionally in the past has been severely criticized when like things have occurred where the exact reverse of what a bill was intended to do was done by amendment, after public hearing and without adequate public notice that this was going to occur. The effect of this bill is to completely gut it . . . or the amendment was to gut it and make a new bill out of it. Aside from that it seems to me that there was information . . . or in some cases it was not correct. I've understood since yesterday that it is not correct, at least in all instances, to state that hospitals are not reimbursed, that they are doing this free-gratis. I've understood now that at least in some instances they are reimbursed. I've attempted to find out how widespread that is. I've not yet got a response back on that part. Secondly, I still believe that this body is entitled to know whether or not the effect of the amendment is going to adversely affect the prosecution of drunk drivers. If it is, I think this body is entitled to know that. It would seem to me an appropriate way to determine these things would be having the bill referred back to committee for further study. Let me also state that I think, from what I've heard and Senator Cavanaugh's remarks, I concur in the intent of what he was attempting to do, that a hospital ought to be liable for any misconduct on their part. I think there's an overriding question . . . or concurrent question which also needs to be determined and that's the affect of this on the ability to prosecute drunk drivers.

PRESIDENT: Senator Burbach.

SENATOR BURBACH: Mr. President, members of the Legislature, the reason I make this request that it go back to a committee is not those who testified, they testified and the people who came there came with the intent of adding the word hospital. Now there may be many others who were not at this hearing, now that we have adopted the Cavanaugh amendment, may want to inject their thoughts, desires and attempts at a public hearing in light of a practically new bill. I renew, and I hope we turn down the rejection motion by Senator Cavanaugh and do refer this back to the standing committee.

PRESIDENT: Senator Cavanaugh are you ready to close on your motion to . . .

SENATOR CAVANAUGH: Well I would have liked to have heard from the chairman of the committee and have him address himself to that. I have a couple questions for Senator Burbach or Senator Warner, if I could.

PRESIDENT: There were no lights on when I called on you Senator Cavanaugh. Do you want to speak now and reserve your close? Senator Chambers light is now on. What's your pleasure Senator?