

those decisions for those people who do not have living wills. If we take out this provision we still have a very true living will bill. This provision goes well beyond that. It affects all those people who decide I don't want a living will and it imposes what we want on them. It goes much beyond what a living will ought to do. Let me point out from a study that was done from the January 1, 1992, Journal of the American Medical Association, did a study on people who have advance directives, living wills or durable powers. Out of those people only 60...out of those that actually executed a living will or durable power, only 60 percent actually wanted it followed strictly, only 60 percent of those who actually executed them. Out of all the respondents, only one-third, if they executed an advance directive would want it followed strictly. What this would do is impose these requirements on all of those other people that don't sign living wills and you know what their feelings are about living wills in general and about what their wishes would...what they would like done. I suggest to you that if Section 9 is stripped out, the bill comes down to its essence, it comes down to a true living will bill. You can vote for a living will bill at that point and say I voted for a living will bill that does not include all of this other stuff. If the amendment stays in you are not voting on a living will bill when the vote comes. At that point you are voting on how we will decide health care for everybody, absolutely everybody. Durable power of attorney is the next bill up. We'll decide at that point, living will is already included in the bill and those that don't choose to do either one of those, we will decide by this section what they...what will happen with them. I suggest that is not being entirely fair to the people who do not want to execute one, have valid reasons for not choosing to execute one. I suggest that Section 9 should come out. Senator Hall has asked for a portion of my time. I would give him the remaining part of that.

SENATOR HALL: Thank you, Madam President and members and Senator Lindsay, I want to vote for this piece of legislation. Prior to Senator Lindsay coming to the body, I was probably the chief opponent of this legislation for good reason because I felt it was a liability issue that had nothing to do with the issue of life or death, but had to do with liability. Had to do with whether or not doctors or hospitals would ever be liable for acts, whether they be acts in good faith or not. This one section of the bill, Section 9, capsulizes and contains that liability issue. Says that a doctor will never be liable for