

April 3, 1991

LB 44, 115, 160, 162, 190, 193, 204, 232  
671, 696

patient's known wishes in the form of the living will. There are a series of criminal penalties, both for faking a living will, for failing to carry out a living will intentionally, or not to meet the terms of the obligation. And there is broad powers to revoke a living will under the act. This measure, in some form or another, is the law in well over 40 states. Only three states remain with no public policy on the issue of the right to die. Nebraska is one of three states that has neither the living will nor an effective durable power of attorney in health care areas to handle this issue. While there are, I am sure, questions and issues about the language of the bill, I would suggest to you that that is the basis of our floor discussions, amendments, and the process of refinement that this body normally does, and so I would ask you, procedurally, to place this issue on the agenda allowing the introducer, then, to have a clear shot at knowing that it is available for the declaration as a priority and can then be dealt with by this Legislature in its biennium session...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...next year. I would urge the adoption of this motion and place LB 671 on General File.

SPEAKER BAACK: Thank you, Senator Landis. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 160, LB 162, LB 190, LB 193, LB 204, LB 232, and LB 115. Next speaker is Senator Wesely.

SENATOR WESELY: Mr. Speaker, members, I would rise in support of the motion to bring the living will bill out of the Judiciary Committee, but also more to inform the body about the status of another piece of legislation that I know many of you are familiar with, LB 696. The bills parallel, but they are not mutually exclusive. In fact, they would be quite compatible. I think Senator Landis has already kind of summarized the situation. The two concepts, the living will concept and the durable power of attorney's concept, are the two elements that are both present in Senator Landis's legislation, LB 671. LB 696, the bill that was heard by the Health and Human Services Committee and advanced, and is now a Speaker priority bill, is the durable power of attorney's issue minus the living will concept. The bill, LB 696, again Senator Lindsay introduced, and we did spend a great deal of time working through the