

little background on the concepts. The living will concept is one that has been before this body for close to ten years, and the first initial attempts in dealing with it were looked at by the Public Health and Welfare Committee that I served on back then. The battle was a hard fought one and the issue was moved back and forth between the Public Health Committee and the Judiciary Committee, as they both had some interest in the issue, and politics dictated that the Public Health and Welfare Committee was a more supportive place for the living will concept and so those that opposed the concept tried to have it rereferenced to Judiciary, and for the last years, we have had this battle back and forth, and that has somewhat resulted in the situation where today we have two pieces of legislation, one through the Judiciary Committee, which had to be brought to the floor by Senator Landis on a vote by this body, and the other from the Health and Human Services Committee, which is the durable power of attorney bill. So we have been going down different paths but they both reach the same conclusion, that some change has got to occur in how we deal with decisions by individuals who are incapacitated as to their medical treatment. Let me talk a bit about this. I know Senator Landis mentioned that one of the changes that occurred over this period of time is several years ago the Congress passed a requirement that hospitals and nursing homes inform their residents and their patients of their options for advance directives. That is to give them the information to make a decision for themselves whether they wanted to invoke a living will or a durable power of attorney bill so they would be knowledgeable what their choices were. In Nebraska, they are informed of nothing because we have nothing in our statutes. We may be the only state that has nothing on our statutes in this area. I know, even as long ago as five or six years ago, as the Health Committee Chairman, I wrote to the states that had a living will, and at that time, it was close to 40, and asked them about their experience, and I don't know how many more states have added the living will. I do know the durable power of attorney bill has become popular in a number of states and, again, Nebraska may be, if we are not the last, we are one of the final one or two states in the country that haven't done one or the other, and that is unfortunate. It isn't because we haven't tried. It is just we haven't been successful. So the advance directives have come forward in every state in the country. Every hospital, every nursing home is supposed to inform their residents of their options as of December of last year. Here there is nothing to inform them of. We need to take action. Senator Beutler talked