

witnesses the signing of the power of attorney for health care that that person cannot be the attorney in fact, the person who would end up being the attorney under the durable power of attorney bill so that there wouldn't be a conflict of interest of being the witness to the signing and then later being that person who carried out the durable power authority. That's what the committee amendments do and I'd ask for their adoption.

PRESIDENT MOUL: Thank you, Senator Wesely. Does anyone wish to speak to the committee amendments? Seeing none, we will now vote on the motion to adopt the committee amendments. All those in favor please vote aye, opposed nay. Have you all voted on the committee amendments? Have you all voted? Please record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Madam President, on adoption of the committee amendments.

PRESIDENT MOUL: The committee amendments are adopted. Senator Lindsay, for opening on the bill itself.

SENATOR LINDSAY: Thank you, Madam President and members. LB 782 seeks to amend durable power of attorney for a health care act which was passed in 1992 as LB 696. The provisions that need to be changed on it are provisions which were brought to my attention by, first, by practicing attorneys who deal with the durable power and have pointed out to me problems with it that make it unwieldy, that make it difficult for people to use the power of attorney. Second, brought to me by some hospitals who had problems, again, with the same types of things and questions about the requirements of the power of attorney that aren't consistent with some of the Department of Health regulations. Four major areas that are treated under the bill, first, would be allow for a notarized signature for the durable power instead of "or the two witnesses" which is currently required. That would bring it more in line with the living will provisions which require simply a notarized signature. Second, it would change the duties from the attending physician to the health care provider, this would be more consistent with what the way things operate out there in the real world rather than having the doctor's record, having the power of attorney would be the hospital's record or the nursing home or whoever actually would be keeping that record. Number three, it simplifies the form to be used and allows that the form be substantially similar rather than identical. This makes it easier for