

students from St. Bernadette. Welcome to your Unicameral Legislature. The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would rise just briefly to support the Beutler amendment. This bill when it came in last year the Judiciary Committee showed interest in it and we were crowding Senator Vard Johnson to get his amendments in which he did, of course, and in our opinion increased the good part of the bill considerably. I think perhaps Senator Beutler's amendment to make it permissive for the judges, which they can do now, is probably good, and if we are to rely on judges which should be good people because we are paying them a reasonable amount, we should perhaps allow this discretion to them rather than saying that they should do it. I really do think most judges take these cases seriously, and if they think it is necessary to appoint an attorney for the client, they will do so. So with that I would support...I do not speak, incidentally, for the Judiciary Committee as a whole but only individually on this point.

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President, and members of the Legislature. I rise to oppose the amendment. From the conversation we have had this morning, one would think there was no problem relating to guardianships in the State of Nebraska. Some of you will remember that three years ago I chaired an interim study where we started hearing about the problems in the State of Nebraska relating to guardianships. If everything is going well, it works fine, but what about the family situation where someone is very anxious to get hold of some property and wishes someone to be declared totally incompetent to handle anything, when in fact that is not true. A limited guardianship would be much more in keeping because the person is physically frail. When someone is appointed a guardian, there needs to be a specific individual to speak for that individual whose rights are being removed. We mandate this in cases of child abuse. We mandate this for juvenile courts. We are talking about persons of all ages, not just children, not just adults. Anyone could need at some time the appointment of a guardian of some degree. I strongly feel that the person whose rights are being removed ought to have that added safeguard. You are making it sound like it is a horribly expensive thing. Taking away the rights of an individual is a horrible thing at any price. I strongly support LB 428 in its current form and I do not support the amendment which has been offered by Senator Beutler.