

individual's economic wealth. That individual no longer has the freedom to make personal choices about where that person is going to live, about the medical services that person is going to have. All that is left to the individual is to eat and to sleep, carry on bodily functions and that is essentially it. The truth of the matter is that that is a severe stripping away of human rights. It strikes me that in the full development over the long haul of articulation of rights of people we have to make sure there is a lawyer appointed. Now, the appointment of a lawyer does two things besides protecting the right of the individual. (A) it raises a transactional cost of getting a guardianship and that is something people don't like and (B) it inconveniences well intentioned petitioners who bring a case into the court to have a parent who appears to be senile placed under guardianship or a youngster who appears to be retarded placed under guardianship or anyone else who appears to be incapacitated are placed under a guardianship. It is an inconveniencing factor. Now I of course have been troubled by the inconveniencing. I have been troubled by the increase in transactional costs but I finally come down by saying that it is important to us to fully assure people in our society that rights that are essentially inalienable, will not be taken away except with utmost care. In my opinion that does require the appointment of counsel in every case, unless the incapacitated person already has a lawyer of his or her own choosing. That is what my amendment to 428 does. What it does very simply is it says that is a good bill, it will articulate a bill but it lacks that one additional step that says those good qualities in that bill can only be articulated and heard in every case when there is a lawyer appointed in the first instance to at least represent the incapacitated person. I would ask you to bring this back to Select File for the specific amendment, to make the appointment of lawyers mandatory, to place that amendment on it and to then readvance the bill.

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we argued for a couple of hours a week ago on this very same subject. All of the different factors, pro and con were brought out, I thought, very articulately by one person or another. We reached the decision on the logic of the matter, on the facts presented to us and we heard all the facts, we reached a decision. Now, one week later the lobby is unhappy with the decision, they have activated and now they are brow beating people so they can switch a