

January 16, 1992 LB 671, 696

the need for the other, whether we should have one but not the other? Is there one that is right and one that is wrong? And the answer to that is, no, that one is not right and the other one is wrong. They are two different tools doing...

PRESIDENT MOUL: One minute.

SENATOR LANDIS: ...the same task and people's conditions are so sufficiently different that one tool may be better for one individual, and the other tool may be better for another individual. You may have a patient who has a close working relationship with a doctor, but no person on the horizon that they feel confident in. Fifty percent of the people that go into nursing homes, according to a recent federal survey, have no next of kin known to the nursing home. Those people may not have somebody for whom the durable power of attorney works easily or well as a tool, and for them the living will may be the ideal tool. Somebody who has a spouse who is in good health might well want to use the durable power of attorney. The State of Nebraska would do well to do what a majority of states have done and which clearly...

PRESIDENT MOUL: Time.

SENATOR LANDIS: ...the trend is now, and that is to have both bills. Forty-five states have a living will, 30 have a durable power of attorney. There are two states that don't have either. We are one of those two states. What is happening is the trend is here are two tools to get to the same end, let them...

PRESIDENT MOUL: Time.

SENATOR LANDIS: ...both coexist, and let individuals decide for themselves which tool works best. That is totally satisfactory with me, and if we can write a good living...a good durable power of attorney bill, I will be happy to vote for that, support it, and make sure that it is useable and enforceable.

PRESIDENT MOUL: Time, Senator Landis.

SENATOR LANDIS: If those things can happen, I would be happy to be a supporter of LB 696 and 671.

PRESIDENT MOUL: Thank you, Senator Landis and Senator Nelson. Senator Landis, you can continue since you are the next speaker.