

been developed since the mid-seventies in reaction to various state court decisions and now U.S. Supreme Court and federal court decisions, the concept or the issue...issues raised by this legislation have been extant for over a hundred years certainly in courts of law, and courts have been faced with the dilemma in many cases of trying to determine what is the best thing to do in circumstances, which courts are not necessarily set up to do. So, again, we're, when we get involved in not providing direction to the courts, we are asking the courts through the common law to make decisions which, quite frankly, they are not necessarily always equipped to do. I know my brother is a county judge in Douglas County, and, as such, serves in the probate court as part of his duties, and he has been confronted with decisions attempting to try to help families make decisions in cases like this. And, believe it or not, oftentimes what happens is that families do disagree about what should happen with a loved one, a family member, who is in a vegetative state, and, oftentimes, they are required to come to or they see fit to come to the court...through the court system and ask for, in this case, my brother to help guide them make that decision. My brother is a very wise person, much wiser than I, but, because he is a judge and I am in the Legislature, but I tell you, that is putting a great deal of stress on the family to have to come to a judge or a third party to make that decision. And it also just...in the long term, it is probably not the proper way to do it. The decision should be made within the family unit. I know I have gone through...it's easy to be anecdotal in these cases and to talk about our own family situations, and all of us have experienced them, but I have had two parents die. In both cases, those kinds of decisions were made within the family unit. It seems to me logical and consistent with what our family went through in those two cases, my brothers and myself, to discuss prior to...

PRESIDENT MOUL: One minute.

SENATOR ASHFORD: ...the last days of a parent's life what that parent may or may not want. And it seems to me that what Senator Landis is trying to do here is to create and to establish a mechanism, both through the durable power of attorney, and in the case where an individual would like to make the decision for him or herself, to let everyone in that family know what they would like to have happen. So two points I make, one is that this issue has been with us for at least 100 years in the courts. It has been with us since life began, human life