

CLERK: 565 of the Journal, Senator.

SENATOR LINDSAY: Thank you, Madam President. Members of the body, somebody mentioned to me a few minutes ago that Senator Chambers should have labeled his bill, his death penalty bill, the living will bill because we'll vote for anything that says living will on it. This amendment, again as I mentioned earlier, for those of you who may have been listening down in your office, I'm trying to deliver these amendments, even though they may be tedious, one at a time so you can make the policy choice on each one of those amendments. This amendment is a fairly substantial amendment and that is the question of consent. This is beyond living will and I think Senator Landis would, maybe won't agree with me. This goes beyond living will and changes common law on who consents to medical care. This sets up a class of, statutorily sets up a class of who may make the decision on medical care. What I'd like to do is, if I could, ask a couple of lawyers to...watch the lawyers scamper here, I'd like to ask a couple of lawyers to interpret a couple of provisions for me. Senator Baack I think said if we asked for a couple of good lawyers the only one we'd find is the one already speaking. Maybe I paraphrased him that...(laughter) If we could go to...let me ask Senator Beutler, he's already standing and looking at it. Senator Beutler, if you could go to the consent provisions of LB 671, that is Section 9 of the bill, or of the amendment that became the bill. Section 9...have you had a chance to read Section 9?

SENATOR BEUTLER: At one point I did, yes.

SENATOR LINDSAY: All right, let me come back to you and give you a chance to read Section 9 and then I'll come back to you with some questions. Section 9 sets out categories of who decides, if there is no living will. Now remember this bill, you have been told, this gives people a choice either to use a living will or not use a living will. That is what you've been told. The bill goes one step further. If you don't have a living will, if you don't choose to execute a living will, you presume that things will go according to the way that you wanted them under how they have been done in the common law. This bill, portion of the bill says, we're going to set up a scheme for any event that you don't have a living will, we will allow the state to set forth a system of who decides first who will consent to the withdrawal of life sustaining treatment. This is, I think Senator Landis would agree, probably the major