

trained in the law. Now we go outside of the legal field and we take this, realizing of course that the people that would decide this might end up being judges anyway who are also lawyers. But let's go outside the legal field and pretend that it's not going to be decided by lawyers. Who, then, in this room is going to agree on the same situations? Who, among us is going to agree if we write out an entire scenario with all the facts involved, are we going to agree on those facts just among us here in the room? And if we have a dispute, I guarantee you people outside this room are going to have a dispute and that is one portion of it. Now let's go to a situation if my wife kicks me out of the house tonight, is terminally ill tomorrow and my wife and I are estranged, not divorced, or let's take it even further, we've been divorced but it's not final, I am still her spouse. I make the decisions for her because we refer to the spouse of the individual, she has no guardian, has no attorney in fact under power of attorney for health care. I take...even though I am divorced for the most part, I would decide that for her because she is next in line, because I'm next in line I should say. Let's take the same situation. You have an adult child. You have an adult child who is estranged from their parents or more importantly, stands to get quite a bit of money on an inheritance. That adult child is the next person in line for this. I suggest to you, I can go on down through there, same people can have financial interest, can have personal vendettas, whatever it might be, but this statute takes away the common law. Right now a judge can say under the common law, a judge can say, no that person is divorced or basically is divorced or is estranged or has some interest that would not allow him to make that decision. This statute changes that common law. The statute takes that away from the judge to say, they are divorced now, he shouldn't be allowed to make that decision or this person has some ulterior motive. Even if the person has made it clear, it's been clearly estranged, this statute governs. This statute takes...

PRESIDENT MOUL: One minute.

SENATOR LINDSAY: ...that place. I suggest to you that this is...if that's the decision. I'm not...I don't know that that's not the policy choice that we want to make, but we ought to be aware that that is what is included in the living will bill. It goes beyond living will. That's what I was trying to say at first reading, that's what I'm trying to say now is this does much more than just those persons who sign living wills. We