

PRESIDENT MOUL: One minute.

SENATOR HALL: ...and understand what they are being told is going to be made aware of that. They are going to be made aware of that and they may have the expressed intention not to have a living will. What Section 9 does is take that ability away from that individual. It goes far beyond what the proponents have argued in favor of LB 671. I would urge that you adopt Senator Lindsay's amendment. I think with that final amendment the bill is a very good piece of legislation. Without it, I will rethink my position on the bill.

PRESIDENT MOUL: Thank you, Senator Hall. Senator Landis.

SENATOR LANDIS: I found that a very valuable and insightful speech and I was instructed by it. Senator Lindsay raised a question which I think legally I want to just would dropped, to address. Injunction, clearly in my estimation, would lie even though it is equity and the two provisions, the two prongs are irreparable harm and a failure to have an adequate remedy. Clearly, in this case there would be irreparable harm which is why the injunction would lie and the phrase is not, is there a remedy, but is there an adequate remedy? Adequate remedy in this case, in my estimation, would be the court determining that consent would be withheld that an injunction would lie. You would not allow for some kind of compensatory arrangement afterwards for damages on wrongful death. Although it is a form of remedy, it would not be an adequate form of remedy and in my estimation would be no bar to the court acting and issuing an injunction. We need to vote on Section 9 and I'll live with the results of the body. It seems to me that this is a valuable, insightful decision tree. It allows things very much like the common law to take place. It gives an appropriate list for certitude, for people who are trying and struggling their best to deal with a the difficult situation and it allows for a decision tree that carries out what a patient would want without some kind of absolute veto power by any member of the family no matter what their relationship or how far up or down the family tree they are or how hard they stamp up and down and say, well, if you don't do what I think is right, we'll go to court. It seems to me that this is an equitable, sensible way of taking care of the problem and most nursing homes and hospitals now follow procedures very much like this, but they do it without the authority of law. They do it at risk of legal challenge. They do it without the certainty that we endorse this list which