

the guardian conforms to everything we know about human nature and the way things are and who is most likely to give the best protection to the child, but in an effort to compromise an move this along I can see, in terms of out-of-wedlock situations, that you might want some additional interference by government and the state and if that's deemed to be appropriate by you then we can leave what remains of Section 19 after my amendment in. But at least with regard to situations that do not involve children born out of wedlock then the current law's presumptions, which I think are correct, would pertain and the surviving parent would be the natural guardian of the child. Thank you.

SPEAKER WITHEM: Thank you, Senator Beutler. On the Beutler amendment, Senator Wesely, followed by Senators Chambers and Bromm.

SENATOR WESELY: Thank you, Mr. Speaker, members. I've discussed the matter with Senator Beutler and I am agreeable to this amendment. I do think it maintains the thrust of the language and is an agreeable compromise, so I do support the Beutler amendment.

SENATOR WITHEM: Senator Chambers, followed by Senators Bromm and Matzke.

SENATOR CHAMBERS: Mr. Speaker, members of the Legislature, I'm not sure if I'm understanding what Senator Beutler's language would do. Senator Beutler, under your language, a dead person has some say-so if a will has been executed which is deemed valid in who shall become the guardian of a child?

SENATOR BEUTLER: They would have some say-so in the limited circumstance where the child was born out of wedlock.

SENATOR CHAMBERS: Thank you, members of the Legislature, and I don't want Senator Beutler to take what I'm saying as a direct slam at him, but in view of our unwillingness to allow the mother to have a chance to change her mind, in view of allowing a dead person to have some say-so in who is to be the guardian of a living child makes me feel we ought to take the whole subject of adoption and put it under the Uniform Commercial Code. If we did that the mother, the birth mother, would have more rights because under the Commercial Code there are certain contracts where a person can enter into them and have a period