

SENATOR BEUTLER: ...but was the original language in the bill. And I assume that the intent and certainly my intent would be that that language would not alter the basic operative principal but simply are factors to be considered in ascertaining the best interests of the child.

SENATOR BROMM: I appreciate that. And I think since Senator Matzke is the sponsor of the bill I'm going to perhaps ask him if he would yield to a question in that regard. I want to make this clear as I can on the record, if Senator Matzke would have just a minute. Would you yield to a question, please.

SENATOR MATZKE: Certainly.

SENATOR BROMM: Senator Matzke, I know you've been...had not had a chance to hear what I've said perhaps. But what I've said is that when the court decides who shall be the guardian of a child after a parent has died, my experience has been and as I remember the law, the court does what's in the best interests of the child, that is the paramount consideration of the court. And irrespective of the fact that we've put in considerations which the court should look at, such as payment of child support, whether that person has acknowledged paternity and whether they're a fit, proper and suitable custodial parent, isn't the overriding consideration still going to be the court is to determine what is in the best interests of the child? Is that correct?

SENATOR MATZKE: I think you're absolutely correct...

SENATOR BROMM: Okay.

SENATOR MATZKE: ...that there isn't anything here that could affect the courts prerogative and power to appoint the guardian that would be best for the child.

SENATOR BROMM: Okay, thank you. And I just wanted to make sure the record reflected that so that we didn't give overriding weight to any of the considerations that are listed in the amendment or the original bill. And as I stated, I support the Beutler amendment and encourage the body to adopt it. Thank you.

SPEAKER WITHHEM: Senator Matzke, followed by Senator Wesely and Senator Chambers.