

May 3, 1955

LB 712

SENATOR MATZKE: Mr. Speaker and members of the Legislature, I think we should realize what we're dealing with here. All a person can do by will is request that the court appoint a specific person as guardian. Many young people who sign wills don't have enough property to even justify having a will, the only reason they come in and want to have a will drawn is they want to be able to designate who would raise their children in the event both of them are killed, and so they by will nominate a, what is referred to as a testamentary guardian. It is in fact just a request to the court to consider, if it's in the best interests of the children, who should be appointed as guardian. Senator Chambers is absolutely wrong when he says that you can dispose of a child by will, you absolutely cannot do that. You can request that the court appoint someone. In other words, if I am young and my wife and I have a will and we say in our will, in the event that we are both deceased, we would like to court to consider appointing my brother as testamentary guardian of our children, the court will take that into account. All this does, all Senator Beutler's amendment does is make this application only to children who are born out of wedlock, and again Senator Bromm is correct, this is not binding on a court. The court's primary responsibility would be to find the best interests of the child in appointing a guardian. I would support the Beutler amendment.

SPEAKER WITHEM: Senator Wesely. Senator Wesely called the question. Do I see five additional hands? I do. The question is, shall debate cease? All in favor vote aye, opposed vote nay. Have you all voted? Senator Wesely.

SENATOR WESELY: I'd ask for a call of the house, please.

SPEAKER WITHEM: Question is, shall the house go under call? All in favor vote aye, opposed vote nay. Record.

CLERK: 20 ayes, 0 nays to go under call.

SPEAKER WITHEM: The house is under call. Would members please return to the floor and record their presence. Would unauthorized parties leave the floor. Question is, shall debate now cease? Senator Wesely, how do you want to proceed with the members are here?

SENATOR WESELY: Yeah, I would authorize call-in votes.