

SENATOR BEUTLER: The question the durable power of attorney seeks to deal with is the question of when the power of attorney expires and a durable power of attorney is one that continues beyond a person's incompetency and beyond...until it is effectively revoked in a number of different ways and that is what Senator Abboud is seeking to clarify. We have durable powers of attorney in Nebraska already, but basically it is being rewritten and clarified a little bit.

SENATOR HIGGINS: So that if I had a power of attorney from somebody and then I would suddenly be struck with some illness or disease that I would become mentally incompetent, that power of attorney is automatically revoked or am I missing the point, Senator?

SENATOR BEUTLER: Well I'd let Senator Abboud answer that under his particular bill. I imagine it is revoked at the point in time when you get notice of revocation, but Senator Abboud can answer that for you.

PRESIDENT: Senator Abboud.

SENATOR HIGGINS: Would you, please, Senator Abboud.

SENATOR ABBOUD: Senator Higgins, what this particular bill, LB...I'll just deal with what LB 292 deals with and what it provides is that while a person is still competent they can choose who they wish to have as their power of attorney. Instead of having, let's say an elderly person that become incompetent and having the court come in and specify who should have the power of attorney, this allows them flexibility while they are still competent to choose who they would wish to have as their power of attorney such as their son or daughter or husband or whoever. So that's what LB 292 does.

SENATOR HIGGINS: Then, Senator, it doesn't deal in any way with someone who already has a power of attorney and would become incompetent?

SENATOR ABBOUD: No.

SENATOR HIGGINS: Okay, thank you very much, Senator.

PRESIDENT: Is there further discussion on the Beutler amendment? If not, the motion is to adopt the amendment to