

authorize this, "having the right to control the disposition of the remains may when not inconsistent with any directions given by the decedent pursuant to Section 71-1340." 71-1340 deals with a person having left a will or some other writing determining how his or her remains are to be handled.

SENATOR MARSH: Yes.

SENATOR CHAMBERS: Do you believe that those provisions are to still be in effect even should LB 130 pass?

SENATOR MARSH: Yes, sir.

SENATOR CHAMBERS: I am going to read from the existing law. "If such instructions are contained in a will or other written instrument, they shall be immediately carried out regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date." So even under an invalid will, since you are trying to get the person's desires for the disposition of his or her remains, that writing will suffice if it is a will.

SENATOR MARSH: Yes.

SENATOR CHAMBERS: "This Section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed." The instructions are contained in a will or other written instrument, Senator Schmit and I think Senator Labeledz have a bill, LB 585, that puts information on a person's driver's license and there is a box where you can check that you do not want to be a donor. That is a writing under which...

SPEAKER NICHOL: One minute.

SENATOR CHAMBERS: ...a person has expressed his or her desire. So if their bill goes through and a person X'ed that they don't want to be a donor, then your bill cannot take effect because they have already expressed their desire in writing and that must be...

SENATOR MARSH: That is correct, sir.

SENATOR CHAMBERS: All right.