

February 26, 1979

LB 316

SENATOR JOHNSON: Yes, I do, Mr. President. Senator Venditte asked me a very good question. I don't think my response was as good as it ought to have been and I am kind of sorry about that, Senator Venditte. His question to me simply was, if we incorporate my, Senator Venditte's language, with respect to the abortion statute itself, why do we have to incorporate again my language with respect to the process under which an abortion is taken. Aren't they essentially identical statutes? They are not really that identical in the end because what the statute that we first amended, Senator Venditte, was to say no abortion shall be performed. Okay, the second statute that we are now going to amend is a statute which says that any abortion that is performed you have to follow a certain process in performing the abortion and that process is one that you have to take all reasonable precautions to protect the fetus. That is a little different thing than whether or not you can perform the abortion. Once you decide you can perform the abortion, then the question is, how do you perform it? Now the Supreme Court says this. When you have concluded that you are going to abort a viable fetus, when you are going to abort a viable fetus, the kind of process that you use to abort that fetus has got to be one that is basically compatible with saving the life of the mother, and if you are the physician called upon to make the hard choice as to whether your process would save the fetus but injure the mother, or in that alternative would save the mother but kill the fetus, then the latter controls and that is what my language does. That is why I put my language in your second amendment, Senator Venditte, is to make sure that again we have allowed the physician to make that hard choice, to wit, to save the life of the mother or the health of the mother in the event he is called upon to determine the kind of process to use in aborting a viable fetus.

SPEAKER MARVEL: The motion is the adoption of the Johnson amendment to the second Venditte amendment. All those in favor of the Johnson amendment vote aye, opposed vote no. It takes 25 votes. Have you all voted? Have you all voted? We are voting on the Johnson amendment to the second Venditte amendment. Have you all voted? For the last time the Chair is calling for..

SENATOR JOHNSON: I request a Call of the House.

SPEAKER MARVEL: Okay, the question is shall the House go under Call. Clear the Board. All those in favor of the Call of the House vote aye, opposed vote no. Record.