

February 26, 1979

LB 316

SENATOR JOHNSON: For dispensing with the consent.

SENATOR CHAMBERS: Right.

SPEAKER MARVEL: Are we ready to vote on amendment #2 on page 638? All those in favor of the amendment vote aye, opposed vote no. Have you all voted? The Clerk will record.

CLERK: 25 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: Okay, that amendment has been adopted.

SENATOR DeCAMP: Okay, this is one that is not on the desk. It is a necessary one. Both sides agree, let me read it. On page 5, in line 10, strike "or" through the period at the end of line 11 and show as stricken. In line 10, insert an underscored period after "consent". Reason. What does this do? I will have it up there in a minute. On line 10, the word "incompetent" which is there has no legal reference. The word used in the probate code of this state is the word "incapacitated". This phrase refers to the woman who is mentally retarded. If she has been adjudicated incapacitated, she already has a guardian to make the decision for her and so the guardian makes the decision. In other words, the remainder of LB 316 applies with the guardian standing in for the incompetent person. It has the support of the Pro-Life Association, the Association for Retarded Citizens and whatever. It is an important amendment to put in to clear up that word.

SPEAKER MARVEL: Can the Chair ask the question, are there other amendments that are not on the Clerk's desk before we proceed? It is going to be very difficult to coordinate these with the E & R unless we get these amendments up on the desk.

SENATOR DeCAMP: So I would move the adoption of that amendment. It is another one where there is no dispute. There are a couple of others and then it deteriorates (interruption).

SPEAKER MARVEL: Mr. Clerk, did you want to read the amendment?

CLERK: Mr. President, the amendment, as I understand it, is as follows: Read DeCamp amendment found on page 652, Legislative Journal.

SPEAKER MARVEL: Do you want the amendment adopted? Do you so move? Okay, the motion is to adopt the second, let's see,