

February 26, 1979

LB 316

SPEAKER MARVEL: Okay, the motion is carried. Now are there other amendments to LB 316?

SENATOR DeCAMP: Yes, okay, we have got through the easy ones. From here on, it gets kind of testy.

SPEAKER MARVEL: Do you have these amendments on the Clerk's desk.

SENATOR DeCAMP: Yes, they are all part of this and I am going back to them now. On page 1, where the item #7 is, in the DeCamp amendments, page 2, line 11 and after "unless" insert "in the best medical judgment of the physician or the best judgment of the woman". We are at the heart of one of the big issues that the pro-life group and the pro-choice group disagree on. This would involve the ability of the minor, am I correct now, of the minor, the minor, get you, to waive the waiting period, the forty-eight hour waiting period that is in there. No, to waive the consent, I am sorry, to waive the parental consultation. Okay, in my amendments we adopted the other day, we put that minors, unemancipated minor under whatever have to have parental consultation. This so it could be argued effectively puts a device for the minor to waive that by herself. There is a provision, as I recall, for the doctor to waive it under our definition of emergency condition. The argument of the pro-life group is, hey, it is all a fraud. It is all a hoax. You say there is a waiting period but then you, on the other hand, give the right to waive it. The pro-choice group says, not really. We still have in the law that there is a waiting period and it has to be a conscious deliberate premeditated act of the doctor or the woman understanding the circumstances to waive it. So it is there even though it has been weakened. On this particular point, I personally because it does involve minors am going to support a rejection of this amendment. In other words, I am going to keep it, in my opinion, as we have it now. So let me give those two sides again. If you reject the amendment, you keep it as it is now which means there has to be parental consultation and the only way that can be eliminated is like an emergency, a special condition of the particular female involved, married or whatever. If you accept the amendment, you are "retaining the consultation but you are offering that minor the option on their own part to eliminate it." On this one, as I say, I am sticking with the attitude of rejecting the amendment and keeping that consultation and I do this because I think minors, minors should have this burden. Admittedly there is a possibility that this will be uncon-