

March 8, 1979

LB 316

stand on the floor and speak in this fashion, bring the bill back and do what you are being asked to do and I will speak on the amendments as they come up provided you foolishly bring this bill back. Now let me tell you why I say it is foolish. Any act which is placed which is not going to solve a genuine problem, which is supposed to be addressed is not wise. That which is not wise is foolish by definition.

SPEAKER MARVEL: Senator DeCamp, I recognize you to close on your motion.

SENATOR DeCAMP: Mr. President, perspective time again. Senator Chambers has said how terrible the bill is, unconstitutional and referred to the Attorney General's opinion. Let's just read the final paragraph of that opinion. "To summarize, in our opinion, the informed consent provision of section 2 of LB 316 would likely be upheld if challenged on constitutional grounds." Allegation during the debate was, you know, this is horrible. "The forty-eight hour waiting period provision of section 2 is constitutionally defensible, but if it is struck as unconstitutional, it is severable." You may remember that was precisely, almost word for word, what I alleged and claimed on the floor and in Senator Dworak's questions to me that was precisely my answer to him. "The prohibitions in section 3 and section 4 of LB 316 may raise", may, may, raise "a constitutional question as to vagueness due to the use of an additional, undefined objective standard of determining viability." At the time we debated this and this was Senator Venditte's amendment, we said we are talking about determination of viability. We are trying to implant the Colautti information into this because he used an additional word rather than one word. He said that might raise a vagueness, so I stated to you a few minutes ago, we are making a technical correction, a technical correction, so that it is clear that we are using one standard, "sound medical judgment". Now what is sound medical judgment? Well I think we all know that is using proper medical procedures. In other words, it is being honest, good faith and using the proper education the doctor has. "The parental consultation provision of section 6 is constitutionally defensible, except for a substantial vagueness question raised by the discrepancy in the use of the undefined terms, minor and unemancipated." I said we are correcting that. That was the original Johnson-Hoagland amendment. I said we are clearing up unemancipated by just using "minor", a technical correction so that there isn't any confusion as to what we mean and finally, and