

May 14, 1981

LB 466

CLERK: Mr. President, LB 466 has been considered by the membership. The E & R amendments were adopted on April 10 of this year. There was a motion offered by Senator Labeledz. It was adopted on April 24, Mr. President. I now have pending from Senator Labeledz amendments on page 1546 of the Journal.

SPEAKER MARVEL: Okay, the Chair recognizes Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. Speaker, members of the Legislature. I believe the Clerk has mentioned the fact that the last time, which was quite awhile ago, we were on the notification amendment and at that time there was several amendments put on the amendment that failed and I would like to explain the amendment now so that you will fully understand what we are voting on. I offer this amendment to LB 466 in response to a recent Supreme Court decision which addressed the question of parental notification in a situation when an abortion is performed on a minor. The U. S. Supreme Court just recently ruled that a Utah parental notification requirement is constitutional as applied to immature dependent minors. According to the Supreme Court, the Utah statute did not give parents a veto power over a minor's abortion decision. The Utah statute as applied to immature and dependent minors served important consideration to family integrity in protecting adolescents as well as providing an opportunity for parents to supply essential medical and other information to the physician. The amendment would add a new section to the Nebraska law which detailed situation where a physician would be guilty of unprofessional conduct. If adopted, this amendment would require a doctor to notify one of the parents or legal guardian of a minor who wants to have an abortion. The notification procedure is described in subsection (1) of the amendment. In subsection (2) of the amendment, if a minor contends that she is independent or mature enough to make the abortion decision without parental notification or that notification would not be in her best interest, she must present an affidavit or testimony that would substantiate such a claim to a state district court or judge, or if a state district court judge is not available in the county where the minor resides or the abortion is to be performed, to a county court or judge. All of the notification requirements would be waived if a court or judge finds that a minor is mature enough to make the decision independently or that the notification would not be in the best interest. This particular section is included in the amendment to allow any minor who wishes to make a claim of maturity or independence the opportunity to present evidence to a court to provide the validity of such a claim. I feel that a judge would be the