

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have a number of amendments, a number of things I want to do in amending the bill, they have all been agreed to by Senator Nelson and her committee counsel, but I am going to let you know where they occur in the bill because once out here it belongs to everybody, and some of you may disagree with them. Starting on page 2, if you look at line 7, where the sentence begins "the protocol shall encourage", the word will be changed from "encouraged" to "require". And in the next line, instead of "reasonable discretion", "utmost care". And it will read, "the protocol shall require utmost care and sensitivity to the family circumstances", then we add "views and beliefs", so that we are giving the true consideration to these people who have just lost a loved one that we ought to. And, although this is intent language and may not have any effect in law, one part of it will where it says that the protocol shall require this utmost care to be taken. Then I've got to come to the next one. I guess it is down in line 24 where they are talking about giving the family, or whoever is going to make this decision, the opportunity to consent to the organ tissue donation. I would add the words "or to decline". So that the person is made aware of the fact that it is not just saying you have but one option and that is to consent to this. You can agree or not agree. Then, after I tell you what these amendments do, I will give my rationale for them. On page 3, in lines 4 and 6, I would strike the word "actual", which occurs before the word "notice". Actual notice is a much higher standard than mere notice. And what this provision is dealing with are those circumstances under which the consent need not be sought. So a person could have notice that this would not be desired. But if you say "actual notice" they would be in a position to say well nobody brought something directly to me and made me know it, even though there was a basis to know. So we would strike the word "actual". Then in line 8, for the same reason, after the word "believes" would be the words "or has reason to believe". A person could have all of the factors necessary to trigger belief but could state, nevertheless, that even with this information I don't believe it, or I didn't believe it. So the person either believes it or there is a fact...circum...situation which would cause a reasonable person to believe. So those words would be added. I'm not sure if there is.... Oh, I have to go back to page 2 because this is an additional one. In line 14, the words "peace and safety" would be stricken. And these propositions