

of office and one of the cases I did read was the Colautti case which is a very recent Supreme Court case dealing with the definition of viability. I am also going to support today the DeCamp amendments because they make our law a more constitutional law, but they still leave open this issue of viability. I rise to support the Chambers amendment. I have moved to amend his amendment by putting in not that the judgement of the attending physician shall be conclusive but rather the "good faith judgement of the attending physician shall be conclusive". Colautti itself recognizes that some physicians can operate in bad faith, that is some physicians can abort a viable fetus and later claim that they did not realize the fetus was viable. That would be or that could be a bad faith decision on the part of the attending physician. Colautti recognizes that. Thus, I move to amend the Chambers' amendment by stating only that the "good faith judgement of the attending physician shall be conclusive". If we adopt my amendment to the Chambers' amendment and then the Chambers' amendment we come a long ways in making LB 316 as eventually amended by the DeCamp amendments a constitutional law.

SENATOR MARSH PRESIDING

SENATOR MARSH: Senator Chambers.

SENATOR CHAMBERS: Madam Chairman, I merely want to state that I agree with Senator Johnson's amendment and I agree with the comments that he made.

SENATOR MARSH: Senator DeCamp.

SENATOR DeCAMP: Madam President and members of the Legislature, Senator Fowler correctly stated that this was one of the issues that was not resolved completely. In my amendments I use the definition of Roe v. Wade. Senator Chambers uses a version or a hybrid of the Collauti case. It is the contention of those who support the Roe v. Wade decision and definition of viability that that is still the prevailing definition, that that is a safe and maybe the only safe definition to use and that is the one that they are willing to rest the abortion laws on. The Colautti case was not a unanimous decision. Roe v. Wade was a unanimous decision. The Colautti case did not have as its central issue the definition of viability. It was a peripheral issue and discussion at best. Roe v. Wade had viability as one of its central issues. Roe v. Wade has not been overruled or returned. We have used in my amendments precise words of Roe v. Wade. We believe that is a satisfactory definition until and unless the Supreme Court