

February 26, 1979

LB 316

SENATOR HOAGLAND: If there are no lights, I will move the question at this time.

SENATOR LEWIS: There is only one other light on. That is Senator Venditte and he has motioned that he agrees to that so there is no reason to call the question. I am sorry, Senator Labeledz, your light is on. Senator DeCamp, but I know you mean for it to be off. In that case, yes.

SENATOR VENDITTE: Just for purposes of clarification, so that I have it, would the Clerk...

SENATOR LEWIS: The Clerk will read it but first we will let Senator Johnson close.

SENATOR VENDITTE: Will then debate be ceased on the amendment?

SENATOR LEWIS: If you will sit down, Senator Venditte, I will ask Senator Johnson to close in reply which means the end to debate. Thank you. Senator Johnson, you may close in reply.

SENATOR JOHNSON: Thank you, Senator Lewis. The Venditte amendment reads that section 3, 28-329, shall read "No abortion shall be performed after the time at which according to standard medical practice and sound medical judgment the unborn child clearly appears to have reached viability except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health." My little amendment adds three words, no, adds four words, following "medical judgment". So it would read "No abortion shall be performed after the time at which according to standard medical practice and sound medical judgment of the attending physician..." "of the attending physician", that is my amendment and I want to emphasize that viability determinations are to be reached on the basis of standard medical practice and the exercise of sound as to opposed to bad faith, to sound medical judgments by the person who is performing the operation, to wit, the attending physician. I believe that this amendment will help save the problems that we were having last Tuesday with the viability definition by at least allowing the attending physician the kind of leeway that he or she needs in ascertaining whether or not the fetus is a viable fetus. I would move the amendment.

SENATOR LEWIS: You heard the close on the amendment. For clarification, this is the Johnson amendment to the Venditte amendment. It is an amendment to the amendment. All those