

have heard discussed so often last Tuesday and again today that what the court is saying in the end that a legislature cannot properly require a physician to exercise judgment that favors the life or protection of the fetus over the life or protection of the mother, that when a physician is called upon to exercise sound medical judgment, that sound medical judgment must be exercised basically in favor of the life or the health or the well being of the mother and, thus, my amendment.

SPEAKER MARVEL: Senator Nichol, do you want to speak to the Johnson amendment? Senator Chambers, do you want to speak to the Johnson amendment.

SENATOR CHAMBERS: Mr. Chairman, Senator Johnson is correct in what he said on this particular amendment. So that you will understand exactly what is being stated, when a child has reached viability and an abortion must occur, there is no way that the preservation of the fetus is going to be allowed to take priority over the welfare of the woman and this has been clearly stated in the Colautti case. So where a decision must be reached by the attending physician, the judgment must be made in favor of the woman and Senator Johnson's amendment makes that clear. So if that is what you want to see happen, you will vote for this amendment. If that is not what you want to see happen, you will vote against it and keep the bill a bit more unconstitutional. And it is kind of interesting to me, Senator DeCamp is gone, long gone as Senator Nichol says, I have never called Senator DeCamp dumb. I might say he does dumb things but everybody know that Senator DeCamp is not dumb. Everybody knows or most people know or people can find out, if they take the time, that Senator DeCamp is not a fool although he will often do very, very foolish things. If he works on a certain number of bills and some go before the Supreme Court and they happen not to be declared unconstitutional, that is not too much of a record and that is not germane to the discussion here at all one way or the other. The issue before us is a bill which some people are purporting to put into a shape where it will be declared constitutional if it is challenged in court. Regardless of what may have been done on medical malpractice, this bill is somewhat different but there may be a connection because there are some issues dealt with in the medical malpractice bill such as those related to consent which are also dealt with in this bill and the two are not the same. The two are not the same. So perhaps there ought to be an attempt to integrate this bill with other types of legislation that deal with medical and surgical matters but that is not