

March 13, 1979

LB 316

Final point brought up, and the other half of the case I suspect, is the problem of scienter, s - c - i - e - n - t - e - r, the minor coming in with fake papers let's say. The boy and girl as his example, coming in with the wedding ring or whatever and saying, hey doc, we are married and it is time to do it. I have up there, a technical amendment signed by Senator Johnson, signed by Senator Dworak, signed by myself, that addresses the scienter and says specifically, "When the attending physician knew or should have known that the woman upon whom the abortion was performed was under the age of eighteen or was not married." This is a reasonable standard in law we have always used. I personally contend it is not necessary because other statutes, other criminal law imply this, however, in order to overcome even the hint of a problem on this since the issue has been raised, I offer the technical amendment today. If we adopt these two amendments and get the bill back here before noon, it can still be handled this week, Thursday, Friday at the latest, hopefully Thursday. I believe I have addressed every single issue raised by Senator Chambers. I repeat once again, minor age, there is a basis. Married, there is a basis for making a differentiation. The purpose of the legislation is not to burden the abortion decision but is done for the best interest of the minor. The written versus informed controversy with ambiguity, a technical correction amendment up there. The scienter problem, which he raises as a problem, a technical correction up there.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: I ask for the question.

PRESIDENT: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 1 nay, to cease debate, Mr. President.

PRESIDENT: Motion carries. Debate ceases. Senator Chambers, you may close on your motion. No close, so the question before the house is, shall LB 316 be returned to put on the amendments to strike the clauses that Senator Chambers has spoken of in his presentation? All those in favor of returning LB 316 vote aye, opposed nay. Have you all voted? A record vote has been requested. Record the vote.