

March 30, 1990

LB 688, 769

SENATOR LINDSAY: Well, to be honest, I'm not that familiar with the old one so it would be difficult. I can tell you what 769 will do, that's...it provides for a parental notification, one parent notification, 24 hours before an abortion is performed.

SENATOR SCHIMEK: Can you tell me if the existing statute provides for notification of relatives other than the parents?

SENATOR LINDSAY: I don't believe so.

SENATOR SCHIMEK: It's a new concept then.

SENATOR LINDSAY: Right. And that...it's my understanding, and starting to think about it I guess, the...probably the major difference is that there is a judicial bypass procedure in the LB 769. There is not in the old...in the statute that is still on the books. The statute still on the books also is right now the subject of an injunction.

SENATOR SCHIMEK: So it is questionable whether that statute is constitutional?

SENATOR LINDSAY: Right now that statute has been enjoined from enforcement as...

SENATOR SCHIMEK: Right.

SENATOR LINDSAY: ...the courts have held that it is unconstitutional.

SENATOR SCHIMEK: Okay, then could we proceed and could I ask you a couple of "what if" questions. If LB 769 were to be amended and enacted, as you have suggested, what if the extended family is dysfunctional as the immediate family of this young woman is, is that...and that's probably likely or at least possible because this kind of situation tends to run from generation to generation. Then in that case, the young woman's alternative would still be the court system. Is that correct?

SENATOR LINDSAY: Are we referring to the proposed compromise...

SENATOR SCHIMEK: That is correct.

SENATOR LINDSAY: ...that we may or may not get to?