

January 30, 1992 LB 671

SENATOR LINDSAY: I would urge that the amendment be defeated. And I will be submitting one that does what I represented to you that I was trying to do. So I would urge that the amendment be voted no.

PRESIDENT MOUL: Thank you, Senator Lindsay. We'll now vote on the Lindsay amendment. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 0 ayes, 19 nays, Madam President, on the adoption of the amendment.

PRESIDENT MOUL: The amendment is not adopted.

CLERK: Madam President, the next amendment I have...Senator, you had AM2583, that was the one you passed over a little earlier, and I understand now you wish to substitute 2644, AM2644?

SENATOR LINDSAY: Yes. (AM2644 appears on pages 571-72 of the Legislative Journal.)

PRESIDENT MOUL: Senator Lindsay.

SENATOR LINDSAY: AM2644...this amendment I've discussed with Senator Landis. Senator Landis, I believe, has no objection to it. It would do two things. Number one, it would, in the first part of...and it's being passed around to you, by the way. In LB 671, in the white copy that has become the bill, it...one of the findings is that the Legislature recognizes the common law right and the constitutional right for people to direct their medical treatment. And that doesn't accurately reflect what was stated by the Supreme Court in the Cruzan decision. What the Supreme Court found was that there was a constitutionally protected liberty interest, which...it's a legal, I guess technical change but could be fairly significant. The second change...it also adds language dealing with...sets forth basically what the law, as the Supreme Court has evolved it, what that law is, that the state...it does ra...it has, as an additional finding, that the Legislature recognizes that constitutionally protected liberty exists; and, second, it recognizes that the...that the state does have legitimate interests which it may choose to protect. As I discussed with Senator Landis, this is not to indicate that the Legislature is