

February 26, 1979

LB 316

of the matter is that it directly pivots on this particular section. Without this section, we can just forget about 316 the rest of this session because we will in fact be saying that we have no law on abortion. We have no law. We have no restrictions. We lose all sections. We lose the conscience section. We lose the viability definition. We lose everything, if we lose this particular section. So I very strongly urge you to vote against Senator Nichol's amendment, keep this, what I would call, a very fragile coalition intact and then I think we can dispose of LB 316.

SENATOR LEWIS PRESIDING

SENATOR LEWIS: Senator Fowler.

SENATOR FOWLER: I rise to agree with Senator Dworak on at least this aspect of LB 316. I may not later today agree with him on all aspects of 316. But I do think that in discussions with some of the attorneys in this Legislature who have a better grasp of this issue than I would that it is really impossible to sever this concept of a right to privacy from guaranteeing privacy for a woman in the case of an abortion. Judge Urbom has indicated that one of the problems with all the forms that the Nebraska abortion law has, whether it is a consultation form or a report form, consent form or whatever, is that there is no real guarantees in there that the woman's privacy will be respected. I think that we must go to a strong standard of privacy in this state if in fact we are going to meet that constitutional test. So it is for this reason I would oppose Senator Nichol's amendment. I do think removal of this from the bill could create great damage to LB 316.

SENATOR CULLAN: Mr. President, members of the Legislature, I would have a question of Senator DeCamp if he would yield please.

SENATOR LEWIS: Senator DeCamp, will you yield?

SENATOR CULLAN: Senator DeCamp, I have two questions and I would like you to give me as brief an answer as is legitimate. Does the right of privacy in the amendments that have been adopted by this body extend beyond the areas of abortion? Do they affect other areas?

SENATOR DeCAMP: The amendment on the bill recognizes the right to privacy exists in Nebraska. Obviously it has to extend beyond the mere abortion statute. You say it exists. Up to this time we have said it does not even exist, and if