

February 27, 1979

LB 316

CLERK: 5 ayes, 38 nays, Mr. President.

SPEAKER MARVEL: Motion lost. Ready for the next amendment. Senator DeCamp, are you ready for the next amendment? The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, this is, if you want to call it, this is where it gets down to the gut fight. This is the bottom line. This is where there is a split among pro-life. There is no agreement on the next amendment. That is as simple as I can put it. Now let me explain what the amendment does. Try to give you briefly both sides of the amendment and then tell you why I will probably vote for the amendment. The amendment with respect to the forty-eight hour waiting period would allow the woman to, in essence, declare that there is an emergency and waive that waiting period. It is my belief from my reading of the various cases, from an analysis of the way this thing has developed and what the court has said, that if there is one issue or one area in the bill where we might have real vulnerability, this might be it. Now the amendment would retain the forty-eight hour waiting period. It would allow that issue to be tested in the courts to find out whether any waiting period is allowed. It would, however, and I do not want you to be deceived on this one bit, it would, however, greatly weaken that waiting period because it would enable the woman to effectively declare what in her mind was an emergency and thereby avoid that waiting period. I believe this amendment on this, what I think is going to be very close constitutional question, would in fact, get it over the hurdle so to speak and give it that necessary bit for constitutionality. Now admittedly it may not be necessary and let me not delude you on that. It is only my belief that it is and the issue has not been resolved by the courts. I would have to advise you something like this if I were just giving recommendations. If you are absolute, absolute...let me use an example. If you wanted to risk all, I would guess Senator Venditte would take this position, you would reject this amendment. If you wanted to try to get the bill in what you think is a constitutional form and overcome this hurdle I think you would fall on the side of voting for the amendment. Remember this as you vote on this amendment. Every single major issue that the Pro-life group wanted has been maintained from definition of abortion that they wrote to viability definition, which they insisted on, to delays, to parental consent, to determination of viability. All the major things that they wanted are intact. This does weaken one of those and I say again, let me not delude