

bill in effect at the time. Now if we want to talk about appealing something like this to the United States Supreme Court, that is fine but we have to recognize two things. First of all we are imposing the cost of that appeal on the taxpayers of Nebraska because it is the Attorney General's office that is going to have to defend it but, far more important than that, far more important than the \$25,000 it would take to defend, far more important is the fact that during the course of the appeal during the one to three years it will take to resolve these issues in the courts, Nebraska is not going to have an abortion statute. Now it is fine for others states to appeal through the courts and not have an abortion statute regulating the kind of practices that need to be regulated but let's leave that to other states to do. As far as I am concerned, we should have a statute in effect in this state regulating the practices. Now, we are getting down to the last section where there are real significant differences of opinion, and I think it is just clear when you read Judge Urbom's opinion that he is going to have no choice but to find the forty-eight hour waiting period unconstitutional when this case comes up again. Now let me refer you to specific language. You might all turn to page 549 of the Legislative Journal where we have reprinted Judge Urbom's opinion and starting on the last paragraph on page 549 he begins a two paragraph discussion of the forty-eight hour waiting period and let me quote. He says that that provision is "probably unconstitutional" for two reasons, for two separate reasons. Reason #1, "it appears to be a restriction or regulation which interferes with the woman's decision as well as the decision of the physician." Now if this law is unamended, why the woman's decision as to whether there is to be a forty-eight hour waiting period will continue to be interfered with and, colleagues, this is a question of law that Judge Urbom has ruled on. He is very very likely to change his mind on this issue due to any facts that he will induce at a subsequent trial on the merits, but how about the second reason that he uses for...

SPEAKER MARVEL: One minute.

SENATOR HOAGLAND: ...okay, thank you, Mr. Speaker. He also cites a separate independent reason for indicating that this is probably unconstitutional and let me read that sentence. It is the first paragraph that begins at the top of page 550. "Another reason for possible unconstitutionality is that the section appears to require a waiting period for a particular kind of a sur-