

gical procedure which apparently is, or may well be unique, as far as Nebraska statutes are concerned." Now if we were to strictly interpret Judge Urbom's language, what he would obviously like us to do is take out the forty-eight hour waiting period entirely but we have not done that, ladies and gentlemen. We have cut it as close as we possibly can to maintain the constitutionality because many of us think there ought to be a waiting period in some form or another and the way we have preserved it is to require the woman to come in and declare an emergency, to look the doctor straight in the eye and say this is an emergency, as emergency is defined, in order to be able to waive the period. So we really are cutting it just as close as we think we can to preserve the constitutionality of it. Now this really comes back to a fundamental question of what our obligations are as legislators and I maintain that our obligations are to do everything we can to pass constitutional laws. This is not a pro-life question. It is not a pro-choice question. It is a question of what our obligations are under the constitution that we have sworn to uphold. Thank you for your attention.

SPEAKER MARVEL: Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. President. Senator Hoagland mentioned that they are not taking out the forty-eight hour waiting period but if this amendment goes through they might as well take it out. I would like to make sure that everybody understands what we are voting on. It says, that no abortion shall be performed on any woman without the passing of at least forty eight hours between the expression of informed consent and the actual performance of the abortion unless in the best medical judgment of the physician, again added, or in the best judgment of the woman. If delay will adversely affect the health of the woman, then that is a decision only the physician can and should make. Giving a waiver right to the woman all but does away with the policy of encouraging thoughtful deliberation and this amendment has set up a situation in which the physician or the clinic personnel can tell the woman that if she wants to say it is an emergency they can proceed without delay for the abortion. I believe that if there is so much certainty of this unconstitutionality then why are the efforts so strong to weaken it beyond the point of being sensible. We do not agree that it is unconstitutional and we are willing to test it in court. I