

February 27, 1979

LB 316

strongly urge the members of this body to reject the amendments.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, members of the Legislature, I rise to support the DeCamp amendment while agreeing in part with what Senator Labeledz has said. I am willing to support this amendment because it is a compromise, because it does allow a forty eight hour waiting period which I think Judge Urbom has said in as strong a language as he can say is unconstitutional. Now I am willing to support a compromise and I have tried to work with Senator DeCamp and Senator Dworak and Jim Cunningham to come up with language that would let them have some sort of waiting period but would let Nebraska try and have a constitutional law, which I thought was the goal all along here. I am not trying and have not tried any amendments to write a law like I would like to see with regard to abortion. There are several sections in this law that I do not agree with. We tried to focus in only on the constitutional issues. Judge Urbom has given his views on this. The U.S. Supreme Court have given their views on this issue and those are on one side and they say that a woman, particularly in the first trimester, has a right to make a decision about having the abortion. That is what the Supreme Court said and has continually said. That is what Judge Urbom is saying and that is what is constitutional. That is on one side. Senator Venditte is on the other side and he says the woman should not have any part of the decision, and that may be what Senator Venditte would like to see but that is not going to be a constitutional law. Now Senator Venditte declared we will be back here next year to discuss this issue. That is what he would like to do. That is why he would like to bring us all back here for. Rejecting this amendment is a guarantee to return the abortion issue to the Legislature next year. It is a guarantee that Senator Venditte will get his wish. Now Judge Urbom was very explicit. He says he does not know. "I know of no other statute which requires a person to wait before getting a particular surgical procedure for two days, but the reason for it is is uncertain." And then he says, "I suppose it might be to encourage thoughtful consideration." That is what Senator Dworak says the reason is. That is what Senator Labeledz says the reason is. That is the intent of the Legislature as established here today for the forty-eight hour waiting period. Judge Urbom then goes on to say that that does not seem to him a constitutionally valid reason for this to be in the statute. He has already ruled on the intent that is declared here today. Now other options were