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LB 316

presented as far as how to deal with this question. One of the biggest problems in our Nebraska statute is it does not follow the Supreme Court guidance in establishing trimesters and distinctions then. An amendment was offered that would allow the forty-eight hour waiting period in the second and third trimester and remove it from the first and that is the one that most likely would make this section constitutional, but Jim Cunningham rejected that amendment. He said he did not want to go that way because he did not want to recognize trimesters despite the Supreme Court decision and I think that is basically what is before us. The people that are opposing this amendment do not want to recognize what the Supreme Court has told us and told us and told us. Senator Venditte has his views as to the role of the woman in an abortion but those are not what Judge Urbom is saying. It is not what the Supreme Court has said and the adoption of this amendment will not necessarily make this bill constitutional, but it will bring it closer.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: You have one minute left.

SENATOR FOWLER: It may bring it close enough that Senator Venditte will not have to have this issue before us again next year as he wishes. I would urge adoption of this amendment as a step towards constitutionality. Rejection of it is a guarantee based on Judge Urbom's decision that this law and all this work we have put in in these past few days will be thrown out.

SENATOR NICHOL: Senator Johnson.

SENATOR JOHNSON: Mr. President, members of this body, we have heard a lot of conversation about the constitutionality of our law. We have heard no conversation about the wisdom of the policy and I would like to speak to that for just a couple of minutes. The question before this body is whether a woman should have the ability to make some decision about waiving a forty-eight hour waiting period to have an abortion. Now existing abortion practice in Nebraska essentially is confined to Omaha and Lincoln, and what this means very simply is that women who agonize over the question as to whether to have an abortion or not, who talk to their ministers and to their rabbis and to their friends and to their parents and to their spouses and to their lovers and to anyone else from who they seek good counsel and finally decide for themselves