

March 8, 1979

LB 316

probably the greatest right that should be considered first and that is of the woman. The other day we talked about this issue but we did not see fit to take into consideration this person is the one who has the greatest responsibility in making decisions. It would appear to me that this body would not want to go on record as saying that we have no respect for womanhood and those individuals. I submit to you this morning that if we are going to properly treat this issue, at least in fairness and equity and expression of faith, that this is an amendment that must be placed in this piece of legislation. After all, she is the person who will have to make the most difficult decision of all. As I would quote Senator Chambers, "too oftentimes we think she is totally to blame" and we all know that there is more than one party involved in this whole subject when it gets to the sensitive decision that has to be made. The individual who is the male will generally go free if he can live with his emotions and his conscience, but that person who is the woman will forever live with that decision even though here in this body we see no reason to give her the opportunity to make the final determination. I submit to you that 316 should be returned to Select File for this specific amendment. I think it is only right and fair. I ask for your support.

SPEAKER MARVEL: Speaking on the Koch motion to return the bill for a specific amendment, Senator Fowler, do you wish to be recognized?

SENATOR FOWLER: I rise to support Senator Koch's amendment. I think maybe in looking at the discussion on the previous amendment we could see why this is an important thing to look at in terms of constitutionality. I think Senator Cope articulated as well as anybody about what the Supreme Court said and what Judge Urbom has been talking about and that is abortions particularly in the first trimester cannot have the sorts of extra conditions put on it that you would not put on other surgical procedures, and the forty-eight hour waiting period is something that is an additional burden that is being attached to this particular medical procedure. Now the attempt is to try and say that a waiting period is part of informed consent and the courts have upheld informed consent but I think that is quite a stretch in logic. Informed consent means that the doctor explains the procedure, provides information but to force a waiting period goes beyond that sort of concept and it is something that is not done with regards to other surgical procedures, other medical processes. Now we added a section in here that would let that waiting