

March 8, 1979

LB 316

period be waived in the case of an emergency and that may make the forty-eight hour waiting period a little closer to constitutionality at least as far as the role of the physician. What Senator Koch points out is that the physician is not the only one that is involved in this process and the Supreme Court has indicated that the rights of the woman must be respected and especially in the first trimester the state, outside of making sure that the abortion would be performed in a medical facility, has no other interest. It is the woman's determination and no matter how you may personally feel about the right of a woman to choose to have an abortion, the Supreme Court has said that constitutionally that is her determination. So even letting a doctor waive the forty-eight hour waiting period does not respect the rights of the woman and if we do not recognize the woman's right in this case, we will not have a bill that can be upheld as constitutional. For that reason I rise to support Senator Koch's amendment.

SPEAKER MARVEL: Senator Koch, do you wish to close on your motion or do you want to put the motion? I recognize you for a close on your motion.

SENATOR KOCH: Thank you, Mr. Speaker. I have made my remarks. All I guess I am going to do is to appeal to the good judgment and the fairness of this body. Often-times we speak of the greatness of this nation and the thing that helped to make it great and we say generally the women of this nation have had greater stake in it than we have and I say we, I mean the male. The woman is the more compassionate. She in many cases has the greatest courage and in the greatest case she probably has set the record of this nation and keeps us moral and keeps us in line and I submit to you if we want to suggest to that woman that we do indeed believe in her judgment, that we will at least give her a right in this piece of legislation. I ask for your support. Thank you.

SPEAKER MARVEL: Senator Cope, do you wish to speak after the bill comes back? Senator Koch has closed. The motion is to return 316 to Select File for a specific amendment. All those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Have you all voted? Senator Koch.

SENATOR KOCH: Mr. Speaker, how many members are excused?

SPEAKER MARVEL: Mr. Clerk. No one is excused, Senator Koch.