

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 10, 2001 LB 462

and that's part of the process. The use, as you all have probably come to understand, is defined in Section 3, and it is a good definition. You may not like it, you may not want to adopt it, but it's legible, readable and understandable. So we've handled the exceptions issue. Now earlier in colloquy with Senator Chambers I first said that there was no need to prove an induced abortion in Section 5, under the criminal section, and that's in fact correct. I weakened under the threat of attack and then I went with him. But if you look at Section 5, where we talk about the criminality involved in the transportation of fetal tissue from induced abortions for valuable consideration, it doesn't...there...there...he... induced abortion is not referenced. And as it relates to Section 5 and the criminality, I'd like to point out that there is a severability clause, and everybody here who helps make law knows what a severability clause is. So if we got into the constitutional area of inquiry as to whether or not there was any vagueness as it related to the criminal law, it wouldn't necessarily invalidate that as it relates to Sections 1 through 4. I would...I will not be able to persuade those who oppose the instant legislation and I understand that, and I even respect it. Nor will they be able to persuade me that the bill would not withstand challenge and muster. I think it is narrow in application; did not try to control any and all things in the state of Nebraska, only public facilities and public monies. Senator Bromm deals with an issue that he characterizes and we are all free here to characterize as we see fit,...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...the issue of the hypocrisy of having a cut-off on treatments and vaccines. And again I'm going to call it treatments. I've heard many say that many of our worthwhile vaccines have been accomplished through fetal tissue research brought about from induced...derived from induced abortions. I don't know that to be the fact. And given the trouble we have establishing the absolute fact here, I'd hate to go back and reexamine everything. So, if somebody wants to call me overly practical in having it be our public policy from and after the date we...we enact this legislation, then fine, so be it. I don't think that's hypocritical at all. We're saying what we