

outside the womb with or without artificial support. Because this point may differ with each pregnancy neither the Legislature nor the courts may proclaim one of the elements entering into the ascertainment of viability be it weeks of gestation or fetal weight or any other single factor as the determinant of when the state has a compelling interest in the life or health of the fetus. Viability is the critical point and we have recognized no attempt to stretch the point of viability one way or the other."

SENATOR DWORAK: Thank you, Senator Chambers. Senator Chambers, if I understood what you read correctly in the first paragraph of what you read you said that this Colautti decision restated the definition of viability contained in Roe v. Wade. I also have that Colautti decision in front of me and a footnote in reference to this and I would like to quote from that as the definition of viability. "Since our ruling today is confined

SPEAKER MARVEL: Senator Dworak, you have one minute left but I will let you go ahead and finish reading your.....

SENATOR DWORAK: Thank you. "Since our ruling today is confined to the conclusion that viability determination requirement is impermissibly vague, there is no merit in the dissenting opinions suggestion that the court has tacitly disowned the definition of viability as set forth in Roe and Planned Parenthood. On the contrary it is noted above that we reaffirm what was said in those decisions about this critical concept." So in reference to the reference you made, Senator Chambers, as to restating this definition that was put forth in Roe v. Wade and with this footnote as to the description of the Colautti case, I think the definition of viability as it is in the statute now is constitutional because it was stated by the Supreme Court itself and I cannot see then the reason or justification for your amendment.

SPEAKER MARVEL: Senator Fowler, are you speaking to the Chambers second amendment?

SENATOR FOWLER: Correct.

SPEAKER MARVEL: Okay.

SENATOR FOWLER: This is an issue that was discussed between Senator DeCamp, Senator Hoagland, Johnson and I and it was one that we did not resolve. I think Senator Chambers has pretty well laid out the situation. When we were discussing the amendments that Senator DeCamp