

SENATOR HOAGLAND: I would like to rise in support of the Johnson amendment to the Chambers' amendment and then in support of the Chambers' amendment. I, too, have reviewed these cases over the weekend and I think that we all agree that we have a responsibility to keep this statute constitutional. Now let me indicate from the outset, this feud over viability does not have enormously significant practical consequences, however, it does have important theoretical consequences. Now if we maintain the Roe v. Wade definition of viability in the statute, why there is an extremely good chance that Judge Urbom when he hears this case on the merits, will not be able to get past the threshold issue of whether or not the definition of viability is constitutional. He will very likely, in my view, based on the Colautti case, which again is only six weeks old now, throughout the entire statute in which case we will be here debating it again next session or later this session. Now I think it makes a great deal of sense to put into this law a provision that we know is constitutional which the Supreme Court has said only six weeks ago is constitutional that is not going to have a great deal of practical significance but has a great deal of theoretical significance. Now I think we want to keep the debate moving this morning. This is not one of the crucial issues we are going to be facing. Let's go ahead and pass the amendment and then we will have that issue behind us and will not have to worry about that particular aspect of potential unconstitutionality. Thank you.

SENATOR MARSH: Senator Labeledz.

SENATOR LABEDZ: Thank you, Madam President, I disagree with Senator Hoagland's amendment. I also disagree with Senator Chambers' amendment. The Wade decision as far as I am concerned has not been overturned. It was not a unanimous decision and we are relying on that point and the definition of viability as shown in the DeCamp amendment should be adopted. Senator Hoagland mentioned the fact that we will be having this on the floor again this session and maybe again next year in the following year. I think it is something so important that if it does come up constantly every year, we should be very concerned about abortion here in the State of Nebraska. We have no laws right now on the book of any consequence, therefore, I urge that each and every one of us consider the Hoagland amendment and Senator Chambers and definitely, definitely vote against each one of them. Thank you.

SENATOR MARSH: Senator Fowler.