

SENATOR NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, a few days ago when the amendments to 316, the latest set of amendments, were drafted, I was asked to join in in presenting those amendments for printing in the Journal, and I was asked, I believe, because I was a lawyer and because they thought it would be meaningful for the Legislature if all the lawyers in the Legislature were of the same opinion with regard to the constitutionality of those provisions. I did not join in because I did not feel that all of the provisions contained in that set of amendments were unconstitutional. I did feel quite strongly however, that there were at least two items that were clearly unconstitutional. This present provision that we are discussing is clearly unconstitutional in my opinion, and I have personally no doubt but that Judge Urbom will decide that it is unconstitutional. Parts of Judge Urbom's opinion have been read to you all ready and I think it might be helpful just to read a short part of the case of Roe v. Wade, because it is this case primarily upon which Judge Urbom will make his decision. You will remember that Judge Urbom has said that it is probably unconstitutional. Here is what the Supreme Court of the United States said in the case of Roe v. Wade. With regard to the first trimester, they say, "This means that for the period of pregnancy prior to the compelling point", the compelling point having been defined as the end of the first trimester, "the attending physician in consultation with his patient is free to determine without regulation by the state that in his medical judgment the patient's pregnancy should be terminated. If that decision is reached the judgment may be effectuated by an abortion free from interference by the state." There are no equivocating words in that paragraph. It says, free from interference by the state. Thank you.

SPEAKER MARVFL PRESIDING

SPEAKER MARVEL: Senator Kelly.

SENATOR KELLY: Mr. Speaker, colleagues, I rise to oppose the amendment and for a real simple reason. How often in this chamber as we look at the green button or the red button, yes, we will do it; no, we will not do it. Oh how many times we wish that there were a yellow button where we could step back a minute and say, is this really correct? Is this not correct? I believe that is the intention of this legislation with the forty-eight hour period is even after the final decision is made, the