

April 30, 1981

LB 466

clinics indicates that patients who go to clinics need greater protection than those who seek treatment at a bona fide private physician's office. I believe this evidence also indicates that there is a sufficient difference in the situations surrounding the abortion clinics in Nebraska for the state to make legitimate and constitutional classifications for purposes of protecting the public interest, and I believe these are my reasons for objecting and opposing the Attorney General's Opinion and also opposing the kill motion on LB 466.

SPEAKER MARVEL: Senator Cullian.

SENATOR CULLAN: Mr. President and members of the Legislature, I think Senator Labeledz has adequately responded to the concerns about the possible constitutionality or constitutional problems with LB 466 and I need not expound on that. I would like to make one point, is that the Legislature as far as licensure is concerned does make some distinctions as far as what individuals can do. This year we passed LB 379 which was aimed to ensure that only nurses with certain degrees could, and certain qualifications, could perform anesthesiology functions in the State of Nebraska. So I think this is simply an extension of the logical types of classifications that the Legislature has been making over different kinds of medical procedures in the past, and I do think it has a legitimate function to protect the health, physical and mental health, of the individuals involved. The other thing I would like to point out is that the constitutionality of this particular bill is I think reinforced somewhat by the recent six to three decision of the United States Supreme Court as far as the Indiana statutes are concerned. I haven't had a chance to read that opinion yet, but basically it allowed the state to take a step even beyond what Nebraska is proposing here, and that step was that only abortions performed in the first trimester could be performed in a hospital. And so to that extent I think that perhaps Nebraska could go farther constitutionally than what we are doing here already. So I would urge you to reject the kill motion and let's adopt LB 466 hopefully this morning and move on with other business. Thank you.

SPEAKER MARVEL: Is Senator Schmit in the room? Senator Marsh, do you wish to be recognized? Senator Schmit doesn't seem to be here.

SENATOR MARSH: Thank you, Mr. Speaker. I rise to