

April 30, 1981

LB 466

time to the cosponsor of the motion, Senator Landis. Senator Labeledz mentioned the Danforth decision and some other U.S. Supreme Court decisions and, in fact, even sent those same arguments to the Attorney General where again if you look on page 1566, the Attorney General rejected those because it says, "our conclusion in Attorney General Opinion No. 71 that both the proposed amendments on LB 466 were probably unconstitutional, was based primarily on state law, that is, improper use of the police power to stifle legitimate business and improper classification not reasonably related to the purposes of the underlying legislation being amended". Senator Marsh laid out equally risky health procedures, perhaps some that are more risky, that this Legislature has never bothered to review the quality of care, does not care about. There seems to be only one medical procedure with this level of risk that suddenly becomes a subject of legislation, and that is abortion, and the reason it is abortion is because of the political pressure groups, because of the procedure itself and not the risk, and not the concern for health. Senator Cullan is wrong in saying that the recent Supreme Court decision with regard to requiring abortions after the first trimester be conducted in hospitals lays groundwork for this bill. The Supreme Court has always made distinctions between first trimester abortions, second trimester abortions and third trimester abortions, the first three months, the second three months and the third three months. It is always said that at the point of the second three months the state can require greater procedures because there is a greater risk at that point, but in the first three months the risk involved in the operation is low, and for that reason the amount of state regulation is severely limited. So that does not in any way clear the way for LB 466. The sponsors of this bill have not and cannot provide any legitimate justification for this procedure having a more stringent requirement than equally risky medical procedures other than the fact that they do not agree with the Supreme Court decision of Roe versus Wade that allowed abortions, but there is no health argument, no legitimate health argument that's been presented for this. For that reason, this is an improper classification and unconstitutional. I yield the rest of my time to Senator Landis.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, there is an old word that describes this body