

May 14, 1981

LB 466

you to do? I am asking you to amend into the amendment the restriction that a young woman must be over sixteen, must be seventeen before this freedom would be available. Under that age, it would be necessary for that young woman to have one of her parents become involved in the decision if the abortion is performed in this state. That does not prevent that same young woman from going to another state which has a different set of laws. It does make the Nebraska statute restrictive but perhaps not so restrictive as to disallow the legality of the entire legislation. I still feel that the rest of the proposed piece of legislation in LB 466 has some serious constitutional questions, but this would help the section which Senator Labeledz is trying at this time to amend into LB 466 be a compromise which would meet the realm of constitutionality for this section.

SPEAKER MARVEL: Your time is up.

SENATOR MARSH: Thank you very much, Mr. Speaker.

SPEAKER MARVEL: The motion is the Marsh amendment to the Labeledz amendment. All those in favor of the Marsh amendment to the Labeledz amendment vote aye, opposed vote no. Have you all voted? Senator Marsh. Okay, record.

CLERK: 10 ayes, 19 nays on adoption of the Marsh amendment, Mr. President.

SPEAKER MARVEL: The Marsh amendment lost. We are now on the Labeledz amendment and Senator Beutler, do you have an amendment to that amendment?

CLERK: Mr. President, Senator Beutler would move to amend the Labeledz amendment to LB 466: (Read Beutler amendment as found on page 2047, Legislative Journal.)

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I am seeking to tighten up the notice provisions on the amendment just a little bit because I am afraid that the way they are right now they are a little too vague, and what you have here is a criminal statute, and if the notice provisions are not explicit enough and if they are too vague, then they are going to be found to be unconstitutional. So what I am trying to suggest to you is that we be more explicit with the notice provisions and let me tell you exactly what I am changing. Right now we are requiring actual notice to one of the parents for twenty-four hours in advance and then it says, "If such parent or guardian cannot be notified after a reasonable effort, the notice requirements of this section may be satisfied by sending a notice". All right, there is a distinction there. You can