

May 14, 1981

LB 466

for the safe health of the woman who is having an abortion performed. The state does not have the right to interfere during the first three months of a pregnancy but the state does have a right during that second trimester to regulate abortion. If you are interested in the health and future of the health of the woman who has decided for whatever reason to have an abortion, help put this amendment in LB 466. 466 would be a legitimate piece of legislation concerned for the health and well-being of the young woman or middleaged woman or older person involved when the pregnancy is being terminated during the second trimester. The Supreme Court has ruled that this can be legally adopted by a state to safeguard the health of the woman. That is a legitimate reason for mandating that second trimester pregnancies only be terminated in a hospital. I urge your adoption of the amendment.

SPEAKER MARVEL: Senator Dworak, do you wish to speak to the Marsh amendment? Senator DeCamp, do you wish to speak to the Marsh amendment?

SENATOR DeCAMP: Yes, Mr. President and members of the Legislature, the Marsh amendment, at first it sounds kind of appealing. In fact, I had thought about utilizing the bill for putting such an amendment on myself. Of course, the amendment results from a Supreme Court decision recently, a notation of the Supreme Court that said that after the first trimester, you know, you can command that abortions be performed in a hospital. In other words, it looked like indeed this was a change in the Supreme Court's position and a tightening up of their previous rulings on the subject of abortion. Now as I say I had discussed the possibility of putting this on myself and then I did some research and some thinking and I concluded not only would I not offer the amendment, there was some very compelling reasons not to and to oppose it. Obviously, the number one reason I guess if you are interested in the legislation itself, if that is your interest, Bernice's proposal here, it guts all that. It does wipe that out. So beware of that. So if you were wanting to save Bernice's proposal, obviously you would not want to adopt this amendment. But let's go from a different aspect. Remember Nebraska has pioneered most of the...most of the nationwide laws on the subject of abortion since 1973 that forced definitions by the U. S. Supreme Court of what is allowed and what isn't allowed, so on and so forth. One of the major things, the thing that Senator Chambers and others on this floor, myself particularly, have argued in and out has to do with a magic word called "viability", and I don't know how many of you are aware of it, even though we have said it a thousand times, Nebraska law does