

May 14, 1981

LB 466

declared it was constitutional to keep our preacher.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Ten seconds.

SENATOR DeCAMP: So you have got to look at both sides of this constitutionality thing. Our laws are being upheld and so we use the courts to define or refine or knock out a little piece, A, B, or C, but basically we have been winning right along the line and I think we will continue to.

SENATOR NICHOL: Senator Chambers, did you wish to speak to this motion?

SENATOR CHAMBERS: Very briefly, Mr. Chairman, but before I do, bless you, my son, with reference to Senator DeCamp. That was quite a...well, okay. I would like to ask, Senator Marsh, does your amendment strike the other provisions from the bill?

SENATOR MARSH: Yes, sir, it strikes all the unconstitutional sections and inserts a constitutional provision.

SENATOR CHAMBERS: Thank you. Members of the Legislature, this is an issue on which I think I will prefer to side with. It is, I think, reasonable and rational because there does come a point in a pregnancy where the state is entitled to, and I think has an obligation to provide certain safeguards to ensure that the health of all involved will be protected. Since I don't know how to pinpoint the instant of viability, and since it might occur at different times by the calendar in different situations, wherever there is the possibility that what is contained in the mother's body can survive outside of her body, wherever that point is reached timewise, that becomes a concern of the state, and if an abortion should occur under such circumstances, the life of the fetus should be maintained, and a hospital setting is the only place where there would be a realistic chance for this to occur. Now as to the other provisions in the bill, I won't even talk about them very much anymore because we have been through it all but I had a question I wanted to ask Senator Labeledz. I won't ask it on this particular amendment. I will address it to her if I decide to at the time that she makes a motion to move the bill but I am in favor of Senator Marsh's amendment.

SENATOR NICHOL: Senator Labeledz, did you wish to speak to this? Senator Howard Peterson? The question has been called. Do I see five hands? I see three, four, okay, I do see five