

May 2, 1989

LB 769

SENATOR ASHFORD: Okay. Just briefly, I'd like to ask Senator Lindsay a question, if I may, if he's around somewhere.

PRESIDENT: Senator Lindsay, would you respond, please.

SENATOR LINDSAY: Yup.

SENATOR ASHFORD: Senator Lindsay, have you had an opportunity to read the Bernard-Stevens amendment, or look at it at all.

SENATOR LINDSAY: Yes.

SENATOR ASHFORD: In your opinion, do you believe that that amendment would make the bill unconstitutional?

SENATOR LINDSAY: I don't know, Senator. As you know, we've discussed where the courts have gone on these. And...

SENATOR ASHFORD: Is there any...okay, is there any case, I mean we've talked about the Bellotti case and the Akron case, and we've talked about the Hodgson case, we've talked about Roe v. Wade. Is there anything, and we...and in discussing the Lynch amendment there was some concern about in...constitutional concern about being involved in the decision-making process, the state being involved in the decision-making process...

SENATOR LINDSAY: Right.

SENATOR ASHFORD: ...prior to the abortion or not having the abortion. And I think those cases address that. Is there anything that you can see in here, having read those cases, that would indicate that that amendment would, because this is after the fact, this is after the abor...or the birth has taken place, would there be anything about this amendment that would be unconstitutional?

SENATOR LINDSAY: I am not aware of it, but Senator Goodrich has mentioned that there may be. Let me...if I could just ask...

SENATOR ASHFORD: Well, let me ask Senator Goodrich, then.

SENATOR LINDSAY: Okay.

PRESIDENT: Senator Goodrich, please.