

8th Circuit Court of Appeals, en banc, meaning the entire bank, reversed the holding that the two-parent notification requirement was unconstitutional. It did not quarrel with the factual findings that support the case. The case has been appealed to the Supreme Court and so far there's been no finding on this action. It is quite possible, however, that action will be forthcoming within the year which would give us a clear signal as to when and where Nebraska may embark on balancing the interests of pregnant woman and fetus. The review of the action on Ohio's parental notification came to much the same conclusion. The 6th Circuit Court of Appeals declared unconstitutional an Ohio statute requiring anyone performing an abortion to a minor to give 24 hours prior notice to her parent or guardian. The court held that such a statute must include a judicial bypass procedure, one, by the way, which LB 854 does not have. While the Ohio statute did provide for a bypass, the appellate court found several aspects of that procedure unconstitutional. First, that it was not expeditious and fail, and second, that it failed to preserve confidentiality, one of the claims of LB 769, but hardly one of the guarantees which you can read in the bill and see how it will be carried out. Examining that Minnesota case, Judge Ulsop had before him a wide variety of expert testimony including most of the judges who heard these kinds of cases...

PRESIDENT: One minute.

SENATOR LANDIS: ...in St. Paul, Minneapolis and Duluth. The findings of fact by the court included these conclusions; first, the experience of going to court produced fear and tension in the young women; secondly, that minors resent having to reveal intimate details of their personal and family lives to strangers; third, the anxiety resulting from the bypass procedure may linger until the time of the medical procedure rendering the latter more difficult than necessary; fourth, minors who are victims of sexual and physical abuse often are reluctant to reveal the existence of the abuse to those outside the home. More importantly, notification to government authorities creates a substantial risk that the confidentiality of the minor's decision...

PRESIDENT: Time.

SENATOR LANDIS: ...to terminate her pregnancy will be lost. I'll renew my light. Thank you, Mr. Speaker.