

time. I support the motion and wish you well.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator Moore and Senator Lamb.

SENATOR NELSON: Mr. Speaker, members of the body, I just want the body to be aware, and I think that you are. I passed out a number of days ago, on LB 854 I received an Attorney General's Opinion. And I get from the testimony in Judiciary Committee, of which all of you know I am a member, it was brought out time and time again, and particularly from people of the bar, that LB 854 was probably unconstitutional. With that basis I did ask for an opinion. And I simply am somewhat giving this for the record this morning when we are being asked to do this on, of course, a number of very important bills. The two provisions in LB 854 have consistently been found unconstitutional by the courts. And I'm afraid this is what happens, lawmakers who vote for passage of LB 854 will show a blatant disregard and disrespect for the Constitution. And simply what will happen is that Nebraska taxpayers then will have to spend a substantial amount of money when the bill will be challenged. And the bill will be challenged. And so I'm just somewhat putting that in the record for you. I am, like Senator Schmit, I don't think that it's any advantage in moving them off of General to Select, because again I don't think the time is there. I would just give you a couple of points, in case you don't have it in front of you on LB 854, Thornburg v. The American College of Obstetricians & Gynecologists, in 1986, states are not free, under the guise of protecting a maternal health of potential life to imitate (sic) a woman into continuing pregnancy. The provisions of the Pennsylvania act that the court of appeals invalidated wholly subordinate constitutional privacy interests and concerns with maternal health to the effort to deter a woman from making a decision that she and her physicians are in error to make. Another decision, City v. Akron, the state does not have unrevealable authority to decide what information a woman must be given before she chooses to have an abortion. It remains primarily the responsibility of the physician to ensure that appropriate information is conveyed to his patient, depending on her circumstances. In...my question is 24...to the Attorney General, the 24-hour waiting period from the time the woman signs an informed consent statement before an abortion can be performed, I think Senator McFarland made the assumption that it may or may not delay some abortions, I think that's right. However, that can be signed at a doctor's office before the lady