

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 12, 2004 LB 172

SPEAKER BROMM: Thank you, Mr. Clerk. The Chair recognizes Senator Foley to open on the bill since it's been a very long time since this bill has been discussed at all. Senator Foley.

SENATOR FOLEY: Thank you very much, Mr. President and members of the body. Good morning. Let me begin today by thanking Senator...Speaker Curt Bromm for designating this bill as a Speaker priority bill and for scheduling it for debate today. I'd also like to thank Senator Ron Raikes and the members of the Education Committee for convening a very fair and impartial and comprehensive public hearing on this bill and, more importantly, for reporting the bill to General File on a unanimous vote. I think you would all have to agree that it is a rare day when a bill that touches on the sensitive topic of abortion receives unanimous support from one of our Standing Committees. The bill before you simply eliminates a mandate that was imposed on the public schools of our state, a mandate that dictates their involvement in the abortion question, and is, in my view, a radical intrusion into the parent-child relationship. Passage of the bill would, in effect, communicate to our public schools that they are no longer required to comply with this abortion mandate if they don't want to. Nebraska is the only state in the Union with a mandate like this. No other state requires its public school personnel to become involved in the abortion decision. Many years ago, the state of Michigan adopted a similar mandate on its public schools, and within two years of the imposition of that mandate, they reversed their decision on an overwhelming vote of the Michigan State Legislature. So what is the mandate? Nebraska law, Section 71-6909, requires that the public schools distribute written information each year to some 133,000 Nebraska public school students in grades 7 through 12 regarding parental notification requirements prior to an abortion and the availability of a process commonly known as judicial bypass, sometimes called judicial waiver, a process that may, actually, enable the student to obtain an abortion without her parents being notified. There are a number of things I don't like about this mandate. First, the mandate abuses the prestige and stature of our public school system to tell students that if they are pregnant, abortion is an option. And abortion, by the way, is the only option. It is the only