

SENATOR LINDSAY: Well, that's the problem that I think this vast array of Supreme Court decisions in this area has run to. There is a lot of lack of rhyme or reason to them and that is one of the problems that I think is correct. Why they have decided that way I couldn't tell you, but if a provision like that, in my opinion, if a provision like that is included, I think it does violate this particular case.

SENATOR SMITH: Thank you. Senator Ashford, I'd like to hear your perspective on that.

SPEAKER BARRETT: Senator Ashford.

SENATOR SMITH: Looking at the point I brought out, wouldn't this then, would this be a reason why we would need to have the Lynch amendment to be a part of the bill?

SENATOR ASHFORD: Clearly, the first Lynch amendment, in my opinion, is not unconstitutional. The second Lynch amendment without the adoption provision is probably not unconstitutional under the Thornburg case. If you add the Lindsay amendment, possibly it could be argued that you are, by talking about adoption, you're infusing that into the decision-making process, has nothing to do with whether to have an abortion or not medically. So the first two Lynch amendments, I've said a couple times on the floor, I don't believe are unconstitutional.

SENATOR SMITH: Okay, so I've made a point I think. We have two attorneys on the floor who have conflicting opinions. Right in this room we have people who have conflicting opinions. How do we...what kinds of things are we going to create with this piece of legislation? Another question that I have, on page 5 of the original bill but it would still be a part of the amended bill where we talk about the abortion is authorized in writing by the person who is entitled to notification or...

SPEAKER BARRETT: One minute.

SENATOR SMITH: Part 3, the pregnant woman declared that she is the victim of sexual abuse, neglect or physical abuse. And then we go on down to define that proper authorities need to be provided the information that she has given them. Here we have a young girl who maybe to protect herself does not realize what kind of a position, what kind of jeopardy she is going to place a member of her family, whom I'm assuming this is directed to,