

be smart enough to predict how the courts might rule or even what the legal wrangling that might occur over this would be but I know what it does. I think it creates enough problems that it puts the entire bill at risk. If it is found to be an infringement on constitutionally protected speech, as is pointed out in page 2, that alone jeopardizes the bill. On the other hand, the question that's raised on page 2 is, in fact, is it an impermissible interference with a constitutionally protected speech activity, which hasn't been mentioned earlier, or whether is this state activity to control the use of its funds. Who knows? You look at the decision over here, or the opinion over here on page 4, again, the other question that it seems to raise is that it is not clear here whether the language that Senator Labeledz has amended onto this bill would deny funding only for the excluded abortion or contraceptive services or, and here is the important part, or whether it would deny funding totally to applicants providing services. And so I could envision a situation, for instance, with a public agency that provides a whole range of services who might want to come in and apply for money to do child abuse training or parental training or whatever, and their application could potentially be denied simply because they give contraception counseling as well. I don't know of a specific agency that fits that description, but I will bet they are out there, and it seems to me this limits even the entities that might possibly be able to come in and apply for the money. And so I guess that was my concern right off the bat when this language was raised as the one thing that we all agree upon, I think, here in this body is we want to get money out to communities to help kids. I had a meeting with people that I represent in Chadron before this session ever convened and we talked very seriously about the abortion battles that we expected to happen in this body. And the people that I talked to opposed generally the way I have voted on the abortion question, and yet they agreed that they didn't want to see a bill like 662 jeopardized by dragging this issue into it, and I believe they still would feel that way today and they would be very distressed to know that there is a chance that we wouldn't be able to get money out to the communities if this language is left in, and I went back just recently and read the arguments that were made when we first amended this language in. Senator Dierks spoke on it. I spoke on it, and a number of us expressed the opinion that we didn't think that either way that would jeopardize getting the money out there. Now I think this clouds the whole issue, and so I think it seriously threatens the opportunity to put money into communities to do a range of