

can't...you can't deny a grant to a service provider because they happen to provide this service as an array and say, well, you don't bring us an application even if the application is on a different topic, because to do so is to punish the organization and basically to teach them not to do those things. That, you can't do. That's constitutionally afoul. What is constitutional is you can say to any organization out there who comes to you, whether they provide these services or not, we're not going to pay for those services, we'll pay for another set of services but not those. What you can't do is discriminate against those grant applications who happen, as a part of other parts of their business, to do these things. Now Senator Labeledz has just said that that's the intent of her language is, in fact, to do that unconstitutional act. And, unfortunately, since she is the chief introducer of the language that's in her amendment and is now in the bill, Senator Lindsay and I can't vindicate the record and make that intention constitutional. Now, Senator Lindsay is correct, you base it on the wording that's in the bill but what you can't do is this, what you can't do is say, Planned Parenthood, don't ever bring me an application, we don't want to see you. Don't darken our door. You can't come over and get one of our grants because you, in another part of your business, happen to refer people for abortions. That then is a chilling effect on that organization's freedom of speech and that's where there is a clear constitutional doctrine at hand. Now, what my language says is this, it says service providers may not use grant money to pay for abortion or contraception counseling or referral service costs. In other words, public funds don't go towards this end. But, on the second hand, it saves us from the unconstitutionality that Senator Lindsay just acknowledged was there in Senator Labeledz's reading of her own amendment.

SPEAKER BARRETT: One minute.

SENATOR LANDIS: Service providers who provide such services are eligible for grants for costs, for prevention, early identification and intervention services only as defined in this section. Take a look at the definition section, you will see that there is no place where contraception or abortion referral are mentioned. The definition does not include them and you specifically exempted that. I would urge the adoption of my amendment.

SPEAKER BARRETT: Thank you. Discussion of the Landis motion,