

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2354

2001 SENATE HUMAN SERVICES

SB 2354

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2354

Senate Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
1	X		
February 6, 2001 3	X	X	53.6

Committee Clerk Signature Karen Gladyschuk

Minutes:

SENATOR LEE called the committee to order. Roll call was taken with all the Senators present.

The hearing was opened on SB 2354.

SENATOR KRAUTER introduced the bill. I'd like to coin this with the phrase "This is the ND women's and children's resources act." ND has the most restrictive laws in relation to abortion, but we are seeing a trend of going opposite of the other states. In 97-98 we see about a 2% increase and in 98-99 period we see about an 8% increase. Why? Economic things are happening in rural ND and women relate to rather than having a child to relate to the abortion. Declining population means declining services. Counseling centers are closed. The Fargo abortion clinic performs abortions. Out of 100 pregnancies what % of those became births. Bill provides alternatives to abortions. Department of Human Services provide information on counseling, adoption, parenting. This bill was patterned after Pennsylvania and offers real alternatives.

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Senate Human Services Committee

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REPRESENTATIVE RENNER, sponsor of the bill, supports bill.

CHRISTOPHER DOBSON, Executive Director Catholic Conference, supports bill. (Written testimony) SENATOR LEE: Does Pennsylvania system exclude contraceptive program. MR. DOBSON: The bill only contains this program, not reimbursed for contraceptives. SENATOR KILZER: Is this appropriation included in the Human Services budget? MR. DOBSON: This was presented to Human Services Dept. In late October or November and they didn't get it into the budget. SENATOR LEE: Are these county numbers places of residents? MR. DOBSON: My numbers concern only ND residents.

STACEY PFLUGER, Right to Life, supports bill .(Written testimony) SENATOR MATHERN: Do you have a list of services and what they provide? MS. PFLUGER: No, last as to how or services provided was in 1992. Volunteers are not available all the time.

MRS. GARY ZENTZ, Birthright volunteer, supports bill. The organization had to close, not enough volunteers.

Opposition:

CAROL TWOEAGLES, ACLU Board member opposes the bill. Section 5 last line and through section 6 and 7 is objection. Irresponsible humans are responsible for inhabitant reproduction. The idea of humans making more humans at the expense of others. It is not healing to the sacred hoop of the world, of which we are all a part, when you create more of that which creates a problem. Section 9 is in violation of the concept of separation of church and state. Section 10 and 11 are the same thing. In section 13 it says the state auditor may audit a religious organization if the organization has segregated the funds, but only then should it require if you ignore me and pass this bill. These organizations will use these funds to promote their religion and then again you are violating the separation of church and state. I urge a No vote on this bill.

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Senate Human Services Committee

Bill/Resolution Number SB 2354

Hearing Date January 31, 2001

While abortion is not pleasant this bill speaks about not promoting contraception. I was taught that an ounce of prevention is worth a pound of cure.

BLAINE NORDWALL, Department of Human Services, opposes bill. (Written testimony) This bill is very general. What is our roll as a department? SENATOR MATHERN: What agencies would you see as excluded? MR. NORDWALL: Type of agencies, physical locations, separate funding providers. Who would be funded? Public Health Services would not be able to provide services. SENATOR KILZER: When was the budget presented? MR. NORDWALL: In July. There is possible availability of funds under TANIF. There are some block grants. In concept TANIF funds could be used. SENATOR MATHERN: Could alternative service providers be County Health providers? Would you have objection to counties being funded? MR. NORDWALL: No objection - we couldn't make referrals. Government agencies are limited. The hearing was closed on SB 2354.

February 6, 2001, Tape 3, Side A, Meter 54.1

SENATOR MATHERN presented amendments. Discussion was held. SENATOR MATHERN moved the amendments. SENATOR ERBELE seconded the motion. Roll call vote carried 6-0. SENATOR FISCHER moved a DO PASS AS AMENDED and REREFERRED to Appropriations. SENATOR ERBELE seconded the motion. Roll call vote carried 6-0. SENATOR MATHERN will carry the bill.

FISCAL NOTE

Requested by Legislative Council

04/12/2001

Bill/Resolution No.:

Amendment to: Engrossed
SB 2354

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill would require the Legislative Council to consider studying the feasibility and desirability of an alternatives-to-abortion services program. The study must also include a review of how Federal funds received under Title X of the Public Health Act of 1970 are spent in the state, and a review of the continuum of care and access to services across the state. This bill would have no fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:
Phone Number:

Brenda M. Welsz
328-2397

Agency: Department of Human Services
Date Prepared: 04/12/2001

FISCAL NOTE

Requested by Legislative Council
02/09/2001

Bill/Resolution No.:

Amendment to: SB 2354

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures					\$200,000	
Appropriations					\$200,000	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill establishes funding for a program to provide alternatives-to-abortion services to eligible individuals. Section 2 of the bill includes an appropriation of \$200,000 to accomplish this. If proposed bill passes, the Department of Human Services would contract with a qualified entity to provide the services.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The revenues are anticipated to be derived from federal Temporary Assistance to Needy Families (TANF) funds.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The cost estimate to provide the services would be contracted with a qualified entity and paid through the operating line item. No additional FTE would be required, as the Department would utilize existing staff to establish and maintain oversight of the contract.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

If the proposed bill passes an additional \$200,000 in federal / special funds would be necessary to carry out the services.

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	02/12/2001

FISCAL NOTE
Requested by Legislative Council
01/24/2001

Bill/Resolution No.: SB 2354

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$200,000			
Appropriations			\$200,000			

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill establishes funding for a program to provide alternative-to-abortion services to eligible individuals. Section 2 of the bill includes an appropriation of \$200,000 to accomplish this. If proposed bill passes, the Department of Human Services would contract with a qualified entity to provide the services.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The cost estimate to provide the services would be contracted with a qualified entity and paid through the operating line item. No additional FTE would be required as the Department would utilize existing staff to establish and maintain oversight of the contract.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect*

on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

If the proposed bill passes, an additional \$200,000 in general funds would be necessary to carry out the services.

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	01/29/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2354

Page 3, line 17, remove "auditor"

Page 3, line 18, after the first "section" insert "in the same manner it would audit a non-religious organization's use of funds under this section."

Page 3, line 18, replace "if" with "If"

Page 3, line 19, remove "but"

Page 3, lines 25-26, replace "in the general fund in the state treasury, not otherwise appropriated" with "from special funds derived from federal funds and other income for the temporary assistance to needy families program"

Renumber accordingly

Page 2, Line 15
Delete thru line 21

Date: 2/6/01

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2354

Senate HUMAN SERVICES Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Agendas

Motion Made By Sen Mathews Seconded By Sen Erbale

Total (Yes) 6 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Den Masten

Date: 2/6/01

Roll Call Vote #: 2

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2354**

Senate HUMAN SERVICES Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended & re-referred

Motion Made By Sen Fischer Seconded By Sen Borah

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Mathew

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2354: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "at the following fee-for-service rates: ten" with a period

Page 2, remove lines 16 through 21

Page 3, line 17, remove "auditor"

Page 3, line 18, replace "if" with "in the same manner it would audit a nonreligious organization's use of funds under this section. If"

Page 3, line 19, remove "but"

Page 3, line 25, replace "in the" with "from special funds derived from federal funds and other income for the temporary assistance to needy families program"

Page 3, line 26, remove "general fund in the state treasury, not otherwise appropriated"

Renumber accordingly

2001 SENATE APPROPRIATIONS

SB 2354

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2354

Senate Appropriations Committee

Conference Committee

Hearing Date February 19, 2001

Tape Number	Side A	Side B	Meter #
Tape # 1		x	9.1-17.8
Committee Clerk Signature			

Minutes:

Senator Nethong opened the hearing on SB2354 - a bill relating to an alternatives-to-abortion services program.

Christopher Dodson (Lobbyist #106) North Dakota Catholic Conference, spoke in support of the bill. This bill would allow a better job -- more professional care to help women through the crisis with appropriate counseling.

Senator Thane: Department of Human Services -- they assure legal utilization of these dollars?

Christopher Dodson: The department testified in Committee that they could.

Senator Thane: Normally they are very protective the way dollars are spent.

Christopher Dodson: Department has 5 million -- still in their budget --we are asking for some of that.

Senator Heitkamp: 200 thousand dollars -- how does North Dakota rank nationally in abortions?

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Senate Appropriations Committee
Bill/Resolution Number SB2354
Hearing Date February 19, 2001

Christopher Dodson: Decline nationally -- North Dakota has an increase (8%); numbers are bad in North Dakota -- with the change in population the percent of pregnancies is at a ten year high.

Senator Krauter, District 35, Regent, presented statistics on births, pregnancies, and abortion, miscarriages percent by County of Residence (a copy of document is attached).

Believes that the Temporary Assistance to Needy Families (TANF) funds will cover this. There is an alternative through counseling.

Stacey Pfliger (Lobbyist #021) , The North Dakota Right To Life Association, testified in support of the bill. It is important that the crisis pregnancy program be there, and that centers around the state can enhance their centers and perhaps open additional ones in new areas.

No additional testimony; hearing closed by Senator Nething.

(February 20, 2001) Full Committee (Tape #1, Side A, Meter No. 17.1-18.3)

Senator Nething reopened the hearing on SB2354.

Discussion on the bill.

Senator Robinson moved a DO PASS; seconded by Senator Heitkamp. Discussion.

Roll Call Vote: 14 yes; 0 no; 0 absent and not voting.

Floor assignment goes back to the originating committee; Senator Tim Mather carried.

Date: 7-20-01

Roll Call Vote #: _____

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. S.B. 2354**

Senate Appropriations Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Dly. Pass

Motion Made By Sen. Nethong Seconded By Sen. Solberg

Senators	Yes	No	Senators	Yes	No
Dave Nethong, Chairman	✓				
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger	✓				
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg	✓				
Bill Bowman	✓				
John M. Andrist	✓				

Total Yes 14 No 0

Absent 1

Floor Assignment Senate Am. Villager

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 20, 2001 9:51 a.m.

Module No: SR-31-3959
Carrier: Every
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2354, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2354 was placed on the Eleventh order on the calendar.

2001 HOUSE HUMAN SERVICES

SB 2354

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2354

House Human Services Committee

Conference Committee

Hearing Date March 7, 2001

Tape Number	Side A	Side B	Meter #
Tape 4	X		0 to end
Tape 4		X	0 to 1270

Committee Clerk Signature *Connie Easton*

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on SB 2354.

Senator Krauter: Presented Bill. (Proposed amendment and Pennsylvania's Alternative to Abortion Program was handed out.) In North Dakota we've done a good job, but we can do better. In 1991 there were 27 pregnancy counseling centers. Now, in the year 2000, we're down to 16. Questions can go on as to why these centers have decreased. I can't give you the true answer, but a lot of time it is based on volunteerism. This provides an opportunity and a mechanism so we can provide some of that counseling in the State of North Dakota and model it after the State of Pennsylvania. This is not using general fund dollars, this is using special funds of TANF. That is what came out of the Senate with \$200,000. The amendment is to raise that to

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House Human Services Committee
Bill/Resolution Number SB 2354
Hearing Date March 7, 2001

\$500,000. Looking at the sources of TANF dollars, there is some options that can be used for this type of funding. I think when you look at what can happen in a biennium to start up some of these programs over a 24 month period, the \$200,000 is probably not enough to get it going properly. When we look at SB 2361 and the concerns we have in there as far as a toll-free number, that is one of the concepts that we felt to be very important in that piece of legislation, but we need to understand that probably can be eliminated and rolled into the concepts we have here in SB 2354. When I look at the division between church and state, that is where it becomes an issue of life versus faith.

Chairman Price: On the top of page 3, would you have any objections to adding tobacco since there is adverse affects to pregnant women?

Senator Krauter: No.

Chairman Price: What discussion has this been given on actively promoting adoption instead of abortion?

Senator Krauter: Rephrase that, Madam Chair.

Chairman Price: In a couple places it says they may not become a contractor unless they have a policy that actively promoting childbirth instead of abortion. Why not adoption instead of abortion?

Senator Krauter: We have to have birth before we can have adoption.

Chairman Price: But you don't have adoption without birth. I kept hearing this was more of an adoption type piece of legislation. I was wondering why it is not pushed a little harder?

Senator Krauter: Those changes can be made.

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House Human Services Committee
Bill/Resolution Number SB 2354
Hearing Date March 7, 2001

Chairman Price: In the Senate was there ever any discussion being there are already other organizations out there doing this, obviously we don't want these dollars to pay for something already in place. How are we going to ensure that this doesn't happen?

Senator Krauter: With the current facilities that are out there - this is not to stop any of those. This is to provide mechanisms so that if they are interested in these types of concepts or directives, they could become a part of that.

Christopher Dodson: Executive Director, N. D. Catholic Conference. (See written testimony.) (Discussed attached graphs outlining aborting statistics.) What we want to do is a better job at making sure no woman ever feels compelled to choose abortion, and we can do that by developing a private and public partnership to enhance services that assist women facing crisis pregnancies. We believe SB 2354 does just that.

Chairman Price: How many contracts do you expect there to be across the state?

Christopher Dodson: There are 16 organizations right now. That includes Catholic Social Services and Lutheran Social Services. They have a 120 centers in Pennsylvania.

Rep. Niemeier: Would there be other counseling offered to a woman and her partner before they are in that situation?

Christopher Dodson: Perhaps, but what typically happens is if a women believes she is pregnant and doesn't know what to do, will come in. I don't know of any center that sends her away if she is not pregnant. They help her.

Rep. Niemeier: Is the focus also on the woman's partner in counseling services?

Christopher Dodson: If we can get him in, yes. Some times they will come in, most of the time they won't.

Chairman Price: Will you explain the 80% again?

Christopher Dodson: 80% low income pregnancies involve couples that were romantically involved and want to stay together.

Chairman Price: A scenario - someone comes into your facility because Catholic Family Services has the contract in the area - they think they are pregnant - you worked with them, you give them the kit and they find out they're not pregnant - what are you going to do to make sure she doesn't end up in that situation on the birth control question?

Christopher Dodson: The centers that I know that do anything in that area deal with the abstinence education. Abstinence education deals with the factors in the persons life, character development, and the self-esteem so they can practice abstinence.

Chairman Price: I don't disagree with the goal, but let's be realistic. You have a couple that are cohabiting and are in their 20's, and their goal is to not have a child within so many years - are we not providing something they actually need if you're the only contractor in the area?

Christopher Dodson: We are not the only program out there.

Chairman Price: So then you would refer them?

Christopher Dodson: I don't think any organization would refer them under this? In my experience, I don't think any of these agencies would do that because if they have a policy on abortion, they have a policy on contraceptives. Contraception is wrong.

Stacey Pflieger: Executive Director of the N.D. Right to Life Association. (See written testimony.) I am here today in support of SB 2354.

Peter Crary: Attorney, Fargo. I am representing myself. My wife and I have eight children and I have represented, in the court room, over 250 pro-life and I stand here today having said that, in opposition to this particular bill. I say that because as a governmental entity you are entering into a legal quagmire. There is a tremendous amount of litigation out there - the

separation of church and state. What I believe you are doing is holding out funds to these faith based organizations and you're asking them to muzzle their position if you will, and to violate or at least not carry forward the mission statement of their particular nonprofit. They are nonprofit and hopefully, pro-life. What I believe with these dollars dangling out there, you have an obligation as representatives of this state not to get involved with state-church matters. On the other side of the coin it is so tempting to take the dollars, but to receive those these faith based organizations must prostitute themselves and not fulfill the mission statement of their nonprofit, ministry, pro-life organization. Secondly I think we may have here a real establishment problem. If you have a Catholic, Protestant, or Lutheran contractor, or Jewish contractor, how do you pick one over the other? In essence what you're doing is establishing, contrary to the constitution both federal and state, a preference and you can't show that preference. The reason I have come forward is that if you pass this particular Senate Bill as written, it is a legal quagmire.

Rep. Sandvig: Do you consider agencies like Catholic Family Services and Lutheran Social Services, and a pregnancy clinic to be non-Christian?

Peter Crary: I would hope that their mission statement would be faith-based. I would hope their mission statement would be to spread the gospel. How they can do that in violation and receive these funds, I think we have a legal problem. And that legal problem is the separation between church and state.

Rep. Sandvig: These agencies don't prophesize. They accept a woman and no matter what her religion belief or faith is, they don't try to force their religious values onto her.

Peter Crary: I don't know how they handle this. All I know is that from my side I don't know how you can convince a young woman not to kill her child without at least talking about a soul of God and being able to show that there is a hereafter.

Rep. Cleary: I am having a hard time with this. I just don't see that this is a problem. Like I said, I was with Birth Right for a lot of years, and you can help a woman without talking about religion. Lutheran Social Services gets funds for taking care of immigrants. Catholic Family Services does the guardianship. I don't think they bring religion into those things, and that they feel that they have to. The other thing is that if they really feel they will have to prophesize and they don't want to do that, they don't want to push religion, they don't have to take these funds. There is nothing in here that says they have to.

Peter Crary: In essence, what you're saying is these funds are going to faith-based organizations. How do you choose my Lutheran faith-based organization over the Catholic organization down the street? There has to be criteria. You're going to have to make a choice and when you make that choice, are you then establishing something in contrast to the constitution? I raise that as a real problem. I think it is a quagmire.

Jennifer Ring: Executive Director for the ACLU of the Dakotas. (See written testimony.) Submitted a proposed amendment. The state, unquestionably, has a right to inform its citizens of alternatives for abortion, of services available in the adoption area, in welfare. However, there are several problems with this bill. The first problem is the bill's focus is on the belief of both the prime contractor and the service provider rather than their ability to provide services. The restrictions on service providers would prevent any hospital and most clinics from being service providers, as these agencies would either perform or refer for emergency abortions in the case of ectopic pregnancies or other conditions that threaten the life of the mother. Second, the bill's permissive language with regard to faith-based organizations turns the current Supreme Court test for "pervasively sectarian" Lemon v. Kurtzman 403 US 602 on its head by attempting to permit the organization to incorporate its religion into the provider side. Thirdly, the bill allows

the agency to restrict the employees to adhere to the religious tenets and teachings of the organization, and the organization may require that those employees adhere to rules forbidding the use of drugs or alcohol. The opt out clause for religious objectors does not guarantee the availability of those services. Model service contracts on those currently in place for Human Services.

Vice Chairman Deylin: The thing that puzzles me is that I look at your amendments, how is it surviving constitutionally in Pennsylvania drafted the way it is here?

Jennifer Ring: I am not familiar with the Pennsylvania statute, so I would have to go and look at it and I would also have to see whether it has some challenge. Legislators can do any unconstitutional thing they like.

Tim Lindgren: State Director of North Dakota Life League. I would like to see if the numbers in Pennsylvania have reduced at a greater rate than the national average. Has this program significantly reduced the numbers at a greater rate than those over the national average in the last five years? I'm not so sure that this money is going accomplish it's purpose. The crux of the question here is really is that you have privately funded agencies on one hand and you will at least some restricted and limited counseling on the other hand. Will those limitations and restrictions be so great that they offset the benefits of getting the funds to do the job of pregnancy counseling? Basically, how may we separate faith and life? There is a religious motivation for people that offer help to these women. When you compromise that religious faith, you compromise the effectiveness and thus with the funding that goes to the agency that is willing to accept some restrictions at least. Because of the overbreadth of court ruling, you will lessen the effectiveness, and therefore, with that funding it won't be as effective in saving lives and

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House Human Services Committee
Bill/Resolution Number SB 2354
Hearing Date March 7, 2001

reducing the number of abortions. If they can prove that in Pennsylvania that the numbers have reduced at a greater rate than the national average reduction, maybe it is worth a second look.

Rep. Cleary: Don't you think the most important thing is to save babies from being aborted?

Tim Lindgren: The purpose of a crisis pregnancy center is to save babies and to encourage child birth over abortion, but an agency has a soul to it and it is compromised

Rep. Cleary: I think faith is important - I don't think it's the most important thing in this area, I think saving a baby is.

Tim Lindgren: I can appreciate your comments, however, I would respectfully disagree. I think the eternal well-being of everybody is of utmost importance. My point is that over the long period, if you start a program like this, I think you will eventually take out a very important aspect to counseling.

Patricia Larson: I am here to testify in opposition to SB 2354. Crisis pregnancy centers that I am aware of, most of them are faith-based. I think there is some question and confusion of what prostituting is. I don't see myself prostituting clients when I ask them to look at the entity they are carrying in their womb as a creation of God. I am asking them to look at what their basic beliefs are. I do believe for this bill that our organization, obviously, would not qualify for that by us bringing up God with the client in any situation. I do believe that God does not have to be a part of every counseling circumstance. I believe in what I call a hard core circumstance - that are considering abortions and without bringing God into it, is very rare that the woman looks back at what that child is and looks at any other alternatives except abortion.

Rep. Kerzman: In regard to Pennsylvania, they have to prove what they are doing. I don't have the numbers in front of me, but it was a substantial decrease. Also in regard to contracting with faith-based organizations, we do it all the time with voluntary care.

Vice Chairman Deylin: A statement was made the Pennsylvania bill was much longer than this one. Have you compared the two?

Rep. Kerzman: No, I haven't.

Rep. Niemeier: Are you really committed to the idea of a prime contractor?

Rep. Kerzman: I think you need a contact person. For the over-all central advertising and one central number. To me it seems simpler.

John Hougen: Department of Human Services. The department stand is neutral, but I would be able to answer any questions.

Rep. Niemeier: Are there TANF funds available to be directed towards this program, and especially with the amendment we have that is suggesting \$500,000?

John Hougen: We believe this bill could be funded. Yes, there is money out there.

Chairman Price: If it is TANF funds, will clients have to be screened as far as eligibility?

John Hougen: There are four broad purposes under which TANF money can be spent for services. Two of them require tests, two of them don't.

Chairman Price: Close hearing on SB 2354.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2354 A

House Human Services Committee

Conference Committee

Hearing Date 3-21-01

Tape Number	Side A	Side B	Meter #
2	xx		1--end
2		xx	1-1000

Committee Clerk Signature

Cornie Easton

Minutes: Chair Price : Let's discuss SB2354.

Rep. Cleary : I move a DO PASS of the amendments from human services on the 19th.

Chair Price : We need to hear from the subcommittee first.

Rep. Porter : We worked diligently yesterday. We had some representation of the ND Life League and Birth Right, Dickinson, in opposition to the bill in sub. We learned a lot about what this program is suppose to do and how it works. I don't think anybody working on the bill has a problem with the concept of the program. This is a basic footprint that in the program, the appropriation is not to be the sole source of the program. It's very explicit in the bill that any additional funds raised in the private sector are not subject to our auditing procedures. Only our funds from the state are subject to our auditing procedures. When you look at the appropriations, don't think they will never be able to operate with this amount. It's not a 100% operational budget. On page 1, line 2, we're removing "an"; line 3 we're putting an expiration date on the bill per Human Services request. We only appropriate on an every two year basis. The

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House Human Services Committee

Bill/Resolution Number SB2354

Hearing Date 3-21-01

department wants this to expire and come back in based on the merits of the outcome. If our economy turns, that \$8.2 M would be eaten up rather quickly. The \$8.2 M is the carry over dollars that we are funding this out of. Page 1, line 18, the department asked that this contract has the correct language which is outcome based performance contract. On page 1, line 19, after "contract", insert " live births, adoptions, abortions, and birth control counseling". These areas we wanted to see as per our discussion. The department can go above it, but not below what we are asking. Page 1, line 20, after "provider", change to "and providing reports to the department regarding outcomes of the service providers as to ??? The signed contractor may be reimbursed up to 10% of the total contract for administration. We are going to an outside agency for the contractor ship. Their administrator costs in the proposed budget that was given to use, was 20%.

When we talked to different agencies and organizations, they are all running at less than 10%. The Human Service Department Tanif program runs at about 7 1/2% administrative expenses. Blue Cross/Blue Shield of ND runs at around 9% administrative expenses. We didn't think it was going to be our goal to heavily fund administration and not put the money out to the service providers where it needs to be. Remember, that this money and this set up is the footprint, not the total operational budget. We only want 10% of our state money going towards this prime contractor administration. The rest of the money they need to run the administrative end of this, they can do through private donations. The money from the state is going out to the service providers, where we think it will do the most good.

Rep. Metcalf : (600) How do you envision this program operating? Are we talking about a separate organization, entity, person, whatever, that is not affiliated with any of the current

services that we have. Or are we anticipating that one of the Catholic or Lutheran Services are going to bidding on this?

Rep. Porter : (665) It could be any of those. It could be an out of state organization that comes into ND just to run this contract and referral service to the service providers. It could be any number of the religious based organizations that would bid on the contract. It could be the Abused Adult Resource Center. They may have a network and phone bank set up already. We aren't saying who it should be. It just has to be separate from a government agency. It has to be a private nonprofit agency.

Rep. Metcalf : (728) With that in mind then, we are saying that an outside contractor could not start up something. It must be an existing agency that is already there.

Rep. Porter : (740) Not necessarily. This is the footprint what this agency will look like. Their ability to raise private funds are entirely up to them.

Rep. Metcalf : (775) I thought it was the idea that this prime contractor would be free of incumbrance upon money coming in from an outside source, so that they can direct their activity toward one direction. The idea that the contractor that stood alone with no outside interference. If they get money from Catholic Family Services, are they going to be leaning toward Catholic Family Services. I was looking for something completely independent from any of our religious or social organizations.

Rep. Porter : (835) That's very possible what you're going to see. It could be board members representing all of the different organizations on the board of this agency, running this private contract. The audit procedure is just of the state money, and that's in the bill.

Rep. Metcalf : If it is completely free and independent, even though it's developed from different agencies; unless they are working within that agency, they won't be able to set up a phone bank with \$12,500. If they solicit funds, then will they be tied to those people who donate to them?

Rep. Porter : The telephone bank is totally separate from administrative expenses.

Rep. Metcalf : How about the personal to run the phone bank?

Mr. Hoagen : When you take a look at the definition of administration, a person directly involved providing the service, is not considered administration. The overhead is administration. Clients are not administration.

Chair Price : Would having it totally away from religious affiliations, be what you want?

Rep. Metcalf : Yes. I believe that would make it an insulated area between government and the providers and have no relationship to religious organizations.

Chair Price : (1040) They started down that road.

Rep. Porter : On page 2, line 1, "with the leaning funds and stating up to 10% of the appropriations to administer a program" replace the comma with "and may expend funds to reimburse service providers and to provide additional support services". That ties back in to the 10% for administrative expenses. 90% of the money is to go back to the service provider, and to get the information out to provide the toll free referral system, advertising, etc. Page 2, line 18, we are removing "other than minor remodeling". It was felt that this money needs to be used for counseling service providers and not for remodeling someone's office. Page 2, we are removing lines 30 and 31. On page 3, we are removing lines 1 and 2 and replacing number 11 with "the contractor may not exclude or show preferential referrals to a service provider based upon their belief relating to their birth control and abstinence programs.

Rep. Metcalf : (1213) What is the definition of birth control? What if their belief is that abortion is birth control? Is that what we really want.

Rep. Porter : That may need to be changed to contraceptive and abstinence programs.

Chair Price : (1235) So the prime contractor could not deny a classic service provider because they do not support birth control nor could they deny someone because they did. Works both ways?

Rep. Porter : Yes. The word we want in there is contraceptive, not birth control. On page 3, line 3, we remove "religious character of the"; and on page 3, line 5, we are replacing "department" with "prime contractor". On page 3, line 8, we replaced "eligible" with "the service provider shall provide eligible individuals receiving alternative to abortion services". On the next line, we are removing " must be provided with". After the period, we are inserting "A religious organization may not discriminate against an eligible individual in regard to alternatives to abortion services on the basis of religion, religious belief, or refusal to participate in a religious practice." The rest of that is just renumbering. On page 4, after line 18, it would insert the new number 17. It states "that the partner shall contract with the nonprofit private entity for the establishment and operation of a state wide toll-free telephone and referral service through which a person seeking services to assist a woman through pregnancy, childbirth, or adoption is referred to an appropriate service agency". This is different language then what was in 2361. The department, through the toll free telephone referral service, must refer to all appropriate agencies in a specific geographic area, and may not refer a person to any agency that provides abortion counseling, or referral services, or advocates for or performs abortions. If there are three in Bismarck, and they all meet the minimum requirements to be alternatives to abortion centers,

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House Human Services Committee
Bill/Resolution Number SB2354
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then if someone calls in, they will be referred to all three. The individual decides, not the toll free number deciding.

Rep. Metcalf: As a point of clarification, when you say the department through the toll free service, will the department have that in their contract? It will not go back to the department.

Rep. Porter: Yes.

Rep. Price: This is to cover the areas of the state where the prime or subcontractor are not there so people don't have to drive, if it's not necessary?

Rep. Porter: It covers two concerns. Take the Fargo area, where there are 6 crisis pregnancy centers, and if the prime contractor only agrees to refer to one or two centers, that will put concern on the other 4 centers. They won't have clients to work with any longer. It also covers the concern where geographically, a person may have a center across the street, but they wouldn't be referred to it, and have to travel to a different one. This bill came to us with a \$200,000 appropriation. SB2361 had a \$39,000 appropriation in it. On page 3, line 21, we replaced the \$200,000 with \$250,000. It still has to go to appropriations to get worked on. Page 3, line 23, after "program" we inserted "and a toll free referral system", so that is part of the appropriation language. After section 2, we inserted section 3, at the request of the department. That is the expiration date of June 30, 2003. **I move these amendments.**

Rep. Metcalf: **I second.**

Rep. Pollert: We went through a lot of discussions with this bill. I've had reservations all the way through. I did not like section 11. Maybe this is still a work in progress.

Chair Price: Did we ever talk about why we put it nonprofit?

Rep. Porter: No.

Rep. Cleary : I do not agree with the amendments. I have lots of questions about including things we included. Number 17, I wonder why it couldn't be the prime contractor should contract to set up the toll free lines. I did not like the 10%. I think that stating an outcome based contract is enough without adding all the other things we listed.

Chair Price : We talked about in committee, our frustration about how we time and time again put money into things that we never know what is working and what isn't, unless they report the number of contacts they have and the outcome. Do we need to educate these contractors that this pregnancy may not be the only issue they deal with in helping an individual? We are not putting in the requirements on that. It would be nice to know if they were in a domestic violence situation. Is there drugs or alcohol involved, and where were they referred, would be nice to know, also. We should be adding those. That would increase the amount of administration, too.

Rep. Cleary : I would rather add those, then the births. We already can get that information.

Chair Price : We want to know if they have actually been to one of these centers. We want to know if this thing works. Maybe the funding can be increased next biennium. I would assume that counselors do some sort of follow-up, I hope.

Rep. Cleary : Not always.

Rep. Porter : (2244) One thing that comes up in the outcome based performance contract is that we should demand the follow up. In two years, we see whether the number of live births goes up or down, and see whether the abortions goes up or down, that number will go back in and decrease or increase funds. The national trend is going down on abortions, and ND will also show a reduction. Without that kind of outcome based reality, you'll never know if this program works, unless you ask for it to be tracked.

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House Human Services Committee
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Rep. Devlin : (2397) In response to Rep. Cleary's objection to the amendment, I understood that the department was doing the contracting all the way through the bill. Who else should be there?

Rep. Cleary : In the rest of the bill the prime contractor is setting up the other providers in the other areas. I think it makes more sense to have he/she set up the phone service, too. They will have the information about what entities they set up. There is no way to set it up with mental health because they have too many things already. This needs to be a free standing line. The prime contractor should be the person.

Chair Price : It might be that someone applying for the prime contract may wish not to have it. It could be part of the bid, if they choose.

Rep. Cleary : They could find somebody else to do it.

Rep. Devlin : (2560) I still think in the first half of 17, it has to be the department. My question is in the second part where it mentions department again. At the stage of the game, we should be talking about the agency we contract with shouldn't we?

Rep. Porter : When we put that language in there, we just felt the department would have it part of their RFP, and it would be spelled out in their contract.

Chair Price : Would that also require the department to keep whoever got the contract kept up to date on the current crisis centers in the state? In SB2361, we say the department has to have the list. That's the Department of Health.

Rep. Porter : That specific item was not discussed.

Mr. Hoagen : (2700) To me it reads that the department must refer these people to all the appropriate agencies. Really it's the prime contractor that does the referral. The way it reads it looks like the department and that is not the way we wanted it.

Chair Price : Just put the words in, must refer and take out the department.

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Mr. Hoagen : It's been the Dept. of Health that keeps things current. As we get involved, we need to pass things along to them, if there have been any changes.

Chair Price : Then you are recommending that section 17 all be the Dept. of Health, and the rest be the Dept. of Human Services.

Mr. Hoagen : That would imply then that we have two RFP's that separate the two. I can see what you're trying to get at is to have one RFP to cover both the toll free line and the counseling service line. I would hope there is a way that we can work together with the Department of Health and one contractor wanting to pick up and do both services.

Rep. Weiler : (2935) Why wouldn't we want the same nonprofit to do the telephone referral service. Seems more sense to have the same entity do both. I don't think we should give the option.

Rep. Porter : Then after "appropriate service agencies" it should read, "the contractor through the toll free referral service".

Chair Price : Or you can just put the ending. Just take it out. Say they must refer. I'm sure L.C. will send it back the way they think is right.

Rep. Dosch : I'd agree with Rep. Weiler. Seems to me the very first line should be the prime contractor shall contract with. We are involving the department and the prime contractor and now a third party. Let the prime contractor do it.

it's simpler to have it under one umbrella.

Rep. Devlin : Somebody has to issue the contract by the state of ND to the prime contractor. After that it refers to the entity that they have picked. The question is whether we let the Dept. of Human Services passes the buck to the Dept. of Health, or not.

Rep. Porter : (3250) It was specifically left to be the possibility that two separate agencies in RFP. If an agency comes in and bids this program and becomes the prime, and they had a bid of \$60,000 for the phone system; what if it was more then what it should be. Someone else may come and say they just want the phone system and bid \$20,000. I think it is in the best interest of the taxpayers to make sure we are getting a good deal. The way it was written in the other bill, it said exactly what the RFP dollar amount could be, \$39,000. You tell me who would bid less then \$39,000. No one. This is spelled out to be a true RFP where these are the conditions of the contract, this is what's expected of you, and give us your bid. There is no minimum set on it. An individual agency can put in a fair bid, and you can look at multiple bids and pick the best deal. I think it needs to stay separate. It probably won't once the RFP comes in, it will probably be the same prime contractor; but out of fairness it need to be separate.

VOICE VOTE ON AMENDMENTS: 9 YES and 5 NO. AMENDMENTS PASSED.

Rep. Cleary : Could I ask for a minority report. How would I attach the original human services amendments? These are a lot like the ones we just did.

Chair Price : The main difference is the 10% for administration, what we'd require for reporting on what they have achieved, and the money.

Rep. Cleary : I move the amendments. Rep. Deylin : I second.

Rep. Metcalf : In GVA we did a minority report. It requires the signature of three people beside the sponsor to request for it.

Chair Price : Call the roll on the second set of amendments.

VOTE: 11 NO and 3 YES. FAILED.

Rep. Cleary : Now do I ask for a minority report? I want a minority report.

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House Human Services Committee
Bill/Resolution Number SB2354
Hearing Date 3-21-01

Rep. Weisz : I have a third set of amendments. Rep. Metcalf read these for Rep. Weisz. Page 3, lines 1 and 2, #11: The contractors referrals to a service provider shall include contraceptive services and abstinence programs. These amendments were moved and seconded.

Rep. Weisz : I think it is critical that we look at abstinence programs and contraceptive services.

Rep. Niemeier : This provision would exclude some of the providers that are currently doing great work in this area. In my area they tell me they don't provide contraceptive services. They tell a woman that is in a second crisis pregnancy, she should visit with her doctor. This provision would exclude those providers.

Rep. Weiler : To clarify; the abstinence counseling is not passing out condoms.

Chair Price : The motion reads: the service provider shall include contraceptive counselor services and abstinence programs.

Rep. Sandyig : (5111) Can I ask Rep. Weisz if we could change "contraceptive referral" to "family planning".

Rep. Weisz : (5160) We are talking alternatives to abortion. Adoption is one of the options.

Mr. Hoagen : One of the problems with "family planning" language is that the funds must be used for pre-pregnancy family planning. It can't be used for family planning while someone is pregnant. We talk about referrals of pregnant women. That language would present some problems in the legislation.

Rep. Metcalf : (5375) I guess we are talking about crisis pregnancy counseling, aren't we?

Chair Price : (5435) Read your sections and see all the people that are eligible for this. Spouses, boyfriends, and everyone else it seems are eligible.

Rep. Metcalf : The way Rep. Porter's amendment is written, I think it's going to make sure that all organizations have an opportunity to participate in the services. I'm sure that there will be

some organizations that positively will not participate in the services. If this is what we want to do is to limit the availability of the service providing organizations, then Rep. Weisz motion is correct. If we want to keep as many services as possible, then I prefer we go with Rep. Porter.

Chair Price : Let's roll call on this third amendment of Rep. Weisz.

VOTE: 3 YES and 11 NO. AMENDMENT FAILED.

Rep. Metcalf : Based on what we all have been discussing here, can a religious based firm accept the counseling services referral and not accept the funds? (**end side A, begin side B**)

Chair Price : Yes. That is specifically under Rep. Porter's amendment. They have to tell the person calling about all the them and then they can make the choice. The person referred to can say, we don't want the money. They would never apply for funds in the first place. Under the subcommittee's amendments, they would still get the referrals.

Rep. Metcalf : In Rep. Cleary's amendment, she said she was adding #17. The only ones to get any money out of this is the contractor who do the work. If you refer somebody to the Methodist church in Finley, and if they are one of the agencies listed on the phone number, the church will not get any money.

Chair Price : (144) The prime contractor has the authorization to subcontract with any group they choose under this bill. They may say they only want to contract in the four major cities. That's why I support the referral system being separate. A prime contractor may be very limited in their subcontract, or their service contract. They may only pick two in the state.

Rep. Metcalf : That's why I'm very adamant about the fact that the prime contractor can't be involved with any of the other associations.

Chair Price : Certainly can be.

Rep. Metcalf: I don't think it should be, though. I hope they are not involved with Catholic or Lutheran Services.

Chair Price : (390) There will be a prime contractor, as it's listed, and it's a nonprofit private entity. It may be in state or out of state. There is nothing that says it can't have a religious affiliation. They can go out and contract with a service provider that may be one or it may be twenty (20). It may be religious; one religion or may be twelve (12) religions. Totally up to the prime contractor. The referral line, as the amendments stand in front of us, is a separate contract, or it may be with the prime contractor, depending upon how the RFT's come in. But there is a restriction on them. When they get a call on the referral line, they must list within the geographic area all of the crisis centers. Those centers can not refer or recommend an abortion. The only people who get reimbursed, are either the prime contractor or the service provider and the referral line. If Birthright gets the person, they don't get reimbursed. But if there is a service provider in the same area, they do get reimbursed. We may have only one service contractor in the whole state. And there may be only two locations in the whole state.

Rep. Cleary : Maybe Birthright will decide they don't want be affiliated with this.

Chair Price : They have to be a service contractor. They have to bid for the contract and get it. That's totally up to the prime contractor. The state has no control.

Mr. Hoagen (564) I assume we'd want the whole state covered is the legislative intent. We would certainly write an RFT in a manner that would tell the prime contractor how to cover the entire state. They may arrange with subcontractors to cover the whole state.

Chair Price : It's been a concern of several legislators that only a small part of the state may be covered. I think we want as much covered as possible. We have the bill with the subcommittee's amendments before us.

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House Human Services Committee
Bill/Resolution Number SB2354
Hearing Date 3-21-01

Rep. Devlin : I move a DO PASS AS AMENDED and REREFER to APPROPRIATIONS

Rep. Pollert : I second.

VOTE: 8 YES and 6 NO with 0 absent. PASSED. Rep. Porter will carry the bill.

10477.0301
Title.

Prepared by the Legislative Council staff for
Senator Krauter
March 7, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2354

Page 3, line 21, replace "\$200,000" with "\$500,000"

Renumber accordingly

VR
3/22/01
10f2

HOUSE AMENDMENTS TO SB 2354

HOUSE HS

3-22-01

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert ";" and to provide an expiration date"

Page 1, line 18, replace "the" with "an outcome-based performance"

Page 1, line 19, after "contract" insert "that includes live birth, adoption, abortion, and contraceptive counseling"

Page 1, line 20, after "providers" insert "and providing reports to the department regarding outcomes of the service providers' activities. The prime contractor may be reimbursed up to ten percent of the total contract for administration"

HOUSE AMENDMENTS TO SB 2354

HOUSE HS

3-22-01

Page 2, line 1, replace "funds" with "up to ten percent of the appropriation" and replace the comma with "and may expend funds to"

Page 2, line 2, remove the comma

Page 2, line 18, remove ", other than minor remodeling,"

Page 2, replace lines 30 and 31 with:

"11. The contractor may not exclude or show preferential referrals to a service provider based upon the service provider's contraceptive and abstinence programs."

HOUSE AMENDMENTS TO SB 2354

HOUSE HS

3-22-01

Page 3, remove lines 1 and 2

Page 3, line 3, remove "religious character of the"

Page 3, line 5, replace "department" with "prime contractor"

Page 3, line 8, replace "Ellgible" with "The service provider shall provide eligible"

Page 3, line 9, remove "must be provided with" and replace "section" with "subsection"

Page 3, line 10, after the period Insert "A religlous organization may not discriminate against an ellgible individual in regard to alternatives-to-abortion services on the basis of religion, a religlous belief, or refusal to actively participate in a religlous practice.

14."

Page 3, line 14, replace "14" with "15"

Page 3, line 16, replace "15" with "16"

Page 3, after line 18, Insert:

- "17. The department shall contract with a nonprofit private entity for the establishment and operation of a statewide, toll-free telephone referral service through which a person seeking services to assist a woman through pregnancy, childbirth, or adoption is referred to an appropriate service agency. The toll-free telephone referral service must refer to all appropriate agencies in a specific geographical area and may not refer a person to any agency that provides abortion counseling or referral services or advocates for, or performs abortions."

Page 3, line 21, replace "\$200,000" with "\$250,000"

Page 3, line 23, after "program" insert "and a toll-free referral system"

Page 3, after line 24, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

Date: 3-21-01
Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 68 2354**

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Move amendments

Motion Made By Bog. Porter Seconded By Bog. Pollard

Total (Yes) 9 No 5

Absent _____ 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 3-21-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

House Human Services Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Moved second set of amendments

Motion Made By Rep. Cleary Seconded By Rep. Sandburg

Total (Yes) 3 No 11

Absent 6

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 3-21-01
Roll Call Vote #: 3

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. S.B. 2354**

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number

Action Taken Moved third set of amendments

Motion Made By Rep. Weis Seconded By Rep. Weis

Total (Yes) 3 No 11

Absent _____

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 3-21-01
Roll Call Vote #: 4

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. S B 2354

House Human Services Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS as amended

Motion Made By Rep. Deulen Seconded By Rep. Pollard

Total (Yes) 8 No 6

Absent

Floor Assignment Beg. Porter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2354, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2354, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide an expiration date"

Page 1, line 18, replace "the" with "an outcome-based performance"

Page 1, line 19, after "contract" insert "that includes live birth, adoption, abortion, and contraceptive counseling"

Page 1, line 20, after "providers" insert "and providing reports to the department regarding outcomes of the service providers' activities. The prime contractor may be reimbursed up to ten percent of the total contract for administration"

Page 2, line 1, replace "funds" with "up to ten percent of the appropriation" and replace the comma with "and may expend funds to"

Page 2, line 2, remove the comma

Page 2, line 18, remove ", other than minor remodeling."

Page 2, replace lines 30 and 31 with:

"11. The contractor may not exclude or show preferential referrals to a service provider based upon the service provider's contraceptive and abstinence programs."

Page 3, remove lines 1 and 2

Page 3, line 3, remove "religious character of the"

Page 3, line 5, replace "department" with "prime contractor"

Page 3, line 8, replace "Eligible" with "The service provider shall provide eligible"

Page 3, line 9, remove "must be provided with" and replace "section" with "subsection"

Page 3, line 10, after the period insert "A religious organization may not discriminate against an eligible individual in regard to alternatives-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice."

14."

Page 3, line 14, replace "14" with "15"

Page 3, line 16, replace "15" with "16"

Page 3, after line 18, insert:

"17. The department shall contract with a nonprofit private entity for the establishment and operation of a statewide, toll-free telephone referral service through which a person seeking services to assist a woman

REPORT OF STANDING COMMITTEE (410)
March 22, 2001 4:05 p.m.

Module No: HR-50-6476
Carrier: Porter
Insert LC: 10477.0302 Title: .0400

through pregnancy, childbirth, or adoption is referred to an appropriate service agency. The toll-free telephone referral service must refer to all appropriate agencies in a specific geographical area and may not refer a person to any agency that provides abortion counseling or referral services or advocates for, or performs abortions."

Page 3, line 21, replace "\$200,000" with "\$250,000"

Page 3, line 23, after "program" insert "and a toll-free referral system"

Page 3, after line 24, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

2001 HOUSE APPROPRIATIONS

SB 2354

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2354

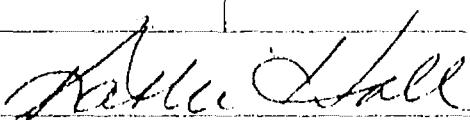
House Appropriations Committee

Conference Committee

Hearing Date April 2, 2001

Tape Number	Side A	Side B	Meter #
04-02-01 tape #1		1971 - 6230	
04-02-01 tape #2	0 - 2915		

Committee Clerk Signature



Minutes:

The committee was called to order, and opened the hearing on SB 2354.

Senator Aaron Krauter: Explains SB 2354, that sets up an alternative type of program for abortions in the state of ND, to provide counseling, to provide education, to provide the tools out there so we can reduce the numbers of abortions we have in this state. Currently we are seeing a rise in the numbers of abortions in the state. From 1991 to 2000 the pregnancy counseling centers in the state went from 27 units to 16. This is an approach that does not use any state general fund dollars. It uses federal TANF dollars. It sets up a program where the department of Human Services can contract with service providers on a main contract for a nonprofit entity to set up outcome based performance initiatives to reduce the number of abortions in this state. That prime contractor will then subcontract to entities that want to provide that service. This would be a fee for service program where the entities that provide the counseling would get paid or reimbursed on a fee for service basis. On page 4 of the engrossed bill is the appropriation, the

Page 2

House Appropriations Committee
Bill/Resolution Number SB 2354
Hearing Date April 2, 2001

dollars from TANF. We based this bill on the success of the Pennsylvania program, where they have outcome based statistics that have reduced the number of appropriations.

Chairman Timm: The department does not have any kind of program like this now? What does the department do now, are they neutral or what on the issue of abortions?

Sen. Krauter: His understanding is that the department does not have any program that counsels persons not to have abortions. We do have areas in other agencies that the health units work on relating to family planning, etc. This is strictly for the department of human services.

Rep. Skarphol: As the bill is drafted, how many sites are going to be available.

Sen. Krauter: There is no definite number identified. It is based upon the dollars available so it can be contracted, and as sites are in existence other areas can come forward and put together a contract.

Rep. Skarphol: There is one main provider?

Sen. Krauter: The DHS will set up a prime contract with a nonprofit entity that will provide services across the state. They will, on a fee for basis service, will reimburse the costs.

Rep. Wald: Asks questions and gets answers on this issue of the prime contractors, subcontractors, and spiritual counseling.

Rep. Delzer: Has the DHS okayed this as an eligible use of TANF dollars?

Sen. Krauter: Through the Senate hearings and the House hearing, they understand that this can be used.

Rep. Wentz: Is there a contradiction in the bill regarding constitution language and religion language?

Sen. Krauter: This is set up so that we do not discriminate between religious and non religious entities.

Rep. Sycaljan: Can you explain how you got to the figure of \$65 million in terms of available TANF dollars? His understanding is that the state receives \$26 or so million per year of the biennium. It appears that you have included both carryover that exists now as well as some projected carryover.

Sen. Krauter: Will provide the handout he has received from the department regarding those TANF dollars.

Rep. Delzer: Sees the bill as having a sunset clause. Is there anything in the bill that will allow any gathering of information that will allow the next legislative session an opportunity to see if this is doing any good or not?

Sen. Krauter: That is on page 1, section 1, subsection 3. Reads that part of the bill.

Christopher Dodson, Executive Director, ND Catholic Conference: This is based on a privatized model used in PA and has been successful in increasing the number of women served who are facing crisis pregnancy and crisis parenting, and decreasing the percentage of women who receive abortions in PA. It has been active there for 5 years. Privatized works. It is not a grant based system. The reason you have a prime contractor is that you hold them accountable. The prime contractor is responsible to serve the client, the state of ND, making sure more women receive alternatives to abortion services. Their job is to see that the abortion numbers go down. The prime contractor sets up a system, advertising a referral service, helping the service providers, and reimburses service providers for a fee for service basis. Money isn't given away to the service providers, they earn it. This does provide a stable source of income for the providers, so they can serve more women. The more women you serve, the more opportunities they have to chose life. It's privatized because of the fees for service basis. There are about 15 or 16 centers in ND that would be eligible. Can't predict if the service providers would want to

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be part of this, but based on their information they would be eligible. The money does come from the TANF block grant, and is consistent with the purposes of TANF, especially the third and fourth purposes. This also helps the goals of welfare reform (gave a few examples). Faith based entities are able to be service providers. The charitable choice provisions follow the charitable choice provisions in the welfare reform law, which carefully follows Supreme Court decisions. It basically says if you contract out, you cannot discriminate against a religious provider, but you can't make them alter their form of governance or make them take down icons or crosses, etc., but they can't use funding for proselytizing. This is modeled after birthright, who doesn't do proselytizing, they don't lead people in worship. Addresses the concerns expressed about conflicts in sections 9 and 10 of the bill, as to constitutional issues. The prime contractor, is the contracts with the service providers, will specify that they do not discriminate. Informs the committee that the person who runs the PA program will be around for a couple days to answer any questions.

Rep. Warner: How many organizations in ND are currently set up and able to be prime contractors?

Christopher Dodson: Is not sure, all would be eligible if they are not for profit. There may not be many interested in this. The prime contractor would be in this for doing the business of the state. Many of the providers right now are interested in serving the women, not the state.

Rep. Warner: You spoke about the need for accountability, can you give some indication of the total amount of money would be absorbed by the prime contractor for administration?

Christopher Dodson: Part of that depends on what the appropriation is. We believe that if this is to go forward, we would need to increase the appropriation. In PA when their program

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House Appropriations Committee
Bill/Resolution Number SB 2354
Hearing Date April 2, 2001

started, their administrative costs were about 17%, and now they are down to about 7%. You do have fixed start up costs.

Rep. Skarphol: Doesn't see any compelling reason why we would need one prime contractor. If this is a faith based initiative, we could have all of the faiths represented and still have the accountability.

Christopher Dodson: The service providers are interested in the women. The state needs to be interested in being effective in lowering abortions. Need an effective advertising campaign statewide to be more efficient with the funds.

Rep. Skarphol: There are still people who are more comfortable in dealing with their own faith than with someone else's. Confining this to one, he thinks will create some barriers who may need the services.

Christopher Dodson: The prime contractor is not providing service to the women. The prime contractor enables the service providers to do what they do even better.

Rep. Skarphol: What you think is written into the bill, and what I think is written into it are two different things. This bill is ambiguous enough that I am not comfortable with the current language.

Rep. Koppelman: Curious about the issue of proselytizing. What has been said seems like a conflict. Can the organization have spiritual underpinnings and principles and do spiritual counseling, but that they can't mention it at the session?

Christopher Dodson: You can't have a stop watch. You can have a separate project.

Rep. Koppelman: Discusses some examples.

Rep. Wald: On page 1, subsection 3, the bill says that the department shall contract with the prime contractor. On page 2, subsection 9 on line 19, it says a religious organization is

eligible as a contractor. Are you saying the prime contractor could not be a religious organization?

Christopher Dodson: They could be a prime contractor, the bill may need to be clarified.

Rep. Wald: In subsection 11, it says a religious organization that provides these services under the program must adhere to the religious teachings of the organization. Questions the section and the counselors.

Christopher Dodson: That particular section says that if the organization has rules, they could apply their rules to their employees. It doesn't say anything about what the state requires.

Rep. Wald: On line 14, page 3, no grant funds may be expended for sectarian worship, instruction, or proselytization. Gives the example that in his area, the counselors almost always bring the spiritual component into their counseling. He doesn't think these two can be separated. How do you address that in this bill?

Christopher Dodson: Not sure that is addressed in this bill. He knows that most faith-based counseling centers do not do this. They assess spiritual needs, as well as other needs. Proselytizing is when you are engaged in direct instruction in a specific religion. Most crisis counseling does not need to do that, and most do not.

Rep. Svedjan: Returns to the TANF funding issue. Does the state of PA fund their program with TANF dollars?

Christopher Dodson: No, they do not. They use state money.

Rep. Svedjan: As he reads the eligibility section, page 1, lines 15, 16, and 17, it doesn't say anything in there as to the eligible persons need to be TANF eligible. How do you justify using TANF dollars to fund a program that is going to serve someone other than TANF eligible recipients?

Christopher Dodson: You can use TANF dollars for four purposes. Only the first two purposes do you need to worry about eligibility. If you are related in a rational basis in any way to reducing out of wedlock pregnancy or encouraging two parent families you don't need an eligibility requirement.

Rep. Delzer: If we already have a number of these counselors in the state why do we need a prime contractor? Why don't we just grant out some more money to the existing ones?

Christopher Dodson: If we go to the grant model, we have seen that that doesn't work. The prime contractor can answer to the state and make it as efficient as possible.

Rep. Delzer: I don't see that. If the counselors are the ones that are working to get to the women, how would not granting them more money be helpful. The prime contractor could eat up the money in administrative costs, are you going to have them use all of this in advertising?

Christopher Dodson: You would still have fixed costs. Other states are looking at this program also. It supposedly works.

Rep. Wentz: Where are the women going to come from that are eligible for this program? Are they going to see the advertising and then contact the department and request to be referred?

Christopher Dodson: That would be left up to the prime contractor. Explains what happens in PA.

Rep. Byerly: Since we did not adopt the amendments that came out of the Human Services Committee, all of the performance measurements do not now appear. So now all we have is to give somebody some money and they can spend it. Do we need to put the performance measurements back into the bill, and if we don't where is the money going to be spent?

Christopher Dodson: The department's contracts would be outcome based, without the performance measurements. If the appropriation is not going to be increased, the \$200,000 cannot be effectively spent and get it to the service providers and do what is desired. Could do some demonstration project.

Rep. Byerly: In more general terms, what would the budget look like.

Christopher Dodson: Would like Kevin Bagatta of PA to answer that.

Rep. Kerzman: Would like Mr. Bagatta to testify. Questions being asked should be answered by him. Costs are only part of the process.

Chairman Timm: You say \$200,000 is not enough to run the program. The amendments that were not adopted appropriated \$250,000, was that enough to run the program?

Christopher Dodson: Those amendments also added in another program. That is a separate referral program. That also put on a cop of administrative costs which would have been unreasonable for a startup program, in our opinion.

Kevin Bagatta, President of Real Alternatives (the prime contractor of the PA program): To answer some of the previous questions, he says that they want one prime contractor to keep the administrative costs low. Someone has to do reporting to the department, someone has to account for all the state funds. Explains what the state of PA has done. He also addresses the proselytization issue. He then goes on to address the funding. The model in PA is a fee for service model, that uses modern business practices. To meet the woman where she is, and give them the resources to do it. He feels, based upon his knowledge of what has been done in PA, that at least \$500,000 would need to be spent to accomplish the same outcome as PA has, to lower the abortion choice percent. The program is set up to help the woman, from the time she is pregnant to 12 months after the birth, to take those external factors out of her way. She normally

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would choose childbirth. This program promotes childbirth by providing counselors in the field, and providing resources to these people. This program would increase the number of service providers and meet them where they are.

Rep. Delzer: Where do you get your information that you pass back to the state?

Kevin Bagatta: We have a client verification form that the client signs, and a services rendered form that the counselor fills out that tells us how much time they spent with the client, and what they talked about.

Rep. Delzer: You are just the added layer of administration between the providers and the department.

Kevin Bagatta: We are the government contractor. The alternative would be to have them come up with many more data bases.

Rep. Delzer: The alternative would be to have them send the same information to the department of human services.

Chairman Timm: What is the budget for this program in PA? How much of that money is spent on the prime contractor?

Kevin Bagatta: \$4.3 million. After year 5, we are down to 7.8%. The more services that go up, the lower the administrative costs. The startup percentage was about 18%.

Rep. Skarphol: In PA does the state get a copy of the form that the counselor fills out? If you take what the counselor does, and you paraphrase it or summarizes it, that is not the same as what I asked? Do you send in the actual paperwork done by the counselor?

Kevin Bagatta: No that stays on our site, subject to the state of PA.

Rep. Skarphol: We checked the population of your state and ours. You have about 20 times the number of people we do, and you are spending about \$4 million. A nice ratio would be

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House Appropriations Committee
Bill/Resolution Number SB 2354
Hearing Date April 2, 2001

about \$200,000. Can you explain why you feel that you would need 2 1/2 times as much to do this job in ND?

Kevin Bagatta: The PA appropriations is probably going to add another \$1 to \$1.5 million this year. You have a different population center here. You would need rural centers. You would need to open up new centers. He has tried to use the same model, not the same ratio.

Rep. Skarphol: The \$200,000 in this bill, give him some idea how that would be spent. What % on admin costs, what percent on advertising, etc.

Kevin Bagatta: He cannot answer that. Gives some examples of what types of expenses might be needed.

Rep. Delzer: What is your 7% in actual dollars?

Kevin Bagatta: Didn't do math (have to figure it out).

Rep. Glassheim: What do you reimburse the subcontractors, per hour?

Kevin Bagatta: \$60 per hour.

Stacy Pflieger, Executive Director ND Right to Life: Last year alone in ND we had 883 women who had abortions. We need to do something to decrease that number. We had been doing a really good job from 1982 to 1997, but since then the numbers have been on the rise. This bill will address at least part of the problem. The other issue she would like to address, is that Family Planning receives \$1 million per biennium. We would like the same chance to help women chose life instead of choosing abortions.

Rep. Gulleson: What were we doing before 1997 that we are not doing now?

Stacy Pflieger: The biggest difference is that we were legislating. We are one of the most pro life states in the union, and there is not much for us to do recently. We have become complacent.

Rep. Boehm: Where does the money come from that the Family Planning clinics use, is that federal funds?

Stacy Pflieger: Understands that those are federal funds.

Rep. Boehm: If all we give is the \$200,000, what can we do with that?

Stacy Pflieger: We are not sure, we may have to look at a demonstration project.

Rep. Aarsvold: Would there be an opportunity for a woman who is frustrated with her subcontractor, to seek another subcontractor?

Stacy Pflieger: Yes, she would be able to go and request an alternate.

Rep. Wentz: Had some disagreement as to the use of Family Planning. She thinks of that as contraceptive counseling. Is that how you define that? Contraceptive planning would be an alternative to abortion.

Stacy Pflieger: She would agree, but some contraceptives are abortive agents, and not reflected in the numbers.

Rep. Wald: Would you hire a subcontractor that routinely gets involved in spiritual counseling as part of the component of trying to convince the woman of other alternatives to abortion. Would you contract with that service provider? Gives a local example of problems that could develop.

Kevin Bagatta: Our contract in PA must follow the constitution, and that is unconstitutional. Gives some dialogue on Birthright, and how PA handles this.

Rep. Aarsvold: Do you or would you counsel the same sex partner of a woman who is experiencing an unwanted pregnancy?

Kevin Bagatta: Never had that happen. He would have to check with the state, that would be their decision. We do counsel the boyfriends and husbands. Our client is the state.

Rep. Byerly: How many abortion clinics in the state that are operating. Why did you oppose the amendment so strongly, when they appear to make the bill more palatable?

Stacy Pflieger: One. There were two until January 2001. She wasn't actively involved in the amendments. They looked at them just earlier that day. On the first page there was something that includes counseling for abortion.

Rep. Byerly: No, what it says is that they will gather the information on all that. HE has real concerns about needing the performance measures.

Rep. Delzer: Agrees, if we don't know if we are stopping any abortions, how are we accomplishing what we want.

Rep. Carlisle: Someone had said on the performance measures, that DHHS has a policy now, is that not correct?

Chairman Timm: Notices that DHHS didn't want to make a statement or testify.

Rep. Byerly: Someone did say that all contracts of the department are performance based, but he still has concerns and desires to see criteria for that performance outcome. What else would they be opposed to if they are opposed to these?

The chairman closed the hearing on this bill.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL RESOLUTION NO. SB 2354

House Appropriations Committee

Conference Committee

Hearing Date April 4, 2001

Tape Number	Side A	Side B	Meter #
04-04-01 tape #1	0 - 2647		

Committee Clerk Signature *Kathleen Hall*

Minutes:

The committee was called to order, and opened committee work on SB 2354.

Rep. Kliniski: Hands out proposed amendment .0304. She explains that it is very simple, that the legislature shall consider studying this in the next biennium. The amendment for the study replaces the whole other bill. It asks in the study to include the receipt of federal funds under title X. Moves to adopt the amendment. Seconded by Rep. Byerly.

Rep. Boehm: Opposes the amendment. There are a lot of questions, but during the study period too many babies will die.

Rep. Kerzman: Opposes the amendment. They brought people in to address the bill as written. Does not want to see this delayed, and everything with some controversy this session seems to be ending up in a study.

Vote on motion to adopt amendment .0304 : 10 yes, 11 no, 0 absent and not voting.

Motion fails.

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House Appropriations Committee
Bill/Resolution Number SB 2354
Hearing Date April 4, 2001

Rep. Boehm: Hands out amendment .0305. Moves to adopt the amendment. Seconded by Rep. Kerzman. Explains that he amendment is what the House had on the floor except for a couple of lines that were deleted.

Rep. Delzer: What happened to the limit on administrative costs. Is there any?

Rep. Boehm: There aren't any. This may not be perfect, but would go into conference committee where the final problems could be solved.

Rep. Kempenich: What is the \$39,000 for? We would be raising the House amendment by this amount.

Rep. Boehm: Section 4 is the appropriation for phone lines.

Rep. Byerly: It looks like there were a lot of changes to what the House had before it. Moves a substitute motion to amend to what was proposed to the House earlier. Seconded by Rep. Skarphol.

(Committee discussion regarding what the House Human Services committee had done before the bill came to the appropriations committee. Rep. Kerzman opposes the motion, does not want abortion counseling in an alternative to abortion bill. Rep. Timm states that Rep. Kerzman is reading the language of the bill incorrectly as to encouraging abortion.)

Voice vote adopts the substitute motion.

Rep. Byerly: Moves to further amend to change lines 18-24, page 1. Seconded by Rep. Skarphol. Rep. Byerly reads the proposed amendment.

Voice vote adopts the amendment.

Rep. Kempenich: Moves to further amend on page 1, line 23, replace ten with fifteen. Seconded by Rep. Wald.

Voice vote adopts the amendment.

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House Appropriations Committee
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Hearing Date April 4, 2001

Rep. Boehm: Moves DO PASS AS AMENDED. Seconded by Rep. Monson.

Vote on Do Pass as Amended : 15 yes, 6 no, 0 absent and not voting.

Rep. Boehm is assigned to carry the bill to the floor.

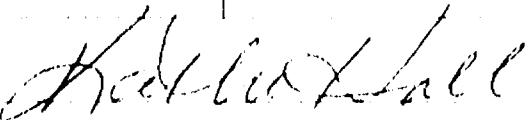
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2354

House Appropriations Committee

Conference Committee

Hearing Date April 10, 2001

Tape Number	Side A	Side B	Meter #
04-10-01 tape #1	0 - 750		
Committee Clerk Signature			

Minutes:

The committee was called to order, and opened committee work on SB 2354.

Chairman Timm: SB 2354 was sent back down to our committee from the floor.

Rep. Byerly: Moves to reconsider the previous action. Seconded by Rep. Skarphol.

Voice vote adopts the motion.

(Discussion that they had more amendments, and rather than removing the first set of amendments, they decided to leave the first set of amendments, and further amend the bill).

Rep. Kliniski: Moves to further amend, pursuant to amendment no. 10477.0304.

Seconded by Rep. Skarphol. Basically what this does is move the bill into a study. Since we passed this bill out, she has been in contact with NCSL in getting some more information. She had them research two questions, 1) is this an appropriate or even legal use of Taniff funds, and 2) what happens to the issue of proselytizing if you accept government money. Under charitable choice that was the easier question to answer. The answer she got was under Taniff, if an

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House Appropriations Committee
Bill/Resolution Number SB 2354
Hearing Date April 10, 2001

organization accepts cash, which this would, then you may not use direct government aid for sectarian worship, instruction or proselytization. But if the aid is received in the form of a voucher then the restriction would not apply. If they were to accept cash, they could not even mention the word God. If they were to set this up as a voucher system, then it would not affect them. On the use of Taniff funds, we went through the four uses of Taniff. This program did not fit into purposes one and two. Purpose three is to prevent and reduce the incidence of out of wedlock pregnancies. It had to be a pre-pregnancy program therefore. And the last purpose is to encourage the formation and maintenance of two parent families. The program did not fit here either. We are the only state that has ever tried something like this. PA uses only general fund dollars, not federal of Taniff funds. She doesn't want this concept killed, so she has tried to keep it alive with a study.

Chairman Timm: If we adopt this amendment what it will do is kill the original bill, delete the amendment we already passed, and replace what we did the other day. This proposed amendment will be the bill.

Rep. Kerzman: Doesn't want to belabor this, and knows where it's heading, but thinks this is the theme of this session, to study everything. He opposes this for that reason, and feels the bill was fine as passed earlier.

Chairman Timm: There seems to be some disagreement between the groups in the state. One group supports this, another doesn't. This seems to be the compromise solution.

Vote on Motion to adopt amendment : 19 yes, 2 no, 0 absent. Motion passes.

Rep. Wald: Moves DO PASS AS AMENDED. Seconded by Rep. Boehm.

Vote on Do Pass as Amended : 18 yes, 3 no, 0 absent. Motion passes.

Rep. Boehm is assigned to carry the bill to the floor.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2354

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of an alternatives-to-abortion services program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. LEGISLATIVE COUNCIL STUDY -
ALTERNATIVES-TO-ABORTION SERVICES PROGRAM.** During the 2001-02 interim, the legislative council shall consider studying the feasibility and desirability of an alternatives-to-abortion services program that would provide information, counseling, and support services to assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting. The study must include a review of how federal funds received under title X of the Public Health Service Act of 1970 are spent in the state and a review of the continuum of care and access to services across the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

Date: 4-4-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

House APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10477.0304

Action Taken Action to adopt amendment 10477.0304

Motion Made By Rep. Kliniske Seconded By Rep. Byerly

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓		Rep - Koppelman		✓
Wald - Vice Chairman		✓	Rep - Martinson	✓	
Rep - Aarsvold		✓	Rep - Monson		✓
Rep - Boehm	✓		Rep - Skarphol	✓	
Rep - Byerly		✓	Rep - Svedjan	✓	
Rep - Carlisle	✓		Rep - Thoreson	✓	
Rep - Delzer	✓		Rep - Warner		✓
Rep - Glassheim	✓		Rep - Wentz	✓	
Rep - Gulleston		✓			
Rep - Huether		✓			
Rep - Kempenich		✓			
Rep - Kerzman		✓			
Rep - Kliniske	✓				

Total (Yes) 10 No 11

Absent 0 False

Floor Assignment 7

If the vote is on an amendment, briefly indicate intent:

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2354

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide an expiration date"

Page 1, line 18, replace "the" with "an outcome-based performance"

Page 1, line 20, after "providers" insert "and providing reports to the department regarding outcomes of the service providers' activities, including the number of clients served, the number of appointments in which the clients were served each year, and the percentage of clients educated or informed on adoption, childbirth, fetal development, nutrition, pregnancy, breastfeeding, childcare, parenting, postdelivery stress, abortion explanations, lifestyle choices, decisionmaking, abusive relationships, drug and alcohol abuse, sexually transmitted diseases, stress management, financial budgeting, and housing availability. The prime contractor shall also report the number of women in the program who chose childbirth instead of abortion and the number of women who were referred because of objections to the religious character of the service provider"

Page 2, line 18, remove ", other than minor remodeling,"

Page 2, remove lines 30 and 31

Page 3, remove lines 1 and 2

Page 3, line 5, replace "department" with "prime contractor"

Page 3, line 8, replace "Eligible" with "The service provider shall provide eligible"

Page 3, line 9, remove "must be provided with" and replace "section" with "subsection"

Page 3, line 10, after the period insert "A religious organization may not discriminate against an eligible individual in regard to alternatives-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

14."

Page 3, line 14, replace "14" with "15"

Page 3, line 16, replace "15" with "16"

Page 3, after line 18, Insert:

"SECTION 2. Toll-free referral service. The department shall contract with a nonprofit private entity for the establishment and operation of a statewide, toll-free telephone referral service through which a person seeking services to assist a woman through pregnancy, childbirth, or adoption is referred to an appropriate service agency. The department shall provide the nonprofit entity with a listing of appropriate agencies. The toll-free telephone referral service must refer to all appropriate agencies in a

specific geographical area and may not refer a person to any agency that provides abortion counseling or referral services or advocates for, or performs abortions."

Page 3, line 21, replace "\$200,000" with "\$250,000"

Page 3, after line 24, insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$39,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding the toll-free referral service provided for in section 2 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. EXPIRATION DATE. This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

Date: 4-4-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1A 2354

House APPROPRIATIONS

Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number

104-77.0305

Action Taken

Motion to adopt amendment

Motion Made By

Rep. Boehm

Seconded
By

Rep. Kerzman

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman			Rep - Koppelman		
Wald - Vice Chairman			Rep - Martinson		
Rep - Aarsvold			Rep - Monson		
Rep - Boehm			Rep - Skarphol		
Rep - Byerly			Rep - Svedjan		
Rep - Carlisle			Rep - Thoreson		
Rep - Delzer			Rep - Warner		
Rep - Glassheim			Rep - Wentz		
Rep - Gulleston					
Rep - Huether					
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2354

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide an expiration date"

Page 1, line 18, replace "the" with "performance-based"

Page 1, line 19, after "contract" insert "that is based on live birth, adoption, and abortion statistical outcomes"

Page 1, line 20, after "providers" insert "and providing reports to the department regarding outcomes of the service providers' activities. The prime contractor may be reimbursed up to fifteen percent of the total contract for administration"

Page 2, line 1, replace "funds" with "up to fifteen percent of the appropriation" and replace the comma with "and may expend funds to"

Page 2, line 2, remove the comma

Page 2, line 18, remove ", other than minor remodeling,"

Page 2, replace lines 30 and 31 with:

"11. The contractor may not exclude or show preferential referrals to a service provider based upon the service provider's contraceptive and abstinence programs."

Page 3, remove lines 1 and 2

Page 3, line 3, remove "religious character of the"

Page 3, line 5, replace "department" with "prime contractor"

Page 3, line 8, replace "Eligible" with "The service provider shall provide eligible"

Page 3, line 9, remove "must be provided with" and replace "section" with "subsection"

Page 3, line 10, after the period Insert "A religious organization may not discriminate against an eligible individual in regard to alternatives-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice."

14."

Page 3, line 14, replace "14" with "15"

Page 3, line 16, replace "15" with "16"

Page 3, after line 18, insert:

"17. The department shall contract with a nonprofit private entity for the establishment and operation of a statewide, toll-free telephone referral service through which a person seeking services to assist a woman through pregnancy, childbirth, or adoption is referred to an appropriate service agency. The toll-free telephone referral service must refer to all appropriate agencies in a specific geographical area and may not refer a person to any agency that provides abortion counseling or referral services or advocates for, or performs abortions."

Page 3, line 21, replace "\$200,000" with "\$250,000"

Page 3, line 23, after "program" insert "and a toll-free referral system"

Page 3, after line 24, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

Date: 4-4-01
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2354

House APPROPRIATIONS

Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number

10477.0366

Action Taken

Substitute motion to adopt amendment proposed by Rep. Timm.

Motion Made By

Rep. Byerly

Seconded
By

Rep. Skarhol

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman			Rep - Koppelman		
Wald - Vice Chairman			Rep - Martinson		
Rep - Aarsvold			Rep - Monson		
Rep - Boehm			Rep - Skarhol		
Rep - Byerly			Rep - Svedjan		
Rep - Carlisle			Rep - Thoreson		
Rep - Delzer			Rep - Warner		
Rep - Glassheim			Rep - Wentz		
Rep - Gulleson					
Rep - Huether					
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4/4/01
Roll Call Vote #: 4

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

House APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10477,0304

Action Taken motion to adopt amendment

Motion Made By Rep. Byerly Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman					
Wald - Vice Chairman					
Rep - Aarsvold			Rep - Koppelman		
Rep - Boehm			Rep - Martinson		
Rep - Byerly			Rep - Monson		
Rep - Carlisle			Rep - Skarphol		
Rep - Delzer			Rep - Svedjan		
Rep - Glassheim			Rep - Thoreson		
Rep - Gulleston			Rep - Warner		
Rep - Huether			Rep - Wentz		
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) 10 No 0 *Adj'ed*

Absent 0 *Adj'ed*

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Change lines 18-21, page 1

Date: 4/4/01
Roll Call Vote #: 5

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES/
BILL/RESOLUTION NO. SB 3354

House APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10417, 6306

Action Taken reject to adopt amendment

Motion Made By Rep. Kepenich Seconded Rep. Wold

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman			Rep - Koppelman		
Wald - Vice Chairman			Rep - Martinson		
Rep - Aarsvold	<i>Y</i>	<i>N</i>	Rep - Monson		
Rep - Boehm	<i>Y</i>	<i>N</i>	Rep - Skarphol		
Rep - Byerly	<i>Y</i>	<i>N</i>	Rep - Svedjan		
Rep - Carlisle	<i>Y</i>	<i>N</i>	Rep - Thoreson		
Rep - Delzer	<i>Y</i>	<i>N</i>	Rep - Warner		
Rep - Glassheim	<i>Y</i>	<i>N</i>	Rep - Wentz		
Rep - Gulleston					
Rep - Huether					
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) 10 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

*line 23, page 1 replace ten
with fifteen*

Date: 4-4-01
Roll Call Vote #: 6

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

House APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10477.0306

Action Taken Do Pass As Amended.

Motion Made By Rep. Boehm Seconded Rep. Monson
By Rep. Monson

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓		Rep - Koppelman	✓	
Wald - Vice Chairman	✓		Rep - Martinson	✓	
Rep - Aarsvold	✓		Rep - Monson	✓	
Rep - Boehm	✓		Rep - Skarphol	✓	
Rep - Byerly		✓	Rep - Svedjan		✓
Rep - Carlisle	✓		Rep - Thoreson	✓	
Rep - Delzer		✓	Rep - Warner	✓	
Rep - Glassheim		✓	Rep - Wentz		✓
Rep - Gulleson	✓				
Rep - Huether	✓				
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Kliniske	✓				

Total (Yes) 15 No 6

Absent _____

Floor Assignment Rep. Boehm

If the vote is on an amendment, briefly indicate intent:

Date: 4/10/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

House APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken to reconsider previous action

Motion Made By Rep. Beirly Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman			Rep - Koppelman		
Wald - Vice Chairman			Rep - Martinson		
Rep - Aarsvold	-		Rep - Monson		
Rep - Boehm			Rep - Skarphol		
Rep - Byerly	V	X	Rep - Svedjan		
Rep - Carlisle	V	X	Rep - Thoreson		
Rep - Delzer	V	X	Rep - Warner		
Rep - Glassheim	V	X	Rep - Wentz		
Rep - Gulleson					
Rep - Huether					
Rep - Kempenich					
Rep - Kerzman					
Rep - Kliniske					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4/10/01

Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 3354

House APPROPRIATIONS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 10177.0504

Action Taken motion to further amend

Motion Made By Rep. Kliniske Seconded By Rep. Stephan

Representatives	Yes	No	Representatives	Yes	No
Timin - Chairman	✓		Rep - Koppelman	✓	
Wald - Vice Chairman	✓		Rep - Martinson	✓	
Rep - Aarsvold	✓		Rep - Monson	✓	
Rep - Boehm	✓		Rep - Skarphol	✓	
Rep - Byerly	✓		Rep - Svedjan	✓	
Rep - Carlisle	✓		Rep - Thoreson	✓	
Rep - Delzer	✓		Rep - Warner	✓	
Rep - Glassheim	✓		Rep - Wentz	✓	
Rep - Gulleston	✓				
Rep - Huether	✓				
Rep - Kempenich	✓				
Rep - Kerzman	✓	✓			
Rep - Kliniske	✓				

Total (Yes) 19 No 2

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4/10/01
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2354

House APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10477.0304

Action Taken Do Pass As Amended

Motion Made By Rep. Wald Seconded By Rep. Bakke

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold	✓		Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly	✓		Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan	✓	
Rep - Glassheim	✓		Rep - Thoreson	✓	
Rep - Gulleson	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman		✓			
Rep - Kliniske	✓				

Total (Yes) 18 No 3

Absent 4

Floor Assignment Rep. Bakke

If the vote is on an amendment, briefly indicate intent:

Page 1, line 21, remove "roundtable recommendations accepted by the legislative council in 2000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment refines the language regarding the higher education strategic planning and strategic plan by removing the reference to the higher education roundtable.

REPORT OF STANDING COMMITTEE

SB 2354, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2354 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1309 and 1310 of the House Journal, Engrossed Senate Bill No. 2354 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of an alternatives-to-abortion services program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - ALTERNATIVES-TO-ABORTION SERVICES PROGRAM. During the 2001-02 interim, the legislative council shall consider studying the feasibility and desirability of an alternatives-to-abortion services program that would provide information, counseling, and support services to assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting. The study must include a review of how federal funds received under title X of the Public Health Service Act of 1970 are spent in the state and a review of the continuum of care and access to services across the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2427: Your conference committee (Sens. Freborg, Fischer, Every and Reps. Drovdal, Nelson, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1034 and place SB 2427 on the Seventh order.

SB 2427 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2455, as reengrossed: Your conference committee (Sens. Wardner, Christmann, Kroeplin and Reps. Carlson, Rennerfeldt, S. Kolsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 971, adopt amendments as follows, and place SB 2455 on the Seventh order:

That the House recede from its amendments as printed on page 971 of the Senate Journal and page 1013 of the House Journal and that Reengrossed Senate Bill No. 2455 be amended as follows:

Page 1, line 20, replace "up" with "two members of the house of representatives and two members of the senate"

Page 1, line 21, remove "to four members of the legislative assembly"

Page 1, line 22, after the period Insert "The tax commissioner shall designate a member of the tax commissioner's staff to accompany and advise the members appointed under this section with regard to reviewing or amending the agreement."

Renumber accordingly

Reengrossed SB 2455 was placed on the Seventh order of business on the calendar.

2001 SENATE HUMAN SERVICES

CONFERENCE COMMITTEE

SB 2354

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. CC SB 2354

Senate Human Services Committee

Conference Committee

Hearing Date April 19, 2001

Tape Number		Side A	Side B	Meter #
	1	X		
	2	X		
April 20, 2001	1	X		
April 25, 2001	1	X		

Committee Clerk Signature *Barb Gladyscheck*

Minutes:

The conference committee, SENATOR KILZER, SENATOR ERBELE, SENATOR MATHERN, REPRESENTATIVE PORTER, REPRESENTATIVE KLINISKY, REPRESENTATIVE METCALF, was called to order by SENATOR KILZER.

REPRESENTATIVE PORTER explained how the House had turned the bill into a study. The bill ended up in a subcommittee and it was then rereferred to Appropriations. One issue was the 800 line that was taken out of SB 2361. We put that language back in 2354 and the \$50,000 that was appropriated back into the bill with amendments. We also changed wording presented to us by Dept of Human Services; to be very specific in contracts so we had a way to see if this alternative to abortions was working. Without knowing if the mother had a live birth or an abortion subsequent to the counseling there was no way to know what the outcome was and whether the benchmark was being met. We asked the Dept of Human Services about their expenses. We felt that the program needed to get the money out to where it was going to be

doing the good; not by administration. We put a cap on it; 10%. The \$200,000 wasn't enough money; \$250,000 was not enough money. The party came back in as \$600,000. This is a blueprint of a program for alternatives to abortion. The money needed to get to the end recipient so we put that cap in place. We weren't funding it 100%. More money had to be raised so our money would go to the end user and not administration. On the floor the amendments were stripped off and sent to Appropriations in the Senate form. Two groups opposed . Tim Lindgren, ND LIFE, gave testimony that their group was totally opposed to this concept. No government involvement; would create problems with religious groups. The other group was the Birthright. They testified against the bill and then they decided they would not be accepting any of the money so it would not involve them. Public Health Units could be used. Title 10 money is Federal money coming to the states for Family Planning. Is this a direct competitive program with Family Planning units counseling. We didn't think it was right to make people travel from Dickinson to Bismarck to get counseling. SENATOR MATHERN: Is there a referral to abortion clinics where these funds are used? REPRESENTATIVE PORTER: Called to Minot and they said they never refer clients to abortion clinic. REPRESENTATIVE KLINISKY, member of Appropriations: (1) Is this eligible use of TANF money? (2) Could they proselytize if they accept these funds? We tried to work out a set of amendments. NCSL informed us of 4 purposes of TANF funds. (1) Job Training, (2) Cash Assistance. (Both completely out) (3) To prevent and reduce the incidents of out of wedlock pregnancies. It is highly unlikely that it would be ineligible use. The Senate bill came over with the inclusion of contraceptive counseling as well as alternatives to abortion and abstinence education. These two aspects could have made this eligible for the reduction or prevention of out of wedlock pregnancies. Once those amendments were rejected it was no longer an eligible unit. (4) To encourage the formation

and maintenance of two parent families. Again, unless they were doing marriage counseling, it didn't seem to fit. I asked her to do some research of proselytization. She sent me some material on Charitable Choice statute passed in 1996. The religious organization may not use direct government aids for sectarian worship, instruction, or proselytization, but if the aid is received in the form of vouchers, this restriction does not apply. Several people who were concerned that if we took God out it would limit the counseling they could do. One thing that needs to be made clear is that in the state of Pennsylvania the program was not funded with TANF dollars but with general funds. SENATOR KILZER: Were moneys discussed? REP KLINISKY: Yes, TANF dollars were discussed. The appropriation was increased. SENATOR MATHERN: Were you told if we pass a bill the Government would take away our TANF dollars? REP KLINISKY: No, my concern is that we don't get ourselves into a questionable situation. EVONNE SMITH, Dept of Human Services: The interpretation on contraception emphasis is necessary. SENATOR MATHERN: Why do these services not fit? JOHN HAUGEN: The bill in the format Representative Klinisky is comparing the bill with the program. If you look at this chart it is easier to try to fit. There is a different between the bill, the services in Pennsylvania and the program we have here. SENATOR MATHERN: I understand the bill was patterned from the Pennsylvania program. It was changed to fit the ND program. These are consistent with both. Would this prevent use of TANF funds? MR. HAUGEN: The list against the bill simplifies the interpretation. REPRESENTATIVE KLINISKY: We attempted to put those things in the bill and it was killed on the floor. Right to Life and Catholic Family practice opposed the use of the word contraceptives. SENATOR MATHERN: Do you want more detail in statute? MS. SMITH: No, we usually don't want such detail. MR. HAUGEN: We will do the intent of the committee. REPRESENTATIVE

PORTRER: One of the things in the House discussions was the purposes and intent. We added to that to make it more clarifying so it wasn't presumed to be a soul's source contract. No one could agree. BOB BARNETT, Dept of Health, gave a chart to determine what Title 10 money will fund. I don't see any prohibition in the use of Title 10 money.

REPRESENTATIVE PORTER: If we added the word contraceptive would the program mirror what we have with

Title 10 or is there no way to measure what the outcome would be. MR. BARNETT: We contract with several units with different units of Government to carry out family planning programs. We also contract with nonprofit organizations that carry out the program. The document I e-mailed this morning speaks to that and I certainly don't see any limitations in my review of Title 10.

REPRESENTATIVE PORTER: The outcomes that I speak of are live births. If someone would present themselves as a crisis to obtain Title 10 dollars, would they be counseled on adoption, marriage, abortion? MR. BARNETT: I can't speak for that person, but I don't see anything in Title 10 money that would prohibit those discussions.

SENATOR KILZER: Do some health units around the state refer clients for abortions? MR. BARNETT: I am not aware of any health units refer to other than Title 10 money. Title 10 refers specifically to the family planning services provided by the Federal Government.

SENATOR ERBELE: I have the requirements for Title 10 and it could speak to any of the listed counseling.

SENATOR MATHERN: Are they saying they do not or do carry out counseling for pregnancy termination?

MR. BARNETT: I would have to say they do. SENATOR MATHERN: Do you find anything in fill that prevents reasonable interpretation? MR. HAUGEN: There are pros and cons. What fits and what doesn't. It is your responsibility to advise of this.

SENATOR ERBELE: Is there flexibility in TANF? MR. HAUGEN: Yes, flexibility is well stated in the document.

REPRESENTATIVE PORTER: There was reasonable interpretation in House amendments.

The alternative to this study is to not see a bill at all. It needs to be expanded.

The committee was recessed until 3:30 this afternoon.

Tape 2, Side A

The conference committee was called back to order. REPRESENTATIVE METCALF presented some amendments. REPRESENTATIVE PORTER commented that these amendments were part of the House discussions. REPRESENTATIVE METCALF explained the amendments.

REPRESENTATIVE KLINISKY: Is it possible to establish a 1-800 line through the

Department for referral? MR. HAUGEN: I don't think it would be impossible.

REPRESENTATIVE KLINISKY: I don't want to pay a contractor for administrative costs when the money should be going to the service provider. REPRESENTATIVE PORTER: Are there other 800 numbers, manned 24 hours a day? MR. HAUGEN: There is at least one 800 number

in the Dept. One concern is people calling during off business hours. It needs to be covered 24 hours a day. SENATOR MATHERN: When we passed the Family Support Act, Julie Hoffman

was hired to disseminate information on an 800 number, but funding has decreased so she is not working with that any more. MR. HAUGEN: She is full time in Children's Adoption.

SENATOR MATHERN: We need to use some Federal dollars and partnering with churches,

service organizations in the private sector. REPRESENTATIVE KLINISKY: The Human

Services Crisis Centers have 24 hour 800 numbers that work well. SENATOR MATHERN: We

have no funding to train individuals to deal with counseling alternatives to abortion. Discussion.

REPRESENTATIVE PORTER: I'm not sold on the idea of prime contractor. I don't think you need a 1-800 number for one problem. The person on the end of the line only refers. Discussion.

REPRESENTATIVE PORTER: moved the Senate accede to the House amendments.

REPRESENTATIVE KLINISKY seconded the motion. Discussion. Roll call vote failed 2-4.

SENATOR MATHERN moved the House recede from the House amendments. SENATOR

ERBELE seconded. Discussion. REPRESENTATIVE METCALF asked for clarification of

motion. Discussion. Roll call vote 4 -2; failed to obtain two votes from each house. The

conference committee was dissolved and a new committee was appointed.

(April 20, 2001, Tape 1, Side A)

The conference committee on 2354, SENATOR LEE, SENATOR FISCHER, SENATOR

POLOVITZ, REPRESENTATIVE PORTER, REPRESENTATIVE KLINISKY,

REPRESENTATIVE METCALF, was called to order by SENATOR LEE.

REPRESENTATIVE PORTER gave a quick overview on House bill - study in bill. \$200,000 was in the original Senate bill; we increased the appropriation to \$250,000 and then a new budget was brought in that it would cost \$600,000 to run the program. By studying it in the interim we could have a plan to put this effectively into law,. So many things came up, we didn't feel it would cover the population as it should. Birthright won't accept Government dollars.

SENATOR FISCHER: I am in favor of the study because of the clouded issues. SENATOR

FISCHER moved the Senate to Accede to the House amendments. REPRESENTATIVE

KLINISKY seconded the motion. Discussion. REPRESENTATIVE KLINISKY: I would like to have this go on the record. This morning I received a telephone call from a board member of the Catholic Conference: Mr. Dobson had asked him to call me and tell me why I was wrong, and after speaking with him for a very long time, he agreed with me that there are still too many

questions and that maybe the best thing to do would be to study this. SENATOR LEE: Thank you to the House members for bringing information that the Senate had not received. There are

4-20-01

serious questions about how some of this money gets used. SENATOR POLOVITZ: There are a lot of problems with the bill itself. It has personal feelings that are very strong on both sides.

This bill will not represent what the bill is supposed to do. Roll call vote carried 5-1-0..

SENATOR LEE will carry in the Senate; REPRESENTATIVE PORTER will carry in the House.

There are times when agencies will pick fights and testify one way in this room and another way in a room down the hall. We had information that was provided for us in writing saying one thing about Title 10 funds and Senator Erbele had the actual code that indicated it was 180 degrees off. We need to be able to trust the information that comes to us. In a citizen legislature in ND is that we trust the committees to do good work because we can't all be 100% aware of what every other committee does and we also figure out pretty quickly whom we can trust who comes to the podium and we rely on one another to come up with the best product; probably better than any other state working with citizens and various groups. As soon as you find you can't be confident about the information being provided by that source, the source might just as well stay home and look for a new job because you can't believe anything anymore and that is very disappointing to me when that happens. This happens very seldom, I feel, we have a lot of very credible people and a lot of good agency people but every once in a while we get hammered by somebody and it disappoints me. We're working toward the same goal and we need to get something going. Can you swear in the people that testify. I thought it was an assumption that everyone was considered sworn in.

The meeting was adjourned.

(April 25, 2001, Tape 1, Side A)

Page 8

Senate Human Services Committee
Bill/Resolution Number CC SB 2354
Hearing Date ~~April 10, 2001~~ *4/25/01*

The conference committee, SENATOR LEE, SENATOR FISCHER, SENATOR POLOVITZ, REPRESENTATIVE PORTER, REPRESENTATIVE KLINISKE, REPRESENTATIVE METCALF, was called to order by SENATOR LEE. SENATOR LEE introduced the situation of the bill. In order for it to be accepted by the House, it must be a study. In the bill itself, the telephone line needed work and there is dissension on faith-based organizations wanting Government money. REPRESENTATIVE PORTER stated that there are a lot of unanswered questions. We must have a program that will serve everyone for alternatives to abortion. We have talked about public health units, Title 10 money and we need to cover everyone in ND. We need to study it to make it work.

REPRESENTATIVE PORTER moved that the Senate accede to the House amendments.

REPRESENTATIVE KLINISKE seconded the motion. Discussion. REPRESENTATIVE METCALF: Do we have to wait two years? Maybe we need to start a program and then it will be a better source of information to study. SENATOR FISCHER: I think it is the idea of spending money. If we take the appropriation out of the bill and let the organizations fund it themselves, the bill may go. I agree with Representative Porter. SENATOR LEE: A pro-life senator visited with me and feels strongly about the program. The Senator believes the churches should take responsibility and be willing to get behind the program and be totally separate from Government.

Roll call vote carried 5-1-0. SENATOR LEE will carry on the Senate floor;

REPRESENTATIVE PORTER will carry on the House floor.

Date: 4/11/91

Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2354**

Senate Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number

Action Taken Senate accede to House Amendment motion failed

Motion Made By Rep Porter Seconded By Rep Klinecker

Total (Yes) 2 No 4

Absent B

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 4/19/01

Roll Call Vote #: 2

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2354**

Senate Huron Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number

Action Taken House Recedes from House Amendments

Motion Made By Sir Mathew Seconded By Sir Erbile

Total (Yes) 4 No 2

Absent

Floor Assignment Sen Kitzer \ Rep Porter

If the vote is on an amendment, briefly indicate intent:

Date:

4/20/11

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 235-4

Senate Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate Accedes to House Amendment

Motion Made By Sen Fischer Seconded By Rep Kliney

Total (Yes) 5 No 1

Absent 0

Floor Assignment See Lee / Rep Porter

If the vote is on an amendment, briefly indicate intent:

REPORT OF CONFERENCE COMMITTEE (420)
April 20, 2001 11:21 a.m.

Module No: SR-71-8980

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2354, as engrossed: Your conference committee (Sens. Lee, Fischer, Polovitz and Reps. Porter, Kliniske, Metcalf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1326 and place SB 2354 on the Seventh order.

Engrossed SB 2354 was placed on the Seventh order of business on the calendar.

Date: 4/25/01

Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2354**

Senate Tenn. Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate accede to House amendments

Motion Made By Serge Porter Seconded By Les Finiskey

Total (Yes) 5 No 1

Absent A

El Alamein 1st Sept

Floor Assignment Seo Lee / Reposter

If the vote is on an amendment, briefly indicate intent:

REPORT OF CONFERENCE COMMITTEE (420)
April 25, 2001 9:43 a.m.

Module No: SR-74-9254

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2354, as engrossed: Your conference committee (Sens. Lee, Fischer, Polovitz and Reps. Porter, Kliniske, Metcalf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1326 and place SB 2354 on the Seventh order.

Engrossed SB 2354 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2354



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93.217 Family Planning_Services

FEDERAL AGENCY:

OFFICE OF THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES

AUTHORIZATION:

Public Health Service Act, as amended, Title X, Section 1001, 42 U.S.C. 300; Family Planning Services and Population Research Act of 1970, Section 6(c), Public Law 91-572, 84 Stat. 1506, as amended; Family Planning and Population Research Act of 1975, Title II, Sections 204(a) and (b), Public Law 94-63, 89 Stat. 307-308; Public Health Service Extension Act, Section 1(a)(1), Public Law 95-613, 92 Stat. 3093; Appropriation Act of 1991, Public Law 101-517.

OBJECTIVES:

To provide educational, counseling, comprehensive medical and social services necessary to enable individuals to freely determine the number and spacing of their children, and by so doing helping to reduce maternal and infant mortality, promote the health of mothers and children, and increase services to males.

TYPES OF ASSISTANCE:

Project Grants.

USES AND USE RESTRICTIONS:

Grants must be used for family planning services including contraceptive services, infertility services and special services to adolescents. Family planning services include information on all medically approved methods of contraception including natural family planning methods; counseling services, physical examinations including cancer detection and laboratory tests; STD and HIV prevention education, screening and referral; contraceptive supplies, and periodic follow-up examinations. Infertility services include assessment, information, education, and arrangements for referral if necessary. Special services to adolescents include in-depth information, education counseling, and referral to and from other social and medical service agencies, and such ancillary services as are necessary to facilitate clinic attendance for adolescents who need contraceptive services. These family planning services must be available without coercion and with respect for the privacy, dignity, social and religious beliefs of the individuals being served. To the extent possible, entities which receive grants under this subsection shall encourage family participation in projects assisted under this subsection. Funds may not be used in programs where abortion is a method of family planning. Funds may not be used for purchase or construction of buildings; salaries of personnel paid from other Federal grant funds; and certain other miscellaneous items as specified in the regulations. Priority in the provision of services will be given to persons from low-income families.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Any public (including city, county, local, regional, or State government) entity or nonprofit private entity located in a State (including the District of

Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Republic of Marshall Islands and the Republic of Palau) is eligible to apply for a grant.

Beneficiary Eligibility: Persons who desire family planning services and who would not otherwise have access to them. Priority to be given to persons from low-income families. Individuals from other than low-income families will be charged a fee in accordance with an established fee schedule although inability to pay must not be a deterrent to services.

Credentials/Documentation: A nonprofit private entity must provide evidence of its nonprofit status. Allowability of costs charged to the grant will be determined in accordance with the following cost principles: OMB Circular No. A-21 for educational institutions, OMB Circular No. A-87 for state and local governments, and OMB Circular No. A-122 for non-profit organizations.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: This program is eligible for coverage under E.O. 12372, "Intergovernmental Review of Federal Programs." An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review. This program is subject to the Public Health Systems Reporting Requirements.

Application Procedure: The standard application forms, as furnished by PHS and required by 45 CFR 74 (for institutions of higher education, hospitals, and other non-profit organizations), and 45 CFR 92 (for state and local governments) must be used for this program. All other applicants should submit completed Form PHS-5161-1, (Revised 5/96), U.S. Department of Health and Human Services Public Health Service Grant Application, documenting the need for the grant and the proposed amount of the grant. The Regional Health Administrator has approval authority for the program. Contact should be made with the appropriate Regional Health Administrator (see name/address in Appendix IV) to obtain the Application Kit. This program is subject to the provisions of 45 CFR 74, 45 CFR 92, as well as OMB Circular No. A-102 (Administrative Guidelines for state and local governments) and OMB Circular No. A-110 (Administrative Guidelines for Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations).

Award Procedure: Following approval by the Regional Health Administrator, the Office of Grants Management for Family Planning Services prepares a Notice of Grant Award, secures necessary clearances and approval signatures, issues the Notice of Grant Award, enters the approved award in the grant payment process, and provides notification of grant approval to the public.

Deadlines: Contact the Regional Offices for application deadlines.

Range of Approval/Disapproval Time: From 90 to 270 days.

Appeals: None. Applicants may rework applications through consultation with regional staff.

Renewals: Projects are generally given commitments of funding for 3 to 5 years. Projects must submit a continuation application each non-competitive year.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: This program has no statutory formula. The amount of any award under Title X shall be determined on the basis of the estimate

necessary for project performance, provided, however, that the Federal support or grant for a Family Planning Services Project may not be for less than 90 percent (with exceptions) nor equal 100 percent of the total cost of the project.

Length and Time Phasing of Assistance: Usually 1 year.

POST ASSISTANCE REQUIREMENTS:

Reports: Annual expenditure and progress reports. All projects must comply with the requirements of the FPAR, and special reports as requested.

Audits: In accordance with the provisions of OMB Circular No. A-133 (Revised, June 24, 1997), "Audits of States, Local Governments, and Non-Profit Organizations," nonfederal entities that receive financial assistance of \$300,000 or more in Federal awards will have a single or a program-specific audit conducted for that year. Nonfederal entities that expend less than \$300,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in Circular No. A-133.

Records: HHS and the Controller General of the United States or any of their authorized representatives, shall have the right of access to any books, documents, papers or other records of a grantee, subgrantee, contractor, or subcontractor, which are pertinent to the HHS grant, in order to make audits, examinations, excerpts and transcripts. In accordance with 45 CFR, Part 74.53, and 45 CFR, Part 92, grantees are required to maintain grant accounting records 3 years after the end of a budget period. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

FINANCIAL INFORMATION:

Account Identification: 76-0350-0-1-550.

Obligations: (Grants) FY 99 \$189,050,000; FY 00 est \$200,000,000; and FY 01 est \$210,000,000.

Range and Average of Financial Assistance: From \$54,490 to \$10,320,746; \$2,169,798.

PROGRAM ACCOMPLISHMENTS:

In fiscal year 1999, over 4,500,000 persons were served. In fiscal year 2000, it is anticipated that approximately 5,000,000 persons will be served and the same number of organizations will be funded.

REGULATIONS, GUIDELINES, AND LITERATURE:

42 CFR 59, 45 CFR 74, 45 CFR 92, PHS Grants Policy Statement, DHHS Publication No. (OASH) 94- 50,000, (Rev.) April 1, 1994.

INFORMATION CONTACTS:

Regional or Local Office: Regional Health Administrator, DHHS Regional Offices (See Appendix IV of the Catalog for addresses).

Headquarters Office: Program Contact: Sam Taylor, Acting Director, Office of Family

Planning, Office of Population Affairs, Department of Health and Human Services, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. Telephone: (301) 594-4008. Grants Management Contact: Grants Management Officer, Office of Grants Management, Office of Population Affairs, Department of Health and Human Services, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. Telephone: (301) 594-4012. Use the same numbers for FTS.

Web Site Address: <http://www.nih.gov>.

RELATED PROGRAMS:

93.260, Family Planning_Personnel Training; 93.974, Family Planning_Service Delivery Improvement Research Grants.

EXAMPLES OF FUNDED PROJECTS:

Projects include: (1) A State Health Department which subcontracts to service providers throughout an entire State; and (2) a service provider to serve multi-counties or a smaller geographic area.

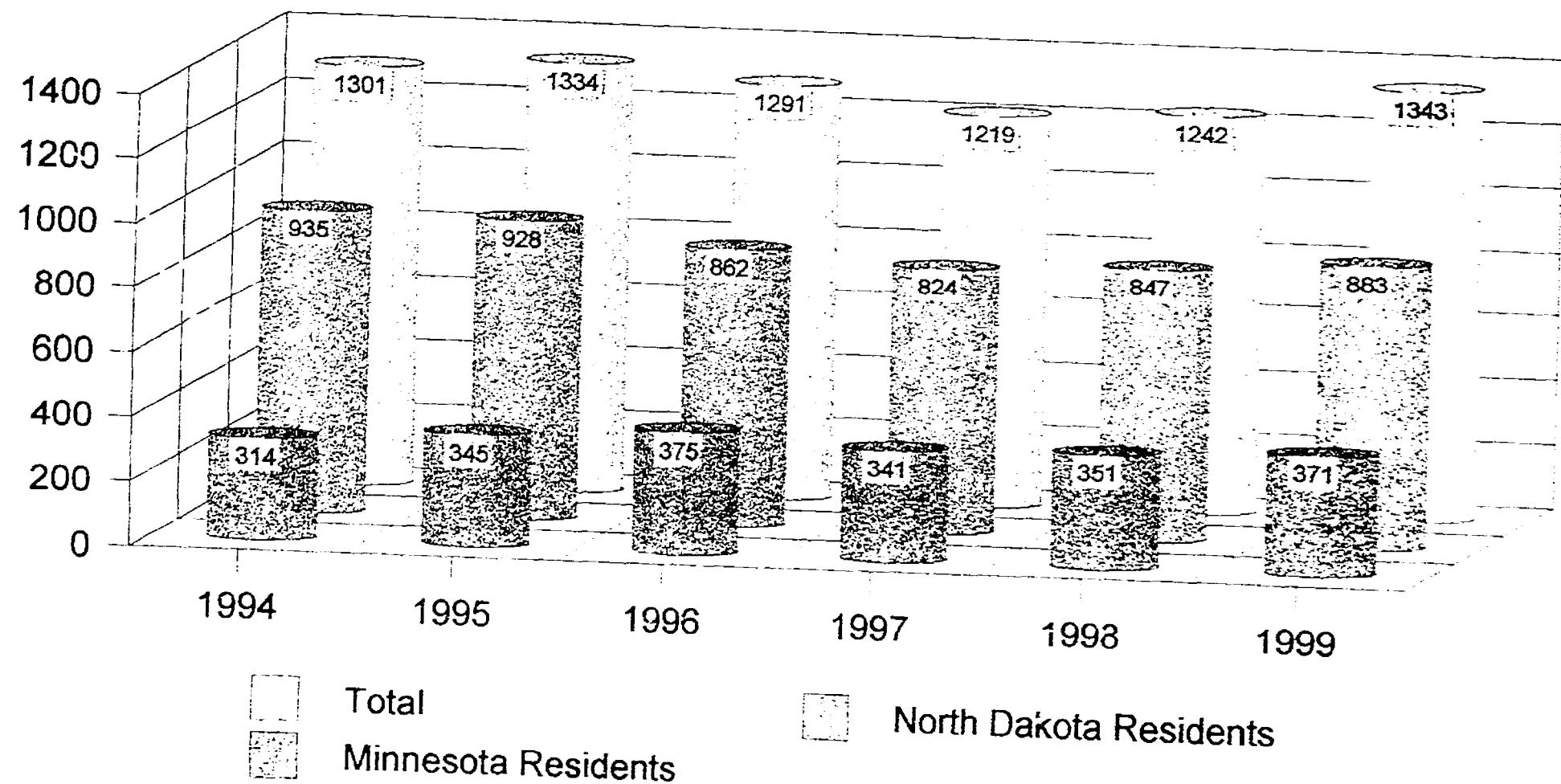
CRITERIA FOR SELECTING PROPOSALS:

Proposals will be evaluated in terms of which will best promote the purposes of the authorizing legislation, taking into account: (1) the number of patients to be served, especially low-income patients; (2) local need; (3) relative need of the applicant; (4) applicant's ability to make rapid and effective use of Federal assistance; (5) adequacy of the applicant's facilities and staff; (6) availability and commitment of nonfederal resources within the community; and (7) compliance with pertinent regulations and guidelines.

General Services Administration
Office of Governmentwide Policy (M)
Office of Acquisition Policy (MV)
Governmentwide Information Systems Division (MVS)
Federal Domestic Assistance Catalog Staff

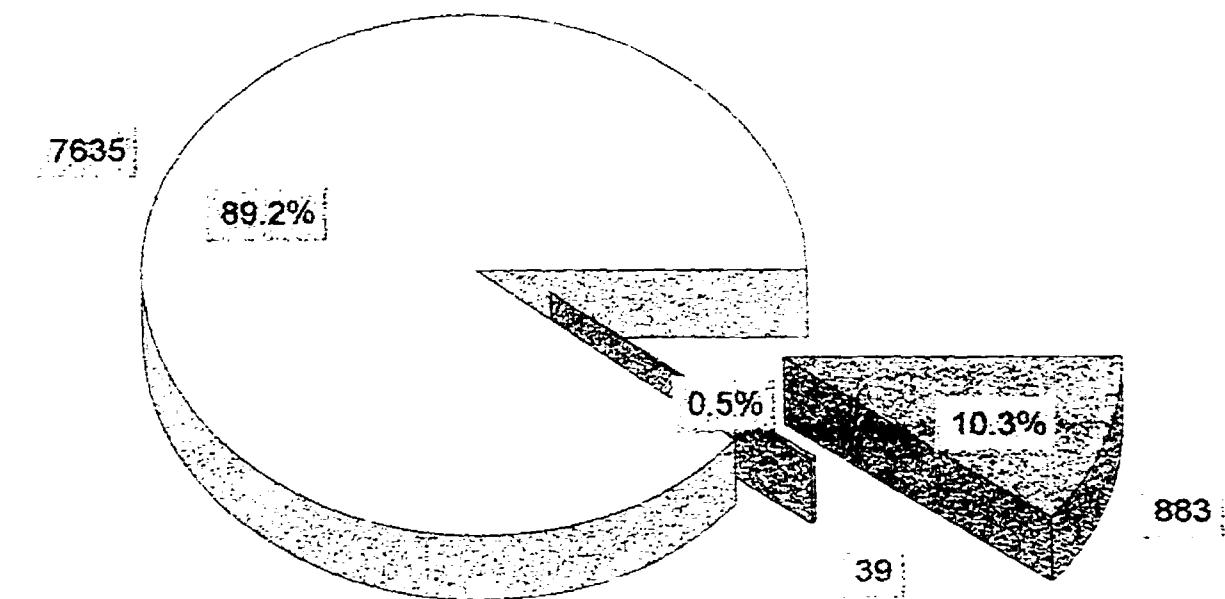
Abortion Numbers In North Dakota

Decline Followed by Increase



Abortion Choice Percent for 1999

10.3 of Every 100 Pregnancies Ended in Abortion



Live Births



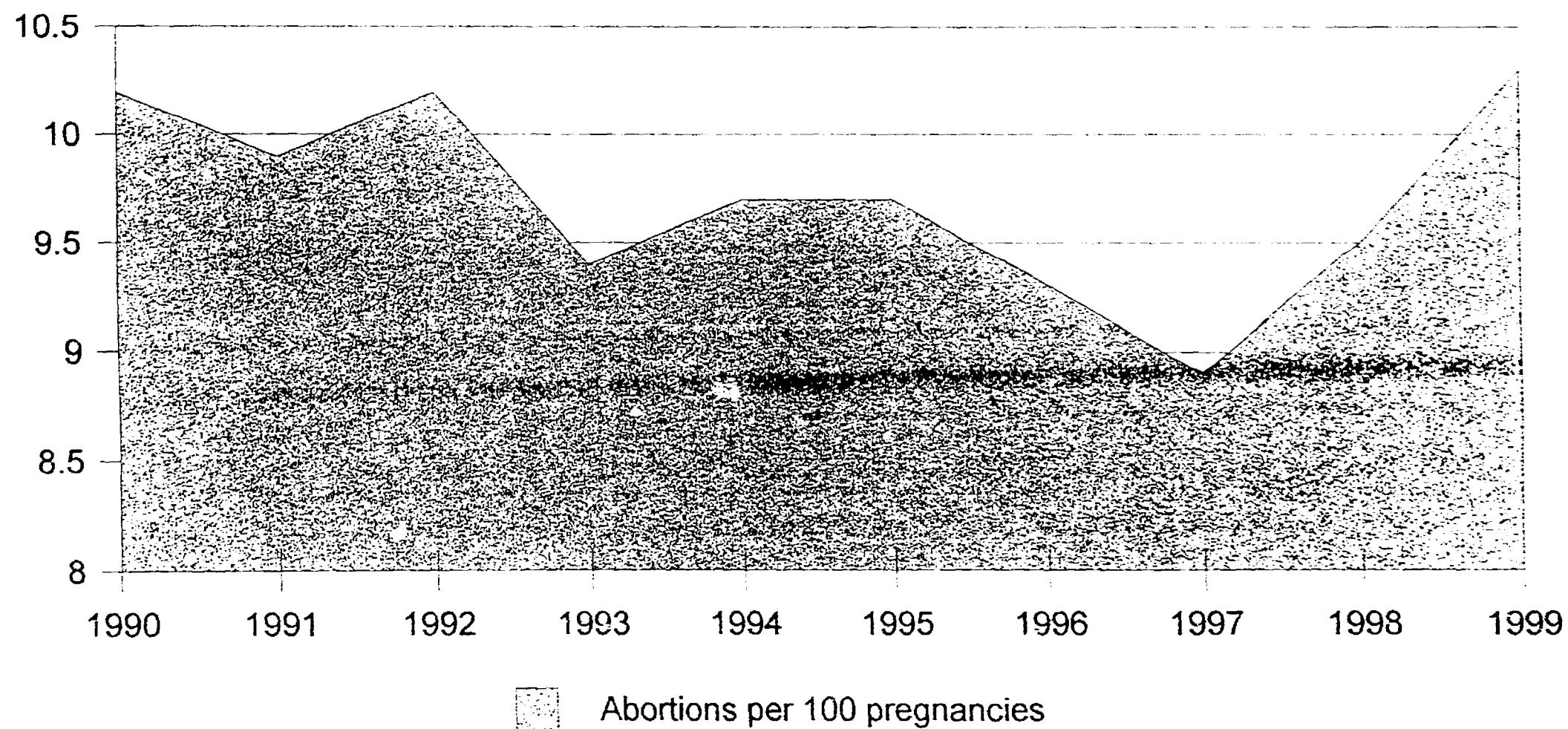
Miscarriages



Abortions

Abortion Choice Percent

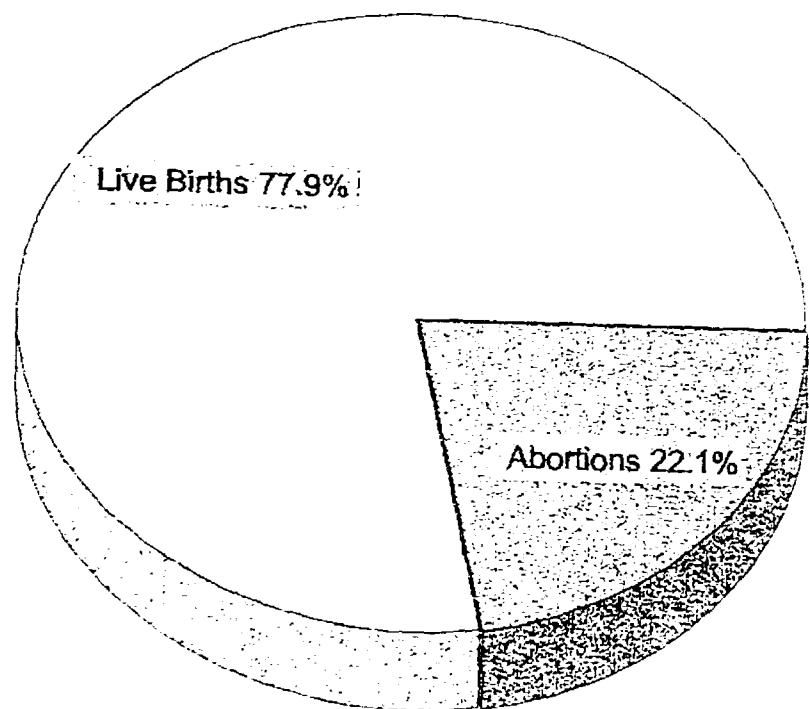
Rate at a Ten-Year High



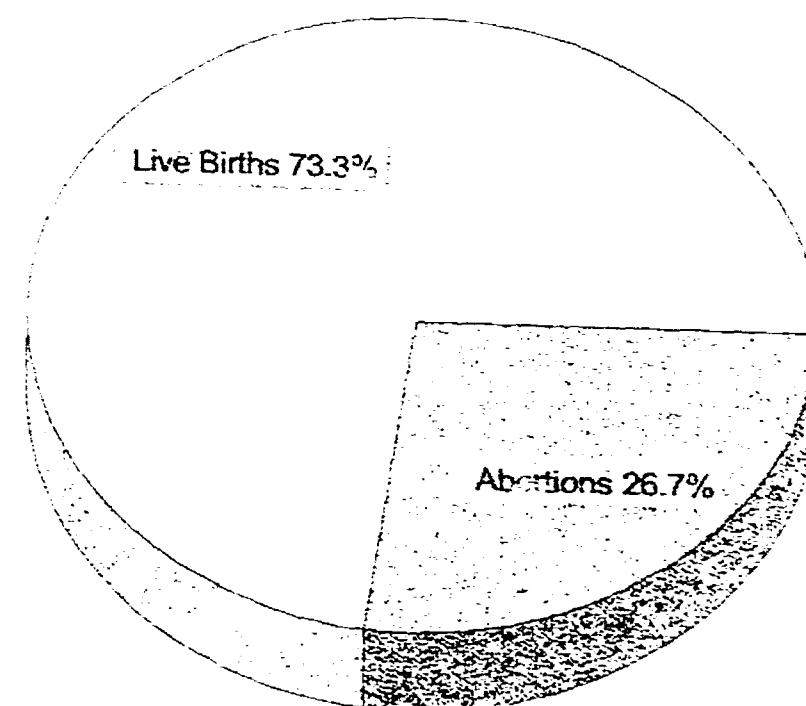
Teenage Abortion Choice Percent

Age 15-17

1998



1999



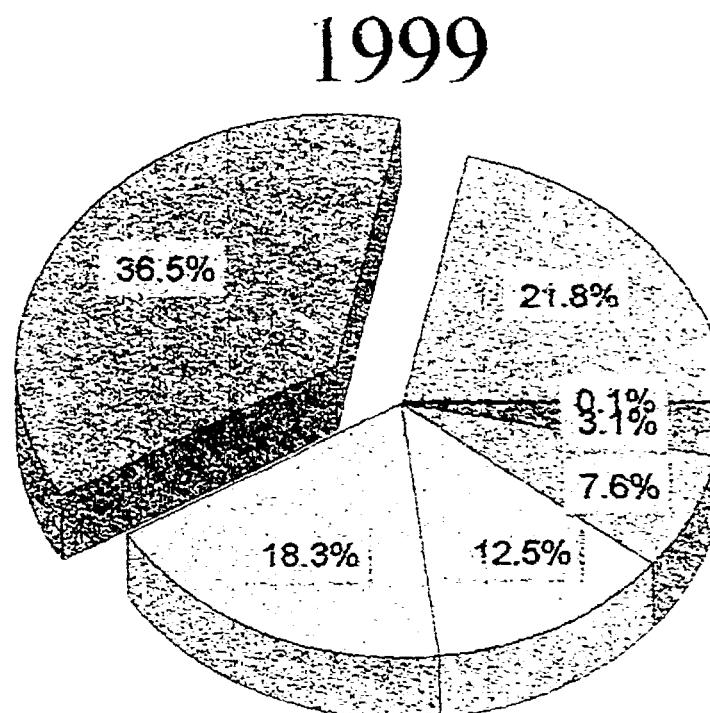
Live Births



Abortions 22%

Abortion Choice Percent Likely Higher for Ages 18-25

This group has the Highest Incidence of Abortions



Under 15



30-34



15-19



35-39



20-24



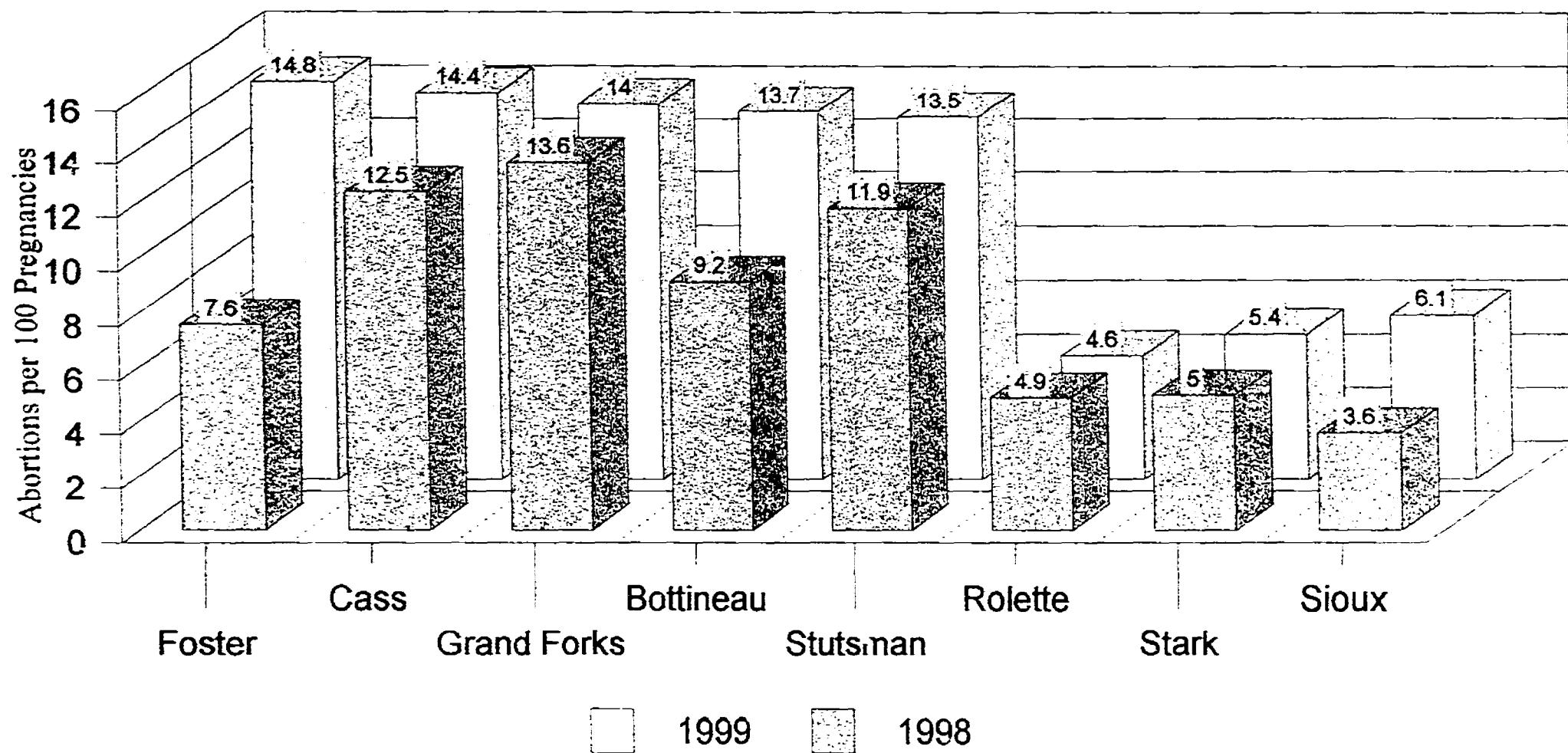
40+

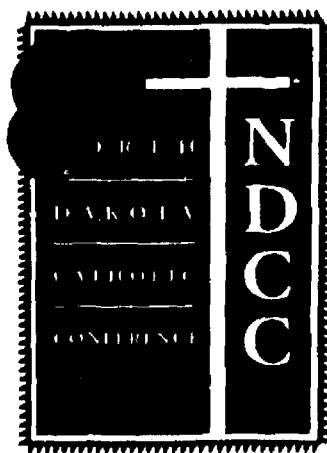


25-29

Abortion Choice Percent for Selected Counties

1999 and 1998





*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: Senate Human Services Committee
From: Christopher Dodson, Executive Director
Subject: Senate Bill 2354 (Alternatives-to-Abortion Services)
Date: January 31, 2001

The North Dakota Catholic Conference supports Senate Bill 2354 to create an alternatives-to-abortion services program. Senate Bill 2354 is based on a program in Pennsylvania that has proven successful at lowering the state's abortion rate and helping women facing crisis pregnancies find caring services. Before discussing Pennsylvania's program and the details of Senate Bill 2354, we need to look at our state's current situation.

With this testimony are five graphs. After declining for many years, the number of abortions performed in the state and the number of North Dakotans receiving abortions leveled-off and began increasing in the late 1990's. (First graph.) However, considering our declining population and the declining number of pregnancies, the numbers do not tell the whole story. To determine how well we are doing as a society at helping women facing crisis pregnancies we need to look at the percentage of pregnancies that end in abortion. That percentage is called the abortion choice percent or abortion rate. In 1999, the abortion choice percent for North Dakota residents was 10.3%. In other words 10.3 of all pregnancies ended in abortion.¹ (Second graph.) This rate is at a ten-year high. (Third graph.) Even more significant is that the abortion choice rate for teenagers age 15 to 17 is 26.7%. (Fourth graph.) Although we do not have exact information, it is likely that the abortion choice percent is even higher for women age 20 to 24 since that age group has the highest incidence of abortion. (Fifth graph.) The abortion statistics also reveal that the problem is not limited to the large population centers. (Foster, Stutsman, and Bottineau, along with Cass and Grand Forks had the highest rates in 1999.)

¹ All of these figures come from data compiled and reported by the Department of Health. However, as presented here, they are sometimes calculations derived from separately reported figures.

Senate Human Services Committee
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January 31, 2001

These disturbing numbers set the stage for the task before us. North Dakota needs to do a better job making sure that no woman ever feels compelled to choose an abortion. We can do that by developing a public and private partnership to enhance services that assist women facing crisis pregnancies and work to reduce the incidence of crisis pregnancies. Senate Bill 2354 does just that.

Senate Bill 2354 is based on a successful program in Pennsylvania. The second set of handouts describes some of the key points of the Pennsylvania program. In Pennsylvania, the state appropriates funds for an alternatives-to-abortion program called Project Women in Need (Project WIN.) The state then contracts with a non-profit agency (Real Alternatives) to run the program. Real Alternatives, through its contract with the state, operates a toll-free referral service (like that proposed in Senate Bill 2361), provides technical support for service providers, and advertises the existence of Project WIN services.

More importantly, Real Alternatives provides service contracts with pregnancy centers, social service agencies, adoption agencies, and maternity homes (service providers) for assisting women who are pregnant, reasonably think they are pregnant, or have a child under one year of age. Through the service contracts, the service providers are reimbursed for a variety of services that help women. Pages 7 to 10 of the materials from Real Alternatives lists the types of services that are reimbursed. They range from providing pregnancy tests and counseling to referrals for child care, education, and job service.

Access to and referral to these types of programs make a difference to women facing crisis pregnancies. Pennsylvania's program has made a difference. The state's abortion choice rate is down and the number of women helped through the program is going up.

We also know that such help makes a difference through the experience of counselors in pregnancy counseling centers. These centers, however, often work on a shoe-string budget and, while the number of abortions and the abortion rate has gone up, the number of counseling centers in the state has gone down -- dropping from 27 to 16 between 1991 and 2000. The time is right for Senate Bill 2354. By providing these centers with a stable income source, it allows the centers to open other sites, hire more staff, open longer hours, make up for funding shortfalls, better utilize volunteer services, and allow them to modernize and reach more clients in need.

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Pennsylvania's program has operated since 1994 but has never been enacted as legislation separate from the appropriation. A bill based on Pennsylvania's program has been introduced in Congress and Senate Bill 2354 is based on the language in that bill. Subsection 1 Section 1 of the bill requires the Department of Human Services establish an alternatives-to-abortion program.

"Alternatives-to-abortion services" are "those services that provide information, counseling, and support services that assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children." Under Section 2 of the bill, to be eligible to receive the services, a person must be (1) pregnant, or reasonably believes she is pregnant, (2) the parent or legal guardian of an infant under twelve months of age, or (3) the spouse or other partner of such a person.

Subsections 3 through 7 sets forth how the program would work, following the Pennsylvania program of using a prime contractor that contracts with service providers. The sections also set forth the responsibilities of the prime contractor and the service providers.

Subsection 8 sets forth the reimbursement rates and requirements for reimbursements.

Subsections 9 through 10 are based on federal charitable choice law. Basically, these provisions:

- Ensure that faith-based groups will be eligible on the same basis as any other nongovernmental agency to provide services;
- Ensures that religious organizations acting as a prime contractor or service provider will not be required to alter its form of governance or remove religious art, icons, scripture, or other symbols;
- Ensures that a person seeking services will be provided with alternatives if the person objects to the religious character of an organization;
- Ensures that program funds cannot be used for sectarian worship, instruction, or proselytization.

Section 2 of the bill provides an appropriation. Regarding the appropriation, we would encourage the committee to think creatively about sources of funding. It seems possible that TANF dollars could be accessed for such services since it is within the broad purposes of welfare reform. Many of the problems in a person's life that make abortion seem like a viable option are also same problems that serve as barriers to self-sufficiency.

Senate Human Services Committee

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Finally, I have included letters from directors of two pregnancy counseling centers in our area. One letter is from Harriet Mohrbacher, the director of Birthright of Fargo-Moorhead. As stated in the letter, Birthright does not proselytize, use "scare tactics," or engage in abortion politics. What it does do is direct services to over 2000 individuals in 1999 and provide pregnancy tests, counseling, prenatal education, maternity and baby clothes, diapers and formula, referrals for education, legal, and medical assistance, and a support group for fathers.

The second letter is from Pauline Economon, executive director of the AAA Pregnancy Counseling Center in Fargo. Like Birthright, AAA Pregnancy Counseling Center does not proselytize or use scare tactics. Instead, they provide counseling, medical services, and material aid to help women address problems they are facing. As Ms. Economon states in her letter, the need for such services exists and the scope of the center's ministry is limited only by the resources available.

We urge a **Do Pass** on Senate Bill 2354.



Testimony before the SENATE HUMAN SERVICES COMMITTEE
Regarding SENATE BILL 2354

January 31, 2001 9:00 a.m.

Chairman Lee, members of the committee, I am Stacey Pflieger, Executive Director of the North Dakota Right to Life Association. I am here today in support of SB 2354 relating to an alternatives-to-abortion services program and to provide an appropriation.

Implementation of this program would empower women experiencing one of the most devastating crisis of their lives—an unplanned pregnancy. The program would utilize existing crisis pregnancy centers and adoption agencies. It is at these facilities women will have a nonjudgmental experience of understanding and support throughout their pregnancy.

While nationally the abortion numbers are on the decline, for the past two statistical years of 1998 and 1999, North Dakota abortion statistics have been on the rise. More significantly is the rise in the abortion choice rate. This rate is at a ten year high with over ten percent of North Dakota pregnancies ending with an abortion in 1999.

Currently, I receive crisis pregnancy calls into my office. The women calling have many stories and reasons for placing the call. Sometimes they are wondering if we perform abortions or refer for abortions. Sometimes calls are from women whose boyfriend has left or threatened to leave if the woman refuses to have an abortion. Some

calls are from scared teenage girls who are shocked at a positive home pregnancy test result and are looking for assistance in telling her parents. Other times women have called stating that they are pregnant and I want to have an abortion, but how will I feel afterwards. These women are already suffering from a post abortion experience prior to the experience even taking place. Yet another call I received was from a woman in southwest North Dakota who just found out she was pregnant. This woman was a farm wife, had five children living at home, and her husband had recently been diagnosed with cancer. She felt she had no other alternative than to have an abortion.

The following table illustrates the trend of Pregnancy Support Services available in North Dakota:

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
CPCs	27	26	24	24	23	20	19	18	16	16

As you can see, we are on a downward trend with our existing crisis pregnancy centers. These centers provide services to all women who seek alternatives to abortion services. Funding to operate and provide these services has historically come from charitable donations. Not only do these centers face funding issues, but also many of the centers rely on volunteers to keep the doors open and the phones answered. Unfortunately, North Dakota's volunteer population is also declining creating its own crisis for the centers.

I urge this committee to give SB 2354 a **do pass** recommendation.

At this time I would be available for any questions you may have.

1999 NORTH DAKOTA ABORTION STATISTICS

Total Induced Abortions in North Dakota:

1,345

Previous Abortions:

0	940
1	268
2	94
3	17
4	8
5	2
7	1
8	1
unknown	14

Woman's Education:

Grade 1-9	15
Grades 10-12	680
1 - 4 yrs college	602
unknown	43

Age of Woman:

Under 15	2
15-19	292
20-24	489
25-29	245
30-34	168
35-39	102
40 and over	42
unknown	5

Marital Status:

Married	268
Not Married	1,029
Unknown	48

Reported Complications:

None	1,337
Infection	4
Retained Products	2
Hemorrhage	1
Other	1

Abortions Per Year*:

1979	483
1980	833
1981	2,554
1982	3,076
1983	3,028
1984	2,872
1985	2,826
1986	2,664
1987	2,562
1988	2,221
1989	1,761
1990	1,723
1991	1,602
1992	1,493
1993	1,406
1994	1,301
1995	1,334
1996	1,291
1997	1,219
1998	1,242
1999	1,345

* Reporting was not required before 1979

Woman's Place of Residence:

North Dakota	883
Minnesota	371
South Dakota	81
Iowa	3 or Less
Wisconsin	3 or Less
Manitoba	3 or Less
Ohio	3 or Less
Pennsylvania	3 or Less
Utah	3 or Less
Unknown	3 or Less

Living Children of Aborted Women:

No Children	638
One Child	318
Two Children	255
Three Children	93
Four Children	28
Five Children	8
Six Children	2
Eight Children	1
Unknown	2

Abortions by Age of Preborn:

1-4 weeks	0
5-8 weeks	794
9-12 weeks	410
13 weeks	62
14 weeks	30
15 weeks	19
16 weeks	17
17 weeks	2
Unknown	11

By Race of Mother:

Other	25
White	1,178
Black	18
Native American	121
Unknown	3

Abortions Reported by the Fargo Women's Health Organization:

706

Abortions Reported by the Red River Valley Women's Clinic:

639

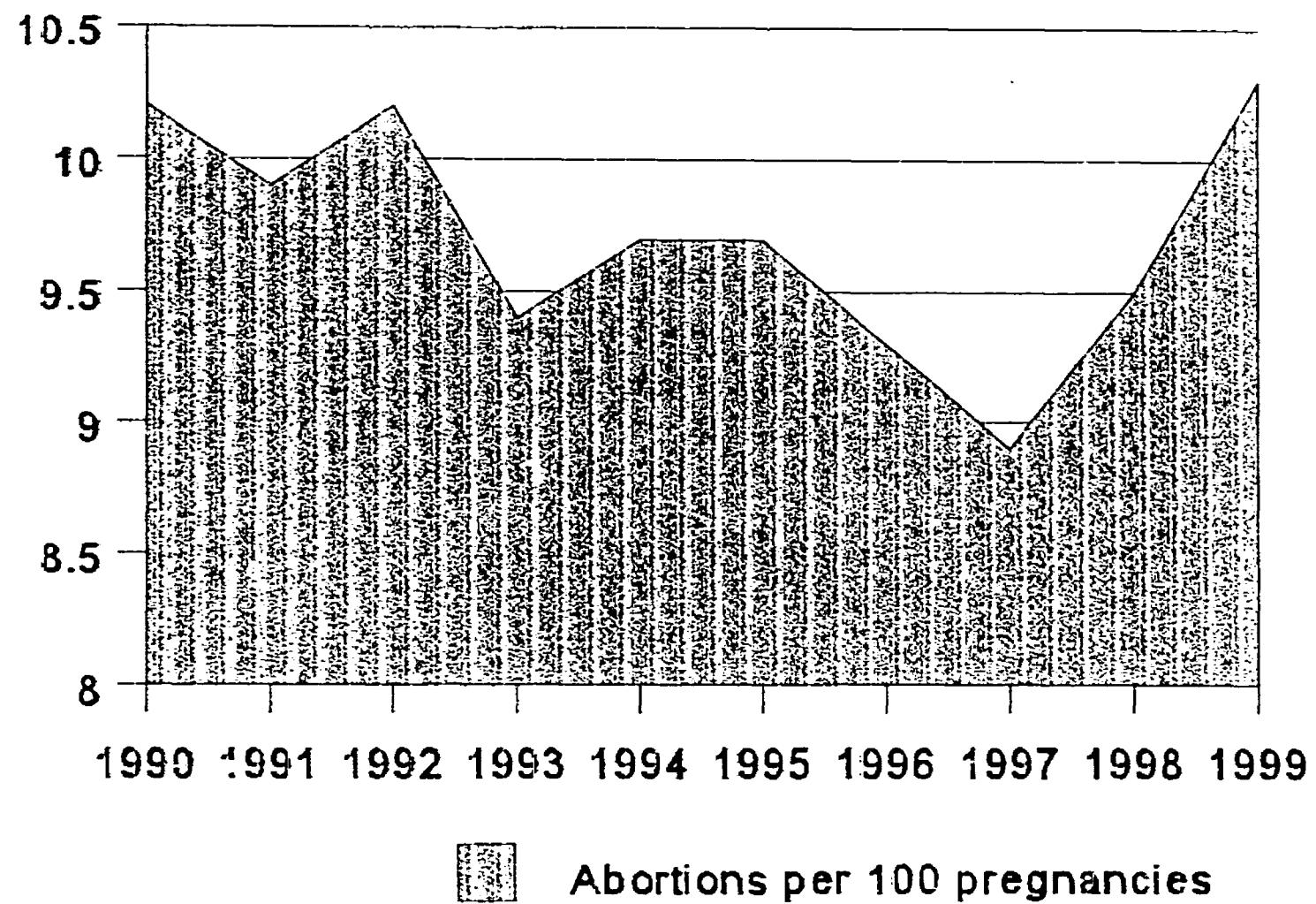
These statistics were received from the North Dakota Department of Health.

NOTE: These statistics have usually been available in the late spring. NDRL had to request these statistics on numerous occasions this year, finally receiving them in September. NDRL has now been informed that this information will not be available in future years until late July or possibly even August.

By North Dakota County of Residence:

Out of State	462
Adams	3 or Less
Barnes	9
Benson	4
Bottineau	7
Burleigh	118
Cass	278
Cavalier	3 or Less
Dickey	5
Divide	3 or Less
Eddy	3 or Less
Foster	7
Grand Forks	137
Griggs	3 or Less
Lamoure	3 or Less
Logan	3 or Less
McHenry	3 or Less
McKenzie	4
McLean	7
Merceer	5
Morton	30
Mountrain	8
Nelson	3 or Less
Oliver	3 or Less
Pembina	6
Pierce	3 or Less
Ramsey	16
Ransom	6
Renville	3 or Less
Richland	21
Rolette	12
Sargent	4
Sioux	6
Stark	17
Steele	3 or Less
Stutsman	37
Towner	3 or Less
Trall	4
Walsh	13
Ward	84
Williams	16

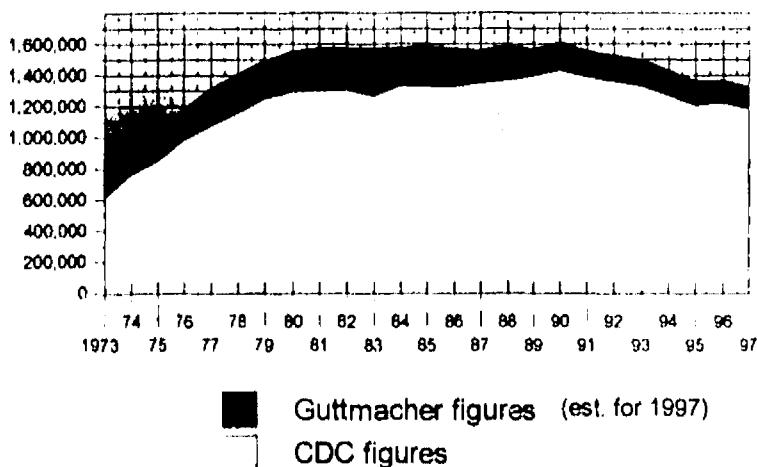
Abortion Choice Rate for North Dakota Residents



Abortion in the United States: Statistics & Trends

Annual Abortions

1973 - 1997



Downward Trend Continues

After reaching a high of over 1.6 million in 1990, the number of abortions annually performed in the U.S. has dropped back to levels not seen since the late 1970's.

Two independent sources confirm this decline: the government's Centers for Disease Control (CDC) and the Alan Guttmacher Institute (AGI), Planned Parenthood's special research affiliate monitoring trends in the abortion industry.

The CDC develops its annual report on the basis of data it receives from 52 central health agencies (50 states plus New York City and the District of Columbia). AGI gets its numbers from direct surveys of abortion providers.

Because of these different methods of data collection, AGI consistently obtains higher numbers of abortions than the CDC. CDC researchers have admitted it probably undercounts the total number of abortions because reporting laws vary from state to state, and some abortion providers probably do not report or underreport the numbers of abortions they perform. Nevertheless, because increases and decreases in CDC and AGI numbers have always roughly tracked each other, both sources are thought to provide useful information on abortion trends and statistics.

According to the CDC's annual abortion report appearing in the *Morbidity and Mortality Weekly Report* of January 7, 2000, the number of abortions performed in the U.S. in 1997 was 1,184,758, a drop of 3% from the previous year and the lowest number of annual abortions reported by the CDC since 1978. Overall, the 1997 figures are a full 17% below the 1990 numbers.

The latest AGI figures confirm this downward trend. In the Nov./Dec. 1998 issue of *Family Planning Perspectives*, an AGI study reported 1,365,730 abortions in 1996. This is an increase of just 0.15% over the 1995 numbers, but still a full 15% below the 1990 high of over 1.6 million.

Using AGI figures through 1996, estimating 1,324,758 for 1997-1999, and factoring in a possible 3% undercount AGI estimates for its own figures, the total number of abortions performed in the U.S. from 1973 through 1999 equals 39,290,477.

The Consequences of *Roe v. Wade*

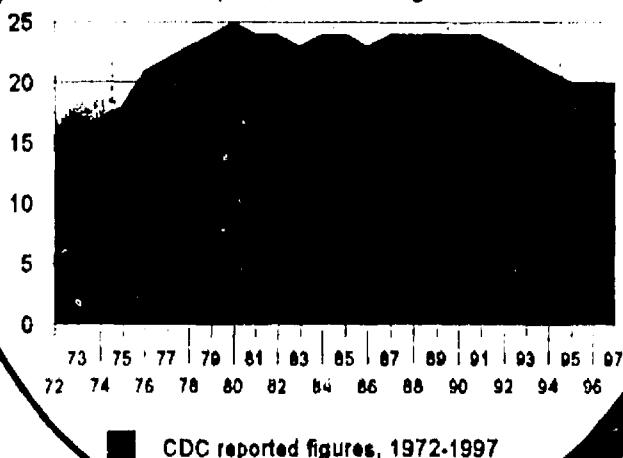
39,290,477

Total abortions since 1973

Based on numbers reported by the Alan Guttmacher Institute 1973-1996 with estimates of 1,324,758 for 1997-1999. AGI estimates a possible 3% or greater underreporting rate which is factored into the total.

U.S. Abortion Rate

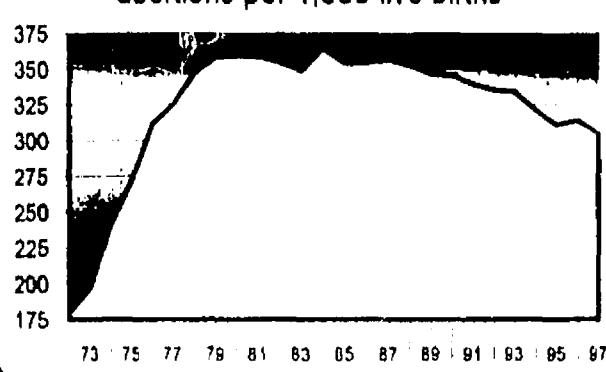
abortions per 1,000 women ages 15-44



CDC reported figures, 1972-1997

U.S. Abortion Ratio

abortions per 1,000 live births



CDC figures, 1972-1997

A Closer Look:

Factors Involved in Abortion Decline

One thing the newest CDC figures show is that the drop in annual abortions is not simply due to a drop in the overall population of women of childbearing age in the U.S. As the baby boom generation ages and is replaced by the more sparsely populated so-called "Generation X" (about 40 million or so born between 1962 and 1978 who grew up with abortion on demand and whose ranks took the first big hit from *Roe v. Wade*), the numbers of abortions would be expected to go down even if the overall proportion of pregnant women remained the same.

But a decline not only in the raw numbers of abortions, but also the rate and ratio of abortions, is a clear indication that something more than mere population shifts is involved.

The abortion *rate* refers to the number of abortions per 1,000 women of childbearing age in the U.S. each year. For 1997, there were 20 abortions per 1,000 women ages 15-44, five less per thousand than in 1980, when the highest rate was recorded.

For nearly 15 years (1978-1992), the abortion rate stayed around 23 or 24 per 1,000, so the drop back to the 1976 level is significant. Recent figures are an indication that, in the last few years, abortion has become a less common feature in the lives of women who could have gotten pregnant.

With a lowered rate alone, however, the argument could still be made that this drop was simply due to an

overall decline in the number of pregnancies, because of more effective abstinence programs, increased contraceptive use or a shift in the concentration of the fertile female population within the age bracket from younger to older less fertile women. Of those women who became pregnant, it would still be mathematically possible that the same percentage, or an even higher percentage, had abortions than in previous years. That the abortion ratio, and not just the abortion rate, declined, indicates this was not the case.

The abortion *ratio* tells us how many abortions there are for every 1,000 live births. Because this figure does not include miscarriages and stillbirths, it cannot give a strict percentage of those pregnancies ending in abortion. But it does give some indication of how prevalent abortion is among pregnant women.

According to the CDC, there were 305 abortions for every 1,000 live births in 1997. This was a considerable drop from the ratio for 1996 (314 abortions per thousand births), and substantially lower than the average of 354 per 1,000 that held throughout the 1980's. One has to go back to 1975 to find a lower yearly abortion ratio. What this means is that a substantially lower proportion of pregnant women are choosing to abort their babies than was the case just a decade ago.

What accounts for this decline? One plausible explanation, cited by the CDC itself, was "attitude changes

concerning the decision to have an abortion or to carry a pregnancy to term."

Pro-life legislation has undoubtedly had an impact. Since 1989, fifteen states have passed "right to know" legislation, making sure women know not only the risks and realities of abortion, but also of alternatives that are better for them and their unborn children.

Twenty-four states now have substantive parental involvement statutes in place, protecting teens from adolescent fears and exploitation from the abortion industry. Waiting periods and limits on taxpayer funding of abortion have also probably played significant roles.

Millions of pieces of pro-life educational literature illustrating fetal development have been distributed by crisis pregnancy center volunteers, and concerned church and right-to-life chapter members confirming what more and more women are seeing for themselves in sonograms and hearing on fetal heartbeat stethoscopes -- that abortion stops a beating heart and ends the lives of children with hands, feet, and faces.



NATIONAL RIGHT TO LIFE
Educational Trust Fund
www.nrlc.org

419 7th Street, NW, Suite 500
Washington, DC 20004

Data Sources: CDC information for 1997 statistics drawn from *Morbidity and Mortality Weekly Report*, Vol 48, Nos 51 & 52 (Jan 7, 2000). Earlier CDC figures from earlier CDC reports. Explanation of CDC undercount in Frye, et al., "Induced Abortion in the United States: A 1994 Update," *Journal of the American Women's Medical Association*, Vol 40, No. 6 (September/October 1994), p. 131. AGI figures from Henshaw, "Abortion Services in the United States: 1995-1996," *Family Planning Perspectives*, Vol. 30, No. 6 (November/December 1998), p. 263ff. NRL ETB Estimates used for 1997-1999.

**TESTIMONY BEFORE THE
SENATE HUMAN SERVICES COMMITTEE
REGARDING
SENATE BILL NO. 2354**

January 31, 2001

Chairman Lee, members of the Senate Human Services Committee, my name is Blaine Nordwall. I am Director of Economic Assistance Policy for the North Dakota Department of Human Services. The department opposes Senate Bill 2354.

The department supports abstinence ed program concepts and certainly supports alternatives to abortion. The department cannot legally and does not pay or provide for abortions. However, Senate Bill 2354 includes significant provisions and limitations that concern us.

- **The bill calls for the appropriation of \$200,000 from the general fund. This appropriation is not included in the Governor's budget.**

- **Under the bill, the prime contractor must contract with service providers to deliver alternatives-to-abortion services at specified rates. The service providers are subject to requirements that effectively exclude many existing entities with an interest in this subject.**

- The bill requires the department to identify alternative service providers for eligible individuals who object to the religious character of an assigned service provider, but the limitations on service providers may well result in an absence of any real alternatives of a different religious character, or of a non-religious character.
- The department does not currently have a procedure to identify and refer "eligible individuals." This bill does not identify any context by which we would learn information sufficient to determine if a person is an eligible individual.

I'll try to answer any questions the committee may have.

Presented by:

Blaine L. Nordwall
Director, Economic Assistance Policy
ND Department of Human Services

*"If it wasn't for Project WIN
I don't know where
I'd be or where my baby
would be."*

Margaret, Age 19
Project WIN Client

When Margaret called the Project WIN Toll-Free Referral Service she was seven months pregnant, homeless, abandoned by the baby's father and not receiving pre-natal care.

Within 48 hours of her call, she was in her own bedroom at a Project WIN maternity residence, had been examined by a nurse and was receiving pre-natal care for herself and her child in a safe, caring, nurturing environment.

in days. Margaret was receiving professional counseling, taking nutrition classes and began working toward her GED.

Today, she is the proud mother of a baby boy and is putting her life in order and acquiring the skills she needs to plan a better future for herself and her child.

This is what Project WIN is all about.

For More Information Contact:

Real Alternatives

7810 Allentown Boulevard, Suite 304
Harrisburg, Pennsylvania 17112
(717) 541-1112
www.realalternatives.org

Real Alternatives is a private, non-profit, charitable organization committed to assisting women in crisis pregnancies by providing compassionate, practical, life-affirming alternatives to abortion.

By administering Project Women In Need for the Department of Public Welfare, Real Alternatives furthers the goals of:

- improving a woman's physical and mental well-being during her pregnancy and post-natal period;
- improving the physical well-being of the unborn child and then newborn; and
- encouraging adoption as an option for women who are unable to parent.

Real Alternatives is duly registered as a charitable organization with the Commonwealth of Pennsylvania Department of State. A copy of the official registration and financial information of Real Alternatives may be obtained from the Department of State by calling 1-800-732-0999. Registration does not imply endorsement.

*Pennsylvania's
Project
Women In Need*

*Life-affirming Assistance
for Women Experiencing
an Unplanned Pregnancy*

What is Project Women In Need?

Project Women in Need (WIN) is alternatives to abortion program created by the Commonwealth of Pennsylvania and funded through the Department of Public Welfare. The Project consists of a state-wide network of pregnancy centers, maternity residences and adoption agencies that provide comprehensive, life-affirming alternatives to abortion to pregnant women and assistance to parents with infants.

Staffed by caring professionals and trained counselors, Project WIN centers are non-discriminatory, non-profit organizations. Monitored annually to ensure compliance with Department of Public Welfare standards, each center offers support, encouragement, guidance and practical help.

Where are We Located?

There are over 100 Project Women In Need centers located throughout the Commonwealth. Since March 1996, our centers have served over 37,000 clients.

What Services Do We Provide?

- The services offered by Project WIN centers include:
 - counseling
 - a non-judgmental atmosphere of understanding and support
 - pregnancy test kits
 - maternity & baby clothing, food, diapers & other baby items
 - temporary shelter
 - pregnancy, childbirth and parenting classes
 - referrals to other community agencies & medical resources
 - chastity education
 - adoption information
 - assistance with education & career decisions and...
- other help necessary for the well-being of the woman and her child.

All Services are Free & Confidential

As a Department of Public Welfare program all services are FREE to women whose income is below 185% of the Federal Poverty Guidelines. The client's right to receive these services in complete CONFIDENCE is respected and strictly enforced.

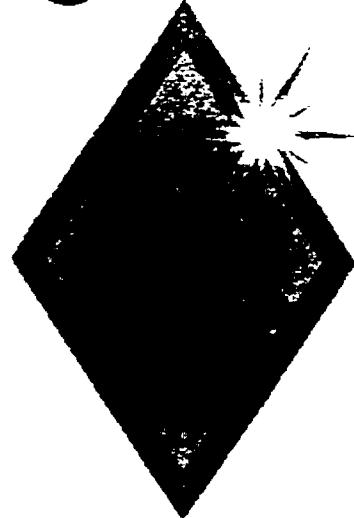
How Can You Find Us?

Locating the nearest Project WIN pregnancy center, adoption agency or maternity residence in your area is as easy as dialing the phone!

The Project WIN program provides a toll-free referral service that puts your client in touch with caring counselors in their local area who can help them. Our number is:

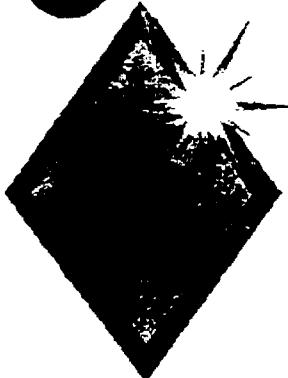
1-888-LIFE-AID

We share your concern and compassion for women experiencing the despair, confusion and difficulty of an unplanned pregnancy. Let's work together to offer help and hope!



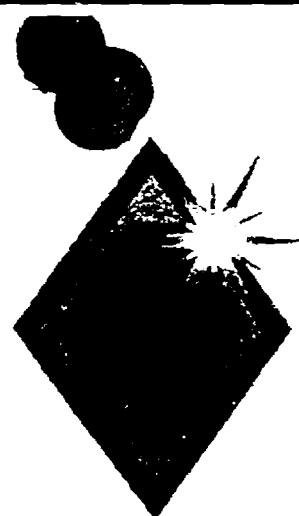
*Pennsylvania's
Alternative To Abortion
Program*

Real Alternatives
Harrisburg, PA



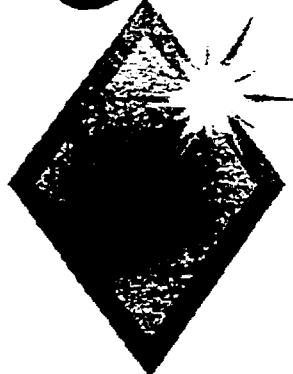
Providing Alternatives to Abortion as a State Social Service

- Appropriation to provide funds to agencies who assist pregnant women seeking alternative to abortion.
- Services include counseling, shelter, food, clothing, parenting education, adoption services, and other supportive services for women.
- Counselors take the time to listen to each woman and provide practical assistance during the crisis pregnancy.
- Program empowers women to work around pressures and make life-affirming choices.



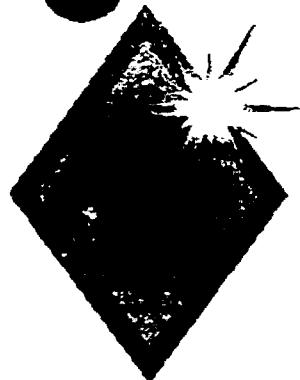
Privatized Government Social Service

- Department of Public Welfare (DPW) is program office for the alternatives to abortion contract.
- DPW contracts with Real Alternatives as the prime contractor.
- Real Alternatives provides services contracts with pregnancy centers, social service agencies, adoption agencies, and maternity homes for counseling services to eligible women during pregnancy and 12 months after birth.



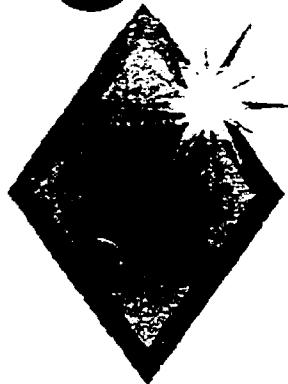
Alternatives to Abortion Contract Goals

- Make available to women in Pennsylvania viable alternatives to abortion services
- Inform all women of Pennsylvania that alternatives to abortion are available through extensive advertising and a Toll-Free Patch System
- To increase awareness of adoption as an option for women with an unintended pregnancy
- To assist women in developing sound parenting skills
- To promote abstinence as an option to preventing unintended pregnancies



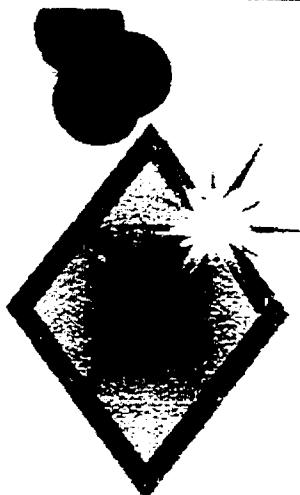
Fee-for-Service Reimbursement Provided to Service Providers

- By reimbursing on a fee-for-service basis, service providers have the resources available to serve more women and reinvest earned funds.
- Stable income source allows centers to:
 - Open other centers
 - Hire more staff / open more hours
 - Utilize volunteer services to the maximum
- FY 96/97 - 72 centers, FY 99/00 – 110 centers.
- FY 96/97 – 6715 women served, FY 99/00 – 11,397



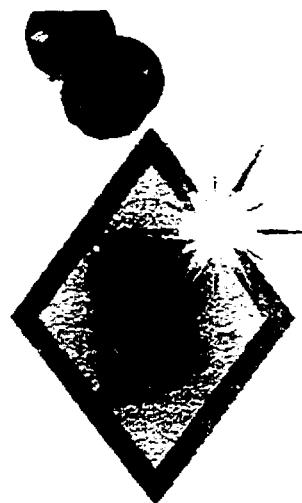
Technical Support Services Provided by Real Alternatives

- Counselor Training Seminars
- Annual Service Providers Conference
- Newsletter, Networking
- Educational Materials for Clients
- Advertising: Toll-free Referral System, Television, Print Ads, and Community Awareness
- New Site Development Grants



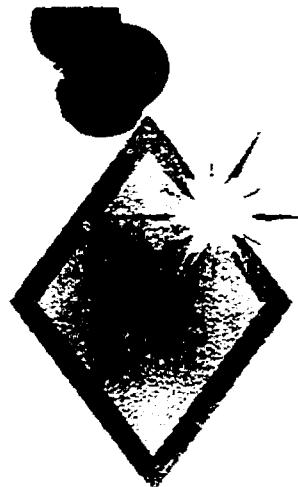
Service Provider Services

- Pregnancy self-test kits
- Education on fetal development and nutritional needs
- Abortion information on what it is, and what is done
- Information on the risks of STDs



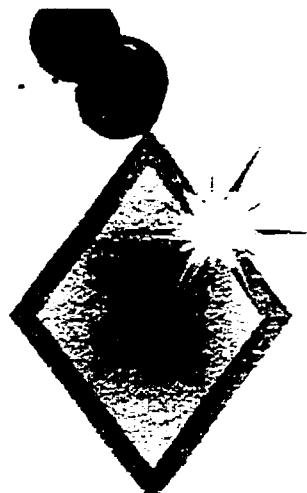
Service Provider Services

- Pre- and post-natal education
- Parenting, pregnancy, certified childbirth, chastity, and family support classes
- Education referrals for upgrade skills or obtaining G.E.D.
- Child care referrals



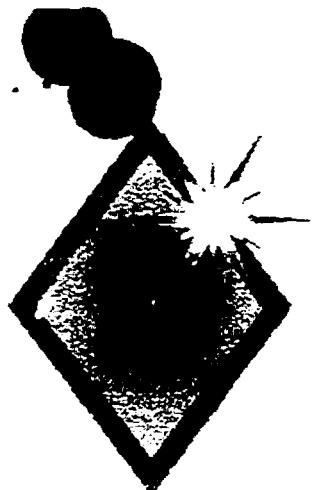
Service Provider Services

- Access to information on medical care and other professional services
- Assistance with identifying drug and alcohol programs, if needed
- Information on Women Infants and Children (WIC) programs
- Adoption service information



Service Provider Services

- Job service and vocational training
- Life-skill training for parenting and nutritional needs
- Availability of community social services
- Referrals to County Assistance Office when client appears eligible
- Other services for the physical and emotional needs of the pregnant women



Why ?

- Stable income source allows centers to:
 - Open other sites
 - Hire more staff / open more hours
 - Make up for other funding shortfalls
 - Utilize volunteer services to the maximum
 - Enhance services to women using modern business practices

Clinic Location



AAA Pregnancy Clinic

1330 Page Dr., Suite 103A
Fargo, North Dakota 58103

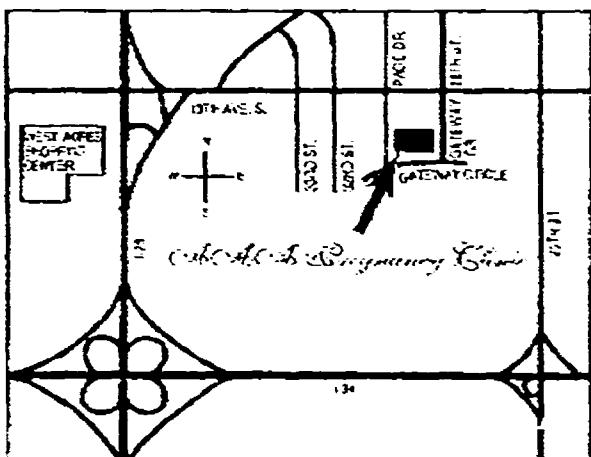
Appointments:

(701) 237-6530

or

Toll Free: 1-888-237-6530

Business: (701) 237-5902
Fax: (701) 237-0363



(The AAA Pregnancy Clinic is located in the office complex behind the Ground Round Restaurant, off 13th Ave. S.W.)

Helping women since 1984

UNPLANNED PREGNANCY?

You
think you
might be
pregnant
or
you just
found out
you are . . .



AAA Pregnancy Clinic

We can help.

(701) 237-6530

Toll Free: 1-888-237-6530

We Can Help

Single or married, an unplanned pregnancy can be a time of crisis. The AAA Pregnancy Clinic is here to answer your questions and assist you in your decision. If you or someone you know is facing an unplanned pregnancy, we would like to help. We know the difficulty of the situation and the importance of making an informed decision.

Here's what clients have said about the center:

"I appreciate your service and would recommend it to anyone."

"Thank you for your help. I appreciate your kindness and patience in such a peaceful, calm, and nonjudgmental atmosphere."

"Thank you for answering the questions and making this situation easier and more comfortable at a difficult time."

"I was so pleased with the service and am thankful that there are people who care."

"Thank you so much for the emotional support. You have helped me so much!"

Our Mission

The AAA Pregnancy Clinic has been serving women in need since 1984. We are a Christian non-profit clinic which ministers to individuals who may be facing a crisis pregnancy. We also provide community outreach educational programs on abstinence. We are committed to the right of every woman to receive the education and support she may need to enable her to make informed life-affirming decisions concerning all aspects of pregnancy. All services are provided free of charge.

Our clinic is centrally located in Fargo (south of the Ground Round Restaurant). We are open weekdays and if our office hours are not convenient for you, we will try to meet your scheduling needs.

Our clients receive individual, private and confidential services that are exclusively geared to meet their particular needs. We have a team of highly trained volunteers, nurses and doctors dedicated to quality service.

Services

All services are free and confidential. We specialize in crisis pregnancy management.

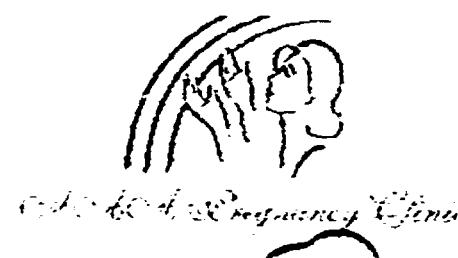
Services as needed include:

- Pregnancy Tests (results while you wait)
- Crisis Pregnancy Management Services
- Community Referrals & Networking
- Doppler & Ultrasound Imaging
- Physical Referrals for Pregnancy Confirmation & Consulting
- Material Aid (layettes, furniture, baby & maternity clothes, etc.)
- Natural Family Planning Instruction
- Abstinence Counseling & Education
- Post-Abortion Counseling
- Education Resources for Sexual Health Lending Library

Help is just a phone call away!

(701) 237-6530

Toll Free: 1-888-237-6530



To: Chris Dodson
From: Harriet Mohrbacher, Birthright of Fargo-Moorhead
512 Center Ave. Moorhead, MN 56560

Rochelle Sauvageau asked me to send you this information. If you have questions please give me a call at 701-237-0359.

Birthright is an international crisis pregnancy support service founded on the premise that "it is the right of every pregnant woman to give birth and the right of every child to be born". The Fargo-Moorhead center opened in 1972 as a means of providing immediate and practical assistance as well as continuing support to women and girls experiencing an unplanned pregnancy. Birthright is not affiliated with any church or religion and does not engage in any political activities. All of our efforts are concentrated solely on providing the help needed by women, girls, and families in crisis. Birthright provides an alternative to abortion.

In 1999 Birthright of Fargo-Moorhead was able to provide direct services to over 2000 individuals who come from a 100 mile radius of the F-M area. Birthright provides pregnancy tests, paraprofessional counseling, prenatal education, maternity and baby clothes, emergency diapers and formula, referrals for education, legal and medical assistance, information on other community services which meet the needs of our clients, and a support group for fathers. All Birthright services are free and completely confidential and available to anyone without regard to age, race, creed, financial or marital status. Birthright does not use "scare tactics" or pressure, show abortion slides or pictures, picket or harass abortion clinics, evangelize, refer for abortion, lobby for legislation or engage in a public debate on abortion.

SKA 2079

**Estimated Budget for Two-Year
North Dakota Alternatives to Abortion Program
Provided by Real Alternatives**

Administration Expenses:

Personnel costs for Full-time Executive Director and administrative services subcontracts; operating costs to include consulting, postage/shipping, auditing, travel/lodging, rent, telephone, general liability insurance, board of directors insurance, and office expenses; equipment costs including all office equipment and computers to startup operations in North Dakota

Total Administrative Expenses	\$120,000
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Services Expenses:

Personnel costs for Toll-free Telephone Counselor support	\$ 8,000
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Operating Costs to include:

education materials for clients,	\$ 25,000
statewide services advertising,	\$ 50,000
travel/lodging,	\$ 4,000
services database consulting,	\$ 8,000
annual service provider seminar,	\$ 5,000
minor equipment reimbursement,	\$ 4,000
new site development grants,	\$ 42,000
new program development grants,	\$ 10,000
reimbursement for service provider counseling	\$315,000
toll-free referral system	\$ 5,000

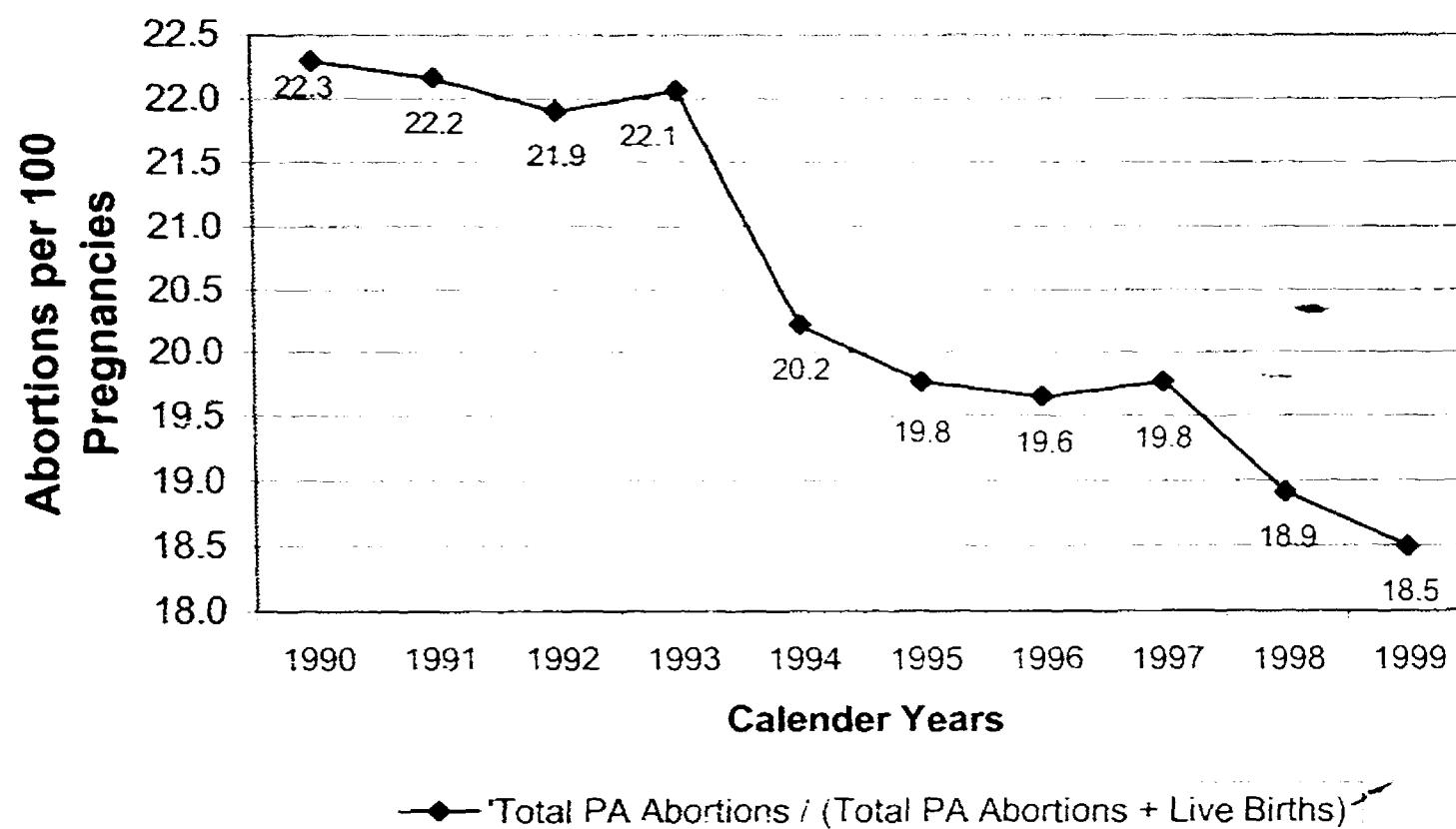
Equipment Costs to include pregnancy test kits reimbursement to service providers	\$ 4,000
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Total Services Expenses	\$ 480,000
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Total Two-Year Budget	\$ 600,000
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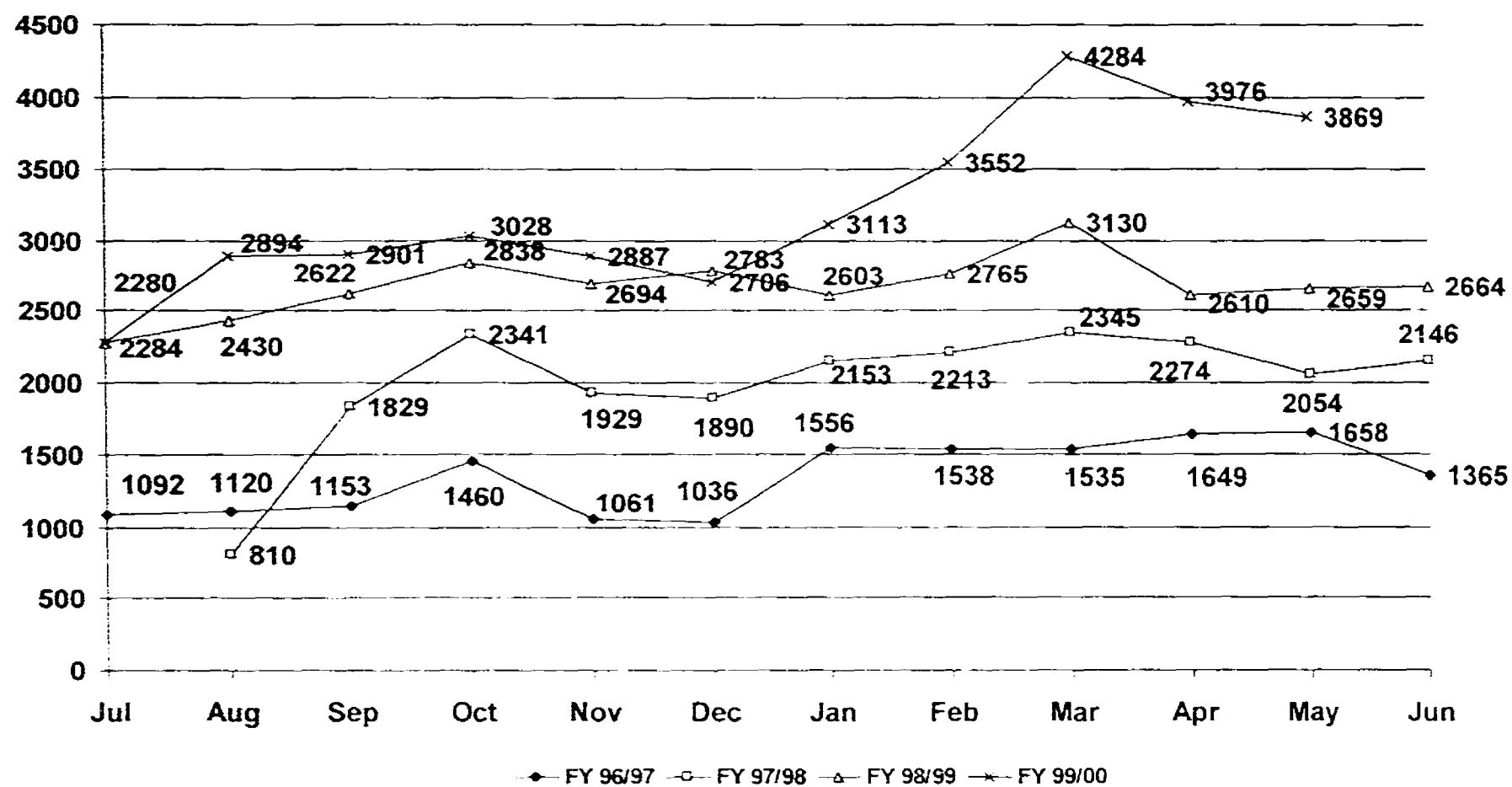
Pennsylvania Women are Choosing Abortion Less

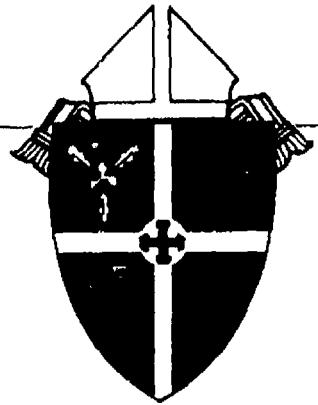
Pennsylvania Abortion Choice Percent



HARRISBURG
PA

Client Visits Per Month





Diocese of Bismarck

THE CHANCERY

420 Raymond Street • P.O. Box 1575 • Bismarck, ND 58502-1575
Phone 701-223-1347

March 7, 2001

House Human Services Committee
State Capital
600 East Boulevard Avenue
Bismarck, North Dakota 58505

Dear Members of the House Human Services Committee:

I am writing today to express my personal support for Senate Bill 2354, in addition to the support expressed by Christopher Dodson, who speaks on behalf of Bishop James Sullivan and myself on public policy matters. I write personally because I think Senate Bill 2354 provides an unprecedented opportunity to help build a culture of life in North Dakota so that every woman facing a crisis pregnancy can find loving alternatives to abortion.

A few weeks ago, I had the pleasure of meeting Kevin Bagatta, the director of the program in Pennsylvania on which Senate Bill 2354 is based. The success of the program in Pennsylvania demonstrates that such a program works. The number of women in need served in Pennsylvania continues to go up and the state's abortion rate continues to go down. Many faith-based centers, now able to receive a steady source of income, have expanded their services so that more women and their families can receive compassionate care in a time of great difficulty.

I have also had the opportunity to hear from Cardinal Anthony Bevilacqua, Archbishop of Philadelphia on Pennsylvania's program. From his support for program and the support of the other bishops of Pennsylvania, I feel confident that this type of program reflects the Church's approach to helping women in need and ending abortion.

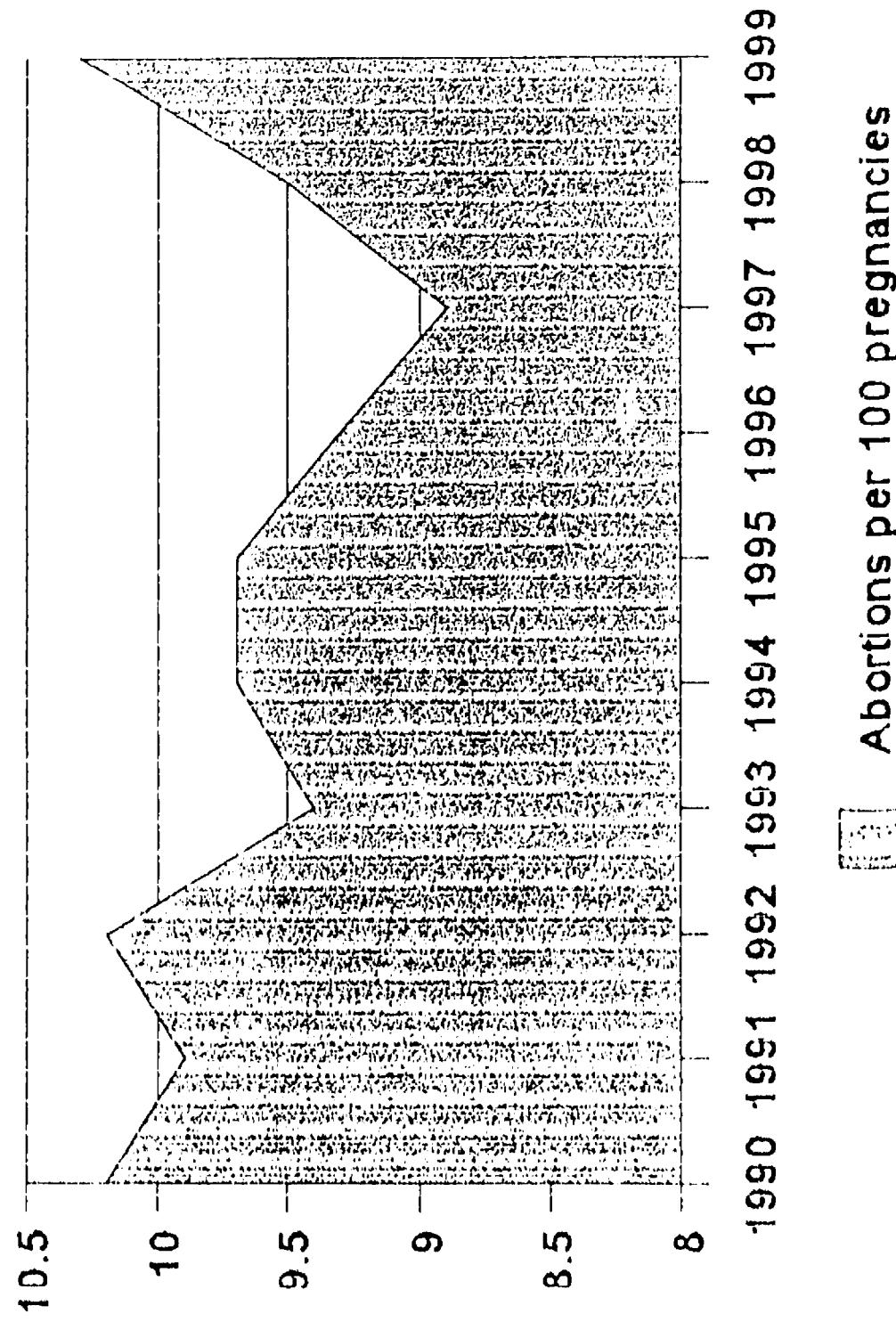
Thank you for your consideration. I respectfully urge your support for Senate Bill 2354.

Sincerely in Christ,

Paul A. Zipfel

Most Reverend Paul A. Zipfel
Bishop of Bismarck

Abortion Choice Rate for North Dakota Residents



SB 2354

Madame Chairman Members of the Committee

I am Jennifer Ring, Executive Director for the ACLU of the Dakotas and the Registered lobbyist for the same.

The state unquestionably has the right to inform its citizens of alternatives to abortion. However there are several problems with this bill.

First the bill's focus on the beliefs of both prime contractors and service providers rather than on their ability to provide services.

1. Page 2 lines 6-7 limit prime contractors to those with a stated policy of promoting childbirth rather than abortion. "An entity may not become a prime contractor unless it has a stated policy of actively promoting childbirth instead of abortion."
2. Page 2 Lines 8-11 limits service providers to those with both a stated policy of promoting childbirth rather than abortion and a separation both physical and financial from any entity that even refers. "An entity may not become a service provider unless it operates a service provider project that has a stated policy of actively promoting childbirth instead of abortion and its project is physically and financially separate from any entity that advocates, performs, counsels for, or refers for abortion."

The restrictions on service providers would prevent any hospital and most clinics from being service providers as these agencies would either perform or refer for emergency abortions in the case of ectopic pregnancies or other conditions that threaten the life of the mother.

14-02.1-02. Definitions. As used in this chapter:

1. "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead embryo or fetus.

Second, the bill's permissive language with regard to faith based organizations turns the current Supreme Court test for "pervasively sectarian" Lemon v. Kurtzman 403 US 602 on its head by attempting to permit the organization to incorporate its religion into the provider side

Bowen v. Kendrick 487 US 589

Federal agency required to see that faith based providers did not promote their religion

Thirdly, the bill allows the agency to restrict the employees to adhere to the religious tenets and teachings of the organization, and the organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

The opt out clause for religious objectors does not guarantee the availability of those services.

Model service contracts on those currently in place for Human Services.

*Jennifer Benig proposed
(Sobleyest) Amendment*

ACLU proposed amendments to SB 2354

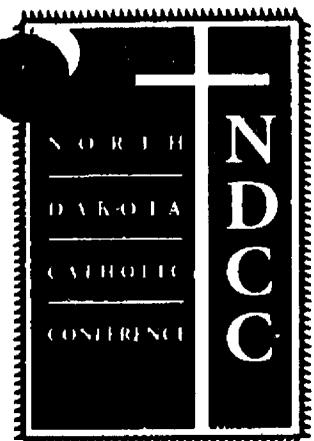
Page 2 Line 6 delete "An entity may not become a prime contractor unless it"

Page 2 delete lines 7-13 inclusive.

Page 2 line 28 delete "The department may not require a religious organization to alter its form or"

Page 2 delete lines 29-31 inclusive.

Page 3 delete lines 1-2 inclusive.



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: House Human Services Committee
From: Christopher Dodson, Executive Director
Subject: Pennsylvania's Abortion Rate and the Project WIN
Date: March 16, 2001

Some of you received an e-mail from Tim Lindgren regarding, among other things, the abortion statistics in Pennsylvania. Mr. Lindgren claims that the abortion numbers in Pennsylvania do not show that Project Women in Need in that state has had any impact in lowering the incidence of abortion. A few of you asked me to respond.

There are several points to consider about Mr. Lindgren's use of the Pennsylvania statistics:

- The statistics he gives only show the number of Pennsylvania residents that had abortions. These numbers cannot be used to demonstrate the success, or lack of success, of Project WIN because they do not show the rate of abortion per pregnant women. Pregnancy numbers go up and down for various reasons, including changing demographics, the economy, and changes in use of prepregnancy family planning. Project WIN in Pennsylvania, with regards to its abortion alternatives activities, is designed to help *pregnant* women. Therefore, to measure the success of the program, we need to look at the percentage of pregnancies that end in abortion (the abortion choice percent.) Attached is a graph showing the decline in Pennsylvania's abortion choice percent. (Also attached is a graph showing the yearly increase in the number of clients served in the program.)
- Mr. Lindgren's calculations, since they only reflect yearly changes in numbers, do not reveal anything about how the program affects abortion decisions. In fact, his calculations do not even reveal the abortion rate per the number of women in the state.
- Mr. Lindgren claims the program started in 1997. Real Alternatives actually started its Project WIN contract in 1995, with the first reimbursement in early 1996.
- Even if Mr. Lindgren used the correct data, it is misleading and erroneous to compare changes in abortion rates from the mid-1990's to today with rates prior to that time. The *Webster* decision in the late 1980's and the *Casey* decision of the early 1990's provided states with new opportunities to enact various types of abortion legislation including informed consent, parental consent, and waiting periods. States that enacted these measures, including North Dakota and Pennsylvania, saw significant declines in abortion rates when these laws were implemented. The courts have foreclosed opportunities for more such laws.

When analyzing whether a policy affects the abortion choice percent, therefore, we need to look at more recent years. To compare recent rates to those in the 1980's is like comparing recent violations of civil rights to those before the federal Civil Rights Act of 1964. The violations still exist, but their frequency is obviously less. In short, Mr. Lindgren fails to take into consideration historical factors affecting abortion rates.

122 W. Broadway, Suite 2
Bismarck, ND 58501

(701) 223-2519
1-888-419-1237
FAX # (701) 223-6038



AAA Pregnancy Clinic

1351 Page Drive, Suite 205 • Fargo, ND 58103 • Appointment: 701-237-6530 or Toll Free: 1-888-237-6530

Business: (701) 237-5902 • Fax: (701) 237-0363 • E-mail: AAAPregClinic@attglobal.net

March 2, 2001

The purpose for writing this letter is to express my support for House Bill 2354. I would like to give you an insight into the type of services an agency such as ours provides to women and couples facing a crisis or an unexpected pregnancy.

First let me introduce myself, I am Pauline Economon the Executive Director of the AAA Pregnancy Clinic, Fargo, ND. I am a registered nurse with Bachelors of Science and Masters of Science in Nursing. The AAA Pregnancy Clinic is a non-profit, Christian Clinic which serves individuals who may be facing a crisis pregnancy and provides community outreach educational programs on abstinence. We do not refer or provide referrals for abortions; rather our commitment is to provide life-affirming education and support services to our clients regarding their pregnancy.

Regarding intervention when a woman presents with a crisis pregnancy – we provide informed consent counseling. We do not financially benefit from the woman's decision whether she makes an adoption, parenting or abortion decision. We provide factual, medically correct information for the woman to truly make an informed decision. We present support services for parenting, and open up the option of adoption. We work closely with licensed adoption agencies in our community. We help the woman overcome the barriers in her life, which are making her pregnancy a challenge. Based on the individual's or couple's needs, these services may include the following:

- **Medical services:**

Nursing Care -- to provide for the immediate pregnancy counseling needs and ongoing support, we have three part-time registered nurses on staff. Additionally, to assist with the ongoing support services we train professionals to serve in a volunteer capacity with clients.

Ultrasound imaging is provided to women considering options. We have volunteer sonographers and a radiologist who volunteer their time to provide this service at the Clinic. This is important to verify a viable pregnancy and to determine fetal age and development. Women often are not aware of how far along they are into their pregnancy, e.g., recently a client stated she thought she was 8 weeks along into her pregnancy – the ultrasound verified the unborn child was 21 weeks old - this information changed the clients mind regarding an abortion decision, and we worked with her to help her make an adoption plan for her child. This is not an uncommon example - often, once factual information on fetal development is given to the client, she is better able to see clearly a way to carry the pregnancy to term and either parent or make an adoption plan.

Physician services: we refer clients to three community physicians who provide prenatal care at a reduced cost and, if needed, free of charge.

- Financial support - we work with area churches that provide funding to any woman who needs help during her pregnancy and support for the mother and her child after the child is born.
- Material Aid - we provide baby clothes and other baby items, diapers, and maternity clothing, which we receive as donations from individuals, businesses or churches

I have enclosed a recent letter we sent to 300 area physicians ("Referrals resource for Pregnancy Counseling and Teen Abstinence Education") - this letter should give you further insight into the services we provide.

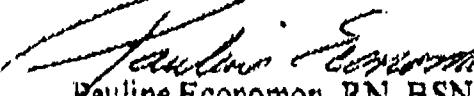
Last year our Clinic served over 600 clients in the pregnancy counseling area - this was done with a part-time staff and volunteers. As a not-for-profit 501c(3) corporation, we depend solely on volunteer work and financial contributions from individuals, businesses, and churches. Every day the demand on our limited resources produces a drain on our staff and volunteers. We do the best we can with the limited resources. The assistance that could be provided by Senate Bill 2354 would help relieve the burden of working with limited resources and staff. The scope of this ministry is only limited by the resources available - the need in our community is definitely there - this would be money well spent and would provide a service truly needed in our communities. If we had a consistent source of base funding - simply put we could do our job better.

Although the Clinic is founded on Christian principles, we do not promote any religion or religious teachings - our services are provided in a nonjudgmental, professional manner.

For the purpose of this letter I have focused on the Clinics intervention services, however, we also focus on prevention. We provide abstinence education programs to parents, professionals and youth. In 1999 we received a generous three-year grant from the Dakota Medical Foundation for the purpose of developing a resource and training center for abstinence education and programs. Besides assisting pregnant women in need, we teach abstinence education to the single woman and provide community outreach programs to groups in the community. At our Clinic, we deal daily with the twin epidemics of sexually transmitted disease and unwed pregnancy. Only by helping deal with the unexpected pregnancy and promoting abstinence will we eventually treat these epidemics in our society. Abstinence education is today's answer to the unexpected pregnancies and STD problem of tomorrow.

Thank you for taking the time to review this issue and address it in a manner, which will truly help our communities. Please take the time to review the attached letter to health care physicians and our Clinic's brochure. Additionally, if any of the members of the Senate Committee need additional information or have questions regarding our services please feel free to call toll free at 1-888-237-6530.

Sincerely,


Pauline Economou, RN, BSN, MSN, MA



AAA **Pregnancy Clinic**

1351 PAGE Drive, Suite 205 • FARGO, ND 58103 • Appointments: 701-237-6530 or Toll Free 1-888-237-6530
Business: (701) 237-5902 • Fax: (701) 237-0363 • E-mail: AAAPregClinic@attglobal.net

January 22, 2001

RE: Referral resource for Pregnancy Counseling & Teen Abstinence Education

We would like to make you aware of the services the AAA Pregnancy Clinic offers which you may find helpful in your professional practice. The Clinic is a nonprofit (IRS 501c3) agency that serves women in crisis pregnancies and provides abstinence programs for young adults. We encourage you to review the enclosed information and, hopefully, refer any of your clients who you feel could benefit from our services.

Our primary mission is advocacy for the urgent and practical needs of the mother who is dealing with an unexpected pregnancy. A sample of the services provided are:

- Counseling on options other than abortion (parenting and adoption)
- Pregnancy Tests
- Education on fetal development and nutritional needs
- Abortion information -- what it is & what is done (*we do not perform or refer for abortion*)
- Doppler and Ultrasound imaging
- Counseling and support to clients throughout their pregnancy & after
- Information on the risks of STD's
- Referrals to other social service agencies based on the client's need
- On site baby-clothing closet and referral to food and furniture pantries
- Abstinence and relationship counseling for the single, sexually-active client
- Post-Abortion Counseling

With a professional staff and trained volunteers, we feel we can help meet the emotional and material needs of women of all ages facing an unexpected pregnancy. In addition, we are a leader in the promotion of and counseling for premarital abstinence for young single adults. All services are provided in a neutral, confidential and non-discriminatory atmosphere. The AAA Pregnancy Clinic is founded on Christian principles however there is no promotion of any religion or religious teachings.

Working with you, we feel we can make a difference in the lives of these women and their families, helping them to better care for themselves and to build strong, healthy family lives.

Sincerely,

Ron Wisanen *Karen Fegley*

Ron Wisanen, MD
Medical Director

Karen Fegley, RN
Nurse Manager

Pauline Economou

Pauline Economou, RN, BSN, MSSN
Executive Director

Senator Krauter SB 2354

Births, Pregnancies, and Abortion Choice Percent by County Of Residence

County	Births	Miscarriages*	Abortions**	Total Pregnancies	Abortion Choice Percent
Adams	16		x	17-19	
Barnes	112		9	121	7.4
Benson	135		4	139	2.8
Billings	6			6	0
Bottineau	51		7	58	13.7
Bowman	18			18	0
Burke	17			17	0
Burleigh	809	5	118	932	12.6
Cass	1634	10	278	1922	14.4
Cavalier	30		x	31-33	
Dickey	59		5	64	7.8
Divide	12		x	13-15	
Dunn	31			31	0
Eddy	27		x	28-30	
Emmons	30	1		31	0
Foster	40		7	47	14.8
Golden Valley	15			15	0
Grand Forks	835	2	137	974	14.0
Grant	19			19	0
Griggs	19		x	20-22	
Hettinger	28			28	0
Kidder	27			27	0
LaMoure	24		x	25-27	
Logan	17		x	18-20	

County	Births	Miscarriages*	Abortions**	Total Pregnancies	Abortion Choice Percent
McHenry	53		x	54-56	
McIntosh	28			28	0
McKenzie	67		4	71	5.6
McLean	94		7	101	6.9
Mercer	69		5	74	6.7
Morton	301	2	30	334	9.0
Mountrail	93	2	8	103	7.7
Nelson	21		x	22-24	
Oliver	17		x	18-20	
Pembina	78	2	6	86	6.9
Pierce	44		x	45-47	
Ramsey	132		16	148	10.8
Ransom	56	2	6	64	9.3
Renville	18		x	19-21	
Richland	206	3	21	230	9.1
Rolette	247	1	12	260	4.6
Sargent	42		4	46	9.5
Sheridan	9		x	10-12	
Sioux	98		6	104	6.1
Slope	7			7	0
Stark	266	1	17	284	5.4
Steele	20		x	21-23	
Stutsman	234	3	37	274	13.5
Towner	15		x	16-19	
Traill	97		4	101	3.9
Walsh	154		13	167	7.7

County	Births	Miscarriages*	Abortions**	Total Pregnancies	Abortion Choice Percent
Ward	875	3	84	962	8.7
Wells	45	1		46	0
Williams	238		16	254	6.7
Total	7635	39	883	8557	10.3

Source: North Dakota Department of Health

*Miscarriages = fetal deaths for gestational age of 20 weeks or greater.

** x = between 1 and 3 abortions. The Department of Health no longer reports the number of residents receiving abortions for a particular county if the total is less than three. For that reason, the abortion choice percent for those counties is not listed. The total number of residents of such counties receiving abortions in 1999 is 22. The abortion choice percent for those counties combined is 6.4%.

SB 2354
4-2-01

North Dakota Life League (N.D.L.L.)
1336 25 Ave S Ste 207
Fargo ND 58103
(701) 293-6221
FAX (701) 293-1784
ndlif@linkup.net

By Tim Lindgren
State Director, NDLL

Honorable Rep. Mike Timm and member of the Appropriations Committee,

This is a short note to let you know that I had intended to come to Bismarck this morning to testify on SB 2354. Unfortunately, I had to take my son into the emergency room in the early morning hours and was not able to make it out to Bismarck in time for the hearing this morning. I apologize for not being able to be there in person.

I would still like to present information in opposition to this bill that I believe would help the Appropriations Committee in making a well-informed decision. I provided testimony to the Human Services Committee both at the initial hearing and at a subcommittee hearing.

Very briefly, I would like to alert you to several of our most serious points of opposition to SB 2354:

SB 2354 -- as it is worded -- will greatly change the way that crisis pregnancy centers counsel the women experiencing a crisis pregnancy situation.

The religious protections that are articulated in subsections 10 and 11 are nullified by Subsection 14, which prohibits prayer and/or religious instruction while counseling and by presiding Court opinion. Simply put, a moral decision requires moral input.

There are 19 pregnancy related centers in ND. However there are just nine that actually engage in counseling women experiencing a crisis pregnancy center. Four of those have a policy of not accepting government for the same reasons we oppose this bill. Four of the other five, are not interested in the funds for the same reason. In other words there is only one crisis pregnancy center willing to sacrifice they're counseling in exchange for the government funding.

Of the remaining agencies, two are maternity homes, at least one of which is actively opposed to this legislation. This maternity home takes care of most, if not all, of the women who utilize this service. The remaining agencies -- according to a publication of the Fargo Diocese of the Catholic Church published in 1994 -- are engaged in adoption counseling. The nine crisis pregnancy centers referred to in the paragraph above see -- on average -- 1718 crisis pregnancy clients a year. The balance, all combined, see about 10 per year.

This bill will not help crisis pregnancy centers but would rather be utilized by agencies that currently do not perform crisis pregnancy services. That is not to say adoption is not an important aspect to pregnancy care. It is.

The point I wish to make is that this bill is strongly geared toward making the initial contact with a woman involved in a crisis pregnancy situation. Crisis pregnancy centers normally do this. Since they -- for the most part (8 of nine) -- don't want the funds, that means that this money would be going to agencies that do not normally do this type of counseling.

Finally, if the non-crisis pregnancy centers set up new agencies, we believe their counseling would have to be compromised to qualify for the funds and thus would frustrate the stated intentions of the bill and eventually marginalize those good crisis pregnancy centers that now see the vast majority of women in this situation. The result could be a higher percent of abortions in ND. That is of our primary concern and I hope yours as well. May God lead, guide and direct you as you serve God, life and country.

Respectfully,
Tim Lindgren

Q

NORTH DAKOTA LIFE LEAGUE

1336 25 Ave S Ste 207
Fargo ND 58103
(701) 293-6221
ndlife@linkup.net

**Madam Chairman Clara Sue Price
and Members of the Human Services Committee,**

Thank you for the generous portion of time and interest that you devoted to discussing SB's 2354 and 2361, the alternatives-to-abortion companion bills. These follow-up comments are meant to assist you in making and defending your position.

This FAX memo contains the following information for your convenience:

- A clarification of the reasons we oppose SB's 2354 in it's entirety and SB 2361 in part (the toll-free telephone number program).
 - Not about position on abortion, but rather socialization of service currently provided by private agencies
 - The abortion decision is primarily a moral decision that necessarily requires moral discussion, something restricted by well-established court opinions
 - This service is not an appropriate function of government and is best served by religious organizations
 - Primary crisis pregnancy centers do not want government funds
 - Secularized agencies would not be as effective
 - Secularized agencies would supplant current pregnancy centers
- We wish to restate our concern that the "Real Alternatives website" is misleading with respect to the pages describing the abortion procedures and medical risks of abortion and may have the effect of influencing women to choose abortion.
- Additional information as related to why the number of abortions went up in North Dakota in 1998, 1999 and most likely in 2000
 - A new surgical abortion center opened in July 1998.
 - Increase advertising (Copy of advertisements for abortion from US West Dex "YELLOW PAGES" attached.)
 - Lower cost of abortions, prices slashed from \$500 per abortion to \$200 per abortion.
 - Long-standing surgical abortion center closes in January 2001 returning ND to one surgical abortion center as was the case prior to 1998.
- We have enclosed the statistics provided by the Department of Health in PA that do not indicate any significant decrease in the numbers of abortions as compared to the last 20-year's statistical records.
 - Multi-million dollar program
 - There is no evidence to support assertion that this program is responsible for reducing numbers of abortion
- SB 2354 and the "toll-free telephone number" portion of SB 2361 may lend incentive and support to federalizing, socializing and secularizing pregnancy care.

Clarification of our reasons for opposing SR's 2354 and 2361. First, I want to more clearly restate the principle reasons for our opposition to these bills and why we do not believe these bills will achieve their stated and perceived objectives.

1. These bills are NOT about whether you are for or against abortion. These bills are about whether you want to socialize (government funding of) crisis pregnancy care.
2. Do you want to expand the roll of state and federal government? The proponents of this bill stated that this type of legislation has been proposed at the federal level. They have requested that the appropriation of SB 2354 be increased from \$200,000 to \$500,000, even before it has become law. This is increasing the size of state government even while efforts are underway with broad public support for reducing the tax burden and reducing the size of government.
3. These bills go beyond the normal question of what role the state government has in providing certain services. The decision of whether to abort a baby or not, is first and foremost a moral question, as opposed to providing assistance for basic necessities such as medicine or food. This is a life and death decision. Counselors need -- at their disposal and discretion -- the full freedom of religious expression and speech. This is not possible with the current court interpretations and opinions regardless of language in the bill to the contrary (Court interpretations -- as applied -- currently trump legislative language). Irrespective of any political affiliations, our position is that such moral decisions are best handled in an atmosphere free of religious or moral restrictions and limitations.
4. The website for the Real Alternatives program in PA causes us great concern. The web pages that describe first, second and third trimester abortion use the softest and warmest possible adjectives to describe the surgical abortion procedures. Additionally, under the title of "abortion information-medical risks," this web page does not give the medical risks of abortion as one would expect; rather it gives the medical risks of childbirth in graphic detail highlighting six different ways that women die from childbirth, infer two other circumstances that women may die from childbirth and uses strong adjectives to describe serious complications that may result from childbirth. This is more than objectivity. This is deception that could potentially and unduly scare women about going through childbirth and thus, potentially encourage them to abort their baby. This only further substantiates our assertion that if this is the kind of information that is required to meet objectivity standards that accompany government funds, the state and perceived intentions of this bill will be more than frustrated, they may actually encourage abortion over childbirth.
5. The primary crisis pregnancy centers (all privately supported) almost unanimously say they do not want government funds for the very reasons we oppose the bill. Basically, by enactment of this bill, you would be supplanting a religiously motivated and privately funded service (that have been very successful) with a government-funded service that -- in our opinion -- would be less effective.
6. We oppose SB 2354 in its entirety in principle irrespective of the amount of the appropriation and irrespective of whether the toll-free telephone number is attached to this bill as discussed. We oppose any amendments to increase the funding from \$200,000 to \$500,000

7. We oppose SB 2361 as written to include the toll-free telephone number. We would support an amendment to SB 2361 to remove the toll-free telephone number from this bill. We support the publishing and printing of the pictures depicting fetal development on a regular basis and would support SB 2361 only if the toll-free number aspect is removed from the bill.

The premise upon which the need for this bill is based. I want to stress that the most logical conclusion is that the opening of a second surgical abortion center in Fargo is the reason for what I believe, hope and pray will be a short-lived and temporary increase in the numbers of abortions in North Dakota.

Why would that be? First of all, to the credit of the people of this state (as compared to other states,) there was just one surgical abortion center in the state prior to 1998. When a second abortion center opened, it more than doubled the advertising in the state. With one surgical abortion center there really wasn't any advertising. But with the opening of the second abortion center, both abortion centers stepped up their advertising in order to recruit business from the limited number of women who would consider abortion in this state. Unfortunately, this led to more abortions.

Since the longest standing surgical abortion center closed their doors in January, 2001, I think given similar efforts continue to be made – and all indications are that they will – the numbers will return to their former downward trend.

Questioning the success of the alternatives to abortion program in Pennsylvania.

Proponents of this bill assert that the Real Alternatives Program in PA has had phenomenal success in reducing the numbers of abortions in PA. The statistics provided by the Department of Health in PA do NOT indicate any significant decrease in the numbers of abortion as compared to the last 20-year's statistical records.

For your convenience I have included the statistical record of the numbers of abortions in Pennsylvania (per Dept. of Health in the state of PA). The number of babies killed by abortion has gone down in numbers in all but three years since 1980. Not as significantly as in ND (about a 50% reduction as compared to a 60 percent reduction in ND) but nonetheless significantly and just as consistently. Here are the numbers:

1980	61,064		
1981	58,820	-2244	-3.7%
1982	56,901	-1919	-3.3%
1983	55,726	-1175	-2.1%
1984	56,462	+736	+1.3%
1985	51,054	-5,408	-9.6%
1986	49,537	-1,517	-3.0%
1987	48,931	-606	-1.2%
1988	47,802	-1,129	-2.3%
1989	48,274	+472	+1.0%
1990	49,076	+802	+1.7%
1991	47,750	-1,326	-2.7%
1992	45,847	-1,903	-4.0%
1993	45,198	-649	-1.4%
1994	39,628	-5,570	-12.3%
1995	37,173	-2,455	-6.2%
1996	36,158	-1,015	-2.7%
1997	35,478	-680	-1.9%
1998	33,954	-1,524	-4.3%
1999	32,863	-1,091	-3.3%

{ 3.2%

Program Begins

} 3.2%

The average percent reduction since the program began in 1997 is 3.2 percent. The average percent reduction prior to the PA program is exactly the same, 3.2 percent (keep in mind that this percent includes three years where the numbers of abortions went up.)

Strictly, looking at the numbers of abortions, there is NO indication that the funding of this program has decreased the numbers of abortions. One, it is too early to tell. Two, an increase in the number of abortions in any year to follow would likely render the PA program less effective than the privately funded pregnancy care prior to the PA program. Three, any reduction or increase in numbers is likely more affected by other influences (as logic suggests in ND) than the new PA program.

For example: There were three years (prior to the program) that had a higher percent reduction than did any year following the implementation of the program; there were five years prior to 1997 where the numbers were higher than those in 1999 (post-PA Program) and eleven years where the numbers were higher prior to 1997 than the average percent reduction in 1997 (post-PA Program).

The bottom line is that there is no strong indication one way or another that the PA program has reduced the number of abortion more than they would have been reduced irrespective of the PA program. What is clear is that it is a multi-million dollar program and that clearly there has NOT been a significant reduction in the numbers of abortions as compared to the states latest 20-year statistical history.

Please vote NO on SB 2354 and please amend SB 2361 to remove the toll-free telephone number aspect of the bill and then pass the remaining portion of SB 2361 that reprints the color picture, that depict the various stages of embryonic development during pregnancy. Thank you for your considerations.

Analysis by Tim Lindgren
State Director
Lobbyist #241

SB 2354
4-2-01

12-7-16
counciling center.
Tel for services.

TANF Block Grant
Revenue / Estimated Expenditures
2001 - 2003 Biennium

<u>TANF Block Grant</u>	<u>Estimated Expenditures 2001 - 2003</u>	<u>Estimated CarryForward to 2003 - 2005</u>
REVENUE		
2001	18,707,784	18,707,784
2002	26,399,809	26,399,809
2003	<u>19,709,856</u> ²⁾	<u>10,608,274</u> ²⁾
	<u>64,807,459</u>	<u>56,013,877</u>
		<u>8,893,582</u>

1.) Carryforward Estimate Due to Reauthorization.

Total	Federal	General	Special
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ESTIMATED EXPENDITURES

Assistance to Needy Families

TEEM Benefit	25,651,058	11,175,651	3,950,382	10,525,123
TANF Child Care	5,657,871	5,657,871		

Job Preparation

TANF Work Activity - Sp Pymis	3,058,671	3,058,671		
JOBS - Transportation	1,880,379	1,811,488	38,523	12,370
JOBS - Client Services	4,022,316	4,022,318		
JOBS - Support Services	920,552	920,552		
Subtotal	9,861,918	9,613,025	38,523	12,370

Formation & Maintenance of Families

Family Focused Services	1,902,500	1,902,500		
Child Abuse & Neglect Investigations	777,500	777,500		
Parent Aid	1,328,000	1,328,000		
Intensive In-Home Services	655,995	655,995		
Foster Care Emergency Assistance	11,584,889	11,584,889		
Subtotal	16,226,884	16,226,884		

Other

Systems Maint. & Operations	2,396,518	2,396,518		
Systems - Financed Development	502,729	502,729		
County:				
Emergency Assist. - Case Mgmt.	3,891,038	3,891,038		
TANF Assessments	720,000	720,000		
Subtotal	7,510,285	7,510,285		

Administration

JOBS Contract Admin.	418,328	418,328		
State Office Admin.	2,117,485	2,117,485		
County Admin.	3,094,468	3,094,468		
Subtotal	5,630,281	5,630,281		

Child Care MOE

Subtotal	2,034,072			2,034,072
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Total Estimated Expenditures

	72,572,347	56,013,877	3,986,805	12,571,565
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**TANF Block Grant
Revenue / Estimated Expenditures
2001 - 2003 Biennium**

	<u>Total</u>	<u>Federal</u>	<u>Non-Federal</u>
<u>Administration Ceiling</u>			
Federal Expenditures	56,013,877	56,013,877	-
General Fund	3,986,906	-	3,986,906
Special Fund	12,571,565	-	12,571,565
Total Estimated Expenditures	72,572,347	56,013,877	16,558,470
15% Admin. Limitation	10,886,863	6,402,082	2,483,771
Less: Admin. Expenditures *	5,630,281	5,630,281	-
Admin. Under (Over) Ceiling	5,256,572	2,771,801	2,483,771

* TANF Admin. Expenditures are estimated to be 7.8%.

	<u>Total</u>	<u>1999 - 2001</u>	<u>2001 - 2003</u>	<u>2003 - 2005</u>
<u>MOE Expenditures</u>				
FFY 01 TANF	8,052,324	6,797,861	1,254,463	-
Child Care	1,017,038	1,017,038	-	-
Subtotal	9,069,360	7,814,897	1,254,463	-
FFY 02 TANF	8,052,324	-	8,052,324	-
Child Care	1,017,038	-	1,017,038	-
Subtotal	9,069,360	-	9,069,360	-
Total MOE Requirement	18,138,720	7,814,897	10,323,823	-
<u>Additional Non-Federal Budget:</u>				
FFY 03 TANF	5,217,611	-	5,217,611	-
Child Care	1,017,038	-	1,017,038	-
Subtotal	6,234,647	-	6,234,647	-
Budgeted Non-Federal	24,373,367	7,814,897	16,558,470	-

2.) FFY 2002 is the 8th and final year of the TANF block grant allotment as authorized under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It is unknown what federal funds will be appropriated for 2003 with the passage of new federal legislation. Also unknown is the amount of state match or MOE that maybe required for 2003.



"Barnett, Robert A."
<rbarnett@state.nd.us>
>

To: "Bellew, Larry D." <lbellew@state.nd.us>
cc:
Subject: RE: Title 10 monies

04/11/01 01:54 PM

Representative Bellew,

I have listed below the Title 10 grants for the year ending June 30, 2001.

I have also provided the objectives, uses and use restrictions for the Title 10 program.

If I can provide additional information, please do not hesitate to call on me.

Thank you, Bob

Central Valley Health Unit	\$53,678.00
Community Action & Development, Dickinson	78,446.00
Custer District Health Unit	103,485.00
Fargo Cass Public Health	82,287.00
First District Health Unit	70,954.00
Lake Region District Health Unit	93,086.00
Richland County Health Department	62,654.00
Upper Missouri District Health Unit	66,333.00
Valley Health & WIC	96,883.00
Total	\$707,806.00

OBJECTIVES:

To provide educational, counseling, comprehensive medical and social services necessary to enable individuals to freely determine the number and spacing of their children, and by so doing helping to reduce maternal and infant mortality, promote the health of mothers and children, and increase services to males.

USES AND USE RESTRICTIONS:

Grants must be used for family planning services including contraceptive services, infertility services and special services to adolescents. Family planning services include information on all medically approved methods of contraception including natural family planning methods; counseling services, physical examinations including cancer detection and laboratory tests; STD and HIV prevention education, screening and referral; contraceptive supplies, and periodic follow-up examinations. Infertility services include assessment, information, education, and arrangements for referral if necessary. Special services to adolescents include in-depth information, education counseling, and referral to and from other social and medical service agencies, and such ancillary services as are necessary to facilitate clinic attendance for adolescents who need contraceptive services. These family planning services must be available without coercion and with respect for the privacy, dignity, social and religious beliefs of the individuals being served. To the extent possible, entities which receive grants under this subsection shall encourage family participation in projects assisted under this subsection. Funds may not be used in programs where abortion is a method of family planning. Funds may not be used for purchase or construction of buildings; salaries of personnel paid from other Federal grant funds; and certain other miscellaneous items as specified in the regulations. Priority in the provision of services will be given to persons from low-income families.

-----Original Message-----

From: Larry D. Bellew [mailto:lbellew@state.nd.us]
Sent: Wednesday, April 11, 2001 9:24 AM
To: Robert A. Barnett
Subject: Title 10 monies

Dear Bob,

I am requesting information on Title 10 dollars. I am interested in how much each unit in the state gets and how it is used. Your response to this will be much appreciated.

Rep. Larry Bellew
Dist. 38, Minot



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Jim Costa
State Senator
California
President, NCSL

Diane Rotender
Director, Legislative Service Bureau
Linda
Staff Chair, NCSL

William T. Pound
Executive Director

MEMORANDUM

To: Senator Tim Mathern, Senator Aaron Kautner
From: Sheri Steisel, Federal Affairs Counsel, NCSL
Date: April 18, 2001
Subject: Use of TANF funds

In response to your request, this memorandum describes, in brief, the federal rules regarding TANF expenditures. In general, the decision on how to use TANF funds is left up to the state in accordance with federal statute and regulation. State legislatures have appropriation authority over TANF, and can direct agencies to develop services or programs targeted at specific groups.

All federal TANF block grant and state MOE expenditures must be made to accomplish one of the four purposes of the law.

- Provide assistance to *needy* families;
- End dependence on welfare by promoting job preparation, work and marriage for *needy* families;
- Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- Encourage the formation and maintenance of two-parent families.

Eligibility

Whether a program requires an income eligibility or not depends on which purpose of TANF is being met. States define who is eligible to receive services and they can have different standards of eligibility for different forms of services.

- If your idea meets purpose 1 and/or 2, state must set an eligibility level for federal TANF funds. States can set eligibility for as many different programs as they create, eligibility need not be the same for each program, nor does it need to have a direct correlation with TANF eligibility.
- If your idea meets purpose 3 and/or 4, no eligibility level needs to be set to use federal TANF funds. States can serve expanded populations without regard to income—teens, custodial parents, and noncustodial parents. States can serve those who have been on welfare, those who have transitioned off welfare and those who have never been on welfare.
- All state maintenance of effort funds expenditures must have an eligibility requirement

States define the criteria to determine who is eligible. There does not need to be a direct connection to cash-assistance eligibility and there are no spending caps for serving particular populations. A state can choose to establish different levels of eligibility for different types of services. For example, a state can choose to have one eligibility standard for cash assistance but may establish a different threshold for employment services or support services like transportation and child care.

Final regulations issued by HHS clarify that federal time limits and work requirements apply only for programs or services that have are used to meet on-going basic needs—cash assistance, vouchers or assistance used to meet ongoing basic needs. States must report quarterly on the amount of federal and state funds that they have spent.

It is left up to the states to make policy judgements about the use of TANF. If something is not specifically addressed in law or regulation, then “reasonable interpretation” is the standard used by the HHS regional office.

The law also allows contracting with for profit, non-profit and faith-based providers. This decision is left up to the states. Under the provisions of the statute, commonly referred to as “charitable choice”, states can choose to allow faith-based providers to provide federally funded services under TANF on the same basis as other nongovernmental providers. However, the religious organization may not use direct government aid for sectarian worship, instruction, or proselytization (if the aid is received in the form of vouchers, this restriction does not apply). According to the Congressional Research Service, while there have been some legal challenges to charitable choice, final judgements have not been rendered.

**How SB 2354 (Senate Version) Rationally Furthers
Third and Fourth Purposes of TANF**

Services Provided by Service Providers (Based on Reported Services in Pennsylvania's Program)	Prevent and Reduce Out-of-Wedlock Pregnancy	Encourage Formation and Maintenance of Two-Parent Families
Adoption		YES
Childbirth		YES
Grief	YES	YES
Pregnancy	YES	YES
Breast Feeding	YES	
Childcare		YES
Pantry Needs Assessment		YES
Parenting Skills		YES
Post-delivery Stress	YES	YES
Abstinence	YES	
Decision Making	YES	YES
Drug/Alcohol	YES	YES
Relationship	YES	YES
STD Information	YES	
Abuse (Emotional)	YES	YES
Abuse (Physical)	YES	YES
Abuse (Sexual)	YES	YES
Education		YES
Financial/Job		YES
Housing		YES
Legal		YES
Medical/Health Referrals	YES	
Mentoring	YES	YES
Stress Management		YES
Father/Partner Support		YES

How SB 2354 (Senate Version) Rationally Further TANF Purposes

Services Provided (Based on Reported Services in Pennsylvania's Program)	Help Needy Families so Children can Live in own Homes	Help Needy Parents end Dependence; Promote Job Preparation, Work, Marriage	Prevent and Reduce Out-of-Wedlock Pregnancy	Encourage Formation and Maintenance of Two-Parent Families
Adoption		YES		YES
Childbirth	YES			YES
Fetal Development	YES			
Grief	YES	YES	YES	YES
Nutrition	YES			
Pregnancy	YES	YES	YES	YES
Breast Feeding	YES		YES	
Childcare	YES	YES		YES
Pantry Needs Assessment	YES	YES		YES
Parenting Skills	YES	YES		YES
Post-delivery Stress	YES	YES	YES	YES
Abstinence			YES	
Decision Making	YES	YES	YES	YES
Drug/Alcohol	YES	YES	YES	YES
Relationship	YES	YES	YES	YES
STD Information			YES	
Abuse (Emotional)	YES	YES	YES	YES
Abuse (Physical)	YES	YES	YES	YES
Abuse (Sexual)	YES	YES	YES	YES
Education	YES	YES		YES
Financial/Job	YES	YES		YES
Housing	YES	YES		YES
Legal	YES	YES		YES
Medical/Health	YES		YES	
Mentoring	YES	YES	YES	YES
Stress Management	YES	YES		YES
Father/Partner Support	YES	YES		YES
Client's Mother Support	YES	YES		

Services Received by Women through SB 2354 (Senate Version) and Purposes of TANF

Type of Client	Receives	TANF Purposes Met (Depending on Woman's Circumstances)
Woman Not Pregnant	Counseling/mentoring on lifestyle choices, abstinence, decisionmaking, alcohol/drug use, relationships, STDs, Abuse	Third
Woman Pregnant, Unmarried, no committed Partner	Counseling/mentoring on adoption, childbirth, fetal development, nutrition, pregnancy, childcare, abortion, decisionmaking, Pantry Needs Counseling/mentoring on lifestyle choices, abstinence, decisionmaking, alcohol/drug use, relationships, STDs, abuse, Assistance with education, jobs, finances, housing, legal, health, stress	First, Second, Third
Woman Pregnant, Married or committed partner	Counseling/mentoring on adoption, childbirth, fetal development, nutrition, pregnancy, childcare, abortion, decisionmaking, Pantry Needs Counseling/mentoring on lifestyle choices, abstinence, decisionmaking, alcohol/drug use, relationships, STDs, abuse, Assistance with education, jobs, finances, housing, legal, health, stress Parenting Skills	First, Second, Fourth
Woman with Child under one year	Counseling/mentoring on Nutrition, childcare, decisionmaking, Pantry Needs Counseling/mentoring on lifestyle choices, abstinence, decisionmaking, alcohol/drug use, relationships, STDs, abuse, Assistance with education, jobs, finances, housing, legal, health, stress Parenting Skills	First, Second, Third, Fourth
Spouse or Partner	Counseling/mentoring on lifestyle choices, abstinence, decisionmaking, alcohol/drug use, relationships, STDs, abuse, Assistance with education, jobs, finances, housing, legal, health, stress Parenting Skills	First, Second, Fourth

Purposes of TANF: (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (4) to encourage the formation and maintenance of two-parent families.