

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE CONCURRENT RESOLUTION NO. 3038  
(Representatives Warnke, Carlson, Kerzman)  
(Senators Erbele, Krauter)

A concurrent resolution urging Congress to permit states to enact prohibitions on the use of federal family planning funds by private and public agencies.

**WHEREAS**, title X of the federal Public Health Service Act [Pub. L. 91-572; 84 Stat. 1506; 42 U.S.C. 300] provides grants to public and private agencies for family planning programs; and

**WHEREAS**, title X and its corresponding regulations require that agencies receiving title X funds provide counseling on, and referrals for, abortion; and

**WHEREAS**, the State of North Dakota, reflecting a policy of favoring childbirth over abortion, has enacted section 14-02.3-02, prohibiting the use of state and federal funds for family planning by any person or public or private agency that performs, refers, or encourages abortion; and

**WHEREAS**, the federal preemption clause prevents the state from enforcing section 14-02.3-02 if a person or agency receives any title X funds; and

**WHEREAS**, the federal government provides title X grants to both public and private agencies, thereby compelling states to accept title X grants or lose the funds to private agencies with less accountability to the people of North Dakota;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to permit states to enact prohibitions on the use of grants provided under title X of the federal Public Health Service Act [Pub. L. 91-572; 84 Stat. 1506; 42 U.S.C. 300] by public and private agencies operating in the state; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation.

\_\_\_\_\_  
Speaker of the House

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President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

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Secretary of the Senate

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State