

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2354

Introduced by

Senators Krauter, Erbele, Heitkamp

Representatives Fairfield, Hunskor, Renner

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota
2 Century Code, relating to an alternatives-to-abortion services program; and to provide an
3 appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 50-06 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Alternatives-to-abortion services program.**

8 1. The department of human services shall establish and operate a program to
9 provide alternatives-to-abortion services to eligible individuals.

10 "Alternatives-to-abortion services" are those services that provide information,
11 counseling, and support services that assist women to choose childbirth and to
12 make informed decisions regarding the choice of adoption or parenting with
13 respect to their children.

14 2. An eligible individual is:

15 a. A woman who is pregnant or who reasonably believes she may be pregnant;

16 b. The parent or legal guardian of an infant under twelve months of age; or

17 c. The spouse or other partner of an individual described in subdivision a or b.

18 3. The department shall contract with a nonprofit private entity that, under the
19 contract, is designated as the prime contractor and has the principal responsibility
20 for administering the program, including subcontracting with service providers.

21 4. The prime contractor shall subcontract with service providers for reimbursement of
22 alternatives-to-abortion services provided to eligible individuals on a fee-for-service
23 basis.

- 1 5. The prime contractor may expend funds to administer the program, reimburse
2 service providers, and to provide additional supportive services to assist providers
3 in providing alternatives-to-abortion services to eligible individuals, including
4 providing for a toll-free referral system, advertising alternatives-to-abortion
5 services, purchasing educational materials, and providing grants for new sites and
6 new project development. An entity may not become a prime contractor unless it
7 has a stated policy of actively promoting childbirth instead of abortion.
- 8 6. An entity may not become a service provider unless it operates a service provider
9 project that has a stated policy of actively promoting childbirth instead of abortion
10 and its project is physically and financially separate from any entity that advocates,
11 performs, counsels for, or refers for abortion.
- 12 7. No prime contractor or service provider project may perform an abortion, counsel
13 for or refer for abortion, or advocate abortion.
- 14 8. The prime contractor shall reimburse service providers for alternatives-to-abortion
15 services provided to eligible individuals. Service providers may not be reimbursed
16 for providing inpatient hospital services, making cash payments to intended
17 recipients of services, purchasing or improving land, or purchasing, constructing,
18 or permanently improving, other than minor remodeling, any facility.
- 19 9. A religious organization is eligible, on the same basis as any other
20 nongovernmental organization, as a contractor to provide services so long as the
21 program is implemented consistent with the Constitution of the United States and
22 the Constitution of North Dakota. The department may not discriminate against an
23 organization that is or applies to be a contractor on the basis that the organization
24 has a religious character.
- 25 10. A religious organization acting as a prime contractor or service provider retains its
26 independence from state and local governments, including the organization's
27 control over the definition, development, practice, and expression of its religious
28 beliefs. The department may not require a religious organization to alter its form of
29 internal governance or remove religious art, icons, scripture, or other symbols.
- 30 11. A religious organization that provides services may require that its employees
31 providing assistance under the program adhere to the religious tenets and

- 1 teachings of the organization, and the organization may require that those
2 employees adhere to rules forbidding the use of drugs or alcohol.
- 3 12. If an eligible individual objects to the religious character of the organization from
4 which the individual receives, or would receive, alternatives-to-abortion services,
5 the department shall provide the individual, within a reasonable period of time after
6 the date of the objection, with the names and addresses of alternative service
7 providers that offer a range of services similar to those offered by the original
8 service provider. Eligible individuals receiving alternatives-to-abortion services
9 must be provided with notice of the rights of these individuals under this section.
- 10 13. The state may audit a religious organization's use of funds under this section in the
11 same manner it would audit a nonreligious organization's use of funds under this
12 section. If the organization has segregated the funds received under this section
13 into separate accounts, only those separate accounts are subject to audit.
- 14 14. No grant funds obtained pursuant to this section may be expended for sectarian
15 worship, instruction, or proselytization.
- 16 15. This section does not preempt any provision of the Constitution of North Dakota or
17 state law which prohibits or restricts the expenditure of state funds by religious
18 organizations.

19 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys from special
20 funds derived from federal funds and other income for the temporary assistance to needy
21 families program, the sum of \$200,000, or so much of the sum as may be necessary, to the
22 department of human services for the purpose of establishing and operating an
23 alternatives-to-abortion services program, for the biennium beginning July 1, 2001, and ending
24 June 30, 2003.