

2023 SENATE HUMAN SERVICES

SB 2129

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2129
1/23/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

11:06 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Abortion funds
- Abortion programs

11:07 AM **Senator Myrdal** introduced SB 2129 testimony in favor.

11:15 AM **Christopher Dodson, Executive Director, North Dakota Catholic Conference,** testified in favor. #15121, #15701

11:30 AM **Sierra Heitkamp, Legislative Director and General Consultant North Dakota Right to Life** testified in favor. #15520

11:32 AM **Mark Jorritsma, Executive Director, ND Family Alliance Legislative Action** testified in favor. #15314

Additional written testimony:

Melissa Hauer, General Counsel/Vice President, North Dakota Hospital Association in favor #15005

Kayla Schmidt, Interim Executive Director, North Dakota Women's Network in opposition #15341

11:34 AM **Madam Chair Lee** closed the hearing.

11:37 AM **Senator Cleary** adjourned.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2129
2/6/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

11:25 AM **Madam Chair Lee** called the meeting to order.

Senators Lee, Cleary, Clemens, K. Roers, Weston and Hogan were present.

Discussion Topics:

- Fiscal federal funds
- Current funds
- Temporary Assistance for Needy Families (TANF)
- Reimbursements

Madam Chair Lee provided information on the progress of the bill and opened meeting up for discussion.

Committee discussed.

11:44 AM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2129
2/6/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

2:56 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston** are present. **Senators Hogan, K. Roers** were absent.

Discussion Topics:

- Post birth
- Pre birth
- Alternative
- Resource centers
- Fee for service programs

2:57 PM **Christopher Dodson, Executive and General Counsel, North Dakota Catholic Conference**, handout of **Senator Hogan #19334**

3:03 PM **Kim Mertz, North Dakota Department of Health and Human Services**, provided information verbally.

3:15 PM **Cory Pederson, Children and Family Services ND Department of Health and Human Services** provided information verbally.

3:26 PM **Josh Teigen, Commissioner of Commerce**, provided information verbally.

Additional Testimony:

Michelle Gee, Economic Policy Division Director, North Dakota Department of Health and Human Services in neutral #19329, #19330

Senator Weston moves to adopt Amendment. LC 23.0136.02001
Senator Clemens seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	AB
Senator Kent Weston	Y

Motion Passed 4-0-2

Senator Weston moves **DO PASS** as **AMENDED** and **REREFER TO APPROPRIATIONS.**

Senator Clemens seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	AB
Senator Kent Weston	Y

Motion Passed 4-0-2.

Note: Held vote open for **Senator K. Roers**; **Senator K. Roers** voted **Nay** at 4.30 PM on 2/6/2023.

Senator Clemens will carry SB 2129.

3: 59 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

February 6, 2023

AK
2-6-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2129

Page 1, line 19, after "services" insert "and post-abortion services"

Page 2, line 27, after the second comma insert "and from special funds derived from the American Rescue Plan Act or other federal funds and other income,"

Page 2, line 27, replace "\$1,600,000" with "\$4,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 19, after "services" insert "and post-abortion services"

Page 2, line 27, after the second comma insert "and from special funds derived from the American Rescue Plan Act or other federal funds and other income,"

Page 2, line 27, replace "\$1,600,000" with "\$4,000,000"

Renumber accordingly

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2129
2/6/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.
--

4:28 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston,** are present. **Senator Hogan** was absent.

Discussion Topics:

- Roll call vote held open for **Senator K. Roers**
- Note: Held vote open for **Senator K. Roers**; **Senator K. Roers** voted **Nay** at 4.30 PM on 2/6/2023.

4:30 PM **Senator K. Roers** voted **Nay** on 2/6/2023.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	N
Senator Kent Weston	Y

The motion passed 4-1-1.

4:31 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE APPROPRIATIONS

SB 2129

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations

Rough Rider Room, State Capitol

SB 2129
2/16/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the Department of Health and Human Services to establish and maintain the alternatives-to-abortion program.

8:25 AM Chairman Bekkedahl called the meeting to order.

Members present: Senators Bekkedahl, Burckhard, Davison, Dever, Dwyer, Erbele, Krebsbach, Kreun, Mathern, Meyer, Roers, Schaible, Sorvaag, Wanzek, Vedaa, and Rust are present.

Discussion Topics:

- Department of health and human services
- Bill introduction
- Abortion choices
- Funding source

8:26 AM Senator Myrdal introduced SB 2129 testimony in favor #20983.

8:43 AM Senator Sorvaag moved to adopt an amendment to change the appropriation to \$1,000,000. The drafted amendment is LC 23.0136.03001.
Senator Davison seconded.

Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 16-0-0.

8:45 AM Senator Mathern moved DO PASS AS AMENDED.
Senator Kreun seconded the motion.

Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 16-0-0.

Senator Mathern will carry the bill.

8:48 AM Chairman Bekkedahl closed the meeting.

Patricia Lahr on behalf of Carol Thompson, Committee Clerk

DR
1/21
2-16-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2129

Page 2, line 27, remove "and from special funds derived"

Page 2, line 28, remove "from the American Rescue Plan Act or other federal funds and other income,"

Page 2, line 29, replace "\$4,000,000" with "\$400,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 27, remove "and from special funds derived"

Page 2, line 28, remove "from the American Rescue Plan Act or other federal funds and other income,"

Page 2, line 29, replace "\$4,000,000" with "\$400,000"

Renumber accordingly

2023 HOUSE JUDICIARY

SB 2129

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2129
3/15/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

3:00 PM Chairman Klemin opened the hearing.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter.

Discussion Topics:

- Appropriation of funds.
- Amendment
- Medical services provided.
- Definition of medical services.

Senator Myrdal: Introduced the bill. Reference testimony #25344

Christopher Dobson: ND Catholic Conference. Testimony #25284

Mark Jorritsma, Family Alliance, Legislative Action. Testimony #25317

Sierra Heitkamp: ND Right to Life: Testimony #25296

Katrina Graczyk: No written testimony.

Duanna Red Elk: Testimony #25268

Michelle Gee, DHHS: No written Testimony.

The hearing closed at 4:00 PM.

Rep. S. Olson moved to amend by removing on page 1, line 19 & 20; post abortion services
Seconded by Rep. VanWinkle

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Landon Bahl	N
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	N
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Roll call vote: 7 Yes 6 No 0 Absent Motion failed

Rep. Vetter moved to amend Page 2, Line 27; delete \$400,000 and insert \$1.6 Million;
Seconded by Rep. Christensen

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	N
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	N
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote 10 Yes 3 No 0 Absent; Motion carried.

Rep. Satrom moved a Do Pass as Amended and rerefer to Appropriations
Seconded by Rep. Rios

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y

Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 11 Yes 2 No 0 Absent Motion carried.

Carrier: Rep. Satrom

The meeting closed at 4:31 PM.

Delores Shimek, Committee Clerk

23.0136.04002
Title.05000

Adopted by the House Judiciary Committee

March 15, 2023

AG
3-22-23
(1-1)

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2129

Page 2, line 27, replace "\$400,000" with "\$1,600,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129, as reengrossed: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2129 was placed on the Sixth order on the calendar.

Page 2, line 27, replace "\$400,000" with "\$1,600,000"

Renumber accordingly

2023 HOUSE APPROPRIATIONS

SB 2129

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Brynhild Haugland Room, State Capitol

SB 2129
3/30/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.
--

11:13 AM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Mock

Discussion Topics:

- Funding Program
- Alternative to Abortion

Representative Klemin- Introduces the bill and its purpose and shared a letter his committee has received (Testimony #27080)

Chris Dodson- Director ND Catholic Conference – Answers questions for the committee

11:26 AM Chairman Vigesaa Closed the meeting for SB 2129

Risa Berube, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2129
4/10/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

2:17 PM Chairman J. Nelson opened the meeting.

Roll call taken.

Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Kreidt, Mitskog, O'Brien, Schobinger, Strinden were present.

Discussion Topics:

- Alternatives to abortion
- Funding source
- Fiscal Note
- TANF Funding
- Women's Pregnancy Center
- Committee work

Representative Lawrence Klemin, District 47, Chairman of the House Judiciary Committee, spoke in favor of SB 2129, (#27411).

Chris Jones, Commissioner, Department of Health and Human Services, spoke in favor of SB 2129.

Michelle Gee, Director, Economic Assistance Division, Department of Health and Human Services, spoke in favor of 2129.

Christopher Dodson, Executive Director and General Counsel, ND Catholic Conference, spoke in favor of SB 2129.

2:49 PM Chairman J. Nelson closed the meeting.

Jan Kamphuis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2129
4/13/2023

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

3:43 AM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Bellew, Representative Martinson, Representative Nathe, Representative Sanford and Representative Schatz

Discussion Topics:

- Amendment

Chairman Vigesaa Opens discussion for SB 2129 and explains the amendment 23.0136.04003 (Testimony #27552)

Representative J. Nelson Move to adopt amendment 23.0136.04003

Representative G. Stemen Seconds the Motion

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	A
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	A
Representative Jon O. Nelson	Y

Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	A
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 18-0-5

Representative J. Nelson-Move for a Do Pass as Amended

Representative Meier- Seconds the Motion

Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	N
Representative Gary Kreidt	Y
Representative Bob Martinson	A
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	A
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	A
Representative Mike Schatz	A
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	y

Motion Carries 17-1-5 Representative J. Nelson will carry the bill

3:55 PM Chairman Vigesaa Closed the meeting for SB 2019

Risa Berube, Committee Clerk

SK
4/14
1261

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2129

In lieu of the amendments adopted by the House as printed on page 1306 of the House Journal, Reengrossed Senate Bill No. 2129 is amended as follows:

Page 2, line 27, replace "\$400,000" with "\$1,000,000"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2129 - DHHS - Other - House Action

	Base Budget	Senate Version	House Changes	House Version
Alternatives to abortion		\$400,000	\$600,000	\$1,000,000
Total all funds	\$0	\$400,000	\$600,000	\$1,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$400,000	\$600,000	\$1,000,000
FTE	0.00	0.00	0.00	0.00

Department 325 - DHHS - Other - Detail of House Changes

	Increases Funding for Alternatives to Abortion ¹	Total House Changes
Alternatives to abortion	\$600,000	\$600,000
Total all funds	\$600,000	\$600,000
Less estimated income	0	0
General fund	\$600,000	\$600,000
FTE	0.00	0.00

¹ Funding is increased by \$600,000 from the general fund to provide ongoing funding of \$1 million from the general fund to the Department of Health and Human Services to establish and maintain an alternatives-to-abortion program.

REPORT OF STANDING COMMITTEE

SB 2129, as reengrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). Reengrossed SB 2129 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1306 of the House Journal, Reengrossed Senate Bill No. 2129 is amended as follows:

Page 2, line 27, replace "\$400,000" with "\$1,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2129 - DHHS - Other - House Action

	Base Budget	Senate Version	House Changes	House Version
Alternatives to abortion		\$400,000	\$600,000	\$1,000,000
Total all funds	\$0	\$400,000	\$600,000	\$1,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$400,000	\$600,000	\$1,000,000
FTE	0.00	0.00	0.00	0.00

Department 325 - DHHS - Other - Detail of House Changes

	Increases Funding for Alternatives to Abortion ¹	Total House Changes
Alternatives to abortion	\$600,000	\$600,000
Total all funds	\$600,000	\$600,000
Less estimated income	0	0
General fund	\$600,000	\$600,000
FTE	0.00	0.00

¹ Funding is increased by \$600,000 from the general fund to provide ongoing funding of \$1 million from the general fund to the Department of Health and Human Services to establish and maintain an alternatives-to-abortion program.

2023 CONFERENCE COMMITTEE

SB 2129

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2129
4/21/2023
Conference Committee

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.
--

3:32 PM **Chair Cleary** opened the conference committee meeting. **Senators Cleary, Clemens, Davison and Representatives Schneider, Stemen** were present. **Representative SuAnn Olson** was absent.

Discussion Topics:

- Proposed amendment

Senator Cleary calls for discussion.

Committee discussion SB 2129.

Senator Cleary provided an email from Senator Lee. #27804

3:45 PM **Chair Cleary** closed the conference committee meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2129
4/22/2023
Conference Committee

Relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

10:05 AM **Chair Cleary** opened the conference committee meeting. **Senators Cleary, Clemens, Davison and Representatives SuAnn Olson, Schneider, Stemen** were present.

Discussion Topics:

- Proposed amendment
- Conference committee decision

Senator Cleary called for discussion.

Committee discussion SB 2129.

Senator Davison moved Senate accede to House Amendments.

Representative Stemen seconded the motion.

Roll call vote - motion passed 5-0-1.

Representative SuAnn Olson is the House bill carrier.

Senator Cleary is the Senate bill carrier.

10:07 AM **Chair Cleary** closed the conference committee meeting.

Patricia Lahr, Committee Clerk

Date April 22, 2023

Roll Call Vote #: 1

**2023 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2129 as reengrossed

Senate Human Services Committee

Action Taken

- SENATE accede to House Amendments**
- SENATE accede to House Amendments and further amend**
- HOUSE recede from House amendments**
- HOUSE recede from House amendments and amend as follows**
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Davison Seconded by: Stemen

Senators		4/22		Yes	No	Representatives		4/22		Yes	No
Cleary, Chair		X		Y		SuAnn Olson, Chair		X		Y	
Clemens		AB		AB		Schneider		X		Y	
Davison		X		Y		Stemen		X		Y	
Total Senate Vote				2		Total Rep. Vote				3	

Vote Count Yes: 5 No: 0 Absent: 1

Senate Carrier Cleary House Carrier Olson

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2129, as reengrossed: Your conference committee (Sens. Cleary, Clemens, Davison and Reps. S. Olson, Schneider, Stemen) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1698-1699 and place SB 2129 on the Seventh order.

Reengrossed SB 2129 was placed on the Seventh order of business on the calendar.

TESTIMONY

SB 2129



2023 SENATE BILL 2129
Senate Human Services Committee
Senator Judy Lee, Chairman
January 23, 2023

Chairman Lee and members of the Senate Human Services Committee, I am Melissa Hauer, General Counsel/VP, of the North Dakota Hospital Association (NDHA). I provide this testimony in support of Senate Bill 2129. We ask that you give this bill a **Do Pass** recommendation.

Hospitals support continued funding for alternatives-to-abortion programs. These programs provide a network of services to promote childbirth and support a woman and her family to help them make informed choices and give a range of services to support them throughout pregnancy and the first year of raising a baby.

Hospitals support funding to improve pregnancy outcomes by helping women to be able to choose sound health related behaviors thereby improving prenatal care and, ultimately, resulting in healthier babies and families.

In summary, we ask that you give the bill a Do Pass recommendation. Thank you for your consideration.

Respectfully Submitted,

Melissa Hauer, General Counsel/VP
North Dakota Hospital Association



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

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: Senate Human Services Committee
From: Christopher Dodson, Executive Director
Subject: Senate Bill 2129 - Alternatives to Abortion
Date: January 23, 2023

North Dakota Catholic Conference supports Senate Bill 2129 to expand and improve the Alternatives-to-Abortion program.

The Legislative Assembly authorized the Alternatives-to-Abortion program in 2005. (A history of the program is attached.) Since then, the program has served thousands of women. Correspondingly, during the same years, the percentage of North Dakota pregnant women who choose abortion has dramatically dropped.

The program basics are simple. The state partially reimburses maternity homes, adoption agencies, and pregnancy resource organizations for services that promote childbirth instead of abortion by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant.

Although the program has been successful, it falls short in three respects that are remedied by Senate Bill 2129.

First, the program only serves pregnant women or women who believe they may be pregnant. It does not include services provided after birth. Helping mothers, fathers, and infants during this time is an important part of providing alternatives to abortion and of giving families a healthy and supportive start.

Second, because the program is funded entirely through the Temporary Assistance for Needy Families (TANF) block grant, medical services are not reimbursed. Some of the providers are medical clinics and the restriction limits what services for which the clinic may seek reimbursement.

Third, the reliance on TANF funds has worked up to now, but it subjects the program to the uncertainties of the federal government and places pressure on the state's use of the block grant for other purposes.

Senate Bill 2129 addresses those shortfalls and sets the Alternatives to Abortion program on better footing for a post-*Dobbs* world.

The first part of SB 2129 revises the authorizing legislation by:

- Removing the requirement that the program funds come from the TANF block grant;

- Adds “medical services” within the meaning of “support services”; and
- Adds “parents or other relatives caring for children twelve months of age or younger” to the individuals who can receive services under the program.

Other than these changes, the definition and parameters of the program are substantially the same.¹

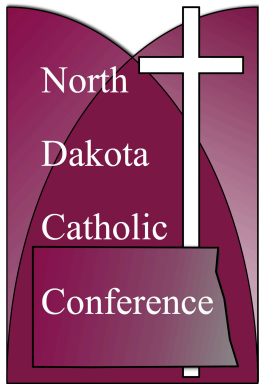
The new language on lines 5 through 24 results from the decoupling of the Alternatives to Abortion program from the TANF program. TANF has a built-in set of rules commonly called “charitable choice.” These rules protect the religious identity of the provider, prevent the use of the funds for strictly religious activities, and assure that if the recipient of services has an objection to the religious character of a provider, the Department of Health and Human Services will make reasonable efforts to provide an alternative provider.

The state and all providers in the Alternatives to Abortion program have operated under these rules since 2005. They would be lost, however, if the program is no longer funded through TANF. For that reason, SB 2129 codifies them into North Dakota law.

The final section provides an appropriation. The number is not set in stone. The current appropriation is \$600,000 a biennium. When considering the appropriation, please keep in mind that SB 2129 expands who can be served and slightly expands what services can be reimbursed. Moreover, please remember that whether or not North Dakota prohibits most abortions, the women and their needs still exist. Senate Bill 2129 enhances one of the best programs we have to help those who help them.

We urge a “Do Pass” recommendation on Senate Bill 2129.

¹ The one exception is that SB 2129 removes: “The services must be outcome-based with positive outcome-based results.” The language is awkward and representative of the types of services provided. In many cases, women come to the centers, receive services, and may not be seen again. It is sometimes impossible to know the outcomes. For that reason, the language is removed. Nevertheless, every provider does provide detailed information on the outcomes as they know them and this reporting would continue with or without the language. If these reports suffice to meet the languages requirements, the North Dakota Catholic Conference is not opposed to keeping the language.



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

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: Senate Human Services
From: Christopher Dodson, Executive Director
Subject: A Brief History of the Alternatives to Abortion Program
Date: January 23, 2023

The Legislative Assembly enacted the Alternatives to Abortion program in 2005. The legislation appropriated \$500,000 for the program and put a sunset date of June 30, 2007.

The program was reauthorized in 2007. The sunset date was removed and the appropriation was lowered to \$400,000 a biennium.

Every provider agrees to a number of requirements including:

- (a) Not to counsel for, refer for, encourage, or perform abortions, or knowingly refer an Alternatives to Abortions client to another person or agency for the purpose of receiving counseling for, referral for, encouragement for, or the performance of an abortion; and
- (b) Not to discriminate against Alternatives to Abortions client on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

In 2011 the Department of Human Services contracted with the Village for the administration of the program. The Village collects the invoices and reimburses the providers based on quarter hours. The Village also collects outcome information.

Between 2012 and 2015, the number of clients served nearly doubled from 602 to 1,194. The appropriation, however, did not increase and the program ran out of money before the end of the 2013-2015 fiscal biennium.

The appropriation was subsequently increased. The program has not run out of money in subsequent biennia, but the Village has devoted less money on outreach and advertising to ensure that enough funds exist for provider reimbursement.

The current appropriation is \$600,000 for the biennium. Approximately 1,300 women are served per year.

During the 2021 Special Session, the legislature directed \$1,500,000 of the federal recovery money to the Alternatives to Abortion program for distribution to the providers to reimburse for select projects. The one-time funding and program was called "A to A 2."

Participating providers include:

Christian Adoption Services – West Fargo/Bismarck
Catholic Charities ND – Fargo/Grand Forks/Bismarck/Minot

The Village Family Service Center – Fargo/Grand Forks/Bismarck/Minot Women’s Pregnancy Center – Grand Forks
Dakota Hope Clinic – Minot
Connect Medical Center – Dickinson
Women’s Care Center – Bismarck
Women’s Care Center – Fargo
Women’s Care Center – Devils Lake
The Perry Center – West Fargo
St. Gianna’s Maternity Home – Minto
Red River Youth for Christ
Uspire ND

Some organizations are eligible to participate but choose not to.

Some organizations, such as St. Gianna’s Maternity Home, participate but rarely receive reimbursement because they primarily serve women who have recently given birth.



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 2129

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 23, 2023

Madam Chair Lee and honorable members of the Senate Judiciary Committee. My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. We are submitting testimony in support of Senate Bill 2129 and respectfully request that you issue a "DO PASS" on this bill.

Similar to my testimony on Senate Bill 2230, North Dakota Family Alliance Legislative Action believes that as a state, we should assist expectant and new mothers. One effective way we have found to do this is through the Alternatives-to-Abortion program. However, this bill does many things, such as include medical services for reimbursement, expand the individuals who can be served, sets in law religious freedom protections for both the provider and the client, shifts funding from federal dollars to state dollars to avoid losing the funding, and increases the appropriation.

I am not a lawyer and certainly am not in a position to argue the merits of this bill based on case law or legal precedent. So let me state it this way. The Alternatives-to-Abortion program is successful. It provides women with help and hope, the centers that are part of the program like it, and this bill expands who they can serve. In essence, it's more of a good thing. As it states in Chapter 14-02 of the Century Code, commonly known as the Abortion Control Act:

14-02.1-01. Purpose. The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick.

And that is exactly what this bill does.

For all the aforementioned reasons, North Dakota Family Alliance Legislative Action asks that you issue a "DO PASS" recommendation on SB 2129. With that, I'd be happy to stand for any questions.



**Kayla Schmidt – Interim Executive Director, North Dakota Women’s Network
Opposition – SB 2129
North Dakota Senate Judiciary Committee**

January 23, 2023

Chair Larson and members of the Senate Judiciary Committee,

My name is Kayla Schmidt and I am the Interim Executive Director of the North Dakota Women’s Network. We are a statewide organization working towards improving the lives of women across North Dakota with the support of our members and advocates. I am providing testimony in opposition of Senate Bill 2129.

Our mission includes empowering women to take an informed role in their health care decisions. We rely on medical experts to guide us in making these personal choices.

Any program that involves medical services should be maintained by entities that specialize in those areas. SB 2129 allows for “medical services” to be included in the definition of “support services.” Whereas religious organizations may offer moral and spiritual support, and often acts as a connection to community support networks, they may lack the professional healthcare training; best practices policies; and ability to record, analyze, and report data that demonstrates the program is operated effectively and without harm to those it serves.

This bill also removes language requiring program services to be “outcome based with positive outcome based results.” Nongovernmental organizations receiving a funding appropriation should be held accountable to record and report such outcomes.

Furthermore, SB 2129 is ambiguous regarding auditing requirements, stating, “**If** a religious organization segregates funds received from the alternatives-to-abortion program into a separate account then only the account in which funds were deposited may be subject to an audit by the state.” Once again, accountability is key. Any nongovernmental entity involved in a program that is charged with making use of government funds should adhere to defined regulations about how funds must be tracked and understand that any entity receiving state funding is subject to a state audit.

North Dakotans expect fiscal responsibility from our government and government-funded programs. As of now, SB2129 removes language that would ensure outcome based results, leaves room for interpretation about tracking finances, and does not ensure that women seeking informed care are guaranteed to attain it through the program’s new definitions. We ask that SB 2129 receives a “Do Not Pass” recommendation from this committee.

Thank you.

Kayla Schmidt
director@ndwomen.org



Chairwoman Lee and Members of the Senate Human Services Committee –

My name is Sierra Heitkamp and I am the Legislative Director for North Dakota Right to Life. I am testifying today to represent the interests of our 3700 members across the state of North Dakota.

Our mission this year at NDRL is to continue our work in protecting life at all stages, by backing legislation that educates our citizens, encourages life, and provides aid or resources to those who qualify. A woman or family who finds themselves with an unexpected pregnancy should never feel that abortion is their only option to achieve a successful, happy life.

After discussing SB 2129 with our members and other partners in the pro-life committee, we believe that this legislation is the best course of action moving forward in regard to funding abortion alternative programs in our state. The programs who would receive benefits in North Dakota “...provide[d] information, counseling, support services, and material assistance to pregnant women, women who believe they may be pregnant, and parents or other relatives caring for children twelve months of age or younger,” as the bill says.

Supporting and uplifting women and families in unexpected pregnancy is our duty as North Dakotans. I think that we can all agree today that protecting those most vulnerable is not a partisan discussion, it is important we work together to find solutions to the very real and current issues we are facing as a state.

I ask this committee today for a **Do Pass recommendation on SB 2129** in order to solidify the values of North Dakotans as we continue to provide aid and resources for those pregnant women and families to find themselves experiencing an unexpected pregnancy.

Thank you for your time today and I will now stand for any questions that the committee may have.



Sincerely,

Sierra M Heitkamp
Sierra M Heitkamp
NDRL Legislative Director

Alternatives to Abortion Outcomes Statistics (part a) 7/1/2021 through 6/30/2022

1499 women served

- 1) Number of clients with intention and outcome
190 true births reported (10%)
 - 174 Parenting (84%)
 - 14 Adoption (10%)
 - 2 Foster Care (0%)
 - 5 Abortion (6%)
 - 0 Miscarriage (0%)

- 2) Number of clients with intention, past due date and no delivery date listed
345 clients (23%)
 - 337 Parenting (98%)
 - 9 Adoption (2.5%)
 - 81 Abortion (23%)

- 3) Number of clients with no intention, no due date, no delivery date
331 clients. (22)%

- 4) Number of clients for whom abortion was an option
86 clients. (5%)

Of these 86 clients, **8** (9%) outcomes were reported *changing to abortion NOT being an option* at a later point during A2A services.

- 5) Clients who felt pressured about the plans for their pregnancy
84 felt pressure of some type (5%)
 - Pressure by Birthfather – 37 (44%)
 - Pressure by Birthfather parents/family – 4 (4%)
 - Pressure by Birthmother parents/family – 22 (26%)
 - Pressure by Husband/boyfriend – 10 (12%)
 - Pressure by Friends – 6 (7%)
 - Pressure by Others – 5 (5%)

- 6) Number of clients remaining in service, yet to deliver
398 clients (31%)

Statistics broken down by Agency Provider:

CONNNECT MEDICAL CLINIC

43 Women served
23 with a true reported outcome
1 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
20 are still pregnant, with delivery dates in the future.

CATHOLIC CHARITIES ND

22 Women served
10 with a true reported outcome
10 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
2 are still pregnant, with delivery dates in the future.

CHRISTIAN ADOPTION SERVICES

17 Women served
5 with a true reported outcome
6 with an intention, but no delivery or outcome
2 with no intention, no delivery, and no outcome
4 are still pregnant, with delivery dates in the future.

DAKOTA HOPE CLINIC

16 Women served
4 with a true reported outcome
0 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
12 are still pregnant, delivery dates in the future.

WOMEN'S CARE CENTER

1047 Women served,
98 with a true reported outcome, 14% of their total
253 with an intention, but no delivery or outcome
324 with no intention, no delivery, and no outcome
372 are still pregnant, with delivery dates in the future.

PERRY CENTER MATERNITY HOME

12 Women served
0 with a true reported outcome
0 with an intention, but no delivery or outcome
8 with no intention, no delivery, and no outcome
4 are still pregnant, with delivery dates in the future.

SAINT GIANNA'S MATERNITY HOME

0 Women served
0 with a true reported outcome
0 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
0 are still pregnant, with delivery dates in the future.

THE VILLAGE FAMILY SERVICE CENTER

23 Women served
9 with a true reported outcome
2 with an intention, but no delivery or outcome
2 with no intention, no delivery, and no outcome
10 are still pregnant, with delivery dates in the future.

GF WOMEN'S PREGNANCY CENTER

241 Women served
5 with a true reported outcome,
58 with an intention, but no delivery or outcome
70 with no intention, no delivery, and no outcome
108 are still pregnant, delivery dates in the future.

RR YOUTH FOR CHRIST (they have had staff challenges)

0 Women served
0 with a true reported outcome,
0 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
0 are still pregnant, with delivery dates in the future.

USPIRE (Healthy Families)

78 Women served
41 with a true reported outcome,
21 with an intention, but no delivery or outcome
4 with no intention, no delivery, and no outcome
12 are still pregnant, with delivery dates in the future.

CONTRACT # 405-10375
AMENDMENT D

AMENDMENT TO GRANT AGREEMENT

On or about July 1, 2016, the state of North Dakota, acting through its North Dakota Department of Human Services, Economic Assistance Policy Division (Grantor) and The Village Family Service Center (Grantee) entered into a grant agreement to operate the Alternative to Abortion program statewide.

The parties agree that certain parts of that agreement and Amendments A, B, and C should be changed:

1. Effective January 1, 2022, the Scope of Service section is amended to delete the section in its entirety and replace it with the following:

Grantee shall operate the Alternative to Abortion program statewide as defined in subsections a. and b. below.

a. Grantee shall:

- 1) Promote alternative to abortion services;
- 2) Inform the public about the Alternative to Abortion Program;
- 3) Provide a dedicated toll free number to provide available Agencies and locations for individuals needing the services;
- 4) Contract with existing Agencies and future Agencies throughout the state of North Dakota that provide services other than abortion;
- 5) Maintain a list of Agencies;
- 6) Determine the service unit rate paid to Agencies for professionals and paraprofessionals;
- 7) Receive billing based on service units and service unit rates from Agencies;
- 8) Make payments to Agencies based on billing;
- 9) Collect data from Agencies for outcome measures;
- 10) Develop and identify how positive outcomes will be measured from data collected;
- 11) Maintain and provide access to a website with alternative-to-abortion information;
- 12) Identify strategies for continued engagement of women seeking services throughout their pregnancy;
- 13) Identify how services are preventing women from aborting;
- 14) Provide quarterly reports to State to include, at a minimum, the following:
 - a. Number of individuals served
 - b. Services provided to each individual
 - c. Follow-up provided to each individual
 - d. Outcomes of services provided:
 - i. Kept baby
 - ii. Foster care
 - iii. Adoption
 - iv. Aborted (voluntarily or involuntarily)
- 15) Communicate and receive approval for any changes to the services provided from Grantor.

- 16) Provide timelines for the following:
 - a. Promotion of Alternative to Abortion Program;
 - b. Availability and administration of the dedicated toll free number;
 - c. Process of facilitation of services and funding involving Agencies;
 - d. Data collection and outcome measures process; and
 - e. Communication process with Grantor.
- 17) Identify experience in providing counseling services to women who may be pregnant or think they may be pregnant.
- 18) Identify any innovative ideas relating to the administration of the Alternative to Abortion Program.

- b. Grantee shall:
 - 1) Promote alternative to abortion services;
 - 2) Contract with existing agencies and future agencies throughout the state of North Dakota that provide client care service for pre and post abortion, including ongoing client support; and
 - 3) Provide reimbursement to service providers for reasonable administrative and operational costs associated with alternative to abortion and post abortion services.

2. Effective January 1, 2022, the Compensation section, as amended by Amendments A, B, and C, is further amended to increase the total amount paid under the grant from \$2,050,000 to \$3,550,000, an increase of \$1,500,000. For the period July 1, 2021, to June 30, 2023, the total amount paid under subsection 1.a. of this Amendment may not exceed \$600,000, which was made part of the grant through Amendment C. For the period January 1, 2022, to June 30, 2023, the total amount paid under subsection 1.b. of this Amendment may not exceed \$1,500,000. By March 1, 2022, qualified providers of services subcontracted with Grantee pursuant to Section 9 of the grant are entitled to an equal amount of reimbursement for allowable expenses, not to exceed a maximum of \$125,000 each for subsection 1.b.

The funding source for the increase is anticipated as follows:

Federal	\$1,500,000	State	\$
Other	\$	Unknown	\$

Catalog of Federal Domestic Assistance Number 21.027, U.S. Department of Treasury, Coronavirus State Fiscal Recovery Fund.

Federal Award Identification Number: SLFRP1964

Federal Award Date: May 28, 2021

Data Universal Numbering System Number: 070270103

This award is not for Research and Development.

All other terms and conditions remain as previously written.

THE VILLAGE FAMILY SERVICE CENTER

By Kelly Olson 1/20/2022
DATE
Its President + CEO

STATE OF NORTH DAKOTA

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

By CDJ 1/24/2022
DATE
CHRISTOPHER D. JONES
EXECUTIVE DIRECTOR

Kyle J. Nelson
Digitally signed by Kyle J. Nelson
Date: 2022.01.24 14:54:39 -06'00'
By KYLE J. NELSON DATE
CONTRACT OFFICER
Approved for form and content

Wolf, Sheldon

From: Lee, Judy E.
Sent: Monday, February 6, 2023 1:50 PM
To: Wolf, Sheldon; Lahr, Pat; NDLA, Intern 02 - Pouliot, Lindsey
Subject: FW: TANF alternatives to abortions funding distribution
Attachments: 405-10375D.pdf

FYI -

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
Home phone: 701-282-6512
Email: jlee@ndlegis.gov

From: Hogan, Kathy L. <khogan@ndlegis.gov>
Sent: Monday, February 6, 2023 1:00 PM
To: -Grp-NDLA Senate Human Services <ndlashumserv@ndlegis.gov>
Subject: FW: TANF alternatives to abortions funding distribution

Sent from [Mail](#) for Windows

From: [Gee, Michele A.](#)
Sent: Monday, February 6, 2023 12:36 PM
To: [Hogan, Kathy L.](#)
Subject: RE: TANF alternatives to abortions funding distribution

Good Afternoon Senator Hogan –

The current contract for the Alternative to Abortion Services is separated in two sections. Section A are services funded by TANF and section B are services funded with the one-time funding appropriated during the special session. I've attached a copy of the current contract amendment that was executed to include the one-time funding. Below is a listing of service providers based on section of the contract.

Section A:

- Connect Medical Clinic
- Catholic Charities ND
- Christian Adoption Services
- Dakota Hope Clinic
- Women's Care Center
- Perry Center Maternity Home
- Saint Gianna's Maternity Home
- The Village Family Service Center
- GF Women's Pregnancy Center
- RR Youth for Christ

Uspire (Healthy Families)

Section B:

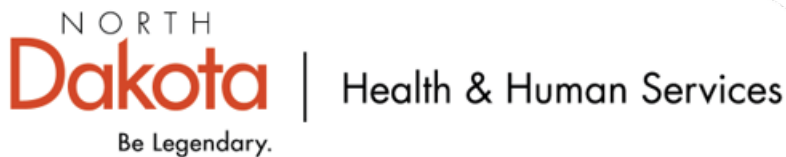
Connect Medical Clinic
Catholic Charities ND
Christian Adoption Services
Women's Care Center Bismarck
Perry Center Maternity Home
Saint Gianna's Maternity Home
The Village Family Service Center
GF Women's Pregnancy Center
RR Youth for Christ
Uspire (Healthy Families)
Women's Care Center Fargo
Women's Care Center Devils Lake
We are Everywhere

Please let me know if you have any additional questions.

Michele Gee

Economic Assistance Policy Division Director

701.328.1633 • 711 (TTY) • mgee@nd.gov • [DHS Home Page](#)



-----Confidentiality Statement-----

This transmission is intended only for the use of the individual to whom it is addressed and may contain information that is made confidential by law. If you are not the intended recipient, you are hereby notified any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please respond immediately to the sender and then destroy the original transmission as well as any electronic or printed copies. Thank you.

From: Hogan, Kathy L. <khogan@ndlegis.gov>
Sent: Monday, February 6, 2023 11:41 AM
To: Gee, Michele A. <mgee@nd.gov>
Subject: TANF alternatives to abortions funding distribution

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Do you have a list of all the organizations that the Village that receive alternatives to abortion in the current or previous programs.

Kathy Hogan

Rep District 21, Central Fargo



Wolf, Sheldon

From: Lee, Judy E.
Sent: Monday, February 6, 2023 2:09 PM
To: -Grp-NDLA Senate Human Services; Wolf, Sheldon; Lahr, Pat; NDLA, Intern 02 - Pouliot, Lindsey
Subject: FW: On the abortion alternatives bill.

FYI –
 It can be loaded into testimony.

Senator Judy Lee
 1822 Brentwood Court
 West Fargo, ND 58078
 Home phone: 701-282-6512
 Email: jlee@ndlegis.gov

From: ChristopherDodson <cdodson@ndcatholic.org>
Sent: Monday, February 6, 2023 2:05 PM
To: Lee, Judy E. <jlee@ndlegis.gov>
Subject: On the abortion alternatives bill.

Senator Lee:

I'm watching this morning's discussion on the Alternatives to Abortion bills.

I put those rules in SB 2129 because they are rules that exist already within TANF. They protect both the religious rights of the client and the religious identity of providers. They are good rules that the federal DHHS has used for years and I wanted to make sure that they continued if the funding was shifted from TANF.

On another matter, it now appears that Senator Clemens' intention is to have something like the grant program in Alternatives to Abortion Part B. I am fine with that, but it should be run through the Village via its RFP with DHHS, with the same eligible providers and the same rules.

Also, Senator Hogan was incorrect about why we would like to shift funding away from TANF. It is not because the providers do not want to comply with the TANF rules. (In fact, the TANF rules are the ones I incorporated into the bill.) It is because we do not know what Congress, the current Administration, or future administrations will do. Shifting the funding puts the program on a more solid footing.

Finally, please keep in mind that SB 2129 expands the program so that the providers can serve new mothers, fathers, and their infants. A change in the statutory language is required for this to happen. The appropriation reflects this change. (\$600 a biennium x roughly twice the number of clients.). Because it is a fee-for-service reimbursement, there is never any "left-over" money.

I will be following another committee this afternoon but could run down if needed to answer questions. 701-269-2644

Thank you.

Christopher Dodson
 Executive Director

General Counsel
North Dakota Catholic Conference
103 South Third, Suite 10
Bismarck ND 58501
701-223-2519
<http://ndcatholic.org>

Confidentiality Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or copying is prohibited. If you are not the intended recipient(s), please contact the sender by replying to this e-mail and destroy/delete all copies of this e-mail message.

Christopher Dodson
Executive Director
General Counsel
North Dakota Catholic Conference
103 South Third, Suite 10
Bismarck ND 58501
701-223-2519
<http://ndcatholic.org>

Confidentiality Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or copying is prohibited. If you are not the intended recipient(s), please contact the sender by replying to this e-mail and destroy/delete all copies of this e-mail message.

23.0136.03000

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2129

Introduced by

Senators Myrdal, Dever, Mathern

Representatives McLeod, Meier, D. Ruby

1 A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code,
2 relating to the alternatives-to-abortion program; and to provide for an appropriation to the
3 department of health and human services to establish and maintain the alternatives-to-abortion
4 program.

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

6 **SECTION 1. AMENDMENT.** Section 50-06-26 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **50-06-26. Alternatives-to-abortion services program.**

9 ~~The department shall disburse funds available through title IV-A of the Social Security Act~~
10 ~~[42 U.S.C. 601 et seq.] to nongovernmental entities that provide alternatives to abortion~~
11 ~~services and expend funds to inform the public about this program. The services must be~~
12 ~~outcome-based with positive outcome-based results. The department, in consultation with a~~
13 ~~nongovernmental entity that provides alternatives to abortion services, shall contract to inform~~
14 ~~the public about this program. For purposes of this section, "alternatives to abortion services"~~
15 ~~are those services that promote childbirth instead of abortion by providing information,~~
16 ~~counseling, and support services that assist pregnant women or women who believe they may~~
17 ~~be pregnant to choose childbirth and to make informed decisions regarding the choice of~~
18 ~~adoption or parenting with respect to their children.~~

- 19 1. As used in this section, "support services" includes medical services and post-abortion
20 services.
- 21 2. The department shall establish and maintain an alternatives-to-abortion program that
22 disburses funds to nongovernmental entities that provide services that promote
23 childbirth instead of abortion by providing information, counseling, support services,
24 and material assistance to pregnant women, women who believe they may be

- 1 pregnant, and parents or other relatives caring for children twelve months of age or
2 younger.
- 3 3. The department, in consultation with a nongovernmental entity that provides
4 alternatives-to-abortion services, shall contract to inform the public about this program.
- 5 4. A religious organization receiving disbursements under the alternatives-to-abortion
6 program may retain its independence from state and local governments, including the
7 organization's control over the definition, development, practice, and expression of its
8 religious beliefs.
- 9 5. The department may not require a religious organization to alter its form of internal
10 governance, or remove religious art, icons, scripture, or other symbols as a condition
11 to receiving disbursements from the alternatives-to-abortion program.
- 12 6. If an individual receiving services under the alternatives-to-abortion program has an
13 objection to the religious character of the entity providing alternatives-to-abortion
14 services, the department shall, within a reasonable period of time after the date of the
15 objection, make reasonable efforts to provide the individual with assistance of an
16 equal value from an alternative provider accessible to the individual.
- 17 7. Except as otherwise provided by law, a religious organization may not discriminate
18 against an individual in regard to providing alternatives-to-abortion services on the
19 basis of religion, religious belief, or refusal to actively participate in religious practice.
- 20 8. If a religious organization segregates funds received from the alternatives-to-abortion
21 program into a separate account, then only the account in which funds were deposited
22 may be subject to an audit by the state.
- 23 9. Funds from the alternatives-to-abortion program may not be used for religious
24 worship, instruction, or proselytization.

25 **SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**
26 **ALTERNATIVES-TO-ABORTION PROGRAM.** There is appropriated out of any moneys in the
27 general fund in the state treasury, not otherwise appropriated, and from special funds derived
28 from the American Rescue Plan Act or other federal funds and other income, the sum of
29 \$4,000,000, or so much of the sum as may be necessary, to the department of health and
30 human services for the purpose of establishing and maintaining the alternatives-to-abortion
31 program, for the biennium beginning July 1, 2023, and ending June 30, 2025.

House Bill # 2129- In favor

Duanna Red Elk

To: Chairman, vice-chair, and to the members of the committee.

Today I will try not to take up much of your time, My name is Duanna Red Elk and I come on behalf of myself and those who cannot advocate for themselves, they are the unborn.

I would like to speak about Alternatives. I would also like to speak about Empathy. Empathy is the ability to understand and share the feelings of another, it means imagining that you are in someone else's shoes. What if, no one had empathy for YOU? What if you did not get a say in the matter of whether you get to live or die? It is said that one out of three women have an abortion in their lifetime. Women were given the gift to birth babies, the right to have a lifetime, the right to have free will. This lifetime of a baby could be spent with their birth parents, it could be spent with a foster family and those that cannot have children and wish and hope that they could have a child. Alternatives, there are more than one possibility.

I urge you, whoever this pertains to, please consider the alternatives. When I was fifteen, I was pregnant, it was not planned, but I am thankful that I considered the alternatives. I am thankful that I choose life for my baby, because he did not get the choice to choose life or death either way. I had alternatives, I was even approached by an adoption agency at the time of giving birth. That was one alternative, I am not saying women should choose life or death for their babies, I am simply asking that you look at the alternatives, be an advocate to those life forms that don't have a say whether they die or survive. I hope that those in charge will provide an appropriation to the Health and Human Services to establish and maintain the alternatives to the abortion program.

Thank you,

Duanna Red Elk



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

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: House Judiciary Committee
From: Christopher Dodson, Executive Director
Subject: Senate Bill 2129 - Alternatives to Abortion
Date: March 15, 2023

North Dakota Catholic Conference supports Senate Bill 2129 to expand and improve the Alternatives-to-Abortion program.

The Legislative Assembly authorized the Alternatives-to-Abortion program in 2005. (A history of the program is attached.) Since then, the program has served thousands of women. Correspondingly, during the same years, the percentage of North Dakota pregnant women who choose abortion has dramatically dropped.

The program basics are simple. The state partially reimburses maternity homes, adoption agencies, and pregnancy resource organizations for services that promote childbirth instead of abortion by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant.¹

Although the program has been successful, it falls short in three respects that are remedied by Senate Bill 2129.

First, the program only serves pregnant women or women who believe they may be pregnant. It does not include services provided after birth. Helping mothers, fathers, and infants during this time is an important part of providing alternatives to abortion and giving families a healthy and supportive start.

Second, because the program is funded entirely through the Temporary Assistance for Needy Families (TANF) block grant, medical services are not reimbursed. Some of the providers are medical clinics and the restriction limits what services for which the clinic may seek reimbursement.

Third, the reliance on TANF funds has worked up to now, but it subjects the program to the uncertainties of the federal government and places pressure on the state's use of the block grant for other purposes.

Senate Bill 2129 addresses those shortfalls and sets the Alternatives to Abortion program on better footing for a post-*Dobbs* world.

The first part of SB 2129 revises the authorizing legislation by:

- Removing the requirement that the program funds come from the TANF block grant;

- Adds “medical services” within the meaning of “support services”; and
- Adds “parents or other relatives caring for children twelve months of age or younger” to the individuals who can receive services under the program.

Other than these changes, the definition and parameters of the program are substantially the same.²

The new language on page 2, lines 5 through 24 results from the decoupling of the Alternatives to Abortion program from the TANF program. TANF has a built-in set of rules commonly called “charitable choice.” These rules protect the religious identity of the provider, prevent the use of the funds for strictly religious activities, and assure that if the recipient of services has an objection to the religious character of a provider, the Department of Health and Human Services (DHHS) will make reasonable efforts to provide an alternative provider.

Because the program is currently funded through TANF, the state and all providers in the Alternatives to Abortion program have operated under these rules since 2005. The rules, however, would not automatically be applied if the program is no longer funded through TANF. For that reason, SB 2129 codifies them into North Dakota law.

The final section provides an appropriation. This section, as amended by the Senate raises some questions.

The current appropriation is \$600,000 a biennium. Because SB 2129 expands who can be served and what services can be reimbursed the bill’s original appropriation was \$1,600,000, a little over double the current appropriation. The Senate Human Services Committee added post-abortion services to the program, increased the appropriation to \$4,000,000, and gave the approval to use American Rescue Plan Act or other federal funds. The Senate Appropriations Committee removed that approval and reduced the appropriation to \$400,000. During the floor debate, it was stated that the appropriation was intended to be in addition to the current \$600,000 in the DHHS budget.

The change raises some questions that need resolution. The current appropriation in the DHHS budget uses TANF funds and is based on the existing law’s authorization to use TANF funds. This bill repeals that authorization. Unless fixed, the appropriation for this improved and expanded program might end up being \$200,000 less than the current appropriation. We support amending SB 2129 to its original appropriation of \$1,600,000 from general funds.

Senate Bill 2129 enhances one of the best programs we have to help those who help them. With these suggestions, we urge a **Do Pass** recommendation on Senate Bill 2129.

¹ Attached to this testimony are three documents providing additional information on the program. They are: (1) A redacted version of the agreement providers enter into with Village Family Services, which administers the program; (2) a copy of the contract between DHHS and Village Family Services; and (3) a recent outcome report that the Village prepares for DHHS.

² The one exception is that SB 2129 removes: “The services must be outcome-based with positive outcome-based results.” The language is awkward and representative of the types of services provided. In many cases, women come to the centers, receive services, and may not be seen again. It is sometimes impossible to know the outcomes. For that reason, the language is removed. Nevertheless, every provider does provide detailed information on the outcomes as they know them and this reporting would continue with or without the language. If these reports suffice to meet the language requirements, the North Dakota Catholic Conference is not opposed to keeping the language.

AMENDMENT TO GRANT AGREEMENT

On or about July 1, 2016, the state of North Dakota, acting through its North Dakota Department of Human Services, Economic Assistance Policy Division (Grantor) and The Village Family Service Center (Grantee) entered into a grant agreement to operate the Alternative to Abortion program statewide.

The parties agree that certain parts of that agreement and Amendments A, B, and C should be changed:

1. Effective January 1, 2022, the Scope of Service section is amended to delete the section in its entirety and replace it with the following:

Grantee shall operate the Alternative to Abortion program statewide as defined in subsections a. and b. below.

a. Grantee shall:

- 1) Promote alternative to abortion services;
- 2) Inform the public about the Alternative to Abortion Program;
- 3) Provide a dedicated toll free number to provide available Agencies and locations for individuals needing the services;
- 4) Contract with existing Agencies and future Agencies throughout the state of North Dakota that provide services other than abortion;
- 5) Maintain a list of Agencies;
- 6) Determine the service unit rate paid to Agencies for professionals and paraprofessionals;
- 7) Receive billing based on service units and service unit rates from Agencies;
- 8) Make payments to Agencies based on billing;
- 9) Collect data from Agencies for outcome measures;
- 10) Develop and identify how positive outcomes will be measured from data collected;
- 11) Maintain and provide access to a website with alternative-to-abortion information;
- 12) Identify strategies for continued engagement of women seeking services throughout their pregnancy;
- 13) Identify how services are preventing women from aborting;
- 14) Provide quarterly reports to State to include, at a minimum, the following:
 - a. Number of individuals served
 - b. Services provided to each individual
 - c. Follow-up provided to each individual
 - d. Outcomes of services provided:
 - i. Kept baby
 - ii. Foster care
 - iii. Adoption
 - iv. Aborted (voluntarily or involuntarily)
- 15) Communicate and receive approval for any changes to the services provided from Grantor.

- 16) Provide timelines for the following:
 - a. Promotion of Alternative to Abortion Program;
 - b. Availability and administration of the dedicated toll free number;
 - c. Process of facilitation of services and funding involving Agencies;
 - d. Data collection and outcome measures process; and
 - e. Communication process with Grantor.
- 17) Identify experience in providing counseling services to women who may be pregnant or think they may be pregnant.
- 18) Identify any innovative ideas relating to the administration of the Alternative to Abortion Program.

- b. Grantee shall:
 - 1) Promote alternative to abortion services;
 - 2) Contract with existing agencies and future agencies throughout the state of North Dakota that provide client care service for pre and post abortion, including ongoing client support; and
 - 3) Provide reimbursement to service providers for reasonable administrative and operational costs associated with alternative to abortion and post abortion services.

2. Effective January 1, 2022, the Compensation section, as amended by Amendments A, B, and C, is further amended to increase the total amount paid under the grant from \$2,050,000 to \$3,550,000, an increase of \$1,500,000. For the period July 1, 2021, to June 30, 2023, the total amount paid under subsection 1.a. of this Amendment may not exceed \$600,000, which was made part of the grant through Amendment C. For the period January 1, 2022, to June 30, 2023, the total amount paid under subsection 1.b. of this Amendment may not exceed \$1,500,000. By March 1, 2022, qualified providers of services subcontracted with Grantee pursuant to Section 9 of the grant are entitled to an equal amount of reimbursement for allowable expenses, not to exceed a maximum of \$125,000 each for subsection 1.b.

The funding source for the increase is anticipated as follows:

Federal	\$1,500,000	State	\$
Other	\$	Unknown	\$

Catalog of Federal Domestic Assistance Number 21.027, U.S. Department of Treasury, Coronavirus State Fiscal Recovery Fund.

Federal Award Identification Number: SLFRP1964

Federal Award Date: May 28, 2021

Data Universal Numbering System Number: 070270103

This award is not for Research and Development.

All other terms and conditions remain as previously written.

THE VILLAGE FAMILY SERVICE CENTER

By Kelly Olson 1/20/2022
DATE
Its President + CEO

STATE OF NORTH DAKOTA

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

By CDJ 1/24/2022
DATE
CHRISTOPHER D. JONES
EXECUTIVE DIRECTOR

By _____ DATE
KYLE J. NELSON
CONTRACT OFFICER
Approved for form and content

Memorandum of Agreement

This Agreement is entered between XXXXXXXXXXXXX (Agency Provider), The Village Family Service Center and the North Dakota Department of Human Services (NDDHS).

NDDHS is responsible for supervision of the Alternatives to Abortion Program. The Village Family Service Center will administer the Alternatives to Abortion Program including marketing, updating and maintaining a list of service providers, making payments to service providers and 1-800 service.

The program will provide positive outcome-based information, counseling, and support services with the following requirements and expectations:

1. Provide services to pregnant women or women who believe they may be pregnant, who reside in North Dakota.
2. Promote childbirth through information, counseling and education to assist pregnant women to choose childbirth.
3. Assist women in making informed decisions about adoption or parenting with respect to the child.

Alternatives to Abortion services do not include medical services.

The Agency Provider desires to provide Alternatives to Abortion services consistent with the requirements of the Alternatives to Abortions Program and to meet the requirements of N.D.C.C. § 50-06-26 and this Agreement. The Agency Provider agrees to:

1. Screen each potential client to establish that she is pregnant or reasonably believes she may be pregnant;
2. Inform each client that it is her right to secure Alternatives to Abortions services from a provider of those services listed in the Alternatives to Abortions brochure;
3. Assist NDDHS and The Village Family Service Center in gathering data to evaluate the Alternatives to Abortions Program from the client's first visit through birth of the child;
4. Keep confidential the communications between a child and provider or its employees and agents, except as permitted by law or by the informed agreement of the client;
5. Submit to NDDHS and The Village Family Service Center a copy of provider's liability insurance policy for approval before requesting payment; and
6. Maintain approved liability coverage in effect at all times services are being provided under this Agreement.

Agency Provider agrees not to:

1. Counsel for, refer for, encourage, or perform abortions, or knowingly refer an Alternatives to Abortions client to another person or agency for the purpose of receiving counseling for, referral for, encouragement for, or the performance of an abortion; or
2. Discriminate against Alternatives to Abortions client on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

Provider for Alternatives to Abortions services will receive reimbursement for services provided based on a rate of \$10.00 for each quarter hour of service furnished by a member of the clergy, a nurse licensed under N.D.C.C. ch. 43-12.1, a physician licensed under N.D.C.C. ch. 43-17, a psychologist licensed under N.D.C.C. ch. 43-32, a social worker licensed under N.D.C.C. ch. 43-41, an addiction counselor licensed under N.D.C.C. ch. 43-45, a counselor licensed under N.D.C.C. ch. 43-47, or a marriage and family therapist licensed under N.D.C.C. ch. 43-53; and at a rate of \$5.00 for each quarter hour of service furnished by any other individual.

This Agreement is effective October 1, 2021, and remains in effect until June 30, 2023, unless terminated by the Agency Provider, The Village Family Service Center or NDDHS.

This Agreement may be terminated at any time by mutual consent of parties, or upon 30-days' written notice by either party, with or without cause. Failure by the Agency Provider to perform the terms of this Agreement may result in the immediate termination of the Agreement.

Agency Provider: XXXXXXXXXXXXXXXXXXXX

Signature: _____

Date: _____

Title: _____

The Village Family Service Center

Jeff Pederson, President/CEO
The Village Family Service Center

Date: _____

C: Michelle Gee, Director
Economic Assistance Policy Division
North Dakota Department of Human Services

Alternatives to Abortion Outcomes Statistics (part a) 7/1/2021 through 6/30/2022

1499 women served

- 1) Number of clients with intention and outcome
190 true births reported (10%)
 - 174 Parenting (84%)
 - 14 Adoption (10%)
 - 2 Foster Care (0%)
 - 5 Abortion (6%)
 - 0 Miscarriage (0%)

- 2) Number of clients with intention, past due date and no delivery date listed
345 clients (23%)
 - 337 Parenting (98%)
 - 9 Adoption (2.5%)
 - 81 Abortion (23%)

- 3) Number of clients with no intention, no due date, no delivery date
331 clients. (22%)

- 4) Number of clients for whom abortion was an option
86 clients. (5%)

Of these 86 clients, **8** (9%) outcomes were reported *changing to abortion NOT being an option* at a later point during A2A services.

- 5) Clients who felt pressured about the plans for their pregnancy
84 felt pressure of some type (5%)
 - Pressure by Birthfather – 37 (44%)
 - Pressure by Birthfather parents/family – 4 (4%)
 - Pressure by Birthmother parents/family – 22 (26%)
 - Pressure by Husband/boyfriend – 10 (12%)
 - Pressure by Friends – 6 (7%)
 - Pressure by Others – 5 (5%)

- 6) Number of clients remaining in service, yet to deliver
398 clients (31%)

Statistics broken down by Agency Provider:

CONNNECT MEDICAL CLINIC

43 Women served
23 with a true reported outcome
1 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
20 are still pregnant, with delivery dates in the future.

CATHOLIC CHARITIES ND

22 Women served
10 with a true reported outcome
10 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
2 are still pregnant, with delivery dates in the future.

CHRISTIAN ADOPTION SERVICES

17 Women served
5 with a true reported outcome
6 with an intention, but no delivery or outcome
2 with no intention, no delivery, and no outcome
4 are still pregnant, with delivery dates in the future.

DAKOTA HOPE CLINIC

16 Women served
4 with a true reported outcome
0 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
12 are still pregnant, delivery dates in the future.

WOMEN'S CARE CENTER

1047 Women served,
98 with a true reported outcome, 14% of their total
253 with an intention, but no delivery or outcome
324 with no intention, no delivery, and no outcome
372 are still pregnant, with delivery dates in the future.

PERRY CENTER MATERNITY HOME

12 Women served
0 with a true reported outcome
0 with an intention, but no delivery or outcome
8 with no intention, no delivery, and no outcome
4 are still pregnant, with delivery dates in the future.

SAINT GIANNA'S MATERNITY HOME

0 Women served
0 with a true reported outcome
0 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
0 are still pregnant, with delivery dates in the future.

THE VILLAGE FAMILY SERVICE CENTER

23 Women served
9 with a true reported outcome
2 with an intention, but no delivery or outcome
2 with no intention, no delivery, and no outcome
10 are still pregnant, with delivery dates in the future.

GF WOMEN'S PREGNANCY CENTER

241 Women served
5 with a true reported outcome,
58 with an intention, but no delivery or outcome
70 with no intention, no delivery, and no outcome
108 are still pregnant, delivery dates in the future.

RR YOUTH FOR CHRIST (they have had staff challenges)

0 Women served
0 with a true reported outcome,
0 with an intention, but no delivery or outcome
0 with no intention, no delivery, and no outcome
0 are still pregnant, with delivery dates in the future.

USPIRE (Healthy Families)

78 Women served
41 with a true reported outcome,
21 with an intention, but no delivery or outcome
4 with no intention, no delivery, and no outcome
12 are still pregnant, with delivery dates in the future.



Chairman Klein and Members of the House Judiciary Committee –

My name is Sierra Heitkamp and I am the Legislative Director for North Dakota Right to Life. I am testifying today to represent the interests of our 3700 members across the state of North Dakota.

Our mission this year at NDRL is to continue our work in protecting life at all stages, by backing legislation that educates our citizens, encourages life, and provides aid or resources to those who qualify. A woman or family who finds themselves in unplanned pregnancy should never feel that abortion is their only option to achieve a successful, happy life.

After discussing SB 2129 with our members and other partners in the pro-life committee, we believe that this legislation is the best course of action moving forward in regard to funding abortion alternative programs in our state. The programs who would receive benefits in North Dakota *“...provide[d] information, counseling, support services, and material assistance to pregnant women, women who believe they may be pregnant, and parents or other relatives caring for children twelve months of age or younger,”* as the bill says.

Supporting and uplifting women and families in unplanned pregnancy is our duty as North Dakotans. I think that we can all agree today that protecting those most vulnerable is not a partisan discussion, it is important we work together to find solutions to the very real and current issues we are facing as a state.

I ask this committee today for a **Do Pass Recommendation on SB 2129** in order to solidify the values of North Dakotans as we continue to provide aid and resources for those pregnant women and families to find themselves experiencing an unexpected pregnancy.

Thank you for your time today and I will now stand for any questions that the committee may have.



Sincerely,

Sierra M Heitkamp
Sierra M Heitkamp
NDRL Legislative Director



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of Senate Bill 2129

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 15, 2023

Good afternoon Chairman Klemin and honorable members of the House Judiciary Committee. My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. We are submitting testimony in support of Senate Bill 2129 and respectfully request that you issue a "DO PASS" on this bill.

North Dakota Family Alliance Legislative Action believes that as a state, we should assist expectant and new mothers. One effective way we have found to do this is through the Alternatives-to-Abortion program. However, this bill does many things, such as include medical services for reimbursement, expand the individuals who can be served, sets in law religious freedom protections for both the provider and the client, shifts funding from federal dollars to state dollars to avoid losing the funding, and increases the appropriation.

I am not a lawyer and certainly am not in a position to argue the merits of this bill based upon case law or legal precedent. So let me state it this way. The Alternatives-to-Abortion program is successful. It provides women with help and hope, the centers that are part of the program like it, and this bill expands who they can serve. In essence, it's more of a good thing. As it states in Chapter 14-02 of the Century Code, commonly known as the Abortion Control Act:

14-02.1-01. Purpose. The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick.

And that is exactly what this bill does.

For all the aforementioned reasons, North Dakota Family Alliance Legislative Action asks that you issue a "DO PASS" recommendation on SB 2129. With that, I'd be happy to stand for any questions.

23.0136.03000

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2129

Introduced by

Senators Myrdal, Dever, Mathern

Representatives McLeod, Meier, D. Ruby

1 A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code,
2 relating to the alternatives-to-abortion program; and to provide for an appropriation to the
3 department of health and human services to establish and maintain the alternatives-to-abortion
4 program.

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

6 **SECTION 1. AMENDMENT.** Section 50-06-26 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **50-06-26. Alternatives-to-abortion services program.**

9 ~~The department shall disburse funds available through title IV-A of the Social Security Act~~
10 ~~[42 U.S.C. 601 et seq.] to nongovernmental entities that provide alternatives to abortion~~
11 ~~services and expend funds to inform the public about this program. The services must be~~
12 ~~outcome-based with positive outcome-based results. The department, in consultation with a~~
13 ~~nongovernmental entity that provides alternatives to abortion services, shall contract to inform~~
14 ~~the public about this program. For purposes of this section, "alternatives to abortion services"~~
15 ~~are those services that promote childbirth instead of abortion by providing information,~~
16 ~~counseling, and support services that assist pregnant women or women who believe they may~~
17 ~~be pregnant to choose childbirth and to make informed decisions regarding the choice of~~
18 ~~adoption or parenting with respect to their children.~~

- 19 1. As used in this section, "support services" includes medical services and post-abortion
20 services.
21 2. The department shall establish and maintain an alternatives-to-abortion program that
22 disburses funds to nongovernmental entities that provide services that promote
23 childbirth instead of abortion by providing information, counseling, support services,
24 and material assistance to pregnant women, women who believe they may be

1 pregnant, and parents or other relatives caring for children twelve months of age or
2 younger.

3 3. The department, in consultation with a nongovernmental entity that provides
4 alternatives-to-abortion services, shall contract to inform the public about this program.

5 4. A religious organization receiving disbursements under the alternatives-to-abortion
6 program may retain its independence from state and local governments, including the
7 organization's control over the definition, development, practice, and expression of its
8 religious beliefs.

9 5. The department may not require a religious organization to alter its form of internal
10 governance, or remove religious art, icons, scripture, or other symbols as a condition
11 to receiving disbursements from the alternatives-to-abortion program.

12 6. If an individual receiving services under the alternatives-to-abortion program has an
13 objection to the religious character of the entity providing alternatives-to-abortion
14 services, the department shall, within a reasonable period of time after the date of the
15 objection, make reasonable efforts to provide the individual with assistance of an
16 equal value from an alternative provider accessible to the individual.

17 7. Except as otherwise provided by law, a religious organization may not discriminate
18 against an individual in regard to providing alternatives-to-abortion services on the
19 basis of religion, religious belief, or refusal to actively participate in religious practice.

20 8. If a religious organization segregates funds received from the alternatives-to-abortion
21 program into a separate account, then only the account in which funds were deposited
22 may be subject to an audit by the state.

23 9. Funds from the alternatives-to-abortion program may not be used for religious
24 worship, instruction, or proselytization.

25 **SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**

26 **ALTERNATIVES-TO-ABORTION PROGRAM.** There is appropriated out of any moneys in the
27 general fund in the state treasury, not otherwise appropriated, and from special funds derived
28 from the American Rescue Plan Act or other federal funds and other income, the sum of
29 \$4,000,000, or so much of the sum as may be necessary, to the department of health and
30 human services for the purpose of establishing and maintaining the alternatives-to-abortion
31 program, for the biennium beginning July 1, 2023, and ending June 30, 2025.

23.0136.04003
Title.

Prepared by the Legislative Council staff for
the House Appropriations - Human Resources
Division Committee

Fiscal No. 2

April 13, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2129

In lieu of the amendments adopted by the House as printed on page 1306 of the House Journal, Reengrossed Senate Bill No. 2129 is amended as follows:

Page 2, line 27, replace "\$400,000" with "\$1,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2129 - DHHS - Other - House Action

	Base Budget	Senate Version	House Changes	House Version
Alternatives to abortion		\$400,000	\$600,000	\$1,000,000
Total all funds	\$0	\$400,000	\$600,000	\$1,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$400,000	\$600,000	\$1,000,000
FTE	0.00	0.00	0.00	0.00

Department 325 - DHHS - Other - Detail of House Changes

	Increases Funding for Alternatives to Abortion ¹	Total House Changes
Alternatives to abortion	\$600,000	\$600,000
Total all funds	\$600,000	\$600,000
Less estimated income	0	0
General fund	\$600,000	\$600,000
FTE	0.00	0.00

¹ Funding is increased by \$600,000 from the general fund to provide ongoing funding of \$1 million from the general fund to the Department of Health and Human Services to establish and maintain an alternatives-to-abortion program.

NDLA, Intern 02 - Pouliot, Lindsey

From: Lee, Judy E.
Sent: Friday, April 21, 2023 3:39 PM
To: NDLA, Intern 02 - Pouliot, Lindsey
Cc: Weisz, Robin L.; Stemen, Greg
Subject: RE: SB 2129

The total should be \$1 million, including \$600 MM in 2012 and \$400 MM in 2129. Rep. Weisz is here with me and we both agree that \$1 million TOTAL is more than adequate.

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
Home phone: 701-282-6512
Email: jlee@ndlegis.gov

From: NDLA, Intern 02 - Pouliot, Lindsey <intern2@ndlegis.gov>
Sent: Friday, April 21, 2023 3:35 PM
To: Lee, Judy E. <jlee@ndlegis.gov>
Subject: RE: SB 2129

Representative Steven has alleged that you support the increase to \$1 million

From: Lee, Judy E. <jlee@ndlegis.gov>
Sent: Friday, April 21, 2023 3:35 PM
To: NDLA, Intern 02 - Pouliot, Lindsey <intern2@ndlegis.gov>
Subject: RE: SB 2129

\$400,000, because \$600,000 in TANF \$\$ is in 2012.

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
Home phone: 701-282-6512
Email: jlee@ndlegis.gov

From: NDLA, Intern 02 - Pouliot, Lindsey <intern2@ndlegis.gov>
Sent: Friday, April 21, 2023 3:28 PM
To: Lee, Judy E. <jlee@ndlegis.gov>
Subject: SB 2129

Hello Senator Lee,

SB 2129 conference committee is discussing the alternatives to abortion bill. How much did you want in that bill?

Lindsey Jo Pouliot
Legislative Council Intern
Senate Human Services / Senate Workforce Development

Women's Pregnancy Center

SB 2129
alt to Abortion

Sunday, March 19, 2023

Distinguished Members of the Senate and House of Representatives,

Warm greetings from Grand Forks!

As the Executive Director of a pregnancy help organization which offers all services 100% free of charge and participates in the Alternatives to Abortion Program, I applaud your commitment to women in our state. Our staff walks with new parents by providing education and material support until their child is two years old – sometimes longer – mentoring many moms and dads who need it most in ways too many to list. Your commitment to care for children by extending the program beyond birth to 1 year of age, encourages me greatly.

I am also grateful you are considering the expansion of reimbursement for medical services. Our Center employs registered nurses for all medical appointments, including pregnancy testing and peer counseling for women who are deciding to parent, release for adoption, or terminate their pregnancy. We believe factual medical information is best delivered by medical professionals. We place a high premium on education in every encounter with our clients.

Once a positive pregnancy result is established, we provide a first-trimester ultrasound – or more than one as needed. We currently employ four nurses who have completed rigorous first-trimester ultrasound training. Further, every scan completed in our Center is read by a diagnostic radiologist at Altru Health System. Introducing this tiny human being to the parent who carries them and educating that parent in the stages of fetal human development, often tips the scale away from termination and toward LIFE. Based on a 5-year average, when women who were planning to end their pregnancy *found our services first*, they changed their minds 77% of the time. A first-trimester scan also accurately dates viable pregnancies and provides early warning of ectopic pregnancies which are not compatible with life and can be deadly for the mother. Our medical services are valuable and worthy of support.

In a culture where the messaging increasingly encourages sexual risk, we at Women's Pregnancy Center aim to care more deeply – not only meeting and treating the physical needs of our clients, but also addressing their emotional and spiritual health, as well. Testing for Sexually Transmitted Diseases and treating Sexually Transmitted Infections has opened more opportunities to know and serve our community with relational, individual education. Utilizing a \$6,000.00 grant from the North Dakota Department of Health, we conduct testing for HIV and Hepatitis C. Thankfully, the grant covers the testing supplies while we provide the nurse, the facility, etc. Doing our part is an investment we are proud to make.

Additional testing for chlamydia and gonorrhea is funded through our budget. Depending on behavioral risk (requiring additional samples), our lab expenses can be as high as \$40.00 per client. Right now, advertising for this service is strictly by word of mouth. If we were to receive reimbursement for the lab costs, I would confidently increase our advertising budget to reach more at-risk individuals between the ages of 16 to 24.

We know that by creating positive experiences within our walls before a pregnancy test is needed, our clients and the friends they tell, will *find us first* if they do someday face an unplanned pregnancy. That alone is reason enough to provide the extra testing, but it's not just about getting them through our door – it's about building knowledge so a poor decision made in their teens and early 20's doesn't prevent them from living a healthy future. By offering the treatment free of charge (as prescribed by our Medical Director, a licensed physician with Sandford in East Grand Forks, MN), we remove countless barriers to serving the most vulnerable. Even when the medication is more expensive due to known allergies, we shoulder the cost – because we genuinely care.

As a final word, I want to emphasize the value of supporting post-abortive healing options. I cannot overestimate the amount of pain I've heard from women and men who regret a past abortion decision. Whether they employ an active faith tradition or not, North Dakotans trend toward strong family values. The devastation of an abortion catches up with those who carry guilt and regret. Peer counseling has proven itself in this area, and I have personally witnessed the freedom and healing that comes when women who relate to abortion on a personal level, sit, discuss, and support each other. Hearts and minds are changed as stories are bravely shared. I believe this "sharing" has the power to make abortion unthinkable.

Historically, the Alternatives to Abortion funding and the grant for testing supplies has accounted for roughly 5% of our annual budget. I am grateful for that bit of budget breathing room as we push forward to make a difference in Grand Forks.

Again, I thank you for considering a funding level with which we can do so much more for our communities. Building a culture of LIFE across our state is my personal mindset, and I believe it is yours, too.

Sincerely,

Jill Chandler

jill@gfwpc.org / 218-779-3658 (Cell)



SB 2129
alt to Abortion

Sunday, March 19, 2023

Distinguished Members of the Senate and House of Representatives,

Warm greetings from Grand Forks!

As the Executive Director of a pregnancy help organization which offers all services 100% free of charge and participates in the Alternatives to Abortion Program, I applaud your commitment to women in our state. Our staff walks with new parents by providing education and material support until their child is two years old – sometimes longer – mentoring many moms and dads who need it most in ways too many to list. Your commitment to care for children by extending the program beyond birth to 1 year of age, encourages me greatly.

I am also grateful you are considering the expansion of reimbursement for medical services. Our Center employs registered nurses for all medical appointments, including pregnancy testing and peer counseling for women who are deciding to parent, release for adoption, or terminate their pregnancy. We believe factual medical information is best delivered by medical professionals. We place a high premium on education in every encounter with our clients.

Once a positive pregnancy result is established, we provide a first-trimester ultrasound – or more than one as needed. We currently employ four nurses who have completed rigorous first-trimester ultrasound training. Further, every scan completed in our Center is read by a diagnostic radiologist at Altru Health System. Introducing this tiny human being to the parent who carries them and educating that parent in the stages of fetal human development, often tips the scale away from termination and toward LIFE. Based on a 5-year average, when women who were planning to end their pregnancy *found our services first*, they changed their minds 77% of the time. A first-trimester scan also accurately dates viable pregnancies and provides early warning of ectopic pregnancies which are not compatible with life and can be deadly for the mother. Our medical services are valuable and worthy of support.

In a culture where the messaging increasingly encourages sexual risk, we at Women's Pregnancy Center aim to care more deeply – not only meeting and treating the physical needs of our clients, but also addressing their emotional and spiritual health, as well. Testing for Sexually Transmitted Diseases and treating Sexually Transmitted Infections has opened more opportunities to know and serve our community with relational, individual education. Utilizing a \$6,000.00 grant from the North Dakota Department of Health, we conduct testing for HIV and Hepatitis C. Thankfully, the grant covers the testing supplies while we provide the nurse, the facility, etc. Doing our part is an investment we are proud to make.

Additional testing for chlamydia and gonorrhea is funded through our budget. Depending on behavioral risk (requiring additional samples), our lab expenses can be as high as \$40.00 per client. Right now, advertising for this service is strictly by word of mouth. If we were to receive reimbursement for the lab costs, I would confidently increase our advertising budget to reach more at-risk individuals between the ages of 16 to 24.

We know that by creating positive experiences within our walls before a pregnancy test is needed, our clients and the friends they tell, will *find us first* if they do someday face an unplanned pregnancy. That alone is reason enough to provide the extra testing, but it's not just about getting them through our door – it's about building knowledge so a poor decision made in their teens and early 20's doesn't prevent them from living a healthy future. By offering the treatment free of charge (as prescribed by our Medical Director, a licensed physician with Sandford in East Grand Forks, MN), we remove countless barriers to serving the most vulnerable. Even when the medication is more expensive due to known allergies, we shoulder the cost – because we genuinely care.

As a final word, I want to emphasize the value of supporting post-abortive healing options. I cannot overestimate the amount of pain I've heard from women and men who regret a past abortion decision. Whether they employ an active faith tradition or not, North Dakotans trend toward strong family values. The devastation of an abortion catches up with those who carry guilt and regret. Peer counseling has proven itself in this area, and I have personally witnessed the freedom and healing that comes when women who relate to abortion on a personal level, sit, discuss, and support each other. Hearts and minds are changed as stories are bravely shared. I believe this "sharing" has the power to make abortion unthinkable.

Historically, the Alternatives to Abortion funding and the grant for testing supplies has accounted for roughly 5% of our annual budget. I am grateful for that bit of budget breathing room as we push forward to make a difference in Grand Forks.

Again, I thank you for considering a funding level with which we can do so much more for our communities. Building a culture of LIFE across our state is my personal mindset, and I believe it is yours, too.

Sincerely,

Jill Chandler

jill@gfwpc.org / 218-779-3658 (Cell)