

Nonstat File Sequence: **EEE**

LRB _____/_____/_____

INITIAL APPLICABILITY

- 1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 193 **Initial applicability;**

(#1) MA PUBLICLY-FUNDED ORGANIZATIONS

The treatment of sections ..
20,9275 (1) (intro.), (am) and (em), (2) (intro.), (a) 2 and a to g, (2m) (intro.) and (c), (2n), (3), (3m), and (6) to (8)

of the statutes first applies to employees who are affected by a collective bargaining agreement that contains provisions inconsistent with that treatment on the day on which the collective bargaining agreement expires or is extended, modified, or renewed,

- 1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inappl
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

whichever first occurs.

SECTION # _____ **Initial applicability;**

(#1) () This act first applies to

contracts on the day on which the contract expires or is extended, modified, or renewed, whichever first occurs and to

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1625/2dn
DAK:wlj:Am

To Representative Gundrum:

1. For this redraft, I have made the following changes, for the following reasons, to the material proposed by Ms. Mary Klaver as amendments to s. 20.9275 (2) (intro.) and (a) 2. to incorporate language of the 1988 federal Title X regulations upheld in *Rust v. Sullivan*, 500 U.S. 173, 111 S. Ct. 1759 (1991):

stats.,
a. I changed the phrase "including, but not limited to" where proposed, to "including" to avoid the redundancy inherent in the phrase and to comply with long-standing LRB drafting policy, as specified in our Drafting Manual, sections 2.01 (1) (i) and 7.08. Please note that when a statute (such as s. 20.9275 (2) (intro.), stats.) contains specific enumerations, they may undercut a statute's force by raising a question as to whether the statute applies to examples not enumerated or whether the statute applies only to examples of the same general type enumerated. In *Hatheway v. Gannett Satellite Network*, 157 Wis. 2d 395 (Ct. App. 1990), the court relied on two related canons of statutory construction: *ejusdem generis*, which holds that, when a general definition is followed by a list of specifics, the definition is limited to other examples of the same kind, class, or nature as the items listed; and *noscitur a sociis*, which holds that a word is known by its associates. In *Hatheway*, the statute in question had coupled the specific enumeration with language stating that the definition "shall be interpreted broadly to include, but not be limited to [the enumerated items]"; nonetheless, the court refused to broaden the applicability of the statute to include a classified ad section of a newspaper as a "place of business". Thus, it is not the phrase "but not limited to" that can provide support to a broad interpretation of items that are not specified, but, rather, the range of the specified items. In s. 20.9275 (2) (intro.), stats., the specified items are publicly funded programs; if it is your ultimate intent to limit public funding of abortion-related activities to publicly funded programs, the language, as drafted, appears to meet that goal. You may wish to review whether the enumerated examples in the material drafted (particularly in s. 20.9275 (2) (a) 2. g.) provide a sufficiently broad range. Obviously, the definition in s. 20.9275 (1) (am) in the draft has some of the same potential flaws. proposed

proposed stats.,
b. The language proposed as an amendment to s. 20.9275 (2) (a) 2. did not include all of the language of the federal regulations; specifically, it did not include reference to increasing the availability or accessibility of abortion for family planning purposes, and it did not include the phrase "as a method of family planning" for the specified

items or the definitions of “family planning” and “prenatal care” contained in the federal regulations. I have drafted all of these, because it is my understanding from Ms. Mary Klaver that you wished to duplicate the language of the federal regulations. In addition, the language is important with respect to the First Amendment challenge to the regulations at issue in *Rust v. Sullivan*; the court found that programs covered by the restrictions did not significantly impinge on the doctor-patient relationship because that relationship was “not sufficiently all-encompassing” given that the program “does not provide post-conception medical care.” *Id.*, at 200, 111 S. Ct. at 1776.

~~For s.~~ ^{Proposed} 20.9275 (6) (a), I did not draft proposed language that stated “[T]o ensure that the state, a state agency or local governmental unit does not lend its imprimatur to an activity that is specified under sub. (2) (a) 1. to 3., and to ensure that an organization that engages in an activity that is specified under sub. (2) (a) 1. to 3. does not receive a direct or indirect economic or marketing benefit from program funds.” This language is redundant to the prohibition involved; it also is, in effect, a statement of legislative intent, which we do not draft except as a separate statement in support of a statute that may be vulnerable to a constitutional challenge. I spoke with Ms. Klaver concerning this and suggested that she provide me with such a statement if, indeed, it is your intent to have it included and if, indeed, there appears to be a constitutional vulnerability that you wish to address.

d. I significantly changed the language proposed for s. 20.9275 (6) (intro.), to make it clearer, and throughout made minor technical changes. Also, note that I amended s. 20.9275 (2), stats., to make it subject to the newly created sub. (6).

2. I consulted Senior Attorney Robert Nelson concerning the “standing to enforce” language proposed for s. 20.9275 (8). We believe that, rather than an assertion of standing, what would best fulfill what appears to be your intent is a statement that authorizes a person to file a petition for a writ of mandamus or prohibition to enforce s. 20.9275, stats. The standing is automatically provided under this authority and it appears to be the most appropriate legal remedy for enforcement. It would be necessary, of course, for the person bringing the petition to fulfill the requirements for mandamus (the legal right to the action sought to be compelled, as provided by s. 20.9275 (8), is clear, specific, and free from substantial doubt), *Mazurek v. Miller*, 100 Wis. 2d 426, 430, citing *Eisenberg v. ILHR Department*, 59 Wis. 2d 98, 101 (1973). The definition of “person” in s. 990.01 (26), stats., which would govern this provision, is extremely broad, so it is unnecessary to specify, as proposed, that a legislator may file a petition.

3. Section 20.9275 (6) in this redraft permits the provision of public funding to an organization that is affiliated with an organization that engages in abortion-related activities, under specified restrictions. This language is, according to Ms. Klaver, current Missouri law. Several of the specific restrictions proposed and drafted appear to exceed the limit specified in *Planned Parenthood of Mid-Missouri v. Dempsey*, 167 F.3d 458 (8th Cir. 1999), U.S. cert. den., 120 S. Ct. 501 (1999), however. The *Dempsey* court specified these restrictions as follows:

“To remain truly “independent” however, any affiliate that provides abortion services must not be directly or indirectly subsidized by a section 10.715 grantee. . . . No subsidy will exist if the affiliate that provides abortion services is separately incorporated, has separate facilities, and maintains adequate financial records to demonstrate that it receives no State family-planning funds.” *Id.*, at 463.

In s. 20.9275 (6) (a), as proposed and drafted, the publicly funded organization and its affiliate are prohibited from occupying the same building and sharing, among other things, the same or a similar name; equipment or supplies; services; employees; and databases. Further, s. 20.9275 (6) (c) prohibits separation of program funds from other moneys by means of bookkeeping alone; the language is not specific as to what other methods must be employed to demonstrate that the financial independence exists. *Dempsey* required only separate incorporation and facilities and “adequate” financial records; the restrictions appear to go beyond those requirements and, with respect to s. 20.9275 (6) (c), are vague.

4. Please note that I included an initial applicability provision, to prevent any potential impairment of contract issue from being raised under Article I, section 10 of the U. S. Constitution or Article I, section 12, of the Wisconsin Constitution.

5. The proposed and drafted language repeals s. 20.9275 (3m), stats., which states that restrictions under current law under s. 20.9275 (2) and (3), stats., on the authorization of payment and the use of federal funds passing through the state treasury shall apply only to the extent that the application of the restriction does not result in the loss of any federal funds. Thus, the bill eliminates protection to the state if the restrictions under s. 20.9275 result in a loss of federal funds.

6. This redraft eliminates the words “that is” from s. 20.9275 (2) (intro.) and substitutes the word “including”. Because the change, in effect, broadens the applicability of s. 20.9275 (2) (intro.) to any federal funds, and because the definition of “program funds” under s. 20.9275 (1) (f) encompasses funds specified under s. 20.9275 (2) (intro.), I have deleted the language “or any other public funds” as an amendment to s. 20.9275 (3). By these changes, an organization that receives public funds may not use the funds for an abortion-related activity. A direct conflict then results with respect to s. 20.927, which permits use of public funds for performance of an abortion that is directly and medically necessary to save the life of the woman, in the case of sexual assault or incest (s. 20.927 (2) (a), stats.) or if the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman (s. 20.927 (2) (b), stats.). To avoid this conflict, I have notwithstanding those paragraphs in amending s. 20.9275 (2) (intro.) and (3), stats.

This effect of the amendments to s. 20.9275 (intro.) and (3) appears to exceed the federal restrictions on the provision of medical assistance under the Hyde Amendment, since no exception is made for abortions in the case of rape; therefore, the prohibitions would place the state out of compliance with federal Title XIX (medicaid) requirements; although potential loss to the state of federal medicaid money would not have occurred, under operation of s. 20.9275 (3m), stats., that provision, as noted above, is eliminated.

Secondly, as proposed, the language is in conflict with s. 20.927, ^{stats.)} which permits use of public funds for performance of an abortion that is directly and medically necessary to save the life of the woman, in the case of sexual assault or incest (s. 20.927 (2) (a), stats.) or if the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman (s. 20.927 (2) (b), stats.).

Lastly, the breadth of the prohibitions, especially with respect to counseling in favor of an abortion and referral for an abortion, may impinge on the doctor-patient relationship to a degree that violates the First Amendment to the U. S. Constitution and article I, section 3, of the Wisconsin Constitution. Restrictions on counseling or referrals for abortion that were at one time placed on recipients of Title X funds were upheld in *Rust v. Sullivan*, 500 U.S. 173, 111 S. Ct. 1759 (1991). With respect to the First Amendment challenge, the court found that programs covered by the restrictions did not significantly impinge on the doctor-patient relationship because that relationship was "not sufficiently all-encompassing" given that the program "does not provide post-conception medical care." *Rust*, 500 U.S. at 200, 111 S. Ct. at 1776. By going further than the regulations at issue in *Rust* and extending restrictions on abortion counseling and referral to all activities of a physician who provides care under the affected funding, including the panoply of health care offered women under medical assistance, the prohibitions created in this draft may be more susceptible to a free speech challenge.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1625/2dn
DAK:wlj:jf

April 24, 2001

To Representative Gundrum:

1. For this redraft, I have made the following changes, for the following reasons, to the material proposed by Ms. Mary Klaver as amendments to s. 20.9275 (2) (intro.) and (a) 2., stats., to incorporate language of the 1988 federal Title X regulations upheld in *Rust v. Sullivan*, 500 U.S. 173, 111 S. Ct. 1759 (1991):

a. I changed the phrase "including, but not limited to," where proposed, to "including," to avoid the redundancy inherent in the phrase and to comply with long-standing LRB drafting policy, as specified in our Drafting Manual, sections 2.01 (1) (i) and 7.08. Please note that when a statute (such as s. 20.9275 (2) (intro.), stats.) contains specific enumerations, they may undercut a statute's force by raising a question as to whether the statute applies to examples not enumerated or whether the statute applies only to examples of the same general type enumerated. In *Hatheway v. Gannett Satellite Network*, 157 Wis. 2d 395 (Ct. App. 1990), the court relied on two related canons of statutory construction: *ejusdem generis*, which holds that, when a general definition is followed by a list of specifics, the definition is limited to other examples of the same kind, class, or nature as the items listed; and *noscitur a sociis*, which holds that a word is known by its associates. In *Hatheway*, the statute in question had coupled the specific enumeration with language stating that the definition "shall be interpreted broadly to include, but not be limited to [the enumerated items]"; nonetheless, the court refused to broaden the applicability of the statute to include a classified ad section of a newspaper as a "place of business." Thus, it is not the phrase "but not limited to" that can provide support to a broad interpretation of items that are not specified, but, rather, the range of the specified items. In s. 20.9275 (2) (intro.), stats., the specified items are publicly funded programs; if it is your ultimate intent to limit public funding of abortion-related activities to publicly funded programs, the language, as drafted, appears to meet that goal. You may wish to review whether the enumerated examples in the material drafted (particularly in proposed s. 20.9275 (2) (a) 2. g.) provide a sufficiently broad range. Obviously, the definition in proposed s. 20.9275 (1) (am) in the draft has some of the same potential flaws.

b. The language proposed as an amendment to s. 20.9275 (2) (a) 2., stats., did not include all of the language of the federal regulations; specifically, it did not include reference to increasing the availability or accessibility of abortion for family planning purposes, and it did not include the phrase "as a method of family planning" for the

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c. For s. 20.9275 (6) (a), I did not draft proposed language that stated “[T]o ensure that the state, a state agency or local governmental unit does not lend its imprimatur to an activity that is specified under sub. (2) (a) 1. to 3., and to ensure that an organization that engages in an activity that is specified under sub. (2) (a) 1. to 3. does not receive a direct or indirect economic or marketing benefit from program funds.” This language is redundant to the prohibition involved; it also is, in effect, a statement of legislative intent, which we do not draft except as a separate statement in support of a statute that may be vulnerable to a constitutional challenge. I spoke with Ms. Klaver concerning this and suggested that she provide me with such a statement if, indeed, it is your intent to have it included and if, indeed, there appears to be a constitutional vulnerability that you wish to address.

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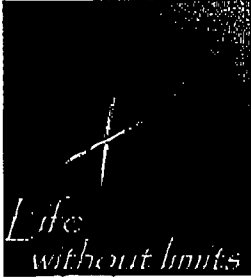
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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

WISCONSIN



RIGHT TO LIFE

FAX COVER SHEET

OPERATOR: PLEASE NOTIFY THE PERSON NAMED BELOW THAT THIS FAX HAS ARRIVED. THANK YOU

Important Notice: The information contained in this transmission is intended for the specific person(s) addressed. If you have received this fax in error please contact us immediately at the phone number below. Thank You !

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- Alan Kramer, Vice President
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Education Director
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Chapter Director
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Wisconsin Right to Life, Inc.
10625 W. North Ave., Suite LL
Milwaukee, WI 53226-2331

Ph: 414-778-5780
Fax: 414-778-5785
Toll Free: 877-855-5007
Home Page: www.wrtl.org

TO (Name):

Debra Kennedy

LOCATION:

LRB

AT FAX #:

608-264-6948 AT PHONE# 608-266-0137

FROM:

Mary Klaver

WRL Fax: 414/778-5785

WRL Phone: 414/778-5780

Date Sent:

5/1/01

Pages:

2

(including this cover sheet)

Time Sent:

a.m. / p.m.

MESSAGE:

Legislative intent statement for

S.20.9275

cc: Rep. Mark Gundrum

FAX: 608-282-3684

Legislative intent provision for s. 20.9275

(1) It is the intent of the legislature that this section shall further the profound and compelling state interest in all of the following:

(a) To protect the life of an unborn child throughout pregnancy by favoring childbirth over abortion and implementing that value judgment through the allocation of public resources.

(b) To ensure that the state, state agencies and local governmental units do not lend their imprimatur to abortion-related activities.

(c) To ensure that organizations that engage in abortion-related activities do not receive a direct or indirect economic or marketing benefit from public funds.

OK
SPM

5/8/01 For redraft of -1625/3 from Mary Kauer

✓ ① 20.9275(2)(intro.) - Change amending lang. to
" Except as provided in sub. (2m) and notwithstanding
s. 20.927(2), "

✓ ② 20.9275(2n) - add: Except as provided in sub. (6)

✓ ③ 20.9275(3) - change note/ to only 20.927(2)

✓ ④ 20.9275(6) Sub. (2n) does not apply to an
org. that otherwise is qualified to receive funding
under ---

✓ ⑤ She will be sending her intent stat.



MONDAY - 9:00, please

State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1625/3

DAK:wlj

D-NOTE

2001 BILL

REGEN

1 AN ACT *to repeal* 20.9275 (2m) (c), 20.9275 (3m), 253.02 (2m) (c), 253.07 (1) (a)
2 3. and 253.07 (1) (b) 3.; *to renumber and amend* 20.9275 (2) (a) 2.; *to amend*
3 20.9275 (1) (intro.), 20.9275 (2) (intro.), 20.9275 (2m) (intro.), 20.9275 (3),
4 253.02 (2m) (intro.), 253.07 (1) (a) (intro.) and 253.07 (1) (b) (intro.); and *to*
5 *create* 20.9275 (1) (am), 20.9275 (1) (em), 20.9275 (2) (a) 2. a., 20.9275 (2) (a)
6 2. b., 20.9275 (2) (a) 2. c., 20.9275 (2) (a) 2. d., 20.9275 (2) (a) 2. e., 20.9275 (2)
7 (a) 2. f., 20.9275 (2) (a) 2. g., 20.9275 (2n), 20.9275 (6), 20.9275 (7) and 20.9275
8 (8) of the statutes; **relating to:** prohibiting an organization or affiliate of an
9 organization that engages in abortion-related activities from receiving certain
10 public funds, prohibiting an organization that receives certain public funds
11 from using other public and private funds for abortion-related activities,
12 specifying restrictions on affiliation between certain organizations, changing
13 the types of information that may be provided by organizations that receive the

BILL

1 funds, changing requirements related to the maternal and child health
2 program and family planning services, and requiring audits.

Analysis by the Legislative Reference Bureau

Under current law, federal funds passing through the state treasury and state and local funds may not be paid as a grant, subsidy, or other funding that wholly or partially or directly or indirectly involves pregnancy programs, projects, or services and that is a grant, subsidy, or other funding under specific state programs (adolescent pregnancy prevention and pregnancy services, adolescent self-sufficiency and pregnancy prevention, adolescent choices, welfare and hygiene of maternity and infancy, family planning, pregnancy counseling, and outreach to low-income pregnant women and under federal maternal and child health services block grants), if the pregnancy program, project, or service using these federal, state, or local funds, using income derived from the funds, or using matching funds provides abortion services; promotes, encourages, or counsels in favor of abortion services; or makes abortion referrals either directly or through an intermediary in any instance other than when an abortion is directly and medically necessary to save the life of the pregnant woman. The restriction applies only to the extent that applying it does not result in the loss of any federal funds. An organization that violates the prohibition may not receive the funds for 24 months after the violation and must return all funds paid under the grant, subsidy, or other funding, and the grant, subsidy, or other funding is terminated. This law specifically does not prohibit the providing of nondirective information explaining prenatal care and delivery; infant care, foster care, or adoption; or pregnancy termination.

Also under current law, federal funds passing through the state treasury and state and local funds may not be paid for the performance of an abortion other than an abortion that is directly and medically necessary to save the life of the pregnant woman, in a case of sexual assault or incest, or if, due to a medical condition existing before the abortion, the physician determines that the abortion is directly and medically necessary to prevent grave, long-lasting, physical health damage to the pregnant woman.

This bill expands the prohibition on payment of public funds to an organization that engages in abortion-related activities, in the following ways:

1. The bill applies the prohibition to all public funds for, among other things, prenatal care, pregnancy services, and reproductive health care services that are related to pregnancy.

2. The bill prohibits payment to an organization that is affiliated with an organization that engages in abortion-related activities unless the organizations are physically and financially independent from each other. Specifically, the two organizations may not share the same or a similar name; medical or nonmedical facilities, equipment, or supplies; services; income, grants, donations, and other revenue; fund-raising activities; expenses; employees; employee wages or salaries; or databases. They also may not be located in the same building, must be separately

BILL

incorporated, and must maintain financial and database records that demonstrate that the affiliate receives no economic or marketing benefit from the funded organization.

3. The bill prohibits a publicly funded organization from transferring public funds to another organization or to an affiliate of the organization that provides abortion-related activities.

The bill also specifies prohibited abortion-related activities related to promoting, encouraging, or counseling in favor of abortion services, including acting to assist women to obtain abortions; acting to increase the availability or accessibility of abortion for family planning purposes; lobbying for passage of legislation to increase the availability of abortion; providing speakers to promote the use of abortion; paying dues to a group that advocates abortion; using legal action to make abortion available; and developing or disseminating materials advocating abortion.

The bill authorizes the filing of a petition for a writ of mandamus or prohibition with the circuit court of the county where a violation of the prohibitions is alleged to have occurred or is proposed to occur. The bill also requires the legislative audit bureau to conduct an audit of each organization receiving the public funds to determine if the organization or the state agency or local governmental unit has strictly complied with the requirements or prohibitions. If the publicly funded organization is an affiliate of an organization that engages in abortion-related activities, the audit must be conducted annually.

Lastly, the bill eliminates authorization, including authorization under the maternal and child health and family planning laws, to provide nondirective information about pregnancy termination and, instead, specifies that an organization that receives the funds is not prohibited from promoting, encouraging, or counseling in favor of or referring directly or through an intermediary for prenatal care and delivery and infant care, foster care, or adoption. The bill eliminates the provision that specifies that the prohibitions on the use of the funds applies only to the extent that applying it does not result in the loss of any federal funds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 20.9275 (1) ~~(intro.)~~ ^{(lr) (B)} of the statutes is amended to read:
- 2 20.9275 ~~(1)~~ ^(intro.) In this section, except as otherwise specified:
- 3 **SECTION 2.** 20.9275 ~~(1)~~ ^(lr) (am) of the statutes is created to read:
- 4 20.9275 ~~(1)~~ ^{(lr) (B)} (am) "Family planning" means the process of establishing
- 5 objectives for the number and spacing of one's children and selecting the means by

the statutes is renumbered 20.9275 (lr), and 20.9275 (lr) (intro.)

, as renumbered,

INSERT 3-2

BILL

1 which those objectives may be achieved, including a broad range of acceptable and
 2 effective methods and services to limit or enhance fertility, including contraceptive
 3 methods, including natural family planning and abstinence; the management of
 4 infertility, including adoption; and preconceptional counseling, education, and
 5 general reproductive health care, including diagnosis and treatment of infections
 6 that threaten reproductive capability. "Family planning" does not include pregnancy
 7 care, including obstetric or prenatal care. (lr)

8 **SECTION 3.** 20.9275 (1) (em) of the statutes is created to read:

9 20.9275 (1) (em) "Prenatal care" means medical services provided to a pregnant
 10 woman to promote maternal and fetal health. *Except as provided in sub. (2m) and*

11 **SECTION 4.** 20.9275 (2) (intro.) of the statutes is amended to read:

12 20.9275 (2) (intro.) No ~~subject to sub. (6)~~ notwithstanding s. 20.927 ~~(1)(a)~~ (2),
 13 no state agency or local governmental unit may authorize payment of funds of this
 14 state, of any local governmental unit or, ~~subject to sub. (3m)~~, of federal funds passing
 15 through the state treasury as a grant, subsidy, or other funding that wholly or
 16 partially or directly or indirectly involves pregnancy programs, projects, or services,
 17 that is including a grant, subsidy, or other funding under s. 46.93, 46.99, 46.995,
 18 253.02 (2), 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to 710, if any of the
 19 following applies:

20 **SECTION 5.** 20.9275 (2) (a) 2. of the statutes is renumbered 20.9275 (2) (a) 2.
 21 (intro.) and amended to read:

22 20.9275 (2) (a) 2. (intro.) Promotes, encourages, or counsels in favor of abortion
 23 services, including by doing any of the following:

24 **SECTION 6.** 20.9275 (2) (a) 2. a. of the statutes is created to read:

25 20.9275 (2) (a) 2. a. Acting to assist women to obtain abortions.

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1 **SECTION 7.** 20.9275 (2) (a) 2. b. of the statutes is created to read:

2 20.9275 (2) (a) 2. b. Acting to increase the availability or accessibility of
3 abortion for family planning purposes.

4 **SECTION 8.** 20.9275 (2) (a) 2. c. of the statutes is created to read:

5 20.9275 (2) (a) 2. c. Lobbying for the passage of legislation to increase in any
6 way the availability of abortion as a method of family planning.

7 **SECTION 9.** 20.9275 (2) (a) 2. d. of the statutes is created to read:

8 20.9275 (2) (a) 2. d. Providing speakers to promote the use of abortion as a
9 method of family planning.

10 **SECTION 10.** 20.9275 (2) (a) 2. e. of the statutes is created to read:

11 20.9275 (2) (a) 2. e. Paying dues to a group that as a significant part of its
12 activities advocates abortion as a method of family planning.

13 **SECTION 11.** 20.9275 (2) (a) 2. f. of the statutes is created to read:

14 20.9275 (2) (a) 2. f. Using legal action to make abortion available in any way
15 as a method of family planning.

16 **SECTION 12.** 20.9275 (2) (a) 2. g. of the statutes is created to read:

17 20.9275 (2) (a) 2. g. Developing or disseminating in any way materials,
18 including printed matter and audiovisual materials, advocating abortion as a
19 method of family planning.

20 **SECTION 13.** 20.9275 (2m) (intro.) of the statutes is amended to read:

21 20.9275 (2m) (intro.) Nothing in sub. (2) prohibits the ~~providing of nondirective~~
22 ~~information explaining promotion, encouragement, or counseling in favor of, or~~
23 ~~referral either directly or through an intermediary for,~~ any of the following:

24 **SECTION 14.** 20.9275 (2m) (c) of the statutes is repealed.

25 **SECTION 15.** 20.9275 (2n) of the statutes is created to read:

BILL

SECTION 15

Except as provided in sub. (6),

1

20.9275 (2n) None of the funds specified under sub. (2) (intro.) may be paid to an organization or affiliate of an organization that engages in an activity that is specified under sub. (2) (a) 1. to 3.

4

SECTION 16. 20.9275 (3) of the statutes is amended to read:

5

20.9275 (3) ~~Subject to sub. (3m)~~ Notwithstanding s. 20.927 (3) and (2), no organization that receives funds specified under sub. (2) (intro.) may use program funds for an activity that is specified under sub. (2) (a) 1. to 3. No organization that receives funds specified under sub. (2) (intro.) may transfer any program funds or any other public funds to an organization or affiliate of an organization that engages in an activity that is specified under sub. (2) (a) 1. to 3.

is qualified to receive funding under

11

SECTION 17. 20.9275 (3m) of the statutes is repealed.

12

SECTION 18. 20.9275 (6) of the statutes is created to read:

13

20.9275 (6) Subsection ⁽²ⁿ⁾ ~~2~~ does not apply to an organization that otherwise

14

~~meets the requirements of~~ sub. (2) and that is affiliated with an organization that engages in an activity that is specified under sub. (2) (a) 1. to 3. if the organizations are physically and financially independent from each other under all of the following criteria:

18

(a) The organization that receives funds specified under sub. (2) (intro.) and its independent affiliate that engages in an activity that is specified under sub. (2) (a) 1. to 3. are not located in the same building and do not share any of the following:

21

1. The same or a similar name.

22

2. Medical or nonmedical facilities, including treatment, consultation, examination, and waiting rooms, and business offices.

24

3. Equipment or supplies, including computers, telephone systems, telecommunications equipment, vehicles, office supplies, and medical supplies.

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1 4. Services, including management, accounting, and payroll services and
2 equipment and facility maintenance.

3 5. Income, grants, donations of cash or property, in-kind gifts, and other
4 revenue.

5 6. Fund-raising activities.

6 7. Expenses.

7 8. Employees.

8 9. Employee wages or salaries.

9 10. Databases, including client lists.

10 (b) The organization that receives funds specified under sub. (2) (intro.) is
11 separately incorporated from its independent affiliate that engages in an activity
12 that is specified under sub. (2) (a) 1. to 3.

13 (c) The organization that receives funds specified under sub. (2) (intro.)
14 maintains financial records and database records that demonstrate that its
15 independent affiliate that engages in an activity that is specified under sub. (2) (a)
16 1. to 3. receives no direct or indirect economic or marketing benefit from the program
17 funds. Separation of program funds from other moneys by means of bookkeeping
18 alone is not sufficient to meet the requirement of this paragraph.

19 **SECTION 19.** 20.9275 (7) of the statutes is created to read:

20 20.9275 (7) At least once every 3 years, the legislative audit bureau shall
21 conduct an audit of each organization that receives the funds specified under sub. (2)
22 (intro.) and the state agency or local governmental unit that authorizes payment of
23 the funds to the organization, to determine if the organization, state agency, or local
24 governmental unit has strictly complied with this section. If the organization is an

BILL**SECTION 19**

1 affiliate of an organization that engages in an activity that is specified under sub. (2)

2 (a) 1. to 3., the legislative audit bureau shall conduct the audit at least annually.

3 **SECTION 20.** 20.9275 (8) of the statutes is created to read:

4 20.9275 (8) A person may file a petition for a writ of mandamus or prohibition
5 with the circuit court for the county where a violation of this section is alleged to have
6 occurred or is proposed to occur.

7 **SECTION 21.** 253.02 (2m) (intro.) of the statutes is amended to read:

8 253.02 (2m) (intro.) Nothing in this section authorizes the performance,
9 promotion, encouragement, or counseling in favor of, or referral either directly or
10 through an intermediary for, voluntary termination of pregnancy. Nothing in this
11 section prohibits the ~~providing of nondirective information explaining promotion,~~
12 encouragement, or counseling in favor of, or referral either directly or through an
13 intermediary for, any of the following:

14 **SECTION 22.** 253.02 (2m) (c) of the statutes is repealed.

15 **SECTION 23.** 253.07 (1) (a) (intro.) of the statutes is amended to read:

16 253.07 (1) (a) (intro.) “Family planning” means voluntary action by individuals
17 to prevent or aid conception. “Family planning” does not include the performance,
18 promotion, encouragement, or counseling in favor of, or referral either directly or
19 through an intermediary for, voluntary termination of pregnancy, but may include
20 the ~~providing of nondirective information explaining promotion, encouragement, or~~
21 counseling in favor of, or referral either directly or through an intermediary for, any
22 of the following:

23 **SECTION 24.** 253.07 (1) (a) 3. of the statutes is repealed.

24 **SECTION 25.** 253.07 (1) (b) (intro.) of the statutes is amended to read:

INSERT 3-2

~~Legislative intent provision for s. 20.9275~~

SECTION # , CR; 20.9275 (1g)

It is the intent of the legislature that this section shall further the profound and compelling state interest in all of the following:

- (a) To protect the life of an unborn child throughout pregnancy by favoring childbirth over abortion and implementing that value judgment through the allocation of public resources.
- (b) To ensure that the state, state agencies and local governmental units do not lend their imprimatur to abortion-related activities.
- (c) To ensure that organizations that engage in abortion-related activities do not receive a direct or indirect economic or marketing benefit from public funds.

20.9275 (1g)

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1625/2dn
DAK.wlj

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~~April 24, 2001~~

To Representative Gundrum:

1. For this redraft, I have made the following changes, for the following reasons, to the material proposed by Ms. Mary Klaver as amendments to s. 20.9275 (2) (intro.) and (a) 2., stats., to incorporate language of the 1988 federal Title X regulations upheld in *Rust v. Sullivan*, 500 U.S. 173, 111 S. Ct. 1759 (1991):

a. I changed the phrase "including, but not limited to," where proposed, to "including," to avoid the redundancy inherent in the phrase and to comply with long-standing LRB drafting policy, as specified in our Drafting Manual, sections 2.01 (1) (i) and 7.08. Please note that when a statute (such as s. 20.9275 (2) (intro.), stats.) contains specific enumerations, they may undercut a statute's force by raising a question as to whether the statute applies to examples not enumerated or whether the statute applies only to examples of the same general type enumerated. In *Hatheway v. Gannett Satellite Network*, 157 Wis. 2d 395 (Ct. App. 1990), the court relied on two related canons of statutory construction: *ejusdem generis*, which holds that, when a general definition is followed by a list of specifics, the definition is limited to other examples of the same kind, class, or nature as the items listed; and *noscitur a sociis*, which holds that a word is known by its associates. In *Hatheway*, the statute in question had coupled the specific enumeration with language stating that the definition "shall be interpreted broadly to include, but not be limited to [the enumerated items]"; nonetheless, the court refused to broaden the applicability of the statute to include a classified ad section of a newspaper as a "place of business." Thus, it is not the phrase "but not limited to" that can provide support to a broad interpretation of items that are not specified, but, rather, the range of the specified items. In s. 20.9275 (2) (intro.), stats., the specified items are publicly funded programs; if it is your ultimate intent to limit public funding of abortion-related activities to publicly funded programs, the language, as drafted, appears to meet that goal. You may wish to review whether the enumerated examples in the material drafted (particularly in proposed s. 20.9275 (2) (a) 2. g.) provide a sufficiently broad range. Obviously, the definition in proposed s. 20.9275 (1) (am) in the draft has some of the same potential flaws.

b. The language proposed as an amendment to s. 20.9275 (2) (a) 2., stats., did not include all of the language of the federal regulations; specifically, it did not include reference to increasing the availability or accessibility of abortion for family planning purposes, and it did not include the phrase "as a method of family planning" for the

specified items or the definitions of "family planning" and "prenatal care" contained in the federal regulations. I have drafted all of these, because it is my understanding from Ms. Mary Klaver that you wished to duplicate the language of the federal regulations. In addition, the language is important with respect to the First Amendment challenge to the regulations at issue in *Rust v. Sullivan*; the court found that programs covered by the restrictions did not significantly impinge on the doctor-patient relationship because that relationship was "not sufficiently all-encompassing" given that the program "does not provide post-conception medical care." *Id.*, at 200, 111 S. Ct. at 1776.

c. For s. 20.9275 (6) (a), I did not draft proposed language that stated "[T]o ensure that the state, a state agency or local governmental unit does not lend its imprimatur to an activity that is specified under sub. (2) (a) 1. to 3., and to ensure that an organization that engages in an activity that is specified under sub. (2) (a) 1. to 3. does not receive a direct or indirect economic or marketing benefit from program funds." This language is redundant to the prohibition involved; it also is, in effect, a statement of legislative intent, which we do not draft except as a separate statement in support of a statute that may be vulnerable to a constitutional challenge. I spoke with Ms. Klaver concerning this and suggested that she provide me with such a statement if, indeed, it is your intent to have it included and if, indeed, there appears to be a constitutional vulnerability that you wish to address.

d. I significantly changed the language proposed for s. 20.9275 (6) (intro.), to make it clearer, and throughout made minor technical changes. Also, note that I amended s. 20.9275 (2), stats., to make it subject to the newly created sub. (6).

2. I consulted Senior Attorney Robert Nelson concerning the "standing to enforce" language proposed for s. 20.9275 (8). We believe that, rather than an assertion of standing, what would best fulfill what appears to be your intent is a statement that authorizes a person to file a petition for a writ of mandamus or prohibition to enforce s. 20.9275, stats. The standing is automatically provided under this authority and it appears to be the most appropriate legal remedy for enforcement. It would be necessary, of course, for the person bringing the petition to fulfill the requirements for mandamus (the legal right to the action sought to be compelled, as provided by s. 20.9275 (8), is clear, specific, and free from substantial doubt), *Mazurek v. Miller*, 100 Wis. 2d 426, 430, citing *Eisenberg v. ILHR Department*, 59 Wis. 2d 98, 101 (1973). The definition of "person" in s. 990.01 (26), stats., which would govern this provision, is extremely broad, so it is unnecessary to specify, as proposed, that a legislator may file a petition.

1. Section 20.9275 (6) in this redraft permits the provision of public funding to an organization that is affiliated with an organization that engages in abortion-related activities, under specified restrictions. This language is, according to Ms. Klaver, current Missouri law. Several of the specific restrictions proposed and drafted appear to exceed the limit specified in *Planned Parenthood of Mid-Missouri v. Dempsey*, 167 F.3d 458 (8th Cir. 1999), U.S. cert. den., 120 S. Ct. 501 (1999), however. The *Dempsey* court specified these restrictions as follows:

“To remain truly “independent” however, any affiliate that provides abortion services must not be directly or indirectly subsidized by a section 10.715 grantee No subsidy will exist if the affiliate that provides abortion services is separately incorporated, has separate facilities, and maintains adequate financial records to demonstrate that it receives no State family-planning funds.” *Id.*, at 463.

In s. 20.9275 (6) (a), as proposed and drafted, the publicly funded organization and its affiliate are prohibited from occupying the same building and sharing, among other things, the same or a similar name; equipment or supplies; services; employees; and databases. Further, s. 20.9275 (6) (c) prohibits separation of program funds from other moneys by means of bookkeeping alone; the language is not specific as to what other methods must be employed to demonstrate that the financial independence exists. *Dempsey* required only separate incorporation and facilities and “adequate” financial records; the restrictions appear to go beyond those requirements and, with respect to s. 20.9275 (6) (c), are vague.

4. Please note that I included an initial applicability provision, to prevent any potential impairment of contract issue from being raised under article I, section 10, of the U.S. Constitution or article I, section 12, of the Wisconsin Constitution.

2 The proposed and drafted language repeals s. 20.9275 (3m), stats., which states that restrictions under current law under s. 20.9275 (2) and (3), stats., on the authorization of payment and the use of federal funds passing through the state treasury shall apply only to the extent that the application of the restriction does not result in the loss of any federal funds. Thus, the bill eliminates protection to the state if the restrictions under s. 20.9275, stats., result in a loss of federal funds. Further,

This redraft eliminates the words “that is” from s. 20.9275 (2) (intro.), stats., and substitutes the word “including.” Because the change, in effect, broadens the applicability of s. 20.9275 (2) (intro.), stats., to any federal funds, and because the definition of “program funds” under s. 20.9275 (1) (f), stats., encompasses funds specified under s. 20.9275 (2) (intro.), stats., ~~I have deleted the language “or any other public funds” as an amendment to s. 20.9275 (3), stats.~~ By these changes, an organization that receives public funds may not use the funds for an abortion-related activity. A direct conflict then results with respect to s. 20.927, stats., which permits use of public funds for performance of an abortion that is directly and medically necessary to save the life of the woman, in the case of sexual assault or incest (s. 20.927 (2) (a), stats.) or if the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman (s. 20.927 (2) (b), stats.). To avoid this conflict, I have notwithstanding those paragraphs in amending s. 20.9275 (2) (intro.) and (3), stats.

ATP The effect of the amendments to s. 20.9275 (2) (intro.) and (3) appears to exceed the federal restrictions on the provision of medical assistance under the Hyde Amendment, since no exception is made for abortions in the case of rape; therefore, the prohibitions would place the state out of compliance with federal Title XIX (medicaid) requirements; although potential loss to the state of federal medicaid money would not have occurred, under operation of s. 20.9275 (3m), stats., that provision, as noted ~~above~~, is eliminated.

Secondly, as proposed, the language is in conflict with s. 20.927, stats., which permits use of public funds for performance of an abortion that is directly and medically necessary to save the life of the woman, in the case of sexual assault or incest (s. 20.927 (2) (a), stats.) or if the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman (s. 20.927 (2) (b), stats.).

Lastly, the breadth of the prohibitions, especially with respect to counseling in favor of an abortion and referral for an abortion, may impinge on the doctor-patient relationship to a degree that violates the First Amendment to the U. S. Constitution and article I, section 3, of the Wisconsin Constitution. Restrictions on counseling or referrals for abortion that were ~~at one time~~ placed on recipients of Title X funds were upheld in *Rust v. Sullivan*, 500 U.S. 173, 111 S. Ct. 1759 (1991). With respect to the First Amendment challenge, the court found that programs covered by the restrictions did not significantly impinge on the doctor-patient relationship because that relationship was "not sufficiently all-encompassing" given that the program "does not provide post-conception medical care." *Rust*, 500 U.S. at 200, 111 S. Ct. at 1776. By going further than the regulations at issue in *Rust* and extending restrictions on abortion counseling and referral to all activities of a physician who provides care under the affected funding, including the panoply of health care offered women under medical assistance, the prohibitions created in this draft may be more susceptible to a free speech challenge.

(2)

under the 1988 federal regulations

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

and the services provided under s. 253.02, stats.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1625/3dn
DAK:wlj:ch

May 7, 2001

To Representative Gundrum:

1. Section 20.9275 (6) in this redraft permits the provision of public funding to an organization that is affiliated with an organization that engages in abortion-related activities, under specified restrictions. This language is, according to Ms. Klaver, current Missouri law. Several of the specific restrictions proposed and drafted appear to exceed the limit specified in *Planned Parenthood of Mid-Missouri v. Dempsey*, 167 F.3d 458 (8th Cir. 1999), U.S. cert. den., 120 S. Ct. 501 (1999), however. The *Dempsey* court specified these restrictions as follows:

“To remain truly “independent” however, any affiliate that provides abortion services must not be directly or indirectly subsidized by a section 10.715 grantee No subsidy will exist if the affiliate that provides abortion services is separately incorporated, has separate facilities, and maintains adequate financial records to demonstrate that it receives no State family-planning funds.” *Id.*, at 463.

In s. 20.9275 (6) (a), as proposed and drafted, the publicly funded organization and its affiliate are prohibited from occupying the same building and sharing, among other things, the same or a similar name; equipment or supplies; services; employees; and databases. Further, s. 20.9275 (6) (c) prohibits separation of program funds from other moneys by means of bookkeeping alone; the language is not specific as to what other methods must be employed to demonstrate that the financial independence exists. *Dempsey* required only separate incorporation and facilities and “adequate” financial records; the restrictions appear to go beyond those requirements and, with respect to s. 20.9275 (6) (c), are vague.

2. The proposed and drafted language repeals s. 20.9275 (3m), stats., which states that restrictions under current law under s. 20.9275 (2) and (3), stats., on the authorization of payment and the use of federal funds passing through the state treasury shall apply only to the extent that the application of the restriction does not result in the loss of any federal funds. Thus, the bill eliminates protection to the state if the restrictions under s. 20.9275, stats., result in a loss of federal funds. Further, this redraft eliminates the words “that is” from s. 20.9275 (2) (intro.), stats., and substitutes the word “including.” Because the change, in effect, broadens the applicability of s. 20.9275 (2) (intro.), stats., to any federal funds, and because the definition of “program funds” under s. 20.9275 (1) (f), stats., encompasses funds specified under s. 20.9275 (2)

(intro.), stats., an organization that receives public funds may not use the funds for an abortion-related activity.

The effect of the amendments to s. 20.9275 (2) (intro.) and (3) appears to exceed the federal restrictions on the provision of medical assistance under the Hyde Amendment, since no exception is made for abortions in the case of rape; therefore, the prohibitions would place the state out of compliance with federal Title XIX (medicaid) requirements; although potential loss to the state of federal medicaid money would not have occurred, under operation of s. 20.9275 (3m), stats., that provision, as noted, is eliminated.

Secondly, as proposed, the language is in conflict with s. 20.927 (2), stats., which permits use of public funds for performance of an abortion that is directly and medically necessary to save the life of the woman, in the case of sexual assault or incest (s. 20.927 (2) (a), stats.) or if the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman (s. 20.927 (2) (b), stats.).

Lastly, the breadth of the prohibitions, especially with respect to counseling in favor of an abortion and referral for an abortion, may impinge on the doctor-patient relationship to a degree that violates the First Amendment to the U. S. Constitution and article I, section 3, of the Wisconsin Constitution. Restrictions on counseling or referrals for abortion that were at one time placed on recipients of Title X funds under the 1988 federal regulations were upheld in *Rust v. Sullivan*, 500 U.S. 173, 111 S. Ct. 1759 (1991). With respect to the First Amendment challenge, the court found that programs covered by the restrictions did not significantly impinge on the doctor-patient relationship because that relationship was "not sufficiently all-encompassing" given that the program "does not provide post-conception medical care." *Rust*, 500 U.S. at 200, 111 S. Ct. at 1776. By going further than the regulations at issue in *Rust* and extending restrictions on abortion counseling and referral to all activities of a physician who provides care under the affected funding, including the panoply of health care offered women under medical assistance and the services provided under s. 253.02, stats., the prohibitions created in this draft may be more susceptible to a free speech challenge.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

5/10/01 From Mary Klauer:

Change "ands" to "ors" in s. 20.9275(6)(a)



gjs

2001 BILL

1 **AN ACT to repeal** 20.9275 (2m) (c), 20.9275 (3m), 253.02 (2m) (c), 253.07 (1) (a)
2 3. and 253.07 (1) (b) 3.; **to renumber and amend** 20.9275 (1) and 20.9275 (2)
3 (a) 2.; **to amend** 20.9275 (2) (intro.), 20.9275 (2m) (intro.), 20.9275 (3), 253.02
4 (2m) (intro.), 253.07 (1) (a) (intro.) and 253.07 (1) (b) (intro.); and **to create**
5 20.9275 (1g), 20.9275 (1r) (am), 20.9275 (1r) (em), 20.9275 (2) (a) 2. a., 20.9275
6 (2) (a) 2. b., 20.9275 (2) (a) 2. c., 20.9275 (2) (a) 2. d., 20.9275 (2) (a) 2. e., 20.9275
7 (2) (a) 2. f., 20.9275 (2) (a) 2. g., 20.9275 (2n), 20.9275 (6), 20.9275 (7) and
8 20.9275 (8) of the statutes; **relating to:** prohibiting an organization or affiliate
9 of an organization that engages in abortion-related activities from receiving
10 certain public funds, prohibiting an organization that receives certain public
11 funds from using other public and private funds for abortion-related activities,
12 specifying restrictions on affiliation between certain organizations, changing
13 the types of information that may be provided by organizations that receive the

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1 funds, changing requirements related to the maternal and child health
2 program and family planning services, and requiring audits.

Analysis by the Legislative Reference Bureau

Under current law, federal funds passing through the state treasury and state and local funds may not be paid as a grant, subsidy, or other funding that wholly or partially or directly or indirectly involves pregnancy programs, projects, or services and that is a grant, subsidy, or other funding under specific state programs (adolescent pregnancy prevention and pregnancy services, adolescent self-sufficiency and pregnancy prevention, adolescent choices, welfare and hygiene of maternity and infancy, family planning, pregnancy counseling, and outreach to low-income pregnant women and under federal maternal and child health services block grants), if the pregnancy program, project, or service using these federal, state, or local funds, using income derived from the funds, or using matching funds provides abortion services; promotes, encourages, or counsels in favor of abortion services; or makes abortion referrals either directly or through an intermediary in any instance other than when an abortion is directly and medically necessary to save the life of the pregnant woman. The restriction applies only to the extent that applying it does not result in the loss of any federal funds. An organization that violates the prohibition may not receive the funds for 24 months after the violation and must return all funds paid under the grant, subsidy, or other funding, and the grant, subsidy, or other funding is terminated. This law specifically does not prohibit the providing of nondirective information explaining prenatal care and delivery; infant care, foster care, or adoption; or pregnancy termination.

Also under current law, federal funds passing through the state treasury and state and local funds may not be paid for the performance of an abortion other than an abortion that is directly and medically necessary to save the life of the pregnant woman, in a case of sexual assault or incest, or if, due to a medical condition existing before the abortion, the physician determines that the abortion is directly and medically necessary to prevent grave, long-lasting, physical health damage to the pregnant woman.

This bill expands the prohibition on payment of public funds to an organization that engages in abortion-related activities, in the following ways:

1. The bill applies the prohibition to all public funds for, among other things, prenatal care, pregnancy services, and reproductive health care services that are related to pregnancy.

2. The bill prohibits payment to an organization that is affiliated with an organization that engages in abortion-related activities unless the organizations are physically and financially independent from each other. Specifically, the two organizations may not share the same or a similar name; medical or nonmedical facilities, equipment, or supplies; services; income, grants, donations, and other revenue; fund-raising activities; expenses; employees; employee wages or salaries; or databases. They also may not be located in the same building, must be separately

BILL

incorporated, and must maintain financial and database records that demonstrate that the affiliate receives no economic or marketing benefit from the funded organization.

3. The bill prohibits a publicly funded organization from transferring public funds to another organization or to an affiliate of the organization that provides abortion-related activities.

The bill also specifies prohibited abortion-related activities related to promoting, encouraging, or counseling in favor of abortion services, including acting to assist women to obtain abortions; acting to increase the availability or accessibility of abortion for family planning purposes; lobbying for passage of legislation to increase the availability of abortion; providing speakers to promote the use of abortion; paying dues to a group that advocates abortion; using legal action to make abortion available; and developing or disseminating materials advocating abortion.

The bill authorizes the filing of a petition for a writ of mandamus or prohibition with the circuit court of the county where a violation of the prohibitions is alleged to have occurred or is proposed to occur. The bill also requires the legislative audit bureau to conduct an audit of each organization receiving the public funds to determine if the organization or the state agency or local governmental unit has strictly complied with the requirements or prohibitions. If the publicly funded organization is an affiliate of an organization that engages in abortion-related activities, the audit must be conducted annually.

Lastly, the bill eliminates authorization, including authorization under the maternal and child health and family planning laws, to provide nondirective information about pregnancy termination and, instead, specifies that an organization that receives the funds is not prohibited from promoting, encouraging, or counseling in favor of or referring directly or through an intermediary for prenatal care and delivery and infant care, foster care, or adoption. The bill eliminates the provision that specifies that the prohibitions on the use of the funds applies only to the extent that applying it does not result in the loss of any federal funds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.9275 (1) of the statutes is renumbered 20.9275 (1r), and 20.9275
2 (1r) (intro.), as renumbered, is amended to read:

3 20.9275 (1r) (intro.) In this section, except as otherwise specified:

4 **SECTION 2.** 20.9275 (1g) of the statutes is created to read:

BILL

1 20.9275 (1g) It is the intent of the legislature that this section shall further the
2 profound and compelling state interest in all of the following:

3 (a) To protect the life of an unborn child throughout pregnancy by favoring
4 childbirth over abortion and implementing that value judgment through the
5 allocation of public resources.

6 (b) To ensure that the state, state agencies, and local governmental units do not
7 lend their imprimatur to abortion-related activities.

8 (c) To ensure that organizations that engage in abortion-related activities do
9 not receive a direct or indirect economic or marketing benefit from public funds.

10 **SECTION 3.** 20.9275 (1r) (am) of the statutes is created to read:

11 20.9275 (1r) (am) “Family planning” means the process of establishing
12 objectives for the number and spacing of one’s children and selecting the means by
13 which those objectives may be achieved, including a broad range of acceptable and
14 effective methods and services to limit or enhance fertility, including contraceptive
15 methods, including natural family planning and abstinence; the management of
16 infertility, including adoption; and preconceptional counseling, education, and
17 general reproductive health care, including diagnosis and treatment of infections
18 that threaten reproductive capability. “Family planning” does not include pregnancy
19 care, including obstetric or prenatal care.

20 **SECTION 4.** 20.9275 (1r) (em) of the statutes is created to read:

21 20.9275 (1r) (em) “Prenatal care” means medical services provided to a
22 pregnant woman to promote maternal and fetal health.

23 **SECTION 5.** 20.9275 (2) (intro.) of the statutes is amended to read:

24 20.9275 (2) (intro.) No Except as provided in sub. (2m) and notwithstanding
25 s. 20.927 (2), no state agency or local governmental unit may authorize payment of

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1 funds of this state, of any local governmental unit or, ~~subject to sub. (3m)~~, of federal
2 funds passing through the state treasury as a grant, subsidy, or other funding that
3 wholly or partially or directly or indirectly involves pregnancy programs, projects,
4 or services, ~~that is~~ including a grant, subsidy, or other funding under s. 46.93, 46.99,
5 46.995, 253.02 (2), 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to 710, if any of
6 the following applies:

7 **SECTION 6.** 20.9275 (2) (a) 2. of the statutes is renumbered 20.9275 (2) (a) 2.
8 (intro.) and amended to read:

9 20.9275 (2) (a) 2. (intro.) Promotes, encourages, or counsels in favor of abortion
10 services, including by doing any of the following:

11 **SECTION 7.** 20.9275 (2) (a) 2. a. of the statutes is created to read:

12 20.9275 (2) (a) 2. a. Acting to assist women to obtain abortions.

13 **SECTION 8.** 20.9275 (2) (a) 2. b. of the statutes is created to read:

14 20.9275 (2) (a) 2. b. Acting to increase the availability or accessibility of
15 abortion for family planning purposes.

16 **SECTION 9.** 20.9275 (2) (a) 2. c. of the statutes is created to read:

17 20.9275 (2) (a) 2. c. Lobbying for the passage of legislation to increase in any
18 way the availability of abortion as a method of family planning.

19 **SECTION 10.** 20.9275 (2) (a) 2. d. of the statutes is created to read:

20 20.9275 (2) (a) 2. d. Providing speakers to promote the use of abortion as a
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22 **SECTION 11.** 20.9275 (2) (a) 2. e. of the statutes is created to read:

23 20.9275 (2) (a) 2. e. Paying dues to a group that as a significant part of its
24 activities advocates abortion as a method of family planning.

25 **SECTION 12.** 20.9275 (2) (a) 2. f. of the statutes is created to read:

BILL

1 20.9275 (2) (a) 2. f. Using legal action to make abortion available in any way
2 as a method of family planning.

3 **SECTION 13.** 20.9275 (2) (a) 2. g. of the statutes is created to read:

4 20.9275 (2) (a) 2. g. Developing or disseminating in any way materials,
5 including printed matter and audiovisual materials, advocating abortion as a
6 method of family planning.

7 **SECTION 14.** 20.9275 (2m) (intro.) of the statutes is amended to read:

8 20.9275 (2m) (intro.) Nothing in sub. (2) prohibits the ~~providing of nondirective~~
9 ~~information explaining promotion, encouragement, or counseling in favor of, or~~
10 referral either directly or through an intermediary for, any of the following:

11 **SECTION 15.** 20.9275 (2m) (c) of the statutes is repealed.

12 **SECTION 16.** 20.9275 (2n) of the statutes is created to read:

13 20.9275 (2n) Except as provided in sub. (6), none of the funds specified under
14 sub. (2) (intro.) may be paid to an organization or affiliate of an organization that
15 engages in an activity that is specified under sub. (2) (a) 1. to 3.

16 **SECTION 17.** 20.9275 (3) of the statutes is amended to read:

17 20.9275 (3) ~~Subject to sub. (3m)~~ Notwithstanding s. 20.927 (2), no organization
18 that receives funds specified under sub. (2) (intro.) may use program funds for an
19 activity that is specified under sub. (2) (a) 1. to 3. No organization that receives funds
20 specified under sub. (2) (intro.) may transfer any program funds or any other public
21 funds to an organization or affiliate of an organization that engages in an activity
22 that is specified under sub. (2) (a) 1. to 3.

23 **SECTION 18.** 20.9275 (3m) of the statutes is repealed.

24 **SECTION 19.** 20.9275 (6) of the statutes is created to read:

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1 20.9275 (6) Subsection (2n) does not apply to an organization that otherwise
2 is qualified to receive funding under sub. (2) and that is affiliated with an
3 organization that engages in an activity that is specified under sub. (2) (a) 1. to 3. if
4 the organizations are physically and financially independent from each other under
5 all of the following criteria:

6 (a) The organization that receives funds specified under sub. (2) (intro.) and its
7 independent affiliate that engages in an activity that is specified under sub. (2) (a)
8 1. to 3. are not located in the same building and do not share any of the following:

9 1. The same or a similar name.

10 2. Medical or nonmedical facilities, including treatment, consultation,
11 examination, ~~and~~ waiting rooms, ~~and~~ business offices.

12 3. Equipment or supplies, including computers, telephone systems,
13 telecommunications equipment, vehicles, office supplies, ~~and~~ medical supplies.

14 4. Services, including management, accounting, ~~and~~ payroll services ~~and~~
15 equipment ~~and~~ facility maintenance.

16 5. Income, grants, donations of cash or property, in-kind gifts, ~~and~~ other
17 revenue.

18 6. Fund-raising activities.

19 7. Expenses.

20 8. Employees.

21 9. Employee wages or salaries.

22 10. Databases, including client lists.

23 (b) The organization that receives funds specified under sub. (2) (intro.) is
24 separately incorporated from its independent affiliate that engages in an activity
25 that is specified under sub. (2) (a) 1. to 3.

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1 (c) The organization that receives funds specified under sub. (2) (intro.)
2 maintains financial records and database records that demonstrate that its
3 independent affiliate that engages in an activity that is specified under sub. (2) (a)
4 1. to 3. receives no direct or indirect economic or marketing benefit from the program
5 funds. Separation of program funds from other moneys by means of bookkeeping
6 alone is not sufficient to meet the requirement of this paragraph.

7 **SECTION 20.** 20.9275 (7) of the statutes is created to read:

8 20.9275 (7) At least once every 3 years, the legislative audit bureau shall
9 conduct an audit of each organization that receives the funds specified under sub. (2)
10 (intro.) and the state agency or local governmental unit that authorizes payment of
11 the funds to the organization, to determine if the organization, state agency, or local
12 governmental unit has strictly complied with this section. If the organization is an
13 affiliate of an organization that engages in an activity that is specified under sub. (2)
14 (a) 1. to 3., the legislative audit bureau shall conduct the audit at least annually.

15 **SECTION 21.** 20.9275 (8) of the statutes is created to read:

16 20.9275 (8) A person may file a petition for a writ of mandamus or prohibition
17 with the circuit court for the county where a violation of this section is alleged to have
18 occurred or is proposed to occur.

19 **SECTION 22.** 253.02 (2m) (intro.) of the statutes is amended to read:

20 253.02 (2m) (intro.) Nothing in this section authorizes the performance,
21 promotion, encouragement, or counseling in favor of, or referral either directly or
22 through an intermediary for, voluntary termination of pregnancy. Nothing in this
23 section prohibits the ~~providing of nondirective information explaining promotion,~~
24 encouragement, or counseling in favor of, or referral either directly or through an
25 intermediary for, any of the following:

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1 **SECTION 23.** 253.02 (2m) (c) of the statutes is repealed.

2 **SECTION 24.** 253.07 (1) (a) (intro.) of the statutes is amended to read:

3 253.07 (1) (a) (intro.) “Family planning” means voluntary action by individuals
4 to prevent or aid conception. “Family planning” does not include the performance,
5 promotion, encouragement, or counseling in favor of, or referral either directly or
6 through an intermediary for, voluntary termination of pregnancy, but may include
7 ~~the providing of nondirective information explaining~~ promotion, encouragement, or
8 counseling in favor of, or referral either directly or through an intermediary for, any
9 of the following:

10 **SECTION 25.** 253.07 (1) (a) 3. of the statutes is repealed.

11 **SECTION 26.** 253.07 (1) (b) (intro.) of the statutes is amended to read:

12 253.07 (1) (b) (intro.) “Family planning services” ~~mean~~ means counseling by
13 trained personnel regarding family planning; distribution of information relating to
14 family planning; and referral to licensed nurse practitioners within the scope of their
15 practice, licensed physicians, or local health departments for consultation,
16 examination, medical treatment, and prescriptions for the purpose of family
17 planning. “Family planning” does not include the performance, promotion,
18 encouragement, or counseling in favor of, or referral either directly or through an
19 intermediary for, voluntary termination of pregnancy, but may include the ~~providing~~
20 ~~of nondirective information explaining~~ promotion, encouragement, or counseling in
21 favor of, or referral either directly or through an intermediary for, any of the
22 following:

23 **SECTION 27.** 253.07 (1) (b) 3. of the statutes is repealed.

24 **SECTION 28. Initial applicability.**

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1 (1) PUBLICLY-FUNDED ORGANIZATIONS. The treatment of sections 20.9275 (1)
2 (intro.), (am), and (em), (2) (intro.), (a) 2. and a. to g., (2m) (intro.) and (c), (2n), (3),
3 (3m), and (6) to (8) of the statutes first applies to contracts on the day on which the
4 contract expires or is extended, modified, or renewed, whichever first occurs and to
5 employees who are affected by a collective bargaining agreement that contains
6 provisions inconsistent with that treatment on the day on which the collective
7 bargaining agreement expires or is extended, modified, or renewed, whichever first
8 occurs.

9

(END)

BILL

1 20.9275 (2) (a) 2. f. Using legal action to make abortion available in any way
2 as a method of family planning.

3 **SECTION 13.** 20.9275 (2) (a) 2. g. of the statutes is created to read:

4 20.9275 (2) (a) 2. g. Developing or disseminating in any way materials,
5 including printed matter and audiovisual materials, advocating abortion as a
6 method of family planning.

7 **SECTION 14.** 20.9275 (2m) (intro.) of the statutes is amended to read:

8 20.9275 (2m) (intro.) Nothing in sub. (2) prohibits the providing of nondirective
9 information explaining promotion, encouragement, or counseling in favor of, or
10 referral either directly or through an intermediary for, any of the following:

11 **SECTION 15.** 20.9275 (2m) (c) of the statutes is repealed.

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13 20.9275 (2n) Except as provided in sub. (6), none of the funds specified under
14 sub. (2) (intro.) may be paid to an organization or affiliate of an organization that
15 engages in an activity that is specified under sub. (2) (a) 1. to 3.

16 **SECTION 17.** 20.9275 (3) of the statutes is amended to read:

17 20.9275 (3) ~~Subject to sub. (3m) Notwithstanding s. 20.927 (2),~~ no organization
18 that receives funds specified under sub. (2) (intro.) may use program funds for an
19 activity that is specified under sub. (2) (a) 1. to 3. No organization that receives funds
20 specified under sub. (2) (intro.) may transfer any program funds or any other public
21 funds to an organization or affiliate of an organization that engages in an activity
22 that is specified under sub. (2) (a) 1. to 3.

23 **SECTION 18.** 20.9275 (3m) of the statutes is repealed.

24 **SECTION 19.** 20.9275 (6) of the statutes is created to read:

or receives funds from any source that requires, as a condition
for receipt of the funds, that the organization perform any
of the activities specified in par. (a) 1. to 3.



2001 BILL

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1 AN ACT *to repeal* 20.9275 (2m) (c), 20.9275 (3m), 253.02 (2m) (c), 253.07 (1) (a)
2 3. and 253.07 (1) (b) 3.; *to renumber and amend* 20.9275 (1) and 20.9275 (2)
3 (a) 2.; *to amend* 20.9275 (2) (intro.), 20.9275 (2m) (intro.), 20.9275 (3), 253.02
4 (2m) (intro.), 253.07 (1) (a) (intro.) and 253.07 (1) (b) (intro.); and *to create*
5 20.9275 (1g), 20.9275 (1r) (am), 20.9275 (1r) (em), 20.9275 (2) (a) 2. a., 20.9275
6 (2) (a) 2. b., 20.9275 (2) (a) 2. c., 20.9275 (2) (a) 2. d., 20.9275 (2) (a) 2. e., 20.9275
7 (2) (a) 2. f., 20.9275 (2) (a) 2. g., 20.9275 (2n), 20.9275 (6), 20.9275 (7) and
8 20.9275 (8) of the statutes; **relating to:** prohibiting an organization or affiliate
9 of an organization that engages in abortion-related activities from receiving
10 certain public funds, prohibiting an organization that receives certain public
11 funds from using other public and private funds for abortion-related activities,
12 specifying restrictions on affiliation between certain organizations, changing
13 the types of information that may be provided by organizations that receive the

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The funds also may not be paid if the pregnancy program, project, or service is funded from another source that requires performance of the abortion-related activities

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funds, changing requirements related to the maternal and child health program and family planning services, and requiring audits.

Analysis by the Legislative Reference Bureau

Under current law, federal funds passing through the state treasury and state and local funds may not be paid as a grant, subsidy, or other funding that wholly or partially or directly or indirectly involves pregnancy programs, projects, or services and that is a grant, subsidy, or other funding under specific state programs (adolescent pregnancy prevention and pregnancy services, adolescent self-sufficiency and pregnancy prevention, adolescent choices, welfare and hygiene of maternity and infancy, family planning, pregnancy counseling, and outreach to low-income pregnant women and under federal maternal and child health services block grants), if the pregnancy program, project, or service using these federal, state, or local funds, using income derived from the funds, or using matching funds provides abortion services; promotes, encourages, or counsels in favor of abortion services; or makes abortion referrals either directly or through an intermediary in any instance other than when an abortion is directly and medically necessary to save the life of the pregnant woman. The restriction applies only to the extent that applying it does not result in the loss of any federal funds. An organization that violates the prohibition may not receive the funds for 24 months after the violation and must return all funds paid under the grant, subsidy, or other funding, and the grant, subsidy, or other funding is terminated. This law specifically does not prohibit the providing of nondirective information explaining prenatal care and delivery; infant care, foster care, or adoption; or pregnancy termination.

Also under current law, federal funds passing through the state treasury and state and local funds may not be paid for the performance of an abortion other than an abortion that is directly and medically necessary to save the life of the pregnant woman, in a case of sexual assault or incest, or if, due to a medical condition existing before the abortion, the physician determines that the abortion is directly and medically necessary to prevent grave, long-lasting, physical health damage to the pregnant woman.

This bill expands the prohibition on payment of public funds to an organization that engages in abortion-related activities, in the following ways:

1. The bill applies the prohibition to all public funds for, among other things, prenatal care, pregnancy services, and reproductive health care services that are related to pregnancy.

2. The bill prohibits payment to an organization that is affiliated with an organization that engages in abortion-related activities unless the organizations are physically and financially independent from each other. Specifically, the two organizations may not share the same or a similar name; medical or nonmedical facilities, equipment, or supplies; services; income, grants, donations, and other revenue; fund-raising activities; expenses; employees; employee wages or salaries; or databases. They also may not be located in the same building, must be separately

or that receives funds from any source that requires receipt of the funds, that the affiliate engage in abortion-related activities

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incorporated, and must maintain financial and database records that demonstrate that the affiliate receives no economic or marketing benefit from the funded organization.

3. The bill prohibits a publicly funded organization from transferring public funds to another organization or to an affiliate of the organization that provides abortion-related activities.

The bill also specifies prohibited abortion-related activities related to promoting, encouraging, or counseling in favor of abortion services, including acting to assist women to obtain abortions; acting to increase the availability or accessibility of abortion for family planning purposes; lobbying for passage of legislation to increase the availability of abortion; providing speakers to promote the use of abortion; paying dues to a group that advocates abortion; using legal action to make abortion available; and developing or disseminating materials advocating abortion.

The bill authorizes the filing of a petition for a writ of mandamus or prohibition with the circuit court of the county where a violation of the prohibitions is alleged to have occurred or is proposed to occur. The bill also requires the legislative audit bureau to conduct an audit of each organization receiving the public funds to determine if the organization or the state agency or local governmental unit has strictly complied with the requirements or prohibitions. If the publicly funded organization is an affiliate of an organization that engages in abortion-related activities, the audit must be conducted annually.

Lastly, the bill eliminates authorization, including authorization under the maternal and child health and family planning laws, to provide nondirective information about pregnancy termination and, instead, specifies that an organization that receives the funds is not prohibited from promoting, encouraging, or counseling in favor of or referring directly or through an intermediary for prenatal care and delivery and infant care, foster care, or adoption. The bill eliminates the provision that specifies that the prohibitions on the use of the funds ~~applies~~ only to the extent that applying ~~it~~ does not result in the loss of any federal funds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

then

apply

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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- 2 (1r) (intro.), as renumbered, is amended to read:
- 3 20.9275 (1r) (intro.) In this section, except as otherwise specified:
- 4 **SECTION 2.** 20.9275 (1g) of the statutes is created to read:

BILL**SECTION 2**

1 20.9275 (1g) It is the intent of the legislature that this section shall further the
2 profound and compelling state interest in all of the following:

3 (a) To protect the life of an unborn child throughout pregnancy by favoring
4 childbirth over abortion and implementing that value judgment through the
5 allocation of public resources.

6 (b) To ensure that the state, state agencies, and local governmental units do not
7 lend their imprimatur to abortion-related activities.

8 (c) To ensure that organizations that engage in abortion-related activities do
9 not receive a direct or indirect economic or marketing benefit from public funds.

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13 which those objectives may be achieved, including a broad range of acceptable and
14 effective methods and services to limit or enhance fertility, including contraceptive
15 methods, including natural family planning and abstinence; the management of
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11 **SECTION 15.** 20.9275 (2m) (c) of the statutes is repealed.

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14 sub. (2) (intro.) may be paid to an organization or affiliate of an organization that
15 does any of the following: # (a)
engages in an activity that is specified under sub. (2) (a) 1. to 3. ✓

INSERT
6-15

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17 20.9275 (3) ~~Subject to sub. (3m)~~ Notwithstanding s. 20.927 (2), no organization
18 that receives funds specified under sub. (2) (intro.) may use program funds for an
19 activity that is specified under sub. (2) (a) 1. to 3. No organization that receives funds
20 specified under sub. (2) (intro.) may transfer any program funds or any other public
21 funds to an organization or affiliate of an organization ~~that engages in an activity~~

22 that is specified under sub. (2) (a) 1. to 3. to which sub. (2n) (a) or (b)
applies

23 **SECTION 18.** 20.9275 (3m) of the statutes is repealed.

24 **SECTION 19.** 20.9275 (6) of the statutes is created to read:

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to which sub (2n) (a) or (b) applies

1 20.9275 (6) Subsection (2n) does not apply to an organization that otherwise
2 is qualified to receive funding under sub. (2) and that is affiliated with an
3 organization ~~that engages in an activity that is specified under sub. (2)(a) 1. to 3)~~ if
4 the organizations are physically and financially independent from each other under
5 all of the following criteria:

6 (a) The organization that receives funds specified under sub. (2) (intro.) and its
7 independent affiliate ~~that engages in an activity that is specified under sub. (2)(a)~~

8 ~~1. to 3)~~ are not located in the same building and do not share any of the following:

- 9 1. The same or a similar name.
- 10 2. Medical or nonmedical facilities, including treatment, consultation,
- 11 examination, or waiting rooms or business offices.
- 12 3. Equipment or supplies, including computers, telephone systems,
- 13 telecommunications equipment, vehicles, office supplies, or medical supplies.
- 14 4. Services, including management, accounting, or payroll services or
- 15 equipment or facility maintenance.
- 16 5. Income, grants, donations of cash or property, in-kind gifts, or other revenue.
- 17 6. Fund-raising activities.
- 18 7. Expenses.
- 19 8. Employees.
- 20 9. Employee wages or salaries.
- 21 10. Databases, including client lists.

22 (b) The organization that receives funds specified under sub. (2) (intro.) is
23 separately incorporated from its independent affiliate ~~that engages in an activity~~
24 ~~that is specified under sub. (2)(a) 1. to 3)~~

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SECTION 19

to which sub. (2)(a) or (b) applies

1 (c) The organization that receives funds specified under sub. (2) (intro.)
 2 maintains financial records and database records that demonstrate that its
 3 independent affiliate ~~that engages in an activity that is specified under sub. (2)(a)~~
 4 ~~1203~~, receives no direct or indirect economic or marketing benefit from the program
 5 funds. Separation of program funds from other moneys by means of bookkeeping
 6 alone is not sufficient to meet the requirement of this paragraph.

SECTION 20. 20.9275 (7) of the statutes is created to read:

8 20.9275 (7) At least once every 3 years, the legislative audit bureau shall
 9 conduct an audit of each organization that receives the funds specified under sub. (2)
 10 (intro.) and the state agency or local governmental unit that authorizes payment of
 11 the funds to the organization, to determine if the organization, state agency, or local
 12 governmental unit has strictly complied with this section. If the organization is an
 13 affiliate of an organization ~~that engages in an activity that is specified under sub. (2)~~
 14 ~~(a) 1203~~, the legislative audit bureau shall conduct the audit at least annually.

SECTION 21. 20.9275 (8) of the statutes is created to read:

16 20.9275 (8) A person may file a petition for a writ of mandamus or prohibition
 17 with the circuit court for the county where a violation of this section is alleged to have
 18 occurred or is proposed to occur.

SECTION 22. 253.02 (2m) (intro.) of the statutes is amended to read:

20 253.02 (2m) (intro.) Nothing in this section authorizes the performance,
 21 promotion, encouragement, or counseling in favor of, or referral either directly or
 22 through an intermediary for, voluntary termination of pregnancy. Nothing in this
 23 section prohibits the providing of nondirective information explaining promotion,
 24 encouragement, or counseling in favor of, or referral either directly or through an
 25 intermediary for, any of the following:

BILL

1 **SECTION 23.** 253.02 (2m) (c) of the statutes is repealed.

2 **SECTION 24.** 253.07 (1) (a) (intro.) of the statutes is amended to read:

3 253.07 (1) (a) (intro.) “Family planning” means voluntary action by individuals
4 to prevent or aid conception. “Family planning” does not include the performance,
5 promotion, encouragement, or counseling in favor of, or referral either directly or
6 through an intermediary for, voluntary termination of pregnancy, but may include
7 the providing of nondirective information explaining promotion, encouragement, or
8 counseling in favor of, or referral either directly or through an intermediary for, any
9 of the following:

10 **SECTION 25.** 253.07 (1) (a) 3. of the statutes is repealed.

11 **SECTION 26.** 253.07 (1) (b) (intro.) of the statutes is amended to read:

12 253.07 (1) (b) (intro.) “Family planning services” ~~mean~~ means counseling by
13 trained personnel regarding family planning; distribution of information relating to
14 family planning; and referral to licensed nurse practitioners within the scope of their
15 practice, licensed physicians, or local health departments for consultation,
16 examination, medical treatment, and prescriptions for the purpose of family
17 planning. “Family planning” does not include the performance, promotion,
18 encouragement, or counseling in favor of, or referral either directly or through an
19 intermediary for, voluntary termination of pregnancy, but may include ~~the providing~~
20 of nondirective information explaining promotion, encouragement, or counseling in
21 favor of, or referral either directly or through an intermediary for, any of the
22 following:

23 **SECTION 27.** 253.07 (1) (b) 3. of the statutes is repealed.

24 **SECTION 28. Initial applicability.**

¶ (b) Receives funds from any source that

requires, as a condition for receipt of the funds,

that the organization ^{or} affiliate perform any of the

activities specified in ^{sub. (2)} part (a) 1. to 30

Emery, Lynn

From: Churchill, Jolene
Sent: Wednesday, August 29, 2001 11:23 AM
To: Emery, Lynn
Subject: Please send Rep. Gundrum's office the bill jacket for LRB 1625/5. 19-North - Thanks!