

2001 – 2002 LEGISLATURE
January 2002 Special Session

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DAK:jld:rs

ASSEMBLY AMENDMENT 14,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

March 14, 2002 – Offered by Representatives LEIBHAM, WOOD, ALBERS, RYBA, McCORMICK, PETTIS, GROTHMAN, PLALE, PETROWSKI, MEYERHOFER, SYKORA, BIES, NASS, FRISKE, OTT, VRAKAS, STARZYK, SUDER, FREESE, LOEFFELHOLZ, SERATTI, KRAWCZYK, HAHN, URBAN, D. MEYER, J. FITZGERALD, TOWNSEND, M. LEHMAN, WIECKERT and HUNDERTMARK.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 37, line 22: after that line insert:

3 “58r. Page 24, line 18: after that line insert:

4 “**SECTION 71nb.** 20.9275 (1) of the statutes is renumbered 20.9275 (1r), and
5 20.9275 (1r) (intro.) and (e), as renumbered, are amended to read:

6 20.9275 (**1r**) (intro.) In this section, except as otherwise specified:

7 (e) “Pregnancy program, project or service” means a program, project, or service
8 of an organization that provides services for pregnancy prevention, family planning,
9 as defined in s. 253.07 (1) (a), pregnancy testing, pregnancy counseling, prenatal
10 care, pregnancy services and, or reproductive health care services that are related
11 to pregnancy.

1 **SECTION 71nc.** 20.9275 (1g) of the statutes is created to read:

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

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

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

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

11 **SECTION 71nd.** 20.9275 (1r) (am) of the statutes is created to read:

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

21 **SECTION 71ne.** 20.9275 (1r) (em) of the statutes is created to read:

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

24 **SECTION 71nf.** 20.9275 (2) (intro.) of the statutes is amended to read:

1 20.9275 (2) (intro.) No Except as provided in s. 20.927 (2) and under medical
2 assistance, as defined in s. 49.43 (8), and badger care under s. 49.665, and subject to
3 sub. (3p), no state agency or local governmental unit may authorize payment of funds
4 of this state, of any local governmental unit or, ~~subject to sub. (3m),~~ of federal funds
5 passing through the state treasury as a grant, subsidy, or other funding that wholly
6 or partially or directly or indirectly involves pregnancy programs, projects, or
7 services, ~~that is including~~ a grant, subsidy, or other funding under s. 46.93, 46.99,
8 46.995, 253.02 (2), 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to 710, if any of
9 the following applies:

10 **SECTION 71ng.** 20.9275 (2) (a) 2. of the statutes is renumbered 20.9275 (2) (a)
11 2. (intro.) and amended to read:

12 20.9275 (2) (a) 2. (intro.) Promotes, encourages, or counsels in favor of abortion
13 services, including by doing any of the following:

14 **SECTION 71nh.** 20.9275 (2) (a) 2. a. of the statutes is created to read:

15 20.9275 (2) (a) 2. a. Acting to assist women to obtain abortions.

16 **SECTION 71ni.** 20.9275 (2) (a) 2. b. of the statutes is created to read:

17 20.9275 (2) (a) 2. b. Acting to increase the availability or accessibility of
18 abortion for family planning purposes.

19 **SECTION 71nj.** 20.9275 (2) (a) 2. c. of the statutes is created to read:

20 20.9275 (2) (a) 2. c. Lobbying for the passage of legislation to increase in any
21 way the availability of abortion as a method of family planning.

22 **SECTION 71nk.** 20.9275 (2) (a) 2. d. of the statutes is created to read:

23 20.9275 (2) (a) 2. d. Providing speakers to promote the use of abortion as a
24 method of family planning.

25 **SECTION 71nL.** 20.9275 (2) (a) 2. e. of the statutes is created to read:

1 20.9275 (2) (a) 2. e. Paying dues to a group that as a significant part of its
2 activities advocates abortion as a method of family planning.

3 **SECTION 71nm.** 20.9275 (2) (a) 2. f. of the statutes is created to read:

4 20.9275 (2) (a) 2. f. Using legal action to make abortion available in any way
5 as a method of family planning.

6 **SECTION 71nn.** 20.9275 (2) (a) 2. g. of the statutes is created to read:

7 20.9275 (2) (a) 2. g. Developing or disseminating in any way materials,
8 including printed matter and audiovisual materials, advocating abortion as a
9 method of family planning.

10 **SECTION 71np.** 20.9275 (2m) (intro.) of the statutes is amended to read:

11 20.9275 (2m) (intro.) Nothing in sub. (2) prohibits the ~~providing of nondirective~~
12 ~~information explaining promotion, encouragement, or counseling in favor of, or~~
13 ~~referral either directly or through an intermediary for,~~ any of the following:

14 **SECTION 71nq.** 20.9275 (2m) (c) of the statutes is repealed.

15 **SECTION 71nrc.** 20.9275 (2n) of the statutes is created to read:

16 20.9275 (2n) Except as provided in sub. (6), and subject to sub. (3p), none of the
17 funds specified under sub. (2) (intro.) may be paid to an organization or affiliate of
18 an organization that does any of the following:

19 (a) Engages in an activity that is specified under sub. (2) (a) 1. to 3.

20 (b) Receives funds from any source that requires, as a condition for receipt of
21 the funds, that the organization or affiliate perform any of the activities specified in
22 sub. (2) (a) 1. to 3.

23 **SECTION 71nrd.** 20.9275 (3) of the statutes is amended to read:

24 20.9275 (3) ~~Subject to sub. (3m)~~ Except as provided in s. 20.927 (2) and under
25 medical assistance, as defined in s. 49.43 (8), and badger care under s. 49.665, and

1 subject to sub. (3p), no organization that receives funds specified under sub. (2)
2 (intro.) may use program funds for engage in an activity that is specified under sub.
3 (2) (a) 1. to 3. No organization that receives funds specified under sub. (2) (intro.) may
4 transfer any program funds or any other public funds to an organization or affiliate
5 of an organization to which sub. (2n) (a) or (b) applies.

6 **SECTION 71nre.** 20.9275 (3m) of the statutes is repealed.

7 **SECTION 71nrf.** 20.9275 (3p) of the statutes is created to read:

8 20.9275 **(3p)** The restrictions under subs. (2), (2n), and (3) on the authorization
9 of payment and the payment and use of funds apply only to the extent that the
10 application of the restrictions does not result in the loss, by a medical school or
11 medical residency program in this state, of accreditation from a national accrediting
12 organization or agency.

13 **SECTION 71nrg.** 20.9275 (6) of the statutes is created to read:

14 20.9275 **(6)** Subsection (2n) does not apply to an organization that otherwise
15 is qualified to receive funding under sub. (2) and that is affiliated with an
16 organization to which sub. (2n) (a) or (b) applies if the organizations are physically
17 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
19 independent affiliate to which sub. (2n) (a) or (b) applies are not located in the same
20 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,
23 examination, or waiting rooms or business offices.

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

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

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

4 6. Financial accounts, including checking accounts, savings accounts, and
5 investments.

6 7. Fund-raising activities.

7 8. Expenses.

8 9. Employees.

9 10. Employee wages or salaries.

10 11. Databases, including client lists.

11 12. Marketing materials and other promotional products.

12 (b) The organization that receives funds specified under sub. (2) (intro.) is
13 separately incorporated from its independent affiliate to which sub. (2n) (a) or (b)
14 applies.

15 (c) The organization that receives funds specified under sub. (2) (intro.)
16 maintains financial records and database records that demonstrate that its
17 independent affiliate to which sub. (2n) (a) or (b) applies receives no direct or indirect
18 economic or marketing benefit from the program funds. Separation of program funds
19 from other moneys by means of bookkeeping alone is not sufficient to meet the
20 requirement of this paragraph.

21 **SECTION 71nrh.** 20.9275 (7) of the statutes is created to read:

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

1 governmental unit has strictly complied with this section. If the organization is an
2 affiliate of an organization to which sub. (2n) (a) or (b) applies, the legislative audit
3 bureau shall conduct the audit at least annually.

4 **SECTION 71nri.** 20.9275 (8) of the statutes is created to read:

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

8 **2.** Page 220, line 5: after that line insert:

9 “230m. Page 182, line 11: before that line insert:

10 **“SECTION 368rd.** 253.02 (2m) (intro.) of the statutes is amended to read:

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

17 **SECTION 368re.** 253.02 (2m) (c) of the statutes is repealed.”.

18 230n. Page 182, line 16: after that line insert:

19 **“SECTION 369d.** 253.07 (1) (a) (intro.) of the statutes is amended to read:

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

1 counseling in favor of, or referral either directly or through an intermediary for, any
2 of the following:

3 **SECTION 369e.** 253.07 (1) (a) 3. of the statutes is repealed.

4 **SECTION 369f.** 253.07 (1) (b) (intro.) of the statutes is amended to read:

5 253.07 **(1)** (b) (intro.) “Family planning services” ~~mean~~ means counseling by
6 trained personnel regarding family planning; distribution of information relating to
7 family planning; and referral to licensed nurse practitioners within the scope of their
8 practice, licensed physicians, or local health departments for consultation,
9 examination, medical treatment, and prescriptions for the purpose of family
10 planning. “Family planning” does not include the performance, promotion,
11 encouragement, or counseling in favor of, or referral either directly or through an
12 intermediary for, voluntary termination of pregnancy, but may include the ~~providing~~
13 ~~of nondirective information explaining~~ promotion, encouragement, or counseling in
14 favor of, or referral either directly or through an intermediary for, any of the
15 following:

16 **SECTION 369g.** 253.07 (1) (b) 3. of the statutes is repealed.”.”.

17 **3.** Page 343, line 19: after that line insert:

18 “431c. Page 435, line 24: after that line insert:

19 “(4b) PUBLICLY FUNDED ORGANIZATIONS. The treatment of sections 20.9275 (1)
20 (intro.), (am), and (em), (2) (intro.), (a) 2. and a. to g., (2m) (intro.) and (c), (2n), (3),
21 (3m), (3p), and (6) to (8) of the statutes first applies to contracts on the day on which
22 the contract expires or is extended, modified, or renewed, whichever first occurs and
23 to employees who are affected by a collective bargaining agreement that contains
24 provisions inconsistent with that treatment on the day on which the collective

1 bargaining agreement expires or is extended, modified, or renewed, whichever first
2 occurs.”.”.

3 (END)