

January 26, 2011

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2035 by Representative Kinzer, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2035 is respectfully submitted to your committee.

HB 2035 would amend current law regarding late-term abortions. The bill would change the word "fetus" to "unborn child" and change the definitions of several terms including "abortion," "pregnant," "pregnancy," "viable," "human being," and "partial birth abortion." Other requirements of the bill would include:

1. Physicians would have to disclose the specific medical diagnosis to justify the abortion of a viable, late-term unborn child;
2. Physicians must inform the pregnant woman of the specific medical basis justifying the procedure prior to performing a late-term abortion on a viable, late-term unborn child;
3. A medical determination must be made that the woman would suffer substantial and irreversible impairment of a major bodily function or the medical diagnosis must be made that describes the condition which necessitated performance of an abortion to preserve the life of the pregnant woman;
4. Enhancement of the informed consent information for the pregnant woman would include a disclosure of the fact that abortion terminates the life of a whole, separate, unique, living human being;
5. The existing Kansas partial-birth abortion ban would be updated to align with federal law;

6. A parental consent requirement would include two-parent consent in cases where the minor child has two parents and there are no indications of sexual abuse;
7. Clarification of the standards by which courts can grant exceptions to the parental consent requirement would be established;
8. Enhanced reporting of evidence of sexual abuse of minors seeking abortions would be established;
9. Clarification of the Kansas Department of Health and Environment's (KDHE) rule and regulation authority relating to late-term abortion reporting would be established;
10. Law enforcement would be granted access to KDHE reports;
11. Creation of a civil cause of action for the father of an unborn child, if married to the woman at the time of the abortion, and for the parents or custodial guardian of a woman under the age of 18 in the case of any violation of the late-term abortion restrictions would be authorized; and,
12. The Attorney General or a district or county attorney for a county where any violation of the late-term abortion restrictions occur would be authorized to prosecute the criminal offense.

The Board of Healing Arts indicates that passage of the bill could increase the number of complaints regarding practitioners not complying with the requirements of the bill which could increase the number of investigations and disciplinary cases that need to be performed. If there is an increase in the number of investigations and disciplinary cases, related operational expenses would also increase. If investigations do not increase substantially, the bill could be implemented within existing resources.

The Department of Health and Environment indicates that passage of the bill would increase expenditures by \$70,380 from all funding sources, including \$20,380 from the State General Fund and \$50,000 from agency special revenue funds. The expenditures would include:

Changes to the Woman's Right to Know (WRTK) website	\$20,380
Vital Statistics Information System Changes	25,000
Consultation with medical and legal professionals	20,000
Changes to paper forms; drafting of regulations, and training	<u>5,000</u>
Total	\$70,380

The Office of the Attorney General estimates a fiscal effect of \$220,000 from the State General Fund because the Attorney General would be authorized to prosecute any criminal offense related to the late-term abortion restrictions in the bill. This would include funding for the salaries of a lawyer, investigator, one part-time secretary, and expert witness fees. Whether there would be enough offenses occur to the extent these additional staff would be needed cannot

The Honorable Steve Brunk, Chairperson

January 26, 2011

Page 3—Fisc_Note_Hb2035

be anticipated. Any fiscal effect resulting from the passage of HB 2035 would be in addition to amounts included in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Pat Kuester, KDHE
Cathy Brown, Healing Arts
Dan Lewien, SRS
Meagan Pinegar, Attorney General's Office
Mary Rinehart, Judiciary