

HOUSE BILL No. 2318

By Representatives Garber, Donohoe, French, Helmer, Highland, Huebert, Rahjes, Rhiley, E. Smith, Thimesch, Thomas, Toplikar and Williams

2-13

1 AN ACT concerning abortion; relating to the funding of abortion services.

2

3 WHEREAS, The state of Kansas facilitates the disbursement of both
4 state and federal funds to qualifying entities for purposes of conducting
5 certain activities; and

6 WHEREAS, Public dollars awarded to qualifying entities may facilitate
7 or directly or indirectly subsidize directly or indirectly expenses or
8 activities not directly related to those for which the funds were intended,
9 including, without limitation, shared administrative costs, overhead,
10 employee salaries, rent, utilities and various other expenses; and

11 WHEREAS, It is possible that public dollars made available by or
12 through the state of Kansas may be awarded to an entity that performs
13 abortions or subsidizes or otherwise facilitates the entity's ability to
14 perform abortions, although such funds were not disbursed specifically for
15 the purpose of performing abortions; and

16 WHEREAS, As elected representatives of the people of Kansas, the
17 members of the legislature are entrusted with ensuring that all activities
18 conducted with the aid of public funds are in accordance with the wishes
19 of the people of Kansas and the intent of the laws of this state; and

20 WHEREAS, It is within the purview of the legislature to establish
21 criteria as the basis on which public funds are disbursed unless prohibited
22 by the constitution of the United States; and

23 WHEREAS, The United States is a constitutional republic that the state
24 of Kansas is a part of; and

25 WHEREAS, The constitution of the United States preempts state action
26 when such action conflicts with federal law under the doctrine of
27 preemption; and

28 WHEREAS, The establishment clause of the 1st amendment of the
29 constitution of the United States states, "Congress shall make no law
30 respecting an establishment of religion"; and

31 WHEREAS, The establishment clause of the 1st amendment of the
32 constitution of the United States applies to the state of Kansas through the
33 14th amendment of the constitution of the United States; and

34 WHEREAS, As elected representatives, the members of the legislature
35 have a duty under article IV of the constitution of the United States to not

1 appropriate funds in a manner that violates the establishment clause; and

2 WHEREAS, The United States supreme court has recognized that
3 secular humanism is a religion for purposes of the establishment clause in
4 *Torcaso v. Watkins*, 367 U.S. 488 (1961); and

5 WHEREAS, The naked assertions that "abortion is not murder," "that
6 abortion is not immoral," and that "life does not begin at conception" are
7 unproven faith-based assumptions that are implicitly religious and are
8 unproven truth claims that are inseparably linked to the religion of secular
9 humanism; and

10 WHEREAS, Many taxpayers, who are non-observers to the religion of
11 secular humanism, object to their tax dollars being spent to enable
12 abortions, because such appropriations coercively cause them to violate
13 their conscience by forcing them to indirectly endorse non-secular acts that
14 they consider to be immoral and offensive; and

15 WHEREAS, Some taxpayers in Kansas consider abortions to be
16 modern-day child sacrifice conducted on the altar of convenience, which is
17 a practice that is non-secular and controversial; and

18 WHEREAS, The establishment clause prohibits the state of Kansas
19 from enforcing, respecting, recognizing, favoring or endorsing policies
20 that fund abortion facilities with tax dollars, because the practices are non-
21 secular and such appropriations have the effect of excessively entangling
22 the government with the religion of secular humanism, putting religion
23 over non-religion; and

24 WHEREAS, The direct or indirect subsidization or facilitation of
25 abortion with funds distributed by the state constitutes paying for an
26 abortion and, therefore, conflicts with the establishment clause; and

27 WHEREAS, The state of Kansas may not favor or endorse one religion
28 over another, nor may the state of Kansas favor or endorse the religion of
29 secular humanism, generally, over non-religion; and

30 WHEREAS, It is the policy of the state of Kansas to favor childbirth
31 and family planning services that do not include abortions or the
32 promotion of abortions within the continuum of care or services and avoid
33 the direct or indirect use of state funds to promote or support abortions;
34 and

35 WHEREAS, The state of Kansas has a compelling interest to uphold
36 community standards of decency; and

37 WHEREAS, Abortion facilities that provide abortions tend to erode
38 community standards of decency.

39 Now, therefore:

40 *Be it enacted by the Legislature of the State of Kansas:*

41 Section 1. The legislature hereby declares that the provisions of
42 K.S.A. 65-6731 through 65-6739, and amendments thereto, recognize that:

43 (a) The members of the legislature have a duty to comply with the

1 establishment clause of the 1st amendment of the constitution of the United
2 States pursuant to article VI of the constitution of the United States;

3 (b) abortions are, by their nature, non-secular practices that are
4 implicitly religious and inseparably linked to the religion of secular
5 humanism;

6 (c) the state of Kansas is prohibited under the establishment clause
7 from funding or promoting abortions, directly or indirectly, because such
8 appropriations constitute an endorsement of the religion of secular
9 humanism and have the effect of excessively entangling the government
10 with the religion of secular humanism;

11 (d) the United States supreme court and the legislature have
12 recognized that secular humanism is a religion for the purposes of the
13 establishment clause, and abortions are non-secular practices that are
14 inseparably linked to the religion of secular humanism;

15 (e) it is the policy of the state of Kansas to favor childbirth and family
16 planning services that do not include abortions or the promotion of
17 abortions within the continuum of care or services and to avoid the direct
18 or indirect use of state funds to promote or support abortions;

19 (f) the state of Kansas has a compelling interest to uphold community
20 standards of decency; and

21 (g) facilities that provide abortions tend to erode community
22 standards of decency by encouraging promiscuity and normalizing false
23 permission-giving beliefs about sex.

24 Sec. 2. This act shall take effect and be in force from and after its
25 publication in the statute book.