

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on February 26, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Nikki Feuerborn, Committee Assistant

Conferees appearing before the committee:

Representative Arlan Siegfried, author of the bill
Judy Smith, Concerned Women of America
Julie Burkhart, ProKanDo
Holly Weatherford, Planned Parenthood

Others attending:

See attached list.

Representative Arlan Siegfried, author of the bill ([Attachment 1](#))

Judy Smith, Concerned Women of America ([Attachment 2](#))

Julie Burkhart, ProKanDo ([Attachment 3](#))

Holly Weatherford, Planned Parenthood ([Attachment 4](#))

Amendment ([Attachment 5](#))

Hearing on HB 2011 - Abortion; reporting; late term abortions reporting.

Revisor Jason Long explained the bill would give the Kansas Department of Health and Environment rule and regulation authority, specifically to modify late term abortion forms, including adding to the form a section for a specific clinical diagnosis and reason and basis for that diagnosis.

Representative Arlan Siegfried explained that the simple purpose of the bill is to require the reporting of a diagnosis and explanation of the diagnosis for determining the condition which require the mother to have the abortion and the diagnosis and explanation of diagnosis for the gestational age and viability of the unborn child. ([Attachment 1](#)). In addition the bill requires the second doctor to be a licensed Kansas physician.

Judy Smith, State Director of Concerned Women for America of Kansas, presented written testimony in support of the bill ([Attachment 2](#)).

Julie Burkhart, ProKanDo and Women's Health Care Services, presented written testimony in opposition to the bill ([Attachment 3](#)).

Holly Weatherford, Kansas Public Affairs Manager of Planned Parenthood of Kansas & Mid-Missouri, spoke in opposition to the bill as physicians in Kansas are currently complying with the law and reporting the number of pregnancies lawfully terminated during an identified period of time, procedures used, the reasons and basis for determinations regarding gestational age, viability, and the necessity of the procedure ([Attachment 4](#)). She cited a fiscal note of \$77,000 for this bill and said the money could better be used for pregnancy prevention which would actually reduce the number of abortions in Kansas. Most women make two visits to the Clinic prior to an abortion procedure. Counseling time depends upon the number of questions from the client. Planned Parenthood receives approximately \$400M at the national level through federal grants.

Representative Huebert moved to report HB 2011 as favorable for passage. Motion was seconded by Representative Knox. Motion carried. Division was called: 14 yeas, 4 nays.

Discussion and Action on HB 2076 - Woman's-right-to-know act; amending K.S.A. 65-6709.

CONTINUATION SHEET

Minutes of the House Federal And State Affairs Committee at 1:30 p.m. on February 26, 2009, in Room 143-N of the Capitol.

The Committee discussed the possibility of holding this bill over while an attempt to resolve the issue with KDHE might be satisfactorily negotiated rather than going through the legislative process.

Representative Brunk moved for the adoption of the attached balloon amendment which defines a medically challenged condition of an unborn child in a hospice facility (Attachment 5). Motion was seconded by Representative Brown. Motion carried.

Representative Brown moved to report the bill favorably for passage as amended. Motion was seconded by Representative Brunk.

Some Committee members spoke in opposition to the bill due to the \$182,000 fiscal note stating that the money should be spent on family planning to avoid unintended pregnancies thus there would be fewer abortions.

Representative Brown moved for a substitute motion which would strip the language of **SB 238** and insert the amended language of **HB 2076**. Motion was seconded by Representative Brunk. Motion carried.

Representative Knox, being on the prevailing side, moved to reconsider the previous action of the Committee as there were members who were unclear regarding the intent of the motion. Motion was seconded by Representative Grant. Motion carried.

Representative Brown repeated his motion to strip the language of **SB 238** and insert the amended language of **HB 2076**. Motion was seconded by Representative Brunk. Motion carried. Division was called: 11 yeas, 6 nays.

Ranking Minority Loganbill requested a five minute caucus which was granted by Chairman Neufeld. Objections were voiced that all bills deserved a hearing.

Representative moved to report **House Substitute for SB 238** as amended as favorable for passage. Motion was seconded by Representative Brunk. Motion carried. Division was called: 13 yeas, 5 nays.

Representative Swenson moved to strike the current language of **HB 2076** which now appears in **SB 238**, and insert the language of **HB 2322 - In a wrongful death action, person also means an unborn child**. Motion was seconded by Representative Ruiz. Motion carried.

Procedurally the Chair may at his discretion reopen the hearing on **HB 2076**. **HB 2322** is currently in the House Judiciary Committee. The bill cannot be printed until a Committee report is made.

Discussion and Action on **HB 2166 - Health exceptions to the prohibition of late-term and partial birth abortions**

Committee members questioned the constitutionality of the proposed change in statute. Also inquiries were made as to who would be responsible for the payment in case of litigation.

Representative Huebert moved to report **HB 2166** as favorable for passage. Motion was seconded by Representative Olson. Motion carried. Division was called: 14 yeas, 4 nays.

Discussion and Action on **HB 2206 - Amendments to late term and partial birth abortion law**

Representative Brunk moved to report **HB 2206** as favorable for passage. Motion was seconded by Representative Olson. Motion carried. Division was called: 14 yeas, 4 nays.

The Subcommittee on **SB 19 - Concealed weapons; U.S. attorneys, county and district attorneys and assistants** will be held at 7:30 a.m. on Friday, February 27 in Room 531 North.

The next meeting is scheduled for March 2, 2009.

The meeting was adjourned at 3:00 p.m.