

Date Feb. 16, 2009

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 11, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused
Representative Louis Ruiz- 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
Carol Doel, Committee Assistant

Conferees appearing before the committee:

Rep. Lance Kinzer,
Rep. Steve Heubert,
Kay Lyn Carlson, Director Abortion Recovery Center
Carrie Carlson, Director of Caring Pregnancy Options
Dr. William Schwartz, Alexandra's House
Kathy Ostrowski, Legislative Director of Kansans for Life
Barb Gosa, Women's Right to Know & See
Cheryl Sullenger, The Women's Right To Know and See
Brenda Spurlock, Concerned Citizen
Laurie Hermesch, Concerned Citizen
Julie Burkhart, ProKanDo
Mark Pederson , Aid For Women
Holly Weatherford , Planned Parenthood

Others attending:

See attached list.

The Chairman opened the floor for the introduction of proposed legislation. There was none.

Chairman Neufeld opened the hearing on **HB 2076 - Woman's-right-to-know act; amending K.S.A. 65-6709.**

Jason Long, Assistant Revisor, Office of Revisor of Statutes presented an overview of **HB 2076.** (Attachment 1).

Rep. Lance Kinzer, testified in support of **HB 2076** and gave the opinion that the bill would require that 24 hours prior to an abortion, the mother must be provided a list of free sonogram locations and information regarding free counseling assistance for medically challenging pregnancies and contacts for free perinatal hospice services. Additionally, **HB 2076** mandates that an anti-coercion sign be posted in the clinic so that every woman knows her legal rights. It also requires the state to create a standard information video and online website that includes modern fetal ultrasound in 2 week developmental increments. Rep. Kinzer stated that he is hopeful that the bill provides a point of common ground on an often contentious issue. (Attachment 2)

Representing Women's Right to Know & See was Kay Lynn Carlson, LMSW who came before the committee in support of **HB 2076.** Ms. Carlson related her experience of abortion at the age of 17. She did not, at that time, have the information to help her make an educated decision. It is Ms. Carlson's opinion that **HB 2076** will hold abortion providers to the same standard of practice as other obstetric doctors serving in Kansas and give women a change to make a better informed decision that she had. (Attachment 3)

Also supporting **HB 2076** was Carrie Carlson, Executive Director of Caring Pregnancy Options. Ms. Carlson stated that believes that **HB 2076** is an extremely important bill for women's rights and that every woman should have the right to view her own ultrasound if she so chooses. (Attachment 4)

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Dr. William Schwartz, a Maternal-Fetal Medicine specialist testified for the Alexandra House in support of **HB 2076**. The Alexandra House provides support for patients who choose to continue their pregnancies in situations where there is a lethal diagnosis. Dr. Schwartz opined that **HB 2076** would help other women learn about Alexandra's House before making an unformed irreversible abortion decision. ([Attachment 5](#))

Kansans for Life was represented as proponents of **HB 2076** by Kathy Ostrowski, Legislative Director. Ms. Ostrowski stated that the bill would put an ultrasound video online showing fetal development and list locations for free sonograms. **HB 2076** would also allow women to view ultrasound imaging and hear the fetal heart monitoring that they already pay for. In addition clinics would add information at two places in the already observed protocol of "24 hours before abortion" and "30 minutes before abortion" and will post an anti-coercion sign. ([Attachment 6](#)) Ms. Ostrowski also provided *A Special Report on Forced Abortion in America* ([Attachment 7](#)), a list of sites where free abortion counseling and ultrasounds can be obtained at no charge ([Attachment 8](#)), *Abortion Clinics Statewide* ([Attachment 9](#)), *Kansas Abortions Gestational Age* ([Attachment 10](#)), *Kansas Abortions Method of Abortions* ([Attachment 11](#)), and *Statement of Scientists, Medical and Mental Health Professionals About Abortion's Effect on Women*. ([Attachment 12](#))

Barb Gosa, Executive Director, Advice and Aid Pregnancy Centers, Inc. related her abortion experience, and and supports the passage of **HB 2076** which would help women to make more educated choices in regards to abortion. ([Attachment 13](#))

Cheryl Sullenger addressed the committee as a private citizen, but has a professional capacity as the senior advisor for Operation Rescue. Ms. Sullenger stands in support of **HB 2076** related some of the misleading information presented to women considering abortion. It is her belief that the passage of **HB 2076** would address some of the problems they have uncovered by giving women access to their own ultrasound images, and help them make determinations based on accurate information. ([Attachment 14](#)). Ms. Sullinger also included in her testimony *A Statement of Shaye Stewart* ([Attachment 15](#)), a receipt made out to Shaye in the amount of \$100 dollars ([Attachment 16](#)), as well as sonogram images. ([Attachment 17](#))

Brenda Spurlock testified in support of **HB 2076** relating that it is her firm belief that the bill will better assist women and families facing dire medical diagnoses for their unborn babies and will inform pregnant women about the amazing free services available in Kansas for prenatal medical challenges. ([Attachment 18](#))

Laurie Hermesch testified in support of **HB 2076**. Ms. Hermesch related an abortion experience of 30 years ago and feels that there would be so many lives saved if sonograms were available prior to an abortion as well as the avoidance of physical complications and the emotion devastation, grief and deep regret that follows the abortion decision. ([Attachment 19](#))

With no other proponents to **HB 2076**, the Chair opened the floor and recognized Julie Burkhart, who represents ProKanDo, as an opponent. Ms. Burkhart gave the opinion that **HB 2076** would work to interfere with the doctor patient relationship. She also opined that the language in the bill would require reproductive health clinics to provide free marketing services for this politically motivated crisis pregnancy center, and would not protect women. ([Attachment 20](#))

Mark Pederson, Aid for Women, Kansas City, abortion clinic manager, presented testimony in opposition to **HB 2076**. Mr. Pederson related a number of problems he has with the bill such as genetic counseling if the path of the pregnancy cannot be changed, the cruelty of contact info for medically challenged pregnancies, the use of a fetal heart monitor, the sign which has to be posted at his clinic, and related that a DVD would be a waste of taxpayers money and would not stop abortions. ([Attachment 21](#))

Planned Parenthood was represented by Holly Weatherford, J.D. who stood in opposition to **HB 2076**. Ms. Weatherford related that Planned Parenthood feels that **HB 2076** seeks only to place more unnecessary restrictions on abortion providers and women seeking abortion care and do nothing to prevent unintended pregnancy or reduce the number of abortions in Kansas. ([Attachment 22](#)) Ms. Weatherford also included an article entitled *HB 2076: States who have enacted similar laws* ([Attachment 23](#)), *The Current Status of Kansas Law On Reproductive Health Care* ([Attachment 24](#))

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With no other persons wishing to address **HB 2076** the Chair closed the hearing.

Hearing on HB 2166 - Health exceptions to the prohibition of late-term and partial birth abortions.

Rep. Steve Huebert addressed the committee as a proponent of **HB 2166** stating that this bill would clarify the original intent that there is no mental health exemption for a late term abortion and is an attempt to find bi-partisan common ground on this controversial issue. (Attachment 25) Rep. Huebert also submitted an article from *Relevant Magazine* for review. (Attachment 26)

The hearing was then turned to the opponents of **HB 2166** and Julie Burkhart representing ProKanDo was recognized. Ms. Burkhart stated that the bill seeks to exempt a mental health exception from abortion care and this would go directly against an already established constitutional standard. (Attachment 27) A DVD relating to **HB 2166** was provided by Ms. Burkhart a copy of which can be obtained from ProKanDo - PO Box 8249 - Wichita, KS 67208.

Holly Weatherford, J.D. from Planned Parenthood stood in opposition of **HB 2166**. Ms. Weatherford stated that **HB 2166** seeks only to place more unnecessary restrictions on abortion providers and women seeking abortion care and do nothing to prevent unintended pregnancy or reduce the number of abortions in Kansas. (Attachment 28).

Written testimony was provided by Michael Schuttloffel, Executive Director, Kansas Catholic Conference, (Attachment 29), Megan Halstead (Attachment 30), Michelle Armesto-Berge (Attachment 31), and Judy Smith, State Director of Concerned Women for America of Kansas. (Attachment 32)

The Chair closed the hearing on **HB 2166**

The Chairman announced the next meeting will be Monday, February 16th with a hearing on **HB 2180 - Alcoholic beverages; wine lockers in a drinking establishment.**

With no further business before the committee, the Chair adjourned the meeting at 3:25 p.m.

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