

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on February 15, 2006 in Room 231-N of the Capitol.

All members were present.

Late Arrivals:

Wagle	1:39
Haley	1:40
Palmer	1:42
Brungardt	1:45
Journey	1:53

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Diana Lee, Office of Revisors of Statutes
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:

Kathy Ostrowski, Kansans For Life
Julie Burkhart, ProKanDo
Dr. Lorne Phillips, Kansas Department Health and Environment
Brett Shirk, American Civil Liberties Union

Others attending:

See attached list.

Upon calling the meeting to order, Chairman Barnett asked for Norm Furse to give a brief reading and to explain the language on **SB 528, and SB529**. The chair announced the next order of business would be a hearing on **SB 528**.

Hearing on SB 528—An act concerning public health; relating to the reporting of statistical data regarding termination of pregnancies.

Chairman Barnett called upon proponent conferee, Kathy Ostrowski, Kansans For Life, who stated SB-528 would alter the report to explain the reason for late-term abortions in the same manner as listed for partial birth abortions, and would enlarge the information made available in the annual summary of abortion statistics. She included abortion statute-K.S.A. 65-6703, statistic charts on abortion, and research on Down syndrome abortions. A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Next Chairman Barnett called upon opponent conferee, Julie Burkhart, Chair of ProKanDO, stated that SB 528 is unnecessary to track abortions performed in Kansas or to properly keep track of medical statistics, and invades the privacy of patients and physicians, even without requiring that their identities be divulged. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chairman Barnett asked for questions or comments from the Committee. Questions came from Senator Barnett, regarding the question of no abortions on a healthy fetus, and to better understand the intent of the language in the bill.

The first neutral conferee, Dr. Lorne A. Phillips, Ph.D., State Registrar and Director, Center for Health and Environmental Statistics Division of Health, Kansas Department of Health and Environment, stated the bill would establish incompatible concepts in reporting vital events. He included a sample contract for a Report of Induced Termination of Pregnancy. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 15, 2006 in Room 231-N of the Capitol.

The Chairman Barnett asked for questions or comments from the Committee. Questions came from Senators Brungardt, Haley, Gilstrap, Palmer, Journey, and Wagle, regarding disability status, patient reports, ADA Disabilities association, what is considered a disability, possibility for attending physician to know entire disabilities list, and how are the patient and physicians names recorded and the ability to locate those.

The next neutral conferee, Brett Shirk, American Civil Liberties Union, stated the ACLU opinion that the wording “detailed reasons for late-term termination of pregnancy” is unconstitutionally vague. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

The Chairman Barnett asked for questions or comments from the Committee. Questions came from Senators Haley, and Gilstrap, regarding the definition of late term abortion, asking research to clarify and work the language of **SB 528**.

With no more conferees’ to give testimony and no further questions or comments from the Committee, Chairman Barnett then closed the hearing on **SB 528**.

Chairman Barnett then opened the hearing on **SB 529**.

Hearing on SB 529—An act concerning abortion

Chairman Barnett called upon proponent conferee, Kathy Ostrowski, Kansans For Life, who stated that the bill would partner with the federal law that babies born alive during abortion be treated as a member of the human family and receive the full protection of the law, and the need to require reporting information of any such born-alive events. A copy of his testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

The next conferee was opponent, Dr. Lorne Phillips, Ph.D., State Registrar and Director, Center for Health and Environmental Statistics Division of Health, Kansas Department of Health and Environment, stated Kansas law of abortions, birth certificates even if abortion takes place, and language to show abortion took place on birth certificate. He included a sample contract for a Report of Induced Termination of Pregnancy. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

The Chairman Barnett asked for questions or comments from the Committee. Questions came from Senators Gilstrap, Palmer, and Journey, regarding the number of deaths and irrelevant impairment bodily functions, referral relation to patient and physician, collection of contact information, and mission of KDHE.

Chairman Barnett announced that written testimony was offered from Mike Farmer, Executive Director, Kansas Catholic Conference. Copies of their testimonies are (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

With no other questions or comments from the Committee, the Chair closed the hearing on **SB 529**.

Chairman Barnett announced that the final item on the agenda was for the minutes to be approved for Public Health and Welfare Committee on January 26, 2006, and February 1, 2006.

The motion was made by Senator Palmer approve the minutes for January 26, 2006, and February 1, 2006. It was seconded by Senator Journey and the motion carried.

Senator Haley spoke to hold the Committee for discussion, stating that there was an issue regarding the minutes as to what has occurred, especially on February 1, which is the second of the two. He did not have the opportunity, and neither had others to review some of the information regarding the tape recording. I was asked to take to question the two different minutes, that on January 26, and February 1, and to have a later discussion on the minutes of February 1. He would offer as the substitute motion that

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 15, 2006 in Room 231-N of the Capitol.

the Committee approve the minutes of January 26, 2006, and Hold the minutes of February 1, 2006 pending further review.

Chairman Barnett offers discussion on this, as well as Haley. The Chair stated that Senator Haley does not believe that the bills that were heard today, February 15, 2006, were introduced. Senator Jordan introduced SB 528, SB 529, and SB 530, and does recall that there were seconded by Senator Palmer. He had checked with legislative staff and they have documented on their notes that the bills were introduced appropriately. Notes had been taken of the time of the arrival of the members of the Committee. Committee started on February 1, at 1:35 p.m., there were several late comers which had been seen today, everyone understands that. But, Senator Haley came after the bills were introduced. He is sure that Haley did not hear the bill introduction and feels that this should not delay this normal and formal process.

Senator Haley stated, that some of the member of the Committee who were present, who also arrived late to February 1 meeting, also have a similar question, on both parties and both sides of the issue. He states that it is not his own question, but that the question came to him since he had missed that fifteen minutes. That being the case, he does not question that the tapes will prove this matter or the Chair's judgement at all. He normally and routinely and many of us approve, as a matter of procedure our minutes, this is one that has been a question that has arisen by those who were here and those who were not, he hopes that we could just settle this at the next meeting.

The Chair recognizes Senator Wagle, states if there is no second to Senator Haley's substitute motion, she would like to second Senator's Palmers motion that the Committee adopt the Committee minutes.

The Chair recognizes Senator Brungardt, who asked for clarification on the substitute motion.

Senator Haley stated the Committee pass out the minutes of January 26 as presented, and that we table until a later meeting the minutes of February 1. I have no problem with the minutes of January 26, and probably will have no problem the minutes of February 1.

The Chair asked if there was any other discussion.

Senator Brungardt stated that he does not argue with his late arrival or the formality.

Chairman Barnett states that for failure of a second the Committee will be back to the original motion, and the motion passed (8-1). Senator Haley voted no.

Adjournment

As there was no further business, the meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for Thursday, February 16, 2006.