

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:05 a.m. on Monday February 13, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department  
Russell Mills, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Senator Alicia Salisbury

Others attending: See Attached Sheet

Upon comments by Senator Vidricksen and discussion and consensus of all members of the committee it was determined that the second meeting at 2:00 p.m previously scheduled. would not be needed and that a final draft of the abortion bill would be provided to all members for their review following committee action at the regular meeting. This change in schedule will assist members of the committee who will be participating in a Senate Transportation committee outside of Topeka..

Chairman Oleen opened hearing on

**SCR 1635–Memorializing congress-unfunded mandates of federal judiciary**

Chairman Oleen recognized Senator Salisbury, a proponent of **SCR 1635**. Senator Salisbury stated that this was the result of a case in 1983 in a federal district court in Kansas City, Missouri which ended with the court mandating the local government to impose a tax on residents in that area. (Attachment 1) Fifteen states are urging passage and ratification of a U.S. Constitutional amendment to clarify and preserve the intent and integrity of the United States Constitution, using the resolution method to garner support..

Committee members questioned the circumstances which allowed this to occur and after discussion Senator Vratil moved that copy of the resolution be provided to each member of the United States Supreme Court, each member of the 10<sup>th</sup> Circuit Court of Appeals, the Federal Appellant Court that covers Kansas, each Federal District Court Judge in the state of Kansas, each member of the Kansas Supreme Court, Kansas Court of Appeals and each Kansas District Judge. Senator Vidricksen seconded the motion. The motion passed.

Senator Vidricksen moved to favorably pass the amended resolution to the full Senate. Senator Harrington seconded the motion. The motion passed.

Chairman Oleen ask the committee to return to **Sub HB 2581 Partial birth abortion.**

Chairman Oleen opened the discussion of the bill. Senator Biggs moved to reinsert the word “viable” in lines 15 and 27. Senator Harrington seconded the bill. The motion carried.

Senator Becker moved to restore the reference to women’s life “or health of the pregnant women” in the abortion law. Senator Jones seconded the motion. After discussion by the committee Senator Bleeker offered a substitute motion that would substitute all the language to reflect “irreversible” and restore current law with the exception of repealing of Section 6721, which is the partial birth language. Senator Harrington seconded the motion. After discussion by the committee, the motion failed. Following discussion by the committee Senator Becker withdrew his primary motion with Senator Jones in concurrence as the second to the motion.

Senator Vratil then moved to amend **Sub HB 2581** by striking everything after line 12 and substituting the

## CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:00 a.m. on March 13, 2000.

contents of **SB 357** beginning with line 13; with modifications to ban partial birth abortions and making preservation of the pregnant woman's health an exception to the post viability abortion law. Senator Becker seconded the motion. During discussion of the bill Senator Bleeker made a substitute motion changing the language offered in Senator Vratil's motion to be consistent with current law noting two exceptions, the life of the mother and the health provision would be defined as a continuation of the pregnancy that would cause a substantial and irreversible impairment to a major bodily function. Senator Harrington seconded the substitution motion. The motion failed. Returning to the motion of Senator Vratil, The motion carried.

Senator Jones moved to clarify that both physicians involved in determining the need for a post-viability abortion must be licensed in Kansas. Senator Vratil seconded the motion. The motion carried.

Senator Vidricksen moved to favorably report **S Sub for Sub HB 2581** to the full Senate. Senator Vratil seconded the motion. The motion passed. The Chairman directed that Senators Biggs, Bleeker and Harrington be recorded as voting no on the motion, as they requested such action.

Chairman Oleen indicated that the bill would be delivered to members of the committee as soon as it was proofed and ready for committee member distribution. The bill would be read into the Senate when it was completed by the revisor. She commended the committee on their work on the issue, recognizing the different views and perspectives of the individual committee members.

The meeting adjourned at 12:20 p.m. The next meeting will be March 14, 2000, at 11:00 a.m.