

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on March 9, 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:
Carla Norcott-Mahany Planned Parenthood, Ks & Mid Missouri
Barbara Duke, American Organization of University Women
Rev. George Tormohlen, Prairie Village
Dena Vogler, Womens' Health Care Services
Darlene Stearns, The League of Women Voters
Janet Stamper, Kansas Now
Natalie Haag, Office of the Governor
David Gittrich, Kansas for Life
Kathy Miglenico, RN
Judy Smith, Concerned Women of America for Kansas
Beatrice E. Swoopes, Act. Dir. Ks. Catholic Conference

Others attending: See Attached Sheet

The Hearing continued on

Sub HB 2581- Partial birth abortion and abortion issues

Chairman Oleen noted to the committee that conferees in opposition to the bill would be given an opportunity to present testimony to equalize the time afforded in hearings on the bill the previous day. She recognized Carla Norcott-Mahany who appeared for Planned Parenthood, Kansas and Mid-Missouri. ([Attachment 1](#)) Ms. Norcott-Mahany read a statement from the Planned Parenthood regarding the sale of fetal tissue in response to testimony provided March 8 by Representative Phill Kline. Ms. Norcott-Mahany stated that Planned Parenthood opposed **Sub HB 2581** for several reasons, a) a recent opinion issued by Kansas Attorney General states it is unenforceable as written, b) it interferes with the exercise of best medical judgment by physicians and c) it does not remedy the problems created by the 1998 legislature.

Chairman Oleen recognized Barbara Duke, American Association of University Women (AAUW) as an opponent to **Sub HB 2581**. Ms. Duke stated that she spoke for organizations that make up the Kansas Choice Alliance, that oppose this bill. ([Attachment 2](#)) She stated that AAUW and Kansas Choice Alliance would prefer to see specific language written into the bill to provide exceptions for rape and incest, an exception for pregnant children and an exception for severe fetal abnormalities.

Chairman Oleen stated that time now would be given to others who wished to testify concerning abortion issues and recognized Natalie Haag, Office of the Governor. Natalie Haag reported that the Governor had introduced legislation last year to address concerns regarding the meaning and constitutionality of the 1998 abortion bill. ([Attachment 3](#)). She stated that the Governor has made clear any legislation which eliminates the mental health exception under the partial birth abortion provision K.S.A. 65-6721 must clarify the existence of a mental and physical health exception in the post-viability sections of K.S.A. 65-6703.

Chairman Oleen then returned to proponents of the bill, and called on David Gittrich, Kansas for Life. Mr.

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Gittrich is executive Director of Kansans for Life affiliated with the National Right to Life Committee. (Attachment 4) He ask that Kansas join with the other 27 states that have passed legislation to ban partial-birth abortions.

Chairman Oleen recognized Catherine Bennett-Miglionico, RN, as a proponent to **Sub HB 2581**. Ms. Bennett-Miglionico stated she is a registered nurse on the Neonatal Intensive Care at Children's Mercy Hospital. (Attachment 5). She provided members copies of an article: First Things Picture Perfect: the Politics of Prenatal Testing by Elizabeth Kristol .www.firstthings.com/ftissues/ft9304/kristol.html.

Chairman Oleen called on Judy Smith, State director, Concerned Women for America of Kansas, a supporter of **Sub HB 2581**. Judy Smith stated that Concerned Women for American of Kansas supports a clean partial birth abortion bill that will stop this procedure in Kansas. (Attachment 6).

With equal time consideration, the committee then returned to opponents of **Sub HB 2581** and Chairman Oleen recognized Rev. George Tormohlen. Rev. Tormohlen, Sr. Minister, Colonial United Church of Christian Prairie Village, stated that because of his involvement in an organization "Clergy Consultation on Problem Pregnancies" he believes any law dealing with abortion should have health exceptions for the pregnant woman. (Attachment 7).

Chairman Oleen called on Dena Vogler, Administrative Director, Women's Health Care Services, Wichita. Ms. Vogler stated that the care service she represents is the only hospital-like outpatient facility in the United States. (Attachment 8). Ms. Vogler provided the committee with a list representative of the circumstances under which women seek late abortions.

Chairman Oleen recognized Darlene Greer Stearns , League of Women Voters of Kansas, as an opponent to **Sub HB 2581**. Ms. Stearns stated that the position on abortion taken by the League of Women Voters of Kansas is: "Protect the constitutional right of privacy of the individual to make reproductive choices." (Attachment 9).

Chairman Oleen called on Janet K. Stamper, Legislative Coordinator Kansas National Organization for Women, an opponent to **Sub HB 2581**. Ms. Stamper stated that Kansas Now opposes this bill because it would put the lives of women at risk by banning an abortion procedure throughout pregnancy, even before viability. (Attachment 10). She stated that the language in this bill is almost identical to other states' abortion procedure bans that have been found unconstitutional by the U.S. Court of Appeals for the Eighth Circuit.

Chairman Oleen recognized Beatrice Swoopes, Acting Executive Director, Kansas Catholic Conference, a proponent to this bill. Ms. Swoopes stated that the Kansas Catholic Conference has been on record of supporting a ban on partial-birth abortion since its initial introduction in the Kansas Legislature. (Attachment 11).

Written testimony was received from Representative Tim Carmody to clarify his position on partial birth abortion. (Attachment 12).

Written testimony from Jared P. Pingleton, Psy, D. a licensed clinical psychologist, a proponent to the bill was distributed to committee members. (Attachment 13)

Written testimony was received from Gloria Schlossenberg, an opponent to the bill. (Attachment 14)

The hearing was closed on the bill. The chair indicated continued discussion of **Sub HB 2581** would continue at the next meeting.

Meeting adjourned at 12:08 p.m. The next meeting will be held March 10, 2000 at 11:00 a.m.

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