

Proponent, SB 436

March 2, 2016

Chairman Masterson and committee,

I am Kathy Ostrowski, legislative director for Kansans for Life, the state affiliate to the National Right to Life Committee. KFL has long-supported this bill's concept, and indeed assisted with the original drafting, known as the Huelskamp-Kinzer budget amendment.

The SB 436 concept is to **prioritize tax-assistance for the economically disadvantaged to comprehensive care facilities**: first to public safety-net clinics and hospitals, and then public facilities providing comprehensive care.

Full-service medical facilities can more smoothly facilitate an exam that begins as a gynecological check up and evolves into mental health evaluations or cardiac testing. SB 436 is good stewardship, because our tax dollars are supplementing local physicians who can treat all members of the community, including geriatric and pediatric cases, not just STD testing and contraceptive visits.

LITIGATION HISTORY

In 2007, the legislature passed the Title X Huelskamp-Kinzer amendment but it was vetoed until Gov. Brownback, who has signed it each year.

The H-K amendment was sued in federal court in June 2011 by Planned Parenthood of Kansas Mid-Missouri, under the claim they would be "irreparably damaged" without "its" Title X funding. However, Dr. Robert Moser, then-KDHE Secretary, described Title X grants as belonging to the state taxpayers, adding, **"Title X was not intended to be an entitlement program for Planned Parenthood."**

Federal District Judge Thomas Martens took PPKMM's side and forced the state to keep bankrolling Planned Parenthood and the Dodge City Family Planning clinic. The latter soon folded.

Kansas A.G. Derek Schmidt appealed that decision and it was reversed by the Tenth Circuit Court of Appeals in May 2014, ruling that PPKMM **"lacked standing to pursue its claims in federal court, and that its claim of a First Amendment violation lacked merit."**

A KORA request by KFL reveals that legal costs of \$425,000 were expended on defending KDHE's right to choose the best providers for Title X. This was the fault of PPKMM—which **received over \$1 million during litigation**--and judicial activism that ordered unrecoverable funding to PPKMM and to a business that was improperly added to the case.

Lest we forget, tax subsidies that keep the lights on for PPKMM free up other money for them to perform and promote abortions, as well as sue solid pro-life laws like requiring that each abortion clinic website have a link to the KDHE information website. (A.G. Schmidt won that challenge, also.)

SB 436 makes good fiscal sense and we hope this committee passes it out favorably. I stand for questions.