

Approved

Stephen R. Cloud 3-5-86
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:07 a.m. ~~xxx~~ on Wednesday, February 26, 1986 in room 522-S of the Capitol.

All members were present except:

Representative Sprague - Excused

Committee staff present:

Avis Swartzman - Revisor

Carolyn Rampey - Legislative Research Dept.

Conferees appearing before the committee:

Barbara Sabol - Secretary, Department of Health and Environment

Pat Goodson - Right to Life of Kansas

John Bailey - Chairman, Advisory Commission on Environment

The meeting of the House Governmental Organization Committee was called to order at 9:07 a.m. on February 26 by Representative Stephen R. Cloud, Chairman. The February 21 minutes were approved on a motion by Representative Bowden, with a second by Representative Roper. February 25 minutes were distributed. The agenda was HB 2700, continuing the office and secretary of the department of health and environment.

Barbara Sabol, Secretary, Department of Health and Environment, stated that all the Department's testimony had been given earlier, but she and staff were present to answer any questions that Committee might have.

Pat Goodson, Right to Life of Kansas, expressed some of the particular concerns which are shared by the state members of that organization. (See Attachment A)

John Bailey, Chairman, Advisory Commission on Environment, presented copies of his testimony to the Committee (See Attachment B). He outlined the Commission's duties with relation to the various environmental concerns in the state. He expressed concern with House Bills 2650 and 3037, saying these bills will fragment existing programs and severely undermine efforts to protect the groundwater. He hopes the Committee will recognize and endorse the programs dealing with environmental protection. (See Attachment B) It was commented on that Subcommittee 2 had looked into the area that had just been discussed. More information will be given to the Committee when the subcommittee gives its report.

The Chairman stated that as there was no one else present to speak to HB 2699, the hearing was concluded. As a number of bills have been heard, final action could be taken at this time. He asked the Committee to turn to HB 2699, continuing the secretary and department on aging. Representative Hassler moved to report the bill favorably. Representative Walker gave a second to the motion. The motion carried.

The Committee turned to HB 2714, concerning the advisory committee on juvenile offender programs. Representative Fuller stated the bill needed some amendments so the bill was held for future action.

The Committee turned to HB 2922, concerning the director of property valuation. After discussion Representative Ramirez moved to report the bill adversely. Representative Hassler gave a second to the motion. The motion carried.

The Committee turned to HB 2885, changing the name of the advisory committee on Mexican American Affairs. Discussion was held and the amendment the bill needs to strike 'American' as needed in the bill was given so the bill can be changed where needed. Representative Sutter moved to amend HB 2885 where needed. Representative Graeber gave a second to the motion. The motion carried. Representative Sughrue moved to pass HB 2885 as amended. Representative Ramirez gave a second to the motion. The motion carried. Representative Ramirez stated that he would be happy to carry the bill on the House floor.

The Chairman adjourned the meeting at 9:48 a.m.

SRE

Mr. Chairman, members of the committee, my name is Pat Goodson and I represent Right To Life of Kansas. In reviewing the programs of the Department of Health and Environment we urge the committee to focus on some particular concerns which are shared by our members throughout the state.

The first such program is the family planning program. The statutory authorization for family planning programs is contained in K.S.A. 23-501 & 502 and these statutes are in fact cited by the agency as such authorization. 23-501 & 502 contains both mandates and restrictions. The health department is required by KSA 23 501, 502 to establish and maintain family planning clinics in cooperation with local health departments. The legislature in enacting 23-501, 502 in 1965 purposely and carefully drafted the legislation so as to preclude the serving of minors in family planning clinics. Nevertheless minors are served without parental consent in nearly all family planning clinics in county health departments and private planned parenthood agencies. These clinics are funded by a combination of Title X federal family planning funds, federal maternal and child health funds and state general funds. The issue is clear and simple. If the cited statutes are authorization for the health departments family planning programs then those programs should be required to abide by the restrictions of the law which prohibit the serving of minors without parental consent.

Additionally, in your review I urge you to question the effectiveness of the family planning programs. Despite the millions of dollars spent on family planning programs in Kansas over the past 15 to 20 years abortions and illegitimate births have not decreased. Kansas family planning programs are biased for abortion. Attached to my testimony are two articles which discuss this subject. Planned Parenthood is the world's largest promoter of abortion. Planned Parenthood personnel are intimately involved in Kansas family planning programs and family planning training programs. Two planned parenthood clinics are funded through the state department of health and environment.

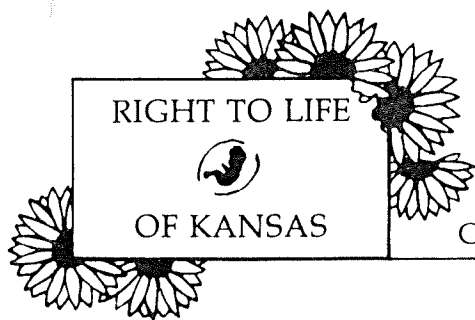
Next we would ask the committee to question the medical licensure program to determine why they have failed to require the licensing of abortion clinics which appear to be in open and flagrant violation of the law requiring the licensing of medical care facilities. In addition the agency has failed to allow inspection of the licensing records of the one abortion clinic which they have licensed despite the fact that such records should be open under Kansas open records act.

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Finally, in the matter of stillbirth reporting the agency has failed in the change under the law to require that stillbirth certificates be filed for any child not born alive but weighing over 350 grams. Many abortions are reported on children who are old enough to weigh 350 grams or more. Nevertheless stillbirth certificates are not being filed. Since these are reported to the health department the agency is aware of which facilities are performing these abortions. They havenot however done anything to obtain enforcement of this law. In addition the few stillbirths that are reported where the cause of death was an intentional abortion is arbitrarily reclassified in annual reports and placed in abortion statistics but not in stillbirth statistics.

Respectfully submitted

Patricia Ann Goodson
Right To Life of Kansas, Inc.



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A BIAS FOR ABORTION

Congress did not intend for Title X funding to support abortion. In somewhat convoluted language Title X funds are prohibited from being used in programs where abortion is a means of family planning. It is perhaps a matter of semantics whether the Bureau of Maternal and Child Health classifies abortion strictly as a "method of family planning". It cannot be disputed, however, that Kansas has violated both the letter and the spirit of this prohibition. It is an unchallengeable fact that the Kansas Bureau of Maternal and Child Health which directly administers the Title X funds supports, as a matter of policy, legal abortion; that is, that the **BMCH advocates that women and doctors be allowed to kill unborn children.**

"In 1959 Dr. Schloesser and the department (BMCH) began to propose new legislation. Three laws were identified that needed changes: the Comstock Law, forbidding contraception; an abortion law which prohibited abortions except to save the life of the mother; and a law which prevented sterilization. 'It took a long time to educate people,' Dr. Schloesser says, 'but eventually all three laws were changed and we are very proud of what we accomplished.'"

COMMUNITY HEALTH, Spring 1975, p. 16

The Bureau of Maternal and Child Health considers abortion a means of family planning (if not contraception), and has funded an abortion clinic with Title X funds, in violation of the prohibitory amendment of Title X. The brochure quoted at the beginning of this article which states that one of the goals of Kansas Family Planning Program is to prevent either the birth of unwanted children or unplanned pregnancies (how do you prevent a birth without preventing a pregnancy unless you kill the child by abortion) was obtained from the Kansas Health Department in 1975. The brochure was prominently displayed in a pamphlet rack in the lobby of their state offices as late as the summer of 1980. Even more incriminatingly the same goal is listed in the Title X applications until after 1979 when this author filed a protest with HEW.

Our protest also concerned a grant of Title X funds made by the BMCH to an Overland Park, Kansas, abortion clinic. HEW's response was to announce that the abortion clinic funding had been stopped and that the Kansas health department had been "reminded" of the Title X abortion prohibition. In subsequent applications written in 1980 and 1981 that particular goal has been changed to read: "To provide all medically approved methods of contraception... (abortion is not considered a method of contraception)."

It is easy to change three written lines. Actually changing philosophies is something else again and there is absolutely not the slightest shred of evidence that the BMCH has done that. On the contrary, it appears to be "business as usual" with Kansas family planning clinics continuing to assist women to kill their unborn children. It should also be noted that the Title X prohibition is against abortion as a means of "family planning", not "contraception". The BMCH has clarified that they do not consider abortion a means of "Contraception" but this does not mean that they do not still consider abortion a means of "family planning".

The only funds that are supposed to be allowed for abortion in Kansas are Medicaid funds where the abortion is necessary to prevent a woman's death (a hypothetically non-existent situation). A BMCH program known as Maternal and Infant care or M&I came under fire last year from Right To Life because (among other things) it provided abortion referral and contraceptives without parental consent. An increase of funding for M&I was approved by the legislature in 1980 only after assurances by legislative leaders that the program *did not* include such family planning services. Not only does M&I include contraceptives and abortion referral but Right To Life has now learned, that *M&I funds are being used for abortion.* At a Topeka meeting of the Nurses Assoc. of the American College of Obstetricians and Gynecologists this past March, it was revealed that abortion payments for teens are available through the M&I program. The statement was made by Carol Stone, a nurse counselor speaking on the topic of counseling patients facing abortion. The workshop was attended incognito by a local member of Right To Life.

A similar bias is demonstrated by the welfare, or Social and Rehabilitation Services (SRS) department which is supposed to cooperate in establishing and maintaining family planning clinics as noted earlier in this article. SRS Secretary, Robert Harder, sent a memorandum to the legislature dated Feb. 2, 1976, justifying his department's policy decision to pay for all abortions (prior to the HYDE amendment). He argued that abortion services were simply medical services and (therefore) an *integral part of family planning services* which were mandated by federal regulation. When enforcement of the HYDE amendment was announced, Harder publicly advocated finding a way to use other state funds for abortion.

Harder has also refused to reveal information on who received payments for abortion by his department even when the payments amounted to a quarter of a million dollars and were made improperly in direct violation of his own department regulations and federal law, and even when he was ordered to do so by the Attorney General. Rather than comply with a directive from the Attorney General to reveal abortion payments, Harder went to court, at taxpayer expense, to keep from revealing what he had done with tax money.

Nurse Relates Seminar Experiences

By Catherine Wahlmeier

As I type this, the reigning Miss America still hasn't made public how she will handle the scandle exposed last week. Am I the only one who was absolutely stunned by this? It was just another example of the evil rampant in today's world, as is the stand of the Democratic Party regarding "gay" rights and the "women's" rights that include the killing of their own offspring. Many hear and then shrug it off as "a sign of the times", but I say it is a sign of our nation starving for CHASTITY. Chastity being described as an interior purity, an attitude of respect for the sexual dignity of ourselves and of others. Maybe a recent experience I had will help you understand my grave concern for this nation and its morale.

Needing 15 additional contact credit hours that would be applicable for my relicensure by the Kansas State Board of Nursing, I sent in my registration for the July seminar. Having skimmed the brochure, I found the subject to be "Herpes/Aids: Implications for Nursing Practice." The names of two male nurses with degrees from Wichita State University were given as instructors. In no way was I prepared for the next two days --- what I had to endure as a professional to keep my registered nurse status.

Why did we have to hear from the instructor (who just happens to be President of the Kansas Nurses' Association) about his individual family's sexual practices? Why did we professional nurses have to view over five minutes of slides of male and

female genitals to prove to us that we are all sexual beings? Why was it necessary, to our understanding of sexually transmitted diseases, to have to listen to a comedian's tape on "The seven 4-letter words that cannot be used on TV?"

After this sensitivity training, we were subjected to "values clarification" with the instructor assuring us that "I'm not trying to influence your opinions," but then having us take part in an exercise in which we, as a group, were asked several ambiguous questions dealing with moral issues. We were to stand under the sign of "agree - disagree - or undecided" and then were given an opportunity to persuade our fellow nurses who disagreed with us to change their minds. We were professionals, having identified ourselves as county health nurses, school nurses, office nurses, nursing home personnel (oh, yes, we NEED intimacy rooms in our nursing homes for the "cantankerous" old men) hospital nurses, or not actively employed at present.

What amazed me was that so few were willing to defend their positions, and I saw PEER PRESSURE in action. My heart ached for those who were offended and wouldn't say so. But even more so, for ALL our children from kindergarten through college, who are subjected to this "values clarification" mind control that is so rampant in the educational system of our nation.

The instructors both admitted to having worked in Family Planning

Clinics and that they examined, diagnosed and dispensed medication to their clients. They gave three criteria for becoming sexually active and it being "okay": being an adult, giving consent and privacy. I said, "You've just described marriage and that is where sex belongs." The instructor promptly answered that very often two men or two women would have difficulty in obtaining a marriage license, and off we went into "acceptance" of the gay community.

Before the seminar ended, we nurses were a "treated" to a video tape made by and acted in by one instructor taking "sexual histories" of patients. One would have to be completely insensitive not to be embarrassed and completely incredulous at the questions asked. I ask, HOW did we come to this, and WHAT are we going to do to correct it?

TESTIMONY PRESENTED TO THE
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

on February 26, 1986

by

John Bailey, Chairman

Advisory Commission on Environment

Mr. Chairman and Members of the Committee:

Protection of public health and the state's natural resources is the primary responsibility of the Division of Environment of the Kansas Department of Health and Environment. Essentially, you will find in reviewing the Kansas statutes, substantially all of the environmental control programs in the water, wastewater, air control, radiation, asbestos, solid waste, hazardous waste, environmental contamination cleanup, and environmental geology are administered by the Division of Environment. The Advisory Commission on Environment urges the House Governmental Organization Committee to maintain environmental programs under the Division of Environment.

The Commission was statutorily created in 1974. It is composed of seven members who reside in different parts of the state and are appointed by the Governor. The Commission is mandated by statute "to consult with and advise the Secretary of Health and Environment on matters relating to the management, operation, and functions of the Division of Environment, and the operation of programs under the jurisdiction of the division..." It is therefore not only appropriate, but it is incumbent upon the Commission, to urge the Committee to recognize and endorse a strong commitment to environmental protection. Over the last fourteen years, the Commission members -- collectively and individually -- have had the opportunity to review, advise, and consult with the Secretary, Director, and members of the staff of the Division of Environment relative to the various environmental concerns. We have found these people to be dedicated to the proposition and the environment that we mutually share.

An example of a concern of the Commission is House Bill 2650 currently before the Legislature. This bill will fragment existing regulatory programs and, ultimately, will severely undermine state efforts to protect the groundwater so vital to Kansans. The evidence suggests that groundwater contamination has occurred in certain localized parts of the State. We cannot, however, overlook the fact that the oil, gas, and minerals industry is not the only past or potential source of groundwater

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Attachment B

contamination. Many instances of contamination are directly attributable to practices of municipalities, agriculture, and other types of industries. Leaking septic tanks, storage tanks, excessive use of chemicals in agriculture, improperly constructed and operated water and saltwater recovery and injection wells, leaking sewage lagoons and feedlot facilities, leaking surface impoundments, etc., highlight the fact that potential sources of groundwater contamination are pervasive in our society. House Bill 2650 represents a piece-meal approach to this complex, multi-faceted, and inherently inseparable issue. House Bill 2650 creates a confusing array of multiple agency jurisdiction in groundwater protection. This will entangle and stymie the bureaucracy to the extent that groundwater degradation, rather than protection, will occur. Kansas needs a well-thought out, comprehensive groundwater protection strategy, which is fully integrated with and does not clash with our existing environmental protection programs. The Commission believes it would be hasty to dismantle the joint oil and gas program, since the program was only recently implemented. The Commission believes that the joint program, now operating under one director, should be given additional time to establish itself and prove its effectiveness. However, should there be a desire to move this program, the logical location from an environmental standpoint would be the Kansas Department of Health and Environment.

In conclusion, I point out that the Advisory Commission on Environment brings to the bureaucracy a grounding in the real world. Commission members are professionals and lay people who in each instance bring to the agency a fresh perspective from their respective community experiences and needs. The Commission has given assistance on interagency budget allocations, has audited programs, has initiated new projects, and has prompted studies and causes. I feel that the Commission, having worked with the Department for a number of years, is in a position to make a strong recommendation for continuing the programs and activities under the Division of Environment.

Mr. Chairman and members of the Committee, on behalf of the Advisory Commission on Environment I appreciate very much this opportunity to submit our comments and concerns.