

Approved _____ Date _____

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at
Chairperson

1:30 ~~am~~ p.m. on Wednesday, February 5, 1992 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Mary Torrence, Revisor of Statutes
Mary Galligan, Kansas Legislative Research Department
Lynne Holt, Kansas Legislative Research Department
Connie Craig, Committee Secretary

Conferees appearing before the committee:

Stan Reeser, City Council Member, Wichita, Kansas
Pat Ranson, Kansas Republicans for Choice, Wichita, Kansas
Janet Balk, Emma Wigglesworth, and Monica Parker, Manhattan High School Students
For Choice, Manhattan, Kansas
Deborah McDonald, Planned Parenthood of Connecticut
Mayor James A. Beadle, DeSoto, Kansas
Sylvia, East Coast
Darlene Greer Stearns, State Coordinator, Religious Coalition for Abortion
Rights in Kansas
Amy C. Bixler, National Organization for Women
Maureen Burke Collins, Planned Parenthood of Kansas, Inc.
Barbara Reinert, League of Women Voters of Kansas
Jenifer Brandeberry, Pro Choice Action League
Peggy Jarman, Pro Choice Action League
Barbara Holzmark, President, Kansas Choice Alliance
Carla Dugger, American Civil Liberties Union
K.M. Lange, University of Kansas Student Body Vice-President

Chair Sebelius called the meeting to order, and began the hearing on HB 2778. She brought the Committee's attention to an outline of abortion statutes in different states, Attachment #1.

Stan Reeser appeared before the Committee as a proponent of HB 2778, Attachment #2.

Pat Ranson testified in favor of HB 2778, Attachment #3.

Mary Torrence, Assistant Revisor of Statutes, gave a summary of HB 2778 and an outline of abortion bills in Kansas from 1978 to 1992, Attachment #4.

Janet Balk, Emma Wigglesworth, and Monica Parker gave testimony in favor of HB 2778, Attachment #5.

Deborah McDonald came before the Committee to address the counseling portion of HB 2778, Attachment #6.

Mayor James Beadle, a proponent of HB 2778, presented testimony to the Committee, Attachment #7.

Sylvia appeared before the Committee as a proponent of HB 2778, Attachment #8.

Darlene Greer Stearns submitted written testimony in favor of HB 2778, Attachment #9.

Amy Bixler submitted written testimony in favor of HB 2778, Attachment #10.

Maureen Burke Collins stated to the Committee that she represents Planned Parenthood, and their written testimony would favor HB 2778, Attachment #11.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Wednesday, February 5, 1992

Barbara Reinert submitted written testimony in favor of HB 2778, Attachment #12.

Jenifer Brandeberry submitted written testimony in favor HB 2778, Attachment #13.

Barbara Holzmark submitted written testimony in favor of HB 2778, Attachment #14.

Carla Dugger submitted written testimony in favor of HB 2778, Attachment #15.

K.M. Lange submitted written testimony in favor of HB 2778, Attachment #16.

In response to Committee questions, Peggy Jarman stated the following:

- Ms. Jarman answered that she is an employee of Dr. George Tiller in Wichita, who owns and operates Women's Health Care Services, and also, a spokesperson for Pro Choice Action League, which is a statewide pro choice grassroots organization. Dr. Tiller's clinic performs abortions, and I am familiar with the practices of that clinic. Dr. Tiller's clinic is located in Wichita on East Kellogg street. Dr. Tiller's clinic performs abortions in the first and second trimester, and a few in the third trimester. We do have minors come to the clinic, and we counsel them to the alternatives to abortion. At Dr. Tiller's clinic, we require parental consent for minors. Ms. Jarman also stated that she has lobbied, since 1980, against parental consent legislation. She explained further by saying that when 14 year olds come to the clinic who are from homes consisting of two alcoholic parents or where families are so dysfunctional that teenagers worry they will truly be in danger if they inform their parents of this decision, it is very important that doctors are able to make these exceptions. But certainly, in every case possible, we involve parents. Probably, an average of one patient a week is turned away from the clinic because it is our decision that she is not ready to make this decision, or she has changed her mind following counseling. Sometimes parents come with their teenagers because the parent wants this procedure, and in those cases we always counsel the teenager separate from the parents. Dr. Tiller also helps with adopting out babies. Ms. Jarman explained that Dr. Tiller's office does third trimester procedures primarily for fetal abnormalities. There have been a few instances where abortions have been performed to save the health of the woman. A woman, recently, had lung cancer, was having chemotherapy, and was required to terminate her pregnancy in order to continue the chemotherapy. There are some patients who come to the clinic who are under the assumption that they are not as far along as they are. When we find out, through sonograms, that they are in their third trimester, we send those patients home. It is hard to do that when someone has come from Chicago, Maine, or Washington. The basic philosophy of the clinic is up unto the point of natural survivalhood, the woman is the patient. After that, there are two patients.

In response to Ms. Jarman's last statement, a Committee member asked if the clinic's rule of practice is in conformity with this bill relating to third trimester abortion? Ms. Jarman answered yes. A Committee member asked what is the rate of deaths to women at the clinic in Wichita? Ms. Jarman answered zero.

Chair Sebelius explained that she has attempted to contact some folks from the League of Municipalities about whether or not there is a League policy on the home rule issue. She asked Mayor Beadle has this ever come up at any of your meetings? She added that she has been approached by a number of city officials and county officials who feel that they would like to see the home rule provision removed in this instance, but she did not know if either of the State Associations had taken a formal policy.

Mayor Beadle replied no city likes to relinquish home rule, but there is not a formal position on this.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~am~~/p.m. on Wednesday, February 5, 19

Another Committee member asked the Manhattan students how large their high school is. One of the young ladies answered 1600 to 1800 students, but the group "Students For Choice" have about 40 students as members.

Deborah McDonald was asked by a Committee member if it were her experience that young women were coming to Connecticut from Massachusetts and other states that have parental consent laws in place so they could opt out of those consent laws?

Ms. McDonald answered that the Harvard abortion providers tell us that 50% of the minors that they see are from states with a parental consent provision.

One Committee member asked Ms. McDonald if she knew how many teenagers come to Connecticut who are dealing with their parents. Ms. McDonald explained that they are doing a study of Connecticut's law, and those results are unavailable at this point. In response to a question, Ms. McDonald stated that they encourage minor girls to involve their parents. She added in Massachusetts 62% to 65% of minors(18 years old or under) involve their parents; the rest of the girls either seek the judicial bypass or go out of state. Ms. McDonald stated that of the 8,500 girls in Massachusetts who seek judicial bypass, 98% have been found mature enough to make that decision. Of the remaining 2%, many of the judges have still decided that it is in their best interest. Of the 8,500 girls, only one person, who failed to get that decision overturned or to go to a different court, was found immature. The judicial bypass procedure in Massachusetts costs approximately \$125 billion. Ms. McDonald explained that judicial bypass laws should be confidential, but on the average, the minor will meet with eleven people going through the judicial system before she actually gets back with the counselor.

Chair Sebelius announced that the Opponents will testify on HB 2778 the next day. She adjourned the meeting.

SELECTED STATUTES AND REGULATIONS

In the years since *Roe*, opponents of choice have sought to enact numerous types of state restrictions that interfere with women's access to abortion services. This section of the publication reviews statutes and regulations in each state that fall within the categories of restrictions that the Supreme Court has ruled or is expected soon to rule constitutional. Also included are selected other statutes of particular note, including abortion bans, pro-choice and anti-choice legislative declarations, and laws tar-

geted at clinic violence and harassment. Each provision is summarized and evaluated as to whether it complies with the standards for enforceability currently set out by the Court.

A summary of findings follows:

ABORTION BANS (POST-ROE)

- ★ Two states (LA, UT) and the territory of Guam have passed laws since the Supreme Court's *Webster* decision prohibiting virtually all abortions. These laws have been challenged in court and are currently unenforceable.

ABORTION BANS (PRE-ROE)

- ★ Eighteen states and the District of Columbia have not repealed their unconstitutional and unenforceable pre-*Roe* abortion bans (AL, AZ, AR, CA, CO, DE, DC, KS, MD, MA, MI, MS, NH, NM, OK, TX, VT, WV, WI).

CLINIC VIOLENCE AND HARASSMENT

- ★ Five states have laws that criminalize clinic violence and harassment of patients entering health care clinics that provide abortion services (CA, MD, NV, OR, WI).

MINORS' ACCESS

- ★ Thirty-three states have laws on the books that prevent minors from obtaining abortions without parental consent or notice (AL, AK, AZ, AR, CA, CO, DE, GA, ID, IL, IN, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, PA, RI, SC, SD, TN, UT, WV, WY); of these, 17 are currently being enforced (AL, AR, GA, IN, LA, MA, MI, MN, MO, NE, ND, OH, RI, SC, UT, WV, WY). In addition, 3 states require a minor to receive mandatory counseling that includes discussion of the possibility of consulting her parents (CT, ME, WI).

POST-VIABILITY RESTRICTIONS

- ★ Thirty-five states have laws that specifically prohibit post-viability abortions under most circumstances (AZ, AR, CA, CT, DE, FL, GA, ID, IL, IN, IA, KY, LA, ME, MA, MI, MN, MO, MT, NE, NV, NH, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VA, WI, WY).

COUNSELING BAN

- ★ Three states have "gag rules" that prevent certain health care providers from giving counseling or referrals regarding abortion (LA, MO, ND).

HUSBAND NOTICE AND CONSENT

- ★ Ten states have husband notice or consent requirements for married women seeking abortions (CO, FL, IL, KY, MT, ND, PA, RI, SC, UT). Although the U.S. Supreme Court has held that these provisions are unenforceable, the Court is expected to reconsider this issue in *Planned Parenthood of Southeastern Pennsylvania v. Casey*.

INFORMED CONSENT/INTIMIDATION REQUIREMENTS

- ★ Twenty-five states have abortion-specific informed consent or intimidation laws, many of which require that women be given intimidating and irrelevant state-prepared materials intended to dissuade them from having an abortion (AL, AK, DE, FL, ID, IN, KY, LA, ME, MD, MA, MS, MO, MT, NE, NV, ND, OH, PA, RI, SD, TN, UT, VA, WI). Although many of these are unenforceable under U.S. Supreme Court precedent, the Court is expected to reconsider this issue in *Planned Parenthood of Southeastern Pennsylvania v. Casey*.

LEGISLATIVE DECLARATION (ANTI-CHOICE)

- ★ Four states (IL, KY, LA, SD) have laws stating that it is the intention of the legislature, if and when *Roe* is overturned, to prohibit abortion. Seven additional states (AR, MO, MT, ND, NE, PA, UT) have provisions that declare their intent to regulate abortion to the full extent that is constitutionally permissible. In addition, Massachusetts has a law that designates October as "Pro-Life month."

LEGISLATIVE DECLARATION (PRO-CHOICE)

- ★ Three states (CT, NV, WA) have laws that affirmatively protect the right of a woman to obtain an abortion before viability, and at any time if necessary to preserve her life or health. In addition, in 1991, Maryland passed a law codifying the principles of *Roe v. Wade*, but the law will not take effect unless voters affirm the measure in the November 1992 election.

VIABILITY TESTING

- ★ Three states have laws that require physicians to perform specified tests to determine viability before performing an abortion (AL, LA, MO).

House Federal State Affairs
February 5, 1992
Attachment # 1

PUBLIC EMPLOYEES

- ★ One state has a law prohibiting public employees from participating in the performance of an abortion (MO).

PUBLIC FACILITIES

- ★ Six states have laws prohibiting the use of public facilities for the performance of abortions (AZ, KY, LA, MO, ND, PA). One of these provisions (KY) is unenforceable.

PUBLIC FUNDING

- ★ Thirty states and the District of Columbia will not provide Medicaid funding for abortions unless the woman's life is in danger (AL, AZ, AR, CO, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MI, MS, MO, MT, NE, NV, NH, NM, ND, OH, OK, RI, SC, SD, TN, TX, UT); 8 states provide public funding in certain additional, though very limited circumstances, such as when the pregnancy resulted from reported rape or incest (ID, IA, MD, MN, PA, VA, WI, WY); only 12 states fund most or all abortions (AK, CA, CT, HI, MA, NJ, NY, NC, OR, VT, WA, WV).

RU-486

- ★ Two states have passed resolutions encouraging research of RU-486 in the state (CA, NH).

H FCSA
2/5/92
1-2

Remarks on House Bill No. 2778
By Stan Reeser, Wichita City Council Member

Chairperson and members of the committee on Federal and State Affairs. My name is Stan Reeser and I am a Member of the Wichita City Council, representing the 4th district. I am addressing you today as an individual member of that Council. In no way should my remarks today be construed that I am speaking for the City of Wichita or the other members of the Wichita City Council.

I am before you in support of House Bill # 2778. I believe you have a Bill before you that works as a package. As one who saw first hand the emotions that the issue of reproductive freedom bring to a public debate, I commend you for trying to address this issue in a fair and even-handed manner.

My comments today will be confined to the two sections of the bill in which I believe I can offer an unique perspective. They are in the areas of restricting political subdivisions in passing restrictive abortion ordinances and in the area of fines for those who blockade health care facilities.

I favor lines 37 and 38 of the bill that restrict local government from interfering with the right of a woman to terminate a pregnancy. The reasons are quite obvious. This summer, at a time when the City of Wichita needed to attend to the normal business of city government, we put aside issues that we could control like sewer projects, road repairs, park and recreation programs and took up the state and national issue of reproductive freedom. We were only the third city in the United States that seriously looked at passing ban on abortions within the city limits. The six hours public hearing that we held on the ordinance caused a division in our community and many felt was an open invitation to Operation Rescue (OR), who I call Operation Intolerance, to "visit" our town.

I believe it is impossible to calculate the damage the ensuing debate had on our community in developing consensus on downtown development, fighting gang problems, and much needed street repairs. The "A" word debate appeared to pop up on us in unlikely circumstances. All for an issue that has constitutional and traditionally been handled on the state level. For these reasons, I support this section of the package.

The second component of the bill that I would like to address is the area of fines and punishment for obstructing access to medical clinics. Again, the reasons are obvious!

House Federal & State Affairs
February 5, 1992
Attachment # 2

After the City of Wichita placed their fines on those who insist on committing illegal protest actions, the price of breaking the law became clear to the protestors. The City basically said that if you are going to claim civil disobedience then there was a price to pay. The Council was unanimous in its belief of protecting the right of free speech for individuals to protest, but if you broke the law, the hard working taxpayers of the city were not going to pay your tab. It cost the city approximately \$250,000 in direct costs and a half a million when you consider lost revenue and cost to the Sedgwick County taxpayers. Due to the fact that we did not approve our new fine schedule until after most of the OR activities were over and due to the fact that many protestors have skipped town without paying their fines, we have only been able to collect \$79,000.

Some would tell you that no matter what the fines are -- protests against medical clinics that perform abortions will continue. But this is not true! The bottom line is that with this fine provision in the bill, the state and those cities under siege will have the tools to deter this crime and will have the capacity to recover revenue lost that should go to basic, generic city government.

Thank you for your time and I wish you well as you deal with this highly charged and emotional issue.

HF § 5A
2-5-92
2-2

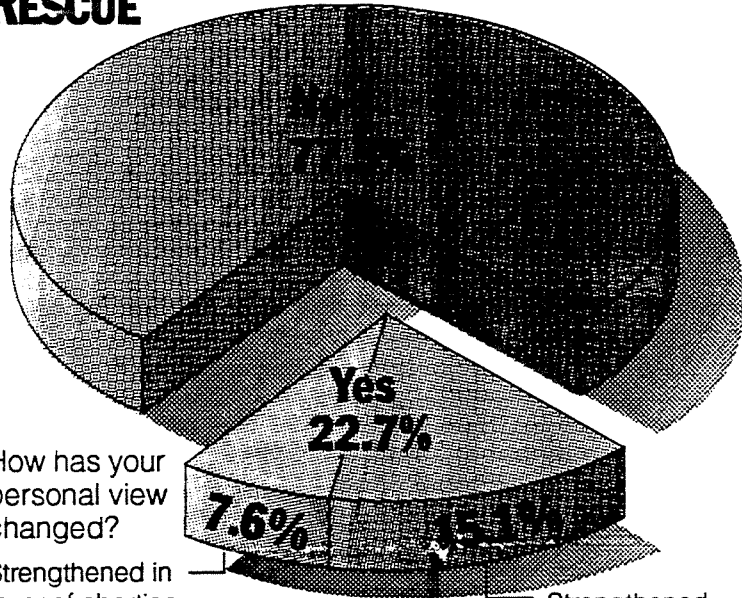
ABORTION

A Wichita Eagle/KAKE-TV
Kansas Survey

With the first Operation Rescue arrests last month, questions arose. Do the protests help or hurt the anti-abortion cause? Do area residents support Operation Rescue tactics or oppose them? How do people feel about the actions of Mayor Bob Knight and U.S. District Judge Patrick Kelly? This Wichita Eagle/KAKE-TV Kansas Survey addresses those and other questions.

IMPACT OF OPERATION RESCUE

Have the actions of Operation Rescue had any impact on your personal views about abortion?



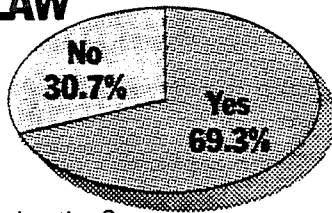
How has your personal view changed?

Strengthened in favor of abortion restrictions or caused doubts in your position favoring abortion rights

Strengthened in favor of abortion rights or caused doubts in your position opposing abortion

ABORTION LAW

Would you vote to continue Kansas' present practice of allowing a woman to decide whether to have an abortion?

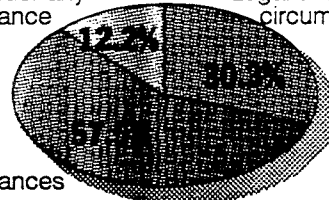


Do you think abortion should be ...

Illegal under any circumstance

Legal under any circumstance

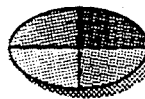
Legal under certain circumstances



APPROVAL RATINGS

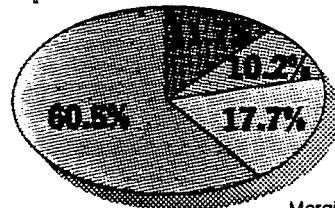
How poll respondents felt about actions taken by Operation Rescue, Mayor Knight and Judge Kelly.

Strongly disagree or disapprove of
Somewhat disagree or disapprove of

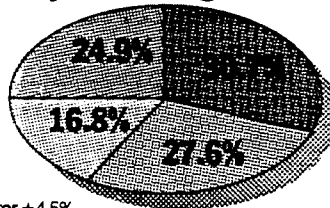


Strongly support or approve of
Somewhat support or approve of

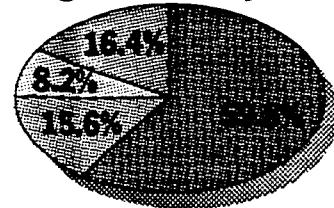
Operation Rescue



Mayor Bob Knight



Judge Patrick Kelly



Margin of error ±4.5%

Paul Sontag/The Wichita Eagle

HF35A
2-5-92
2-3

Battle for our minds

Survey: Opinion not going protesters' way

By Jim Cross

The Wichita Eagle

The needle of public opinion has moved slightly in response to abortion protests in Wichita, but not in the direction that Operation Rescue organizers intended.

Most people already knew where they stood on the abortion issue. Still, 15.1 percent of county residents said the protests had nudged their opinion toward a woman's right to choose, while 7.6 percent said they had moved the other way, according to a poll taken Wednesday and Thursday for *The Wichita Eagle* and KAKE-TV, Ch. 10.

After a month of protests, more than 2,000 arrests, scuffles between protesters and federal marshals, and a legal battle that is attracting nationwide attention, area residents have grown weary of Operation Rescue's tactics.

Most respondents — 78 percent — said they disapproved of Operation Rescue's tactics, according to the Kansas Survey, a public opinion poll designed to be statistically reliable. About 22 percent said they supported protesters who have been arrested for using their bodies to block the entrances to local clinics or sitting down in the streets to challenge drivers bound for the clinics.

The survey was conducted through random selection of telephone numbers in Sedgwick County. Interviews were completed with 483

adults. The margin of error was 4.5 percent, indicating that, 95 percent of the time, the results would have been no more than 4.5 percentage points higher or lower if all adults in the county had been called.

Wichita's image has been damaged by the attention drawn by the Operation Rescue activities, said more than half — 52 percent — of those surveyed. More than a third — 37.5 percent — said it has not made any difference. And 10.5 percent said the demonstrations have improved the city's reputation.

Residents rallied behind beleaguered U.S. District Judge Patrick Kelly. More than 75 percent of those surveyed said they approved of Kelly's handling of a legal case arising from the protests. Sixty percent said they "strongly approved" and almost 16 percent said they "somewhat" approved.

Not surprisingly, those who favor abortion rights were more satisfied with Kelly's actions than were those who favor restrictions on abortion. But Kelly found support even among abortion opponents. Of those who said abortion should be illegal under any circumstances, 20 percent approved of Kelly's actions.

Operation Rescue leader Randall Terry called Kelly "a Nazi" and "out of control" when Kelly ordered federal marshals to keep access to

See **SURVEY**, Page 9A

HFSSA
2-5-92
2-4

SURVEY

From Page 1A

the clinics open. The judge also has found himself in a political and legal fight with the Bush administration. At the direction of U.S. Attorney General Richard Thornburgh's office, federal attorneys in Kansas sided with lawyers for Operation Rescue on a series of legal points that raised questions about the judge's authority to use federal marshals to control the protests.

Public reaction to Mayor Bob Knight's actions during the protests was more mixed, according to the survey.

Knight, who describes himself as "more pro-life than pro-choice," became involved after protesters managed to shut down clinics for brief periods by blocking their entrances. Wichita police made arrests, but not until after protesters had formed their blockades and women had been kept out of the clinics.

Abortion-rights advocates pleaded with Knight and city officials to order police to keep the entrances open by preventing the blockades from forming. Knight declined to use his authority to change police tactics, which led clinic operators to appeal to Kelly for help.

Knight's actions earned approval from 58 percent and disapproval from 42 percent of those surveyed. Of those approving, almost 31 percent said they approved strongly, while more than 27 percent said they approved "somewhat."

Operation Rescue's tactics, more than the group's opposition to abortion, are driving the highly negative

HOW THE SURVEY WAS DONE

Strict procedures were followed in the conducting of this Kansas Survey to ensure that results can be scientifically projected to represent the views of all adults in Sedgwick County.

Results of this survey were based on telephone interviews conducted Wednesday and Thursday evenings with adults in 483 households selected randomly in the county. Numbers to be called were generated by computer so that every listed and unlisted telephone in the county had an equal chance to be called. At least four attempts were made at various times through the day and evening to reach homes where there was no answer.

The first question in the survey was whether the person was aware of Operation Rescue's presence in Wichita. Those who said they were unaware of the protests — 10 people in all — were not asked for their opin-

ions on Operation Rescue activities. They were, however, included in the questions about the possibility of a Wichita referendum on abortion rights. Because only Wichita residents would be allowed to vote in such a referendum, the responses of non-Wichita residents were eliminated when those particular questions were tabulated.

Using mathematical laws of probability, the statistical margin of error can be calculated. For a poll with 483 interviews, the margin of error is 4.5 percentage points either way. In other words, 95 times out of 100, a survey conducted in the same manner would produce results within 4.5 percentage points, up or down, of the results that would be obtained if every adult in the county somehow could be surveyed.

Interviews were conducted by The Research Center, a division of the Wichita Eagle and Beacon Publishing Co.

public reaction to the protests, according to the survey.

Just over 30 percent of those surveyed said they think abortion should be legal under all circumstances. Only 12 percent said they think abortion should be illegal under all circumstances. The majority — about 58 percent — are in the middle, saying abortion should be legal in some circumstances and not others.

Pinning down exactly where peo-

ple stand on the abortion issue is a difficult task. On a battery of questions, results often are inconsistent. That happened when the Kansas Survey asked residents whether they would vote to preserve the present Kansas law allowing women to make their own choice on abortion. About 31 percent said no. But 69 percent said yes, more than twice as many as said they thought abortion should be legal in all circumstances.

The uphill battle that activists on

both sides face when trying to move public opinion either direction came through clearly in survey results. About 77 percent said the protests had had no effect on their opinion on abortion.

Likewise, years of local and national debate apparently are doing little to change people's minds. Results of a Kansas Survey conducted in fall 1989 were similar to results of last week's survey. At that time, about 55 percent said abortion should be legal under some circumstances. About 32 percent said abortion should be legal under all circumstances, and 13 percent wanted all abortions banned.

Wichita residents are somewhat more liberal in their views on abortion than Sedgwick County residents outside the city limits. About 18 percent of county residents surveyed, for instance, want all abortions banned. Inside the city, fewer than 11 percent favored an outright prohibition.

Abortion is a broad issue that sweeps across most demographic boundaries. In most cases, for instance, men and women showed no statistically different views on abortion. Men, however, were somewhat more likely to say that the city's image had not been affected by the protests.

Age played a small factor in the response to some questions, too. People in the 35-44 age group were most likely to say they supported Operation Rescue's tactics. About 27 percent said they did, compared with only 13 percent of those in the 18-24 age group.

HP's A
2-5-9
2-5

Remarks Prepared for Kansas House Committee, Federal and State Affairs,
HB2778

February 5, 1992

Chairman Sebelius, Vice-Chairman Krehbiel, and Distinguished Members of
the Committee:

My name is Pat Ranson. I live in Wichita, Ks. I am a businesswoman and community activist who has been Director and Chairman of the Wichita Airport Authority, Director and Chairman of the Wichita Convention and Visitors Bureau, Director of the Wichita Area Chamber of Commerce, and Director of WI/SE the public/private economic development organization in Sedgwick County. I have served on several state boards and presently am a member of the Federal Home Loan Board of Topeka. I have been active in the Republican Party for over 20 years and was administrative assistant to Governor Robert F. Bennett.

I present this background information to illustrate that I am not a one-issue person, but spend a good deal of my time trying to improve the quality of life for my community and my state. Last summer something happened in Wichita that expanded my area of concern and activism- Operation Rescue came to town and divided my community. A group of religious zealots, using tactics of harrassment and intimidation, managed to incite a dialogue of emotional confrontation between members of the governing bodies and their constituents, between churches and members of their congregations, and between neighbors, families and friends. Many concerned citizens, out of fear and/or disgust, took extended vacations or avoided public events. Because of the constant national publicity, visitors stayed away, groups cancelled meetings scheduled in Wichita, and the curious came to watch and wonder.

And many, like myself, mistakenly thought these protestors would make their point-and go away -and our community would resume its normal pursuit of trying to deal with drugs and crime, educational problems, increasing taxes, and downtown development-many of the same issues facing this committee and this legislature. But they didn't go away. They only became more aggressive and more disruptive until they could no longer be ignored and many of us who had hoped to avoid the controversy could no longer stay silent.

*House Federal, State Affairs
February 5, 1992
Attachment # 3*

In addition to what was happening in Wichita, it was becoming obvious that reproductive rights were being threatened by legislative and court actions in state after state, and that Roe vs. Wade, and its protection at the national level, was being seriously challenged, and that the troubles we were having in Wichita and other states would soon have to be addressed by our own state legislature....which is what brings us all together today.

And so , I respectfully appear before you, as a representative of the Kansas Republicans for Choice, an organization formed during this troubled summer, to speak out loud and clear, that reproductive rights and personal and religious views on family planning and abortion should not be a partisan issue, nor should government make these kind of private decisions for individuals and their families. Unfortunately, a vocal minority in this country have systematically and doggedly over a period of years determined to impose their religious beliefs on the majority of Americans who have their own very personal and diverse opinions about what government's role in family planning should be, if any.

Most Americans and Kansans will agree that government must be very careful when it deals with such a private issue. In recent history we have seen the results of the state policy of Romania before the overthrow of the communist regime—a government policy that outlawed birth control and abortion. We have read and heard the horror stories of the many women who died or were maimed in botched illegal abortions, usually self-induced, in addition to the hundreds and possibly thousands who were imprisoned because they were accused of preventing or terminating their pregnancy. We have also seen the pictures of the abandoned and orphaned children of the women who were forced to bear children they could not care for. In contrast is the government population-control policy of The Republic of China that mandates the termination of pregnancies after the family has one child, and imprisons and sterilizes those who disobey. A government powerful enough to prohibit abortion is a government powerful enough to force abortion. Most of us in the free world do not want a government that is that powerful!

But now, you the members of the Kansas legislature are being asked to determine what measure of reproductive freedom may be allowed for the women of Kansas. Because of the diverse opinions and strong emotions that surround this issue, your task is most difficult. How do you

HF 35A
2-5-92
3-2

decide the proper course when you are asked to choose between—"no abortion under any circumstances", or -"abortion under any circumstances" ? I believe that House Bill 2778 is a reasonable compromise between these two sincere, but diverse positions, that can facilitate a constructive approach that would satisfy a majority of Kansans who believe that essentially the answer to this moral and medical delimma rests with the woman who is pregnant, her family, her physician, and her conscience.

I ask for your support for this bill which responds to the concerns about late-term abortions, a support-system and full information for minors, and the protection of patients and medical staffs who are conducting themselves in a lawful manner. I believe the people of Kansas will thank you for dealing with this issue in a responsible manner and your passage of this legislation will win the heart-felt support of reasonable people of good will who want to see this issue resolved.

Thank you.

Respectfully submitted,

Patricia M. Ranson

Patricia M. Ranson
Kansas Republicans for Choice

To: Representative Kathleen Sebelius

From: Mary Torrence, Assistant Revisor of Statutes

Date: February 5, 1992

Re: Summary of House Bill No. 2778

Section 1

Defines terms.

Section 2

Codifies Roe v. Wade and provides that political subdivisions have no power to interfere with a woman's right to terminate pregnancy.

Prohibits post-viability abortion unless necessary to protect the woman's life or health or the fetus is affected by a serious deformity or abnormality. Requires person performing an abortion to be a physician and prohibits self-induced abortion. Defines viability to exclude cases where application of extraordinary medical measures is required to sustain life.

Section 3

Requires a minor under 16 years of age to receive counseling before undergoing an abortion. Allows counseling to be furnished by any one of a number of professionals. Sets out generally what the counseling must include and provides an exception for emergencies. Modeled after Connecticut law.

Section 4

Prohibits interference with access to any health care facility or health care provider's office or disruption of the functioning of such a facility or office. Provides both criminal and civil penalties. Includes other miscellaneous provisions. Taken from 1990 Washington bill.

Section 5

Provides for severability.

Section 6

Repeals current criminal abortion statute.

*House Federal & State Affairs
February 5, 1992
Attachment # 4*

HF 354
2-5-92
4-2

ABORTION BILLS 1978-1992

<u>Year</u>	<u>Bill No.</u>	<u>General Description of Bill</u>	<u>Sponsor</u>	<u>Final Action</u>
1978	H.B. 2763	prohibits any money appropriated from state treasury from being used to pay for hospital, medical, or surgical procedures involving abortion	Rep. Laird	died in Committee
1978	H.B. 3053	requires registration of any "abortion service" and requires such place (including doctor's office) to meet a number of requirements	Reps. Douville, Bogina, Eddy, McCrum	died in House Committee
1978	H.B. 3059	see H.B. 2763	Reps. Laird, Adams, Ehrlich, Schmidt, Sutter	died in House Committee
1978	H.B. 3103	requires Secretary of SRS to pay for abortions if any of the conditions set out in the bill were met	Rep. Glover	died in House Committee
1978	H.B. 3251	see H.B. 3053	Committee on Calendar and Printing	stricken from Calendar in House
1978	S.B. 594	similar to H.B. 2763 and H.B. 3059	Sen. Winter	died in Senate Committee
1978	S.C.R. 1690	requests Congress to call a constitutional convention to proposing a right to life amendment to U.S. Constitution	Sens. Francisco, Mulich	reported adversely in Senate
1979	H.B. 2146	requires registration of "abortion services" and requires that such places meet requirements set out in bill	Reps. Douville, Bogina, Eddy	died in House Committee, 1980
1979	H.C.R. 5035	requests Congress to call a constitutional convention to propose a "right to life" amendment to U.S. Constitution	Rep. Laird	died in House Committee, 1980
1979	S.C.R. 1818	see H.C.R. 5035	Sens. Reilly, Francisco, McCray, Mulich, Parrish, Vermillion	died in Senate Committee
1979	S.C.R. 1625	see H.C.R. 5035 and S.C.R. 1818	Sens. Francisco, Mulich	died in Senate Committee, 1980
1980	H.B. 3164	prohibits abortion except to save life of mother if constitutionally permitted, otherwise regulates abortion and providers thereof as provided in bill	Rep. Ehrlich and 25 others	died in House Committee

<u>Year</u>	<u>Bill No.</u>	<u>General Description of Bill</u>	<u>Sponsor</u>	<u>Final Action</u>
1981	H.B. 2100	requires 24-hour waiting period and requires that physician provide information as stated in bill to woman seeking abortion	Rep. Roth and 23 others	died in House Committee, 1982
1981	H.B. 2180	requires registration of "abortion services" and regulation thereof as set out in bill	Rep. Douville	died in House Committee, 1982
1985	H.B. 2052	requires certain reports and records relating to abortions	Rep. Sutter and 24 others	reported adversely by House Committee, 1986
1985	H.B. 2204	prohibits the abortion of a viable fetus unless necessary to preserve the life of the mother and regulates abortions in the case of the latter	Rep. Laird	died in House Committee, 1986
1985	S.B. 343	see H.B. 2204 above	Senate Committee on Federal and State Affairs	died in Senate Committee, 1986
1985	Sub. for S.B. 130	makes a child born as a result of an attempted abortion a child in need of care under the Kansas Code for the Care of Children	Senate Committee on Public Health and Welfare	stricken from Senate Calendar, 1985
1986	Sub. for H.B. 2873	amends original bill to make a child born as a result of an attempted abortion a child in need of care	abortion amendment adopted by House Committee of the Whole	died in Senate Committee
1986	Sub. for H.B. 2874	amends original bill in same manner as Sub. for H.B. 2873	abortion amendment adopted by Senate on Final Action	vetoed
1986	H.B. 3065	see amendment to Sub. for H.B. 2873 and Sub. for H.B. 2874	House Committee on Public Health and Welfare	died in House Committee
1986	S.B. 537	amends bill to prohibit use of money appropriated to KU Medical Center from being used for abortion except to save life of mother	abortion amendment adopted by Senate Committee of the Whole	amendment deleted in Conference Committee
1986	S.B. 577	requires parental consent for abortions performed on minors or alternative district court consent	Senate Committee on Federal and State Affairs	died in House Committee
1986	S.B. 664	makes child born as result of attempted abortion a child in need of care	Senate Committee on Public Health and Welfare	died in Senate Committee
1986	S.C.R. 1642	creates a special committee to make a legislative study of pregnancy, prevention of pregnancy, and abortion among minors	Senate Committee on Federal and State Affairs	died in Senate Committee

HF 3 SA
2-5-92
4-3

<u>Year</u>	<u>Bill No.</u>	<u>General Description of Bill</u>	<u>Sponsor</u>	<u>Final Action</u>
1987	H.B. 2007	amends original bill to require parental or judicial consent for abortion performed on minor and created new crime of aggravated abortion	abortion amendment adopted by Senate Committee of the Whole	killed in House Committee
1987	S.B. 86	requires persons licensed to practice medicine and surgery to keep records and report any abortion	Senate Committee on Public Health and Welfare	died in House Committee
1987	S.B. 225	requires parental or judicial consent for abortion performed on minor and creates new crime of aggravated abortion	Sen. Yost and 17 others	died in Senate Committee
1987	S.B. 228	prohibits use of public funds or public employees (includes political subdivisions) for any abortion or encouraging abortion	Sen. Yost	died in Senate Committee
1987	S.B. 409	see amendments to H.B. 2007 and S.B. 225	Senate Committee on Federal and State Affairs	died in Senate Committee
1988	H.B. 2950	requires parental or judicial consent for abortion performed on minor and creates new crimes relating to the termination of pregnancies	Rep. Amos and 22 others	reported adversely by House Committee
1989	S.B. 91	requires parental or judicial consent for an abortion performed on a minor and creates new crimes relating to termination of a pregnancy	Federal and State Affairs	reported adversely by House Committee, 1990
1989	H. Sub. S.B. 129	amends original bill to require parental notice 72 hours before abortion performed on a minor unless judicially waived or emergency exists; requires grandparent support if parent less than 18	House Committee on Transportation	killed by Senate on Final Action, 1990
1989	S.B. 264	makes a child born after an abortion attempt a child in need of care	Public Health and Welfare	died in Senate Committee, 1990
1989	H.B. 2297	prohibits abortion of a viable fetus except to preserve the life or health of the mother; viable would be defined as the stage of development when a fetus can live outside the womb	Rep. Crowell	died in House Committee, 1990
1989	H.B. 2348	restricts abortion when fetus is determined to be viable to cases in which the mother's life is threatened	Rep. Lucas and 9 others	died in House Committee, 1990
1989	H.B. 2446	makes a child born after an abortion attempt a child in need of care	Public Health and Welfare (by request)	died in House Committee, 1990

HFSA
2-5-92
4-4

HFSSA
2-5-92
4-5

<u>Year</u>	<u>Bill No.</u>	<u>General Description of Bill</u>	<u>Sponsor</u>	<u>Final Action</u>
1990	S.B. 557	prohibits use of public funds for abortion or abortion counseling and prohibits public employees from performing abortions or counseling or encouraging abortion	Sen. Montgomery and 13 others	died in Senate Committee
1990	S.B. 627	prohibits post-viability abortions except to preserve woman's health or if severe fetal abnormality provides criminal and civil enforcement	Sen. Winter	died in Senate Committee
1990	S.B. 778	prohibits abortion after 22 weeks except to preserve woman's health, if fetus has genetic defect, infectious disease or severe developmental anomaly or if pregnancy was result of rape or incest	Senate Committee on Federal and State Affairs	died in Senate Committee
1990	S.B. 789	requires parental notice 48 hours before abortion performed on minor unless judicially waived or emergency exists	Senate Committee on Ways and Means	died in Senate Committee
1990	H.B. 2663	requires parental notice 48 hours before abortion performed on minor or disabled person unless emergency exists; provides for criminal and civil enforcement	Rep. Lucas and 31 others	reported adversely by House Committee
1990	H.B. 2738	prohibits SRS from denying or limiting coverage of abortion for persons eligible for medical assistance	Rep. Cribbs	died in House Committee
1990	H.B. 2778	see S.B. 778, above	House Committee on Federal and State Affairs	died in House Committee
1990	H.B. 2779	requires parental notice before abortion performed on minor unless judicially waived or emergency exists	House Committee on Federal and State Affairs	reported adversely by House Committee
1990	H.B. 2923	provides health care personnel are not required to counsel on or refer persons for abortion	Rep. Lucas	died in House Committee
1990	H.B. 2924	requires woman undergoing abortion to be given access to information regarding the procedure and its effects	Rep. Lucas	died in House Committee
1990	S.B. 147	requires parental notice 24 hours before abortion performed on minor unless judicially waived or emergency exists	Senate Committee on Federal and State Affairs	reported adversely by House Committee
1991	S.B. 410	requires reports of abortions to be made to KDHE	Senate Committee on Federal and State Affairs	reported adversely by Senate Committee
1991	H.B. 2259	prohibits use of public funds or facilities for abortion	Rep. Love	in House Committee on Federal and State Affairs

<u>Year</u>	<u>Bill No.</u>	<u>General Description of Bill</u>	<u>Sponsor</u>	<u>Final Action</u>
1991	H.B. 2302	prohibits abortion of viable fetus except to preserve woman's life or health and requires attempt to save viable fetus unless endangers woman's life or health	Rep. Crowell	in House Committee on Federal and State Affairs
1991	H.B. 2444	requires woman undergoing abortion to be given access to information regarding the procedure and its effects	House Committee on Public Health and Welfare	in House Committee on Federal and State Affairs
1992	S.B. 462	prohibits post-viability abortions unless necessary to preserve woman's life or health or fetus has life-threatening abnormality	Sen. Francisco	in Senate Committee on Federal and State Affairs
1992	H.B. 2656	see S.B. 462	Rep. Gross	in House Committee on Federal and State Affairs
1992	H.B. 2689	creates the crime of blocking access to a medical care facility as a class D felony	Rep. Fuller and others	in House Committee on Judiciary
1992	H.B. 2778	codifies <u>Roe v. Wade</u> ; prohibits post-viability abortions unless woman's life or health is endangered or fetus has serious deformity or abnormality; requires pre-abortion counseling for minors; prohibits interference with access to or function of health care facility or health care provider's office; prohibits political subdivisions from regulating abortion	House Committee on Federal and State Affairs	in House Committee on Federal and State Affairs
1992	H.R. 6020	memorializes Congress to support availability of RU-486 for research and, if indicated, clinical practice	House Committee on Federal and State Affairs	in House Committee on Federal and State Affairs

HFSA
2-5-92
4-6

We come before you today as three high school students whose ages range from fourteen to fifteen. We are here to present to you our views and concerns regarding Section 3 of House Bill No. 2778, a section requiring women below the age of 16 to obtain counseling before having an abortion. As minors and women, we are directly affected by this bill, and appreciate this opportunity to make our feelings known.

The decisions facing a pregnant teenager are always difficult, personal, and very perplexing. While schools and many parents attempt to provide teenagers with information about sex, many minors do not have access to resources which would allow them to make a fully informed decision that is best for them, both in the long and short term.

We feel that counseling is the best way to insure that young women do have access to this information. Counselors insure that a woman's options are presented in a clear and objective manner. Occasionally it may happen that a woman seeks counseling from a source that provides them with biased and/or incorrect information. Without the passage of this bill, how can one guarantee that all minors will know of all possible options?

The small minority of young women who do not consult their parents about their pregnancy would definitely benefit from counsel regarding the abortion process, alternatives to abortion, and future birth control.

It is likely that a pregnant teenager would appreciate the chance to discuss her dilemma with a well-informed adult. It is also likely that the parent of a pregnant teenager would rather their daughter have some form of counsel.

As teenagers, I believe that we can safely say that this bill will have a positive impact on young Kansas women. We hope that you will take into consideration our views, and the views of all Kansas teenagers in making your decision. Thank you.

Manhattan High School Students For Choice

Speaker: Janet Balk-freshman

Accompanying Members: Emma Wigglesworth-freshman

Monica Parker-sophomore

*House Federal & State Affairs
February 5, 1992
Attachment #5*

Madame Chairwoman and Members of the House Federal and State Affairs Committee, my name is Deborah McDonald. I represent Planned Parenthood of Connecticut in Connecticut's state legislature. Prior to this I was the Director of one of Planned Parenthood's clinics.

In 1990, Connecticut passed a law, PA 90-113 that contains some of the same provisions of the bill you are considering today. The part that I want to address is the portion of your bill that defines the type of counseling that minor's receive prior to the performance of an abortion.

Before we drafted our bill, that later became a public act, we carefully looked at the experience of other states to help us decide how we could best help minors get the information they need and protect them from the dangerous consequences of parental consent laws like those passed by our neighboring states. In particular we studied Massachusetts, the state to our North, which passed a law 10 years earlier that required parental consent for unmarried minor women prior to an abortion.

For parental consent laws to be constitutional, Massachusetts like every other state included a judicial bypass system for minors who are unable or unwilling to get consent from their parents. --EXPLANATION OF PC LAWS--

Here is what we found;

1. In the last 10 years Massachusetts spent \$1.5 million on parental consent laws. Money for court time in the Superior courts, money for appointed lawyers, money spent on trials, training and the development of guidelines. The results in Massachusetts were that prior to passage of law two thirds of minors involved their parents in the decision to obtain an abortion. Two thirds of minor's involved their parents after the parental notification law went into effect. Not a single increase was noted. The remaining third of minors who did not notify their parents used the judicial bypass. Seventy five percent of minors remained in the state and received abortion services, the rest went out of state. In fact, surrounding states reported a 300% increase in abortions to out of state minors. What does this mean? Minors who go through great personal expense do not return to the out of state clinic for follow-up care and birth control. What happens on follow-up visits is that prescriptions from Connecticut cannot not be filled in Massachusetts. In Kansas, a state which is very large geographically, would your minor's go out of state? (a possible ten hour drive), or would they choose some other way in which to end a pregnancy?

2. The results of the Judicial bypass...

In Massachusetts from 1981 to 1990, 8,500 minor's sought a judicial bypass; Thirteen minors failed to get consent from the

*House Federal & State Affairs
February 5, 1992
attachment # 6*

judge who heard the case, of those thirteen, ten were overturned in three days, one went to another superior court and got consent, one went out of state for an abortion and one agreed to ask for her parents consent. Therefore Massachusetts spent \$1.5million and 1 minor agreed to ask for her parents consent.

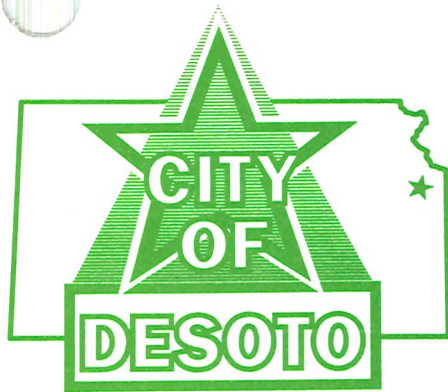
3. What we know about parental consent from other states is that parental consent causes teens to delay abortions. For example, in Minnesota there was a 25% increase in 2nd trimester abortions after the passage of their consent law. According to the Center for Disease Control, even a delay of one week after six weeks gestation increase the risks of complications by 20% and mortality by 50%.

What we learned in Connecticut is that we wanted something better. What could we do to really be helpful to minor's. We came up with the counseling part of this bill. We wanted to truly help teens. Here is what happens; The teenager comes to a clinic and has a pregnancy test. A counselor sits down with her and explains the results of the test. Most likely the minor is pregnant and will have an exam. What this means is that the minor can decide to carry the pregnancy to term, she can choose to place the child in foster care, and counselors help her to understand what each decision means. The counselor explains that there is both public and private help for the minor, and will give the minor information regarding those agencies. The counselor encourages the minor to inform her parents. If the minor chooses abortion, the procedure and all risks and possible complications are explained to the minor. After the minor has made her decision an appointment is made. During the minors return visit all of this same counseling is repeated by a licensed counselor and the minor signs a form along with a counselor stating that all of the above information has been given. If the counseling does not occur the counselor could loose her/his licence.

We discovered that parental notice and consent laws do not help family communication. Parental consent laws DO increase the emotional and financial trauma to teens. Parental consent laws create administrative problems in courts and clinics and jeopardize minors health by forcing them out of state as well as assisting in delaying their decision and increasing 2nd trimester abortions.

In summary I would urge you to adopt the bill before you as it addresses the concerns of sincere citizens who want protection for minors and protects minors from the harmful consequences of forced parental involvement.

HF 3 SA
2-5-92
6-2



CITY HALL

HOUSE BILL # 2778

By Committee on Federal and State Affairs

I would like to speak in favor of your proposed Bill #2778, not so much as a whole, but specifically in regards to Section 2, Paragraph (b); no political subdivision of the State shall interfere with the right of a woman to terminate a pregnancy.

I strongly believe that it is the State's duty to decide on the issue of abortion, not the local government's duty. There are several very basic issues that I would like to set forth at this time that support this view.

First, a small community like DeSoto does not have the staff to evaluate the many pros and cons of the issue.

Second, we don't have the legal staff that it would take to handle the many challenges that would or could be brought by both sides in court.

Third, we would not have the police force necessary to control possible situations like we had in Wichita this past year.

Fourth, you probably would have single agenda people running for council positions just so that they could decide how a community would stand on abortion.

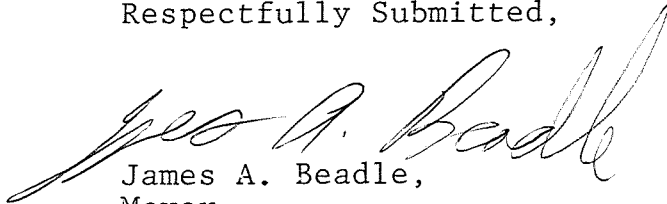
Fifth, the State as a whole needs to decide what stand it will take on the issue of abortion. It shouldn't be decided by three, five or seven people on a council for a community situation.

In closing, it is terrible to talk money on such a vital and personal issue but in reality, when you look at the thousands of man hours and hundreds of

thousands of dollars spent on the abortion issue at the State level, it is clear to me that if it was left as a local issue it would bankrupt the majority of the small cities if the issue was challenged by either side; and we all know it would just be a matter of time before it would be.

These are the key reasons I support your bill.

Respectfully Submitted,



James A. Beadle,
Mayor
DeSoto, Kansas

Population: 2,290

JAB; jad

To: Members of the House Federal and State Affairs Committee
From: Sylvia
Regarding: H.B. 2778

My Name is Sylvia. I am 33 years old. I live on the East coast. I've been married for eleven and a half years. Four years ago I was very happy to find out I was pregnant and I have a beautiful baby girl.

My nightmare began a year and a half ago in July, 1990. I found out I was pregnant and had an ultrasound and found out the heartbeat was not there. I lost that baby and about four months later I found out that I was pregnant again. About two months later I had a miscarriage. Then that same year I found out I was pregnant again. I had an ultrasound done and the technician said she didn't see the left side of the heart. She wanted to have the ultrasound repeated. I saw a different doctor from the same practice at that time and I told her that the technician wanted to repeat the ultrasound and she said that she didn't think that it was necessary. She said the chances of it being hyperplastic of the left ventricle were extremely rare. I told her I didn't care if I had to pay for it myself. She said it was not necessary to repeat it. I was extremely upset and after talking to a friend she said doctors are there to tell you what your options are and if they won't, you need to go and have the ultrasound someplace else. I saw another doctor in the practice and told her what had happened and she said I should definitely have the ultrasound done.

House Federal and State Affairs
February 5, 1992
Attachment #5

There is a 24 week limit on termination of pregnancy where I live and by the time they confirmed that, indeed, this child did have hyperplastic and that it would not live, it was beyond the point in time that I could terminate the pregnancy there.

I thought I could be strong enough and carry the pregnancy through and have it die, but I was told that I was going to be sent to a hospital where medical technology was the best and they would not give me any written documentation stating that they would not intervene. I talked with the doctor and had him be straight forward with me and he said they would put the child on life sustaining equipment hoping that a heart would be found. A lot of these children go brain dead, loose all of their vital functions, and basically it is a life of suffering. Then this child would die because there is no known cases of any of them living with this condition at this stage of the game.

My options were to go somewhere and have this child in a home and wait for nature to take its course, go to a hospital, or go to Kansas. I opted to go to Kansas.

In Kansas we were met with 1000's, 100's of protesters. We were made to sit in cars outside the clinic for two days. Very pregnant women were squashed in cars in order for these people to be arrested so we could gain access to the clinic. Every precaution was made so these protesters could be protected, however, we sat in 109 degree heat while they held up pictures of bloody fetus parts screaming "don't murder your baby" and we'll take care of them" while they pounded on the windows. I never

HFBSA
2-5-92
8-2

thought in this day and age that I would ever have had to endure something like this.

One nice thing that happened. Buses were on one side of the street. Protesters were on the other side of the street. They were arresting these people one by one—maybe one every 45 minutes or so depending on how well they did the Wichita baby walk and after sitting there and sweating and not being able to go to the bathroom and with nothing to eat except what was poked through the windows, we were sent back to this mobile van where police were getting their blood pressure checked. After two times of doing this and getting some brief reprieve from the heat, we were told that the mayor no longer would allow us to go there.

I'm not pro abortion, but I am whole heartedly pro-choice. I don't believe in abortion for birth control, but that's anybody else's choice. I feel we should have choices and my rights have been violated. This situation needs to stop.

While sitting in these cars we tried to do the best we could. There were a lot of scared, what I would call babies, children—10 years old being the youngest. These girls were raped. They had flown from one city to the next trying to get help. Most continued with their menstrual cycles and didn't know they were pregnant. Didn't even know what pregnancy was. Parents didn't find out until it was too late. As far as I am concerned, they re-raped them mentally. They have to get through this and go back home. They've lost their childhood, themselves and where do they pick up from

HFSSA
2-5-92
8-3

there.

After we finally got into the clinic we were basically barricaded in. There were bomb threats. It was unbelievable. The only thing that made this sane was the courage and the love and the help of the people who worked there. They were absolutely unbelievable.

And we still got counseled. Couple people left who changed their mind or who were too far along. Its not like you go in there and get up on the table and have it done.

After I had my baby, I held that baby. It was soft and peaceful and whole and beautiful. I was just so happy that this child was at peace. It wasn't cut open and tortured. I would do it this way again.

After all is said and done, I'm really not standing here for myself. I have dreams of those children who were raped. I am here for Karla and Shera and Nancy. There was this girl who was 19 years old. She talked to me through a puppet. "Hi, I'm Mr. Cow." She had lost it following the rape and now she had to endure the protesters as well.

I just can't imagine anyone would want this for their child. My daughter has just eight years until she could become pregnant through some violation. I can't understand how this choice could possibly be taken away from any of us.

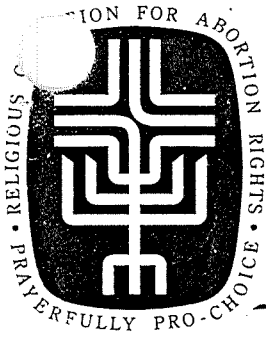
#FSA
2-5-92
8-4

I don't know much what I can add to this except this has got to stop. Everyone has a right to feel the way they want to but no one has a right to push their religious beliefs on me. I am Catholic. My husband is Catholic. Our family supported us in everything we did. If we can't have this choice, if we are made to have these children and have them on life support, what's to be a parent if this choice is taken away from us for what we think is best for our children. No one has that right.

I just hope people won't make a pointed decision on this unless they can put themselves in this situation and understand why these people are here. They didn't just decide at 7 months that they didn't want to be pregnant and go have an abortion. There were people there who had fetal abnormalities and these children were not going to live anyway. A woman is told she's pregnant and by the way your child has genitals sticking out of its forehead, its eyes are below its nose. I'm just preparing you. That doesn't make sense.

I want to thank you for listening to me.

HF 3 SA
2-5-92
8-5



Religious Coalition for Abortion Rights in Kansas

1248 Buchanan

Topeka, KS 66604

(913) 354-4823

Federal & State Affairs Committee

Madam Chairwoman and Members of the Committee:

I am Darlene Stearns, State Co-ordinator fo the Religious Coalition For Abortion Rights in Kansas.

The RCAR supports HB 2778 with praise and gratitude to the House Federal & State Affairs Committee. RCAR was formed, nationally, in 1973 specifically to support Roe v. Wade and has viewed with alarm and sadness the constant erosion of religious and reproductive freedoms since that historic decision. Although there may be sections in the bill unacceptable to some groups supporting Roe, RCAR applauds the basic protections of women's access to safe and legal abortion present in HB 2778.

The 60 Minutes program Sunday, 2 February, painted a frightening picture of the hazards women now must overcome when faced with a life threatening pregnancy. While Kansas cannot protect women in other states from physical and emotional threats to their right to proper medical care, we can protect Kansas women and we believe HB 2778 will do just that.

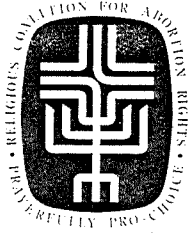
Please note the list of both national and state religious groups supporting a woman's right to religious and reproductive freedom as members of RCAR.

Should you wish copies of specific statements from any or all of those groups

I will supply them to you.

Darlene Green Stearns
Darlene Green Stearns
State Coördinator RCAR In Kansas

*House Federal and State Affairs
February 5, 1992
Attachment #9*



MEMBERS

American Ethical Union
National Service Conference
American Ethical Union
American Humanist Association
American Jewish Committee
American Jewish Congress
B'nai B'rith Women
Division of Homeland Ministries
Christian Church (Disciples of Christ)
Women's Caucus
Church of the Brethren
Episcopal Urban Caucus
Episcopal Women's Caucus
Women in Mission and Ministry
The Episcopal Church
Women for Social Witness (Episcopal)
Federation of Reconstructionist
Congregations and Havurot
Lutheran Women's Caucus
Committee on Church and Society
Moravian Church in America
Northern Province
Na'amat USA
National Council of Jewish Women
National Federation of Temple
Sisterhoods
North American Federation of
Temple Youth
Committee of Women of Color
Presbyterian Church (U.S.A.)
Social Justice and Peacemaking
Ministry Unit
Presbyterian Church (U.S.A.)
Women's Ministry Unit
Presbyterian Church (U.S.A.)
Union of American Hebrew
Congregations
Unitarian Universalist Association
Unitarian Universalist
Women's Federation
Board for Homeland Ministries
United Church of Christ
Coordinating Center for Women
United Church of Christ
Office for Church in Society
United Church of Christ
General Board of Church and Society
United Methodist Church
Women's Division
General Board of Global Ministries
United Methodist Church
United Synagogue of America
Women's American ORT
Women's League for
Conservative Judaism
Women's Rabbinic Network
YWCA National Board

BOARD OF CHURCH & SOCIETY, KANSAS EAST CONFERENCE
UNITED METHODIST CHURCH

UNION OF AMERICAN HEBREW CONGREGATIONS
MID-WEST COUNCIL

PRESBYTERY OF NORTHERN KANSAS
PRESBYTERIAN CHURCH USA

UNITED CHURCH OF CHRIST, KANSAS-OKLAHOMA DISTRICT

COMMITTEE ON WOMEN'S CONCERNS, SYNOD OF MID-
AMERICA, PRESBYTERIAN CHURCH USA

UNITARIAN UNIVERSALIST PRAIRIE STAR DISTRICT

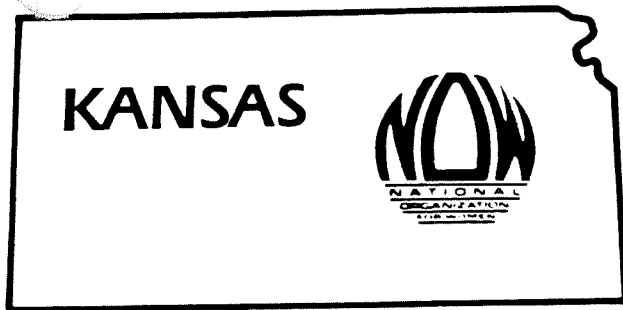
NATIONAL FEDERATION OF TEMPLE SISTERHOODS

TOPEKA YOUNG WOMEN'S CHRISTIAN ASSOCIATION

KANSAS EAST CONFERENCE, UNITED METHODIST CHURCH

UNITARIAN UNIVERSALIST SERVICE COMMITTEE
UNIT OF KANSAS

House Federal and State Affairs
February 5, 1992
Attachment 9 Pg 2



To: House Committee on
Federal and State Affairs

From: Amy C. Bixler
National Organization
for Women

Re: In Support of
House Bill No. 2778

Date: February 5, 1992

The National Organization for Women (N.O.W.), in a spirit of cooperation and compromise, supports House Bill No. 2778.

Although N.O.W. is concerned with any measure which inhibits a woman's Constitutional privacy interests (to wit, the decisions made between a woman and her doctor), this Bill adequately and accurately reflects current medical practices in the State of Kansas.

This Bill resolves the issue of municipal rule. Summer of 1991 witnessed a blatant disregard of the law, and a State unwilling to defend or incapable of defending the rights of its citizens; federal intervention restored the peace. House Bill No. 2778 enables the State to deal with such internal disturbances, including the obstruction of one's First Amendment rights of access and egress, while preserving the First Amendment freedoms of assembly and speech.

The time has come to dispose of this issue once and for all. The proposed legislation may be perhaps the only practical and realistic compromise between the opposing viewpoints and is the result of long negotiations within the pro-choice factions. For this reason, amendments to this packaged proposal must be opposed.

Therefore, for the reasons set forth above and those as may be further delineated in hearings on this matter, the National Organization for Women encourages and supports the passage of House Bill No. 2778.

*House Federal and State Affairs
February 5, 1992
Attachment #10*



Planned Parenthood[®]
Of Kansas, Inc.

**Testimony to the House Federal and State Affairs Committee
February 5, 1992**

As the Executive Director of Planned Parenthood of Kansas, I am urging your support of House Bill 2778. Please support this bill in its entirety without amendments.

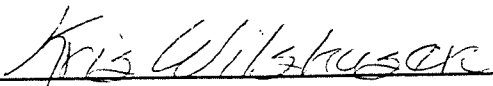
This bill addresses critical issues facing the citizens of Kansas today as well as the issues that are sure to arise if and when Roe is overturned. House Bill 2778 would assure the women of Kansas the right to safe, legal abortions. It would limit third trimester abortions which concerns many individuals. This bill would mandate counseling for minors seeking abortions which would serve to help them make an educated choice concerning pregnancy options.

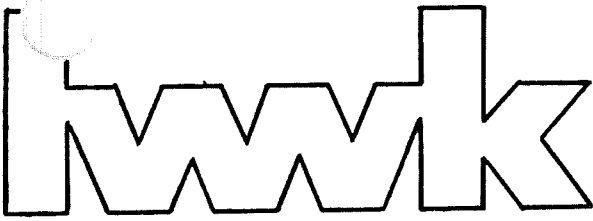
Not only must the right to choose an abortion be guaranteed to the women of Kansas but access to that service must also be guaranteed. The section of this bill dealing with clinic blockades will help ensure the accessibility of abortion services.

Wichita — 2226 East Central, Wichita, Kansas 67214-4494 316 263-7575
Hays — 122 East 12th, Hays, Kansas 67601 913 628-2434

*House Federal and State Affairs
February 5, 1992
Attachment #11*

The provisions of House Bill 2778 are important to the mission of Planned Parenthood of Kansas, to women of childbearing age, and to the future generations of Kansas women. Please support this bill. Thank you very much.


Kris Wilshusen, Executive Director
Planned Parenthood of Kansas, Inc.



league of women voters of kansas

February 5, 1992

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
FEDERAL AND STATE AFFAIRS ON HB 2778

Madam Chair and Members of the Committee:

I am Barbara Reinert, speaking for the League of Women Voters of Kansas.

The League supports HB 2778 in its entirety. As members of a non-partisan issue-oriented organization, Leaguers long ago concluded that the State should not become involved in the right of privacy to make reproductive decisions. We have tried to keep attention focussed on CHOICE, who makes the decisions, and the privacy of the decision making.

Thus, League has opposed every major abortion-restriction bill considered by the legislature in the past decade.

Because the League opposed those restrictive bills, as threats to privacy or choice, let us say today, that the requirements in HB 2778 placed upon minors and those seeking late abortions, appear to be protective of personal privacy and appear to not impose undue hardship upon women trying to make troublesome decisions.

Once in place, if any restrictions imposed by enactment of HB 2778 result in undue barriers, undue hardship, or loss of privacy, the League of Women Voters would be among the first to seek legislative or judicial adjustments.

We are saddened to anticipate the possible erosion of the national blanket of protection provided by Roe vs Wade. Also, we are sorry for the need to now address this issue state by state. However, we do bring some enthusiasm for the codification of the right for Kansans to make their own decisions.

The League is pleased to support HB 2778 and we applaud the thoughtful and painstaking efforts of all those who caused it be drafted.

Barbara Reinert
LWV Lobbyist

House Federal and State Affairs
February 5, 1992
Attachment # 12

ProChoice Action League ★ P.O. Box 3622, Wichita, KS 67201 ★ 316-681-2121

Dedicated★Determined★Decisive

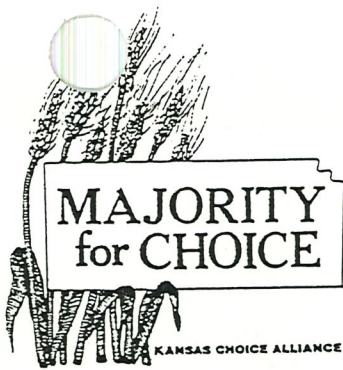
TO: MEMBERS OF HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: JENIFER BRANDEBERRY & PEGGY JARMAN
PRO CHOICE ACTION LEAGUE, FEBRUARY 5, 1992
RE: HOUSE BILL 2778

Pro Choice Action League believes that women, not government can best decide when and whether to have children. H.B. 2778 allows for women to make the very personal and private decision regarding childbirth without extensive government intervention. On the other hand H.B. 2778 restricts third trimester abortions, allowing exceptions only for life and health of a mother and severe fetal abnormalities. The bill also mandates counseling for minors under the age of 16, encouraging parental involvement when possible. These restrictions are not only appropriate governmental measures, but reflect the desires of the majority of Kansas citizens.

This past summer the state of Kansas received a very large public black eye. Operation Rescue and local anti-choice organizations deliberately set out to break laws, disrupt legal businesses and terrorize innocent citizens. These same people will come before you tomorrow to testify against H.B. 2778. Anti choice organizations will talk a lot about their "concern for minors" their "concerns for women" and their "concerns for our state"; but Pro Choice Action League asks you to PLEASE remember the activities that these organizations participated in and or publicly endorsed this past summer. For the past 19 years every anti-choice organization has asked the legislature to pass laws which would restrict third trimester abortions and or provide adequate counseling for minors. Why then are these same organizations opposing legislation that does just that? We believe Randall Terry and Operation Rescue expressed the true anti-choice agenda best this past summer when they deliberately tried to impose their religion upon others, claiming their actions were justified because they answered to a "higher law" than man's law.

Fortunately, the overwhelming majority of Kansans do not hold the same beliefs as Randall Terry. Kansans believe in freedom of religion. Kansans believe that abortion should be a woman's choice. Kansans believe that government should restrict third trimester abortions, allowing only those exceptions which preserve the life and health of a mother and for severe fetal abnormalities. Kansans believe that adequate, professional and caring counseling should be given to those minors who find themselves unwantingly pregnant. Kansans believe that those who willfully disobey the law should be punished, and finally Kansans believe that legal abortion is better than women dying from illegal abortion. H.B. 2778 addresses the concerns and desires of the majority of Kansans, and Pro Choice Action League urges the committee to support this bill.

*House Federal and State Affairs
February 5, 1992
Attachment #13*



February 5, 1992

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN

ACLU OF KANSAS AND
WESTERN MISSOURI

B'NAI B'RITH WOMEN

CHOICE COALITION OF
GREATER KC

COMPREHENSIVE HEALTH
FOR WOMEN

FUNT HILLS
COALITION FOR CHOICE

HADASSAH

JACKSON COUNTY
CITIZENS FOR CHOICE

JEWISH COMMUNITY
RELATIONS BUREAU/
AMERICAN JEWISH COMMITTEE

K.U. PRO-CHOICE COALITION

KANSAS REPUBLICANS
FOR CHOICE

KANSAS STATE
VOICES FOR CHOICE

NATIONAL COUNCIL OF
JEWISH WOMEN, GKC SECTION

NOW
(KANSAS)

NOW
(KC URBAN)

NOW
(SE KANSAS)

NOW
(WICHITA)

NOW
(CAPITOL CITY)

PLANNED PARENTHOOD
OF GREATER KC

PLANNED PARENTHOOD
OF KANSAS

PROCHOICE ACTION LEAGUE

RELIGIOUS COALITION FOR
ABORTION RIGHTS OF KS

WICHITA FAMILY PLANNING

WICHITA WOMENS CENTER

WICHITA VOICES
FOR CHOICE

WOMEN'S HEALTH
CARE SERVICE

YWCA OF TOPEKA

YWCA OF WICHITA

Dear Members of the House Federal and State Affairs Committee:

My name is Barbara Holzmark and I am President of the Kansas Choice Alliance, representing diverse bi-partisan organizations comprised of a total of over 80,000 individuals across the State of Kansas. We came together to work toward one mission: "Dedication to ensuring rights and access to a full range of informed reproductive choices, including contraception, parenthood and the woman's right to choose abortion."

In the past, many of our member organizations have fought to preserve a woman's right to choose with no restrictions. However, in light of the current political arena, I am here to say that we are willing to compromise to keep a woman's choice for abortion safe and legal. House Bill No. 2778 gives us a feasible compromise that we can feel comfortable with and support. We must have abortion available and we must keep the doors open for interns and residents to learn the techniques. We must preserve and not jeopardize the practice of medicine and nursing. There are dedicated doctors in the United States and we must make sure the future of medicine includes the safe procedure of abortion.

It is very important to realize that since legalizing abortion in 1973, we have eliminated deaths from illegal abortions in America. Before the legalization of abortion, complications from illegal abortion were a major cause of hospital admissions. By 1979, the federal government could not identify one single woman anywhere in the United States who had died from an illegal abortion. The reality is that if we are not successful in Kansas with positive legislation now, women will die. They will seek an abortion, legal or illegal, almost instinctively and in self defense when an unwanted pregnancy presents itself. A pregnant woman is often desperate enough to put her life on the line to protect the physical, emotional or economic resources of herself or her family from excessive strain.

Please examine House Bill No. 2778 carefully and know that it is the best compromise for all women in Kansas.

Thank you,

Barbara Holzmark
President, Kansas Choice Alliance
8504 Reinhardt Lane
Leawood, Kansas 66206
(913) 381-8222

House Federal and State Affairs
February 5, 1992
Attachment #14

AMERICAN CIVIL LIBERTIES UNION
201 Wyandotte, Suite 209
Kansas City, MO 64105
(816) 421-4449

TESTIMONY BEFORE THE FEDERAL & STATE AFFAIRS COMMITTEE
ON HB 2778

(Hearing: Wednesday, February 5, 1992)

The ACLU is submitting this testimony as a proponent of HB 2778. However, we have several serious concerns with portions of the bill. This testimony is the culmination of research by ACLU staff, suggestions from the National ACLU Reproductive Freedom Project in New York, and extensive discussion by the Kansas ACLU Board of Directors.

The policy of ACLU regarding choice in family planning is very clear. The ACLU believes that the whole question of human reproduction should be a matter of voluntary decision with no governmental compulsion. Therefore, in a perfect world, there would be no need for this compromise legislation. The government would have no business setting out procedural guidelines regarding family planning choices. These decisions would be, as they should be, solely between a woman and her doctor.

However, this is not a perfect world, nor a perfect Supreme Court. Political realities make this legislation vital to protect basic reproductive rights. Therefore, we are appearing today as general proponents of this legislation. We support Sections 1, 2, 5, 6 and 7. We take no position on Section 3. And we strongly oppose portions of Section 4.

Section 4

We believe a person should be able to exercise their constitutional right of family planning without interference. However, this section goes too far in restricting free speech and in criminal penalties. Under Sec. 4(b), a person would not be able to make a speech or talk to, advise, request or even encourage another person to interfere with access to a health care facility (even if they were miles away from a facility) without the threat of mandatory fines and imprisonment. That is a clear violation of First Amendment protections.

Further, Section 4(d)(1) and (2) call for no parole or probation or reduction of fines. The ACLU has testified before the Interim Judiciary Committee in regard to the Sentencing Guidelines that

incarceration should be the penalty of last resort, to be imposed only when no less restrictive alternative is appropriate. We oppose mandatory sentencing schemes that do not allow for non-incarcerating options. The ACLU does favor the use of fines or restitution as an alternative to incarceration. But because of the potential for discrimination on the basis of economic status inherent in the use of fines, the amount and terms of payment should be set according to a defendant's ability to pay.

The right of protest is an essential element of the First Amendment's guarantee of freedom of expression and is entitled to legal protection whether engaged in by an individual or an organized group, whether exercised through speeches and writings or through nonverbal modes, such as picketing and boycotts, and whether seeking to expand or constrain the marketplace of ideas. However, the ACLU does not support the right of such groups or individuals to restrict the civil liberties of others.

The ACLU understands and supports the strong need for this legislation. Again, that is why we are submitting this testimony as proponents. But civil liberties issues must be safeguarded no matter what the issue. We request that Section 4 be amended to safeguard the rights of free speech and expression, as well as the right of individuals to exercise their family planning choices.* No matter what the rationale, it is vital that Kansas statutes be consistent with good long-term policy.

ACLU thanks this committee for the opportunity to present our comments and concerns on HB 2778. If there are any questions on our testimony, please call Carla Dugger, Assistant Director of the Kansas/Western Missouri ACLU (816-421-4449), or Patti Hackney, Chair of the Kansas ACLU Legislative Committee (913-843-2501).

*Note: We would suggest language in HB 2689 (relating to access to a medical care facility), although we object to the severity of the criminal penalty in that bill.

2/4/92

The right to safe and legal abortion is one of the fundamental rights of women. Not only the right to safe and legal abortion, but the right to freedom of choice in our health and the right to self-determination of our own bodies. Disallowing legal abortion will take away some of the basic rights of half of the citizens in the United States. It would set a dangerous precedent, that of allowing the state to make decisions for women about their reproductive capacities. State regulation of reproduction effectively makes women wards of the state. We must retain the right to make decisions about the health and safety of our bodies. This is not the appropriate arena for state regulation.

Protecting women's freedom of choice and their right to self-determination about their own bodies is something that will be valuable to this and many future generations. As a young woman and a registered voter in Kansas, I would hope that we retain our liberal abortion laws for the health and safety of my generation and those yet to come.

Many women died in the years before abortion was legal; they died simply because they could not get equitable medical treatment. This happens today, because doctors and health practitioners are being intimidated by militant anti-choice groups. In some states where abortion is legal, there are few doctors who will not perform them because they and their families are being threatened with public villification and even with violence. Our legislators need to send a strong message to those forces that this is a Pro-Choice state and that we will not be intimidated by such extreme and violent tactics.

I believe, through my experience with the K.U. Pro-Choice Coalition and the Women's Student Union, that this is a Pro-Choice state. While the anti-choice forces may be more vocal, the opposition forms a silent majority. We do not approve of such violent and ridiculously persistent tactics. Such tactics have no place in reasonable mediation and discourse. It is absolutely ridiculous that any constituency should feel so free to harass and abuse its legislators as the anti-choice forces in the state of Kansas and elsewhere have felt so free to do.

Additionally, and on more of a personal note, I find it hard to lend any credibility whatsoever, to a group of people that screams and cries about babies being killed, when they place their own children in front of moving vehicles in front of clinics where abortions are performed, or when they protest on hot summer days and leave their own children standing alone, and thirsty, on a sidewalk while they move on to harass peaceful demonstrators. These extremists are not Christians, they are hypocrites. I refuse to believe that I live in a state that would pander to the interests of a group of people such as this.

I have worked for issues of choice and will continue to do so as long as I must. I will not, however, affirm those who work for "justice" at the absolute expense of the lives and privacy of their legislators. I hope that the body here assembled will see these tactics for what they truly are, and continue to protect the lives and liberty of the women of the state of Kansas.

Kristin Lange, University of Kansas Student Body Vice-President

KALange
410 Kansas Union
Lawrence, KS 66045

House Federal Lands State Affairs
February 5, 1992
Attachment #15