

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 22, 1996 in Room 313-S of the Capitol.

All members were present except:

Representative Jill Grant - Excused
Representative Candy Ruff - Excused
Representative Vince Snowbarger - Excused
Representative Doug Spangler - Excused

Committee staff present: Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Representative Kay O'Conner
Dawn McClelland - Advice & Aid Pregnancy Center
Doug Wood - Overland Park Attorney
Doug Johnston - Planned Parenthood
Wendy McFarland - American Civil Liberties Union
Peggy Jarman - Pro-Choice Action League
Captain Larry Fox - Kansas Highway Patrol

Others attending: See attached list

Hearings on **HB 2319** - Financial responsibility for minor's abortion without parental consent, were opened.

Representative Kay O'Conner appeared before the committee as a sponsor of the bill. She told the committee that, under current law, every parent whose child has a judicial by-pass abortion is at risk for a potentially huge sum of money. This bill would save the parents from that financial liability, (Attachment 1).

Dawn McClelland, Advice & Aid Pregnancy Center, appeared before the committee as a proponent of the bill. She works at a crisis pregnancy counseling center and observes many abuses of parental consent. She believes this bill would make abortion providers more accountable, (Attachment 2).

Doug Wood, Overland Park Attorney, appeared before the committee in support of the bill. He commented that when the state takes over the role as a parent they should be responsible financially for that child, (Attachment 3).

Doug Johnston, Planned Parenthood, appeared before the committee as an opponent to the bill. He stated that if parents love their children they should accept responsibility for them. The purpose of having the judicial by-pass is to help those children who do not have parents that are loving and caring. Most abortion providers help the child find volunteers to pay for the abortion, (Attachment 4).

Several committee members were concerned that if the financial responsibility came back to those parents who abused their daughter it would be putting the young woman in danger. This bill would preserve the judicial by-pass and the confidentiality that is entitled to every young woman.

Wendy McFarland, American Civil Liberties Union, appeared before the committee in opposition to the bill. She remarked that this bill would be a violation of the Constitution in that it represents an undue burden to young women by adding additional requirements for minors in order to receive an abortion, (Attachment 5).

The Chairman challenged Ms. McFarland to show the committee where the Constitution or Roe v. Wade states that the parents must pay for complications of an abortion. He explained that this bill deals only with who would pay the medical cost of an abortion, not the issue of abortion.

Peggy Jarman, Pro-Choice Action League, appeared before the committee as an opponent to the bill. She felt that it was inappropriate to use taxpayer's money to deal with abortion issues and views this bill as a backhanded way to prevent minor from receiving an abortion, (Attachment 6).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S Statehouse, at 3:30 p.m. on January 22, 1996.

A committee member stated that these planned parenthood groups were taking away the parents right to make a decision by counseling the daughter, taking her to a judge who grants her an abortion, and then expecting the parents to pay the bill because these groups are unwilling to accept the failure of the "project". Ms. Jarman agreed with the member, and stated that this is what the Constitution requires a judicial by-pass. The Representative questioned where the Constitution states that the parents are responsible for the medical bills.

Representative Ott requested documentation and statistics on whether medical bills were high for complications following abortions.

Hearings on HB 2319 were closed.

Hearings on HB 2608 - Capitol area security patrol designated capitol police, were opened.

Captain Larry Fox, Kansas Highway Patrol, appeared before the committee as a proponent to the bill. He explained that this bill would simply change the name of the Capitol Area Security Patrol to Capitol Police, (Attachment 7).

Committee members questioned whether all employees of the Capitol Area Security Patrol were trained by the law enforcement training center. Captain Fox indicated they were except in the case of the security employees, the ones in the white shirts, are trained on the job.

Hearings on HB 2608 were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for January 23, 1996.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: January 22, 96

NAME	REPRESENTING
Julie Wright	Kayle
Jeunene Hill	myself
Debbie Marton	Myself
Carl Cyr	Wash County Ks for Life
Betty Brown	K for Life
Ronald Kelly	K for Life
Benjamin Warner	Kansans for Life
Sue Leebetter	NO W
Monica Neff	N.O.W.
Jarvis Starns	LWO Ks
Gary Grimes	Kansans For Life
Marcy Wells	KFL
A. E. Wells	KFL
Denice Cuthbertson	Right to Life
Linda Inaw	KFL
Brenda Larson	KFL
Manfred Diederich	K. for Life
Bryce Larson	
Kim Smith	myself

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: Jan. 22, 1996

NAME	REPRESENTING
Don Rosenow	KFL
Glenda Ryan	CWA
Wanda J. Fink	ACLU
Doc [unclear]	PPK
Glen W. Sealill	KFLA
Jan Johnson	KDOC
Scott Alisoglu	Budget
Ruth Wilby	Pugh
Carol Moutz	O'Neal
Loren Somner	KDHE
Lou Saali	KDHE
Niki [unclear]	KFL
Christel Barney	KFL
Janna O'Donnell	KFL!
Sub [unclear]	KSC
KATHY KIRK	DJA
Thomas F. Williams	KFL
Douglas E. Wood	Attorney
Pat Adair	KFL

KAY O'CONNOR
REPRESENTATIVE, DISTRICT 14

TOPEKA ADDRESS:
STATE CAPITOL—431-N
TOPEKA, KANSAS 66612-1504
(913) 296-7672

OLATHE ADDRESS:
1101 N. CURTIS
OLATHE, KS 66061
(913) 764-7935



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: GOVERNMENTAL ORGANIZATION &
ELECTIONS
PUBLIC HEALTH & HUMAN SERVICES
EDUCATION
LEGISLATIVE EDUCATION PLANNING
COMMITTEE (JOINT)
TOPEKA HOTLINE
DURING SESSION - 1-800-432-3924
TTY 913-296-8430
KC AREA LOCAL CALL 782-5000

RE: HB 2319, Financial Responsibility in Judicial Bypass Abortion

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify to you regarding the above bill.

A number of years ago it was brought to my attention that if an under-aged girl wanted an abortion without having to tell her parents, she could seek, and probably receive, what is commonly referred to as a judicial bypass. This is not the issue today.

What is the issue is that under current law, if the girl has the abortion and serious complications follow, the parents can, and do, fall victim to the financial liability. If, for example, the girl has a suction abortion (one of the most common abortion procedures) and suffers a perforated uterus (not uncommon as the suction tube sometimes gets too close to the wall of the uterus and the powerful vacuum sucks in healthy tissue) and goes home to her parents, she may begin to hemorrhage.

The parents rush her to the emergency room and may or may not know yet they are dealing with an abortion complication. They are asked by the medical facility to sign for financial responsibility. When they do discover the abortion news, they may not even have recourse to sue the abortionist as legal negligence or other grounds may not exist.

The State of Kansas has, under current law, placed every parent of a judicial bypass daughter at risk of being responsible for potentially huge sums of money to save the life or health of their teenage daughter. This is hardly fair or just.

House Judiciary
1-22-96
Attachment 1

This bill would require that in the event of a judicial bypass, a private person or agency would be required to sign for financial responsibility of the under-aged girl's abortion and any complications due to that abortion.

Who might this private person or agency be? Perhaps one of the following: the father of the baby, the parents of the father of the baby, the grandparents of the girl or of the father of the baby, the doctor, the medical facility, the judge, an insurance provider, a friend or counselor, anyone except the only people not allowed input into the decision ... the mother and father of the pregnant teenager.

This bill does not deal with the right to an abortion. It does not stop any abortions. Yes, it may cause more difficulty in getting a judicial bypass. But in truth, the parents of the girl can become tragic victims at the hands of the government they pay taxes to keep them safe from injustices.

Please consider favorably HB 2319 and recommend it favorably for passage.

I will stand for questions at the pleasure of the chair.

Thank you Mr. Chairman and Committee for allowing me this time.

I am the Executive Director of Advice and Aid Pregnancy Center in Overland Park, KS. This center has been in operation for 13 years. I became director in May of 94, one year after I completed my B.A. in Psychology. I have been in crisis pregnancy counseling for close to four years. I work full time, with a 40-50 hour week. I have done one-on-one counseling with over 500 clients, and am also the main counselor for phone callers.

Concerning this bill, approximately 66 minors came through our doors this last year, many of whom were considering abortion. A common comment is "My folks will kill me if they find out I'm pregnant!". As most of us know, that doesn't happen. And many times after the shock wears off, the parents are quite supportive.

Many cases do concern me, like a client who recently (two weeks ago to date), aborted her 18 -20 week old baby boy. According to our records and what she told us, she was 17, so she would have had to get a judiciary bypass to do so. The first time I counseled with her she was very frightened, but she knew her parents would be supportive because she said they were prolife. Her biggest concern was her college plans and her boyfriend, who, along with her sister, were obviously pushing for the abortion. She called us the Friday before her abortion appointment, wanting a free ultrasound. My counselor set one up for 1:00 that afternoon at College Park Family Care Center in Overland Park. The ultrasound showed a very healthy boy baby sucking his toe. She aborted the following Monday and Tuesday. The support was there for her, the baby was healthy. Her biggest problem was an irresponsible boyfriend, and a post-abortive sister who wanted her to join her ranks. Complications from any type of abortion, physical and emotional, may not show up until later on, and then who will be stuck with the bill? The very parents who would have wanted their grandson to live. This isn't right.

Another situation illustrates my concern for the passing of any bill which will strengthen parental consent and make the abortion providers more accountable. My very first client at the crisis pregnancy center that I work at was a 15 year old pregnant child. This was in May of 94. Because I was new and unsure of the laws, I called Comprehensive Health For Women. I told the person who answered the phone that I knew a girl who was 15, and wondered if she had to have parental consent to have an abortion. The receptionist answered that all she had to do was come in and get the consent form and take it with her to get signed. She then told me that she would need someone 21 or older, (anyone of her choice) to be with her for the one session of pre-abortion counseling. As I was about to hang up, the receptionist then freely offered about the consent form, that they don't check up on it. Obviously at that time they did not have caller ID, or I doubt that would have come out so blatantly honest.

I urge you, as someone who works with these young girls and sees the pain and the abuse, to please push the passing of this bill.

Dawn McClelland
Advice & Aid Pregnancy Center
9948 W. 8th Street, Ste. B
Overland Park, KS 66212

House Judiciary
1-22-96
Attachment 2

Douglas E. Wood
Attorney at Law

10901 Lowell Avenue, Suite 120
Overland Park, Kansas 66210-2313

(913) 451-1946
(913) 341-1921
Fax (913) 451-1626

January 22, 1996

CHAIRMAN AND MEMBERS OF THE
HOUSE JUDICIARY COMMITTEE
State Capital Building
Topeka, Kansas

Dear Chairman and Members of The House Judiciary Committee:

I appear before you today to speak in favor of House Bill No. 2319 to relieve non-consenting parents of financial responsibility for costs relating to abortions performed on minor children and placing it on the appropriate consenting individuals and facilitating agency.

It has long been an accepted principal of common law that a parent has a duty to support his and/or her minor children.

In *Allison v. Allison*, at 188 Kan. 593 the Court held that under ordinary circumstances, a father and mother of legitimate minor children have equal and joint right to their possession, custody and control, . . . and they have equal and joint obligation to care for and support and educate their children. . . .

This obligation of support would include being financially responsible for the payment of medical bills incurred by the child; even when those medical bills arise from an activity which the child participated in without the knowledge or consent of her parents.

What may start off as a medical procedure not needing a parent's consent due to a judicial by-pass can result in an emergency life-saving medical procedure costing several thousands of dollars which the parents may not be able to afford or pay. Even if they can afford to pay it may cause serious financial injury to their future retirement and/or the well-being of other family members.

The obligation of financial responsibility for a minor child is inextricably linked to the parents' right to control the conduct and behavior of said child. Therefore, when you remove the right to control the child's actions, you remove the legitimate basis to impose financial responsibility.

House Judiciary
1-22-96
Attachment 3

January 22, 1996
Page 2

Therefore, when a parent's right to counsel and control the child's behavior is removed by judicial by-pass (without an opportunity to be heard), then those who are assisting the child in having an abortion should be the financially responsible party and not the ~~participating~~ parent or parents.

If a parent's judgment is to be replaced by the State, then the parent's checkbook should be replaced by someone else's checkbook.

Sincerely,

Douglas E. Wood

DEW/sds



Planned Parenthood[®]

Of Kansas, Inc.

Testimony in opposition to HB 2319
House Judiciary Committee
Monday, January 22, 1996

Planned Parenthood of Kansas and Planned Parenthood of Mid-Missouri and Eastern Kansas oppose House Bill 2319. In our view, the bill inappropriately shifts the responsibility for costs incurred during an induced pregnancy termination from the parents of a minor to other individuals or private agencies.

The idea behind this bill appears to be that if a minor chooses to have an abortion without the consent of a parent or guardian by utilizing the judicial by-pass, then the parents or guardians of the minor are therefore not responsible for any financial liabilities incurred as a result of the medical procedure.

This idea is an example of the extreme lengths to which those opposing reproductive freedom will go. This is a mean-spirited piece of legislation. It is frightening to think legislation that attacks the responsibilities of parenthood would be supported by groups calling themselves "pro-family" and "pro-child." At a time when prominent political leaders and "conservative" organizations like the Christian Coalition, Focus on the Family, and Concerned Women for America demand parents take greater responsibility for their children, it is ironic that they would support a bill to relieve parents of responsibility.

There is a long list of activities that young people engage in that can result in requiring medical help or incurring other expenses. Parents that love their children recognize that children do good, but they also make mistakes. Love means accepting responsibility for their children and their children's actions—actions that at times cause problems and incur expenses.

I offer you a small sample of activities young people engage in often without the consent of their parents. These events can be safe or they can be perilous.

- Driving
- Sledding on snow and ice
- Skipping school
- Going to an amusement park
- Participating in sports and other events
- Buying and igniting fireworks
- Playing in the street
- Having sex and contracting an STD

Are we to expect bills addressing the financial responsibility of minors and whoever grants them permission (if anyone) to participate in the above mentioned activities?

We must remember that the judicial by-pass and parental consent requirements of Kansas' abortion law are artificial barriers to the right to choose. It is government that put up these barriers. Why should some private agency or individual be responsible for what is forced upon them? If government would respect the rights of women to choose whether or not to continue a pregnancy, this bill would be meaningless.

Please oppose House Bill 2319.

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

House Judiciary
1-22-96
Attachment 4

*American Civil Liberties Union
of Kansas and Western Missouri
706 W. 42nd Street, Kansas City, Missouri 64111*

*Wendy McFarland, Lobbyist
575-5749*

House Judiciary Committee
Hon. Michael O'Neal, Chair
January 22, 1996
H.B. 2319

Good afternoon. My name is Wendy McFarland. I am the lobbyist for the American Civil Liberties Union of Kansas and Western Missouri, a private nonprofit organization which advocates for the protection of constitutional rights.

Women have a constitutional right to make their own decisions regarding reproduction, including the decisions they make in the case of unwanted pregnancy. Since the landmark decision in Roe v. Wade exactly 23 years ago, abortion has been considered a constitutional right. In the years since that time, the US Supreme Court has rejected state requirements that minors seeking an abortion obtain parental permission or notification unless an adequate judicial bypass is also provided. Failure to do so is considered an undue burden.

ACLU contends HB 2319 represents an undue burden to the young women of Kansas. No one in this room can make a serious argument that every minor who requests the permission of the court for an abortion will be able to find a private individual or agency to agree to pay all the costs. Although the risk of complications is miniscule, such a financial responsibility will no doubt be considered daunting.

Adding further requirements for minors will further delay their procedures, and may in fact block access to many minors. It is ironic that this bill not only requires a private entity to accept full financial responsibility for the minor's abortion and any complications which may arise, but also increases the risk of those complications.

One wonders about the underlying purpose of such a bill. Legislation which causes increased delay, and therefore risk, is not in the minor's best interest. Please remember that the procedure being sought by the minor is differentiated from other decisions the minor may make which could affect her health. Reproductive choice is a constitutional right which must remain free of "undue burdens."

HB 2319 is yet another attempt at an end run around the Constitution by those opposed to reproductive freedom. Please reject this bill.

House Judiciary
1-22-96
Attachment 5

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

Dedicated • Determined • Decisive

To: House Judiciary Committee Members
From: Peggy Jarman
Regarding: Abortion Bills

I present the following statement on behalf of the ProChoice Action League and our 20,000 plus members:

It is an inappropriate use of taxpayer's money to deal with abortion bills. It is especially inappropriate in light of the fact that the governor has said he will veto any changes in the abortion law that is current statute. It is equally inappropriate given the fact that all polls show that over 70% of the people in this state approve the current compromise law.

We respectfully suggest that you address real concerns of citizens and the real issues that plague the women, men, families, and children in this state.

House Judiciary
1-22-96
Attachment 6

Kansas Highway Patrol
Summary of Testimony
1996 House Bill 2608
before the
House Judiciary Committee
January 22, 1996

Good afternoon Mr. Chairman and members of the Committee. My name is Captain Larry Fox and I appear before you on behalf of Colonel Lonnie McCollum, Superintendent of the Kansas Highway Patrol, to support HB 2608.

HB 2608 makes technical changes and renames the Capitol Area Security Patrol to Capitol Police. The bill was prefiled for introduction by the Joint Committee on Arts and Cultural Resources after committee hearings this summer.

The Capitol Area Security Patrol is charged with the responsibility of police and security services at 58 state owned and leased facilities throughout Shawnee County, including the Capitol Complex and Cedar Crest. The 22 police officers and 28 security guards provide a myriad of police and security services.

Because of the nature of our duties, CASP personnel are often times involved in investigations of serious crimes which originate or are discovered on state property. These include large theft investigations, protection from abuse orders, and threats against public officials. Additionally, officers are active in promoting personal safety, crime prevention and office security.

Because of their varied duties and responsibilities, CASP personnel must work directly with other city, county, state and federal law enforcement agencies. Many times this causes confusion and results in the inability to obtain information because we are mistaken for a private security firm. Therefore, many law enforcement agencies are guarded in sharing confidential information we may need to complete an investigation.

We feel that the name change provided by HB 2608 more accurately reflects the wide range of services provided and would reduce confusion among other law enforcement agencies. Ultimately, the change would improve our ability to perform our duties and raise employee morale.

It is with these things in mind that we ask for your favorable consideration of HB 2608. I would be glad to address any questions the committee may have.

#####