

## MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 5:30 P.M. on March 20, 2007 P.M. in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Carol Doel, Committee Assistant

Conferees:

None

Chairman Siegfroid opened the floor for action on **SB 67** - Libraries; creating the State Library Board and related entities.

Mike Heim, Office of the Revisor, gave a review of the bill relating that the bill reorganizes some administrative type things with the State Library. It abolishes the State Library Commission and the Kansas Library Network Board and shifts the duties to a new State Library of Kansas Board consisting of 14 members.

Representative Loganbill made a motion to move **SB 67** favorable for passage. Representative Dillmore seconded the motion.

Representative Dillmore made a substitute motion to move the amendment on page 3, line 2 as presented. Representative Swenson made a second to the motion. Motion passed.

Representative Loganbill moved the bill favorable for passage as amended with a second by Representative Hawk. Motion passed.

The Chair opened the floor for action on **HB 2341** - Disposition of fetal remains - and directed attention to a letter, information and a balloon submitted by Representative Kiegerl. (Attachment 1)

Mike Heim explained the balloon offered by Representative Kiegerl which would strike lines 31 through 33 on page one. There is also a deletion dealing with responsibilities of the facility. These amendments were to address the concerns of the members of the Hospitalization Association.

Representative Brown made motion to move **HB 2341** with a second by Representative Ruiz.

Representative Mah made a motion to adopt the balloon as recommended by Representative Kiegerl with a second by Representative McCray-Miller. Motion passed.

Representative Brown moved the bill be passed out favorable for passage as amended. Representative Ruiz made a second to the motion. Motion passed.

With no further business before the committee, Chairman Siegfroid adjourned the meeting.

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STATE OF KANSAS  
HOUSE OF  
REPRESENTATIVES



S. MIKE KIEGERL

March 20, 2007

COMMITTEE ASSIGNMENTS  
VICE CHAIR: COMMERCE AND LABOR  
MEMBER: HEALTH AND HUMAN SERVICES  
INSURANCE AND FINANCIAL INSTITUTIONS

Representative Arlen Siegfried

Dear Mr. Chairman:

The representative of the Hospital Association met with me to discuss HB 2341 and we agree on the small issues which were in question.

I've attached the bill as it ought to be considered in it's final form. I would appreciate your consideration and I thank the committee for working this bill.

Cordially,

  
S. Mike Kiegerl

Federal and State Affairs

Attachment 1

Date 3-20-07

P.M.

# BAPTISM AND BURIAL IN CASE OF MISCARRIAGE

Can. 1176 §3 The Church earnestly recommends that the pious custom of burial be retained.

“All necessary measures must be taken to preserve the practice of reverently burying the faithful departed. Accordingly, through proper instructions and persuasion Ordinaries are to ensure that the faithful refrain from cremation and not discontinue the practice of burial except when forced to do so by necessity.”<sup>2</sup>

“Funeral rites are to be granted to those who have chosen creation, unless there is evidence that their choice was dictated by anti-Christian motives ...”<sup>4</sup> The precise determination of those rites is a matter for the appropriate Bishops’ Conference, issuing its own *Rite of Funerals*.<sup>5</sup>

*“In every case of miscarriage, no matter at what stage of pregnancy, the fetus must be baptized; absolutely, if it’s certainly alive; conditionally, if the presence of life is doubtful.”*

<sup>2</sup> SCHO instr *Piam et constantem* of 8.V.1963, approved by Pope Paul VI 5.VII.1963: AAS 56(1964) 822-823: DOL nn.3366-3370 at n.3367

<sup>5</sup> A problem arise in the not infrequent situation in which the cremated ashes of a deceased are returned for burial in the country of his or her origin, specifically in the parish of origin. Should there be a formal funeral service? The liturgy does not provide for this. A practical solution would appear to be a Requiem Mass for the deceased in the chosen church, in association with a burial of the sales in the grave of the family’s choice.

# HOUSE BILL No. 2341

By Committee on Health and Human Services  
2-1

9 AN ACT enacting the disposition of fetal remains act.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) This section shall be known and may be cited as the  
13 disposition of fetal remains act.

14 (b) As used in this section:

15 (1) "Final disposition" means the burial, cremation or other disposi-  
16 tion of the remains of a human fetus following a spontaneous fetal demise  
17 occurring after a gestation period of less than 20 completed weeks;

18 (2) "remains of a human fetus" means the fetal remains or fetal prod-  
19 ucts of conception of a mother after a miscarriage, regardless of the ges-  
20 tational age or whether the remains have been obtained by spontaneous  
21 or accidental means.

22 (c) In every instance of fetal death, the mother has the right to de-  
23 termine the final disposition of the remains of the fetus, regardless of the  
24 duration of the pregnancy. The mother may choose any means of final  
25 disposition authorized by law or by the secretary of health and  
26 environment.

27 (d) The final disposition of the remains of a human fetus may be by  
28 cremation, interment by burial, incineration in an approved medical waste  
29 incinerator or other means authorized by the secretary of health and en-  
30 vironment. The disposition shall be in accordance with state law or ad-  
31 ministrative rules and regulations providing for the disposition. ~~If the~~  
32 ~~remains are disposed of by incineration, the remains shall be incinerated~~  
33 ~~separately from other medical waste.~~

OK, gwk

34 (e) Every hospital, outpatient birthing clinic and any other health care  
35 facility licensed to operate in this state shall adopt written standards for  
36 the final disposition of the remains of a human fetus as provided in this  
37 section for protection of a mother's right pursuant to subsection (c) and  
38 for notice as required in subsection (f).

39 (f) Within 24 hours after a miscarriage occurs spontaneously or ac-  
40 cidentally at a hospital, outpatient birthing clinic or any other health care  
41 facility, the facility shall disclose to the mother of the miscarried fetus,  
42 ~~both orally and in writing~~, the mother's right to determine the final dis-  
43 position of the remains of the fetus. ~~The facility's disclosure shall include~~

OK, gwk

~~1 giving the mother a copy of the facility's written standards adopted pur-~~  
~~2 suant to subsection (e). The facility shall make counseling concerning the~~  
~~3 death of the fetus available to the mother. The facility may provide the~~  
~~4 counseling or refer the mother to another provider of appropriate coun-~~  
~~5 seling services.~~

6 Sec. 2. This act shall take effect and be in force from and after its  
7 publication in the statute book.

} ok, Sdk