

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 7, 2002 in Room 313-S of the Capitol.

All members were present.

Committee staff present: Mary Torrence, Revisor of Statutes
Russell Mills, Legislative Research Analyst
Shelia Pearman, Committee Secretary

Conferees appearing before the committee: Representative Bruce Larkin
Representative John Toplikar
Elmer Feldkamp, Right to Life of Kansas, Inc.
Ronald Ferris, M.D.
Rachel Stanton
Rebecca Messall, J.D.
Barbara Duke, Kansas Choice Alliance
Carla Mahany, Planned Parenthood of KS & Mid-Missouri
Amanda Golbeck, Board of Regents
Kathy Damron, Massage Therapist Association

Others attending: See attached list

Without objection, bill was introduced as requested by Representative Mays regarding congressional districts Caucus J. [HB 3012]

Without objection, bill was introduced as requested by Representative Faber regarding ethics of professors' consultation contracts. [HB 3013]

Chairman Mays re-opened the hearing on HB 2977 - Cosmetology training, examinations, broadened definitions, reciprocity and board membership. Ms. Golbeck stated the original testimony was written based upon **HB 2977** erroneous reference the Board of Regents. She explained the Board does not have the staff expertise to draft rules and regulations for cosmetology examinations nor the resources and FTE staff to develop an oversight system for any specialty area. She additionally questioned the ACT score references instead of a G.E.D. or high school diploma. (Attachment #1)

Ms. Damron thanked the committee for addressing the issue raised by **HB 2977** and striving to appropriately remove massage therapists from this legislation.

Representative Hutchins cited written testimony submitted by Anita Belt which included a petition opposing the changes listed in **HB 2977**. (Attachment #2)

To further review **HB 2977**, **Chairman Mays appointed Representatives Hutchins, Ruff, Mays and Long to a subcommittee consisting to meet with the Cosmetology Board and other interested parties.**

Chairman Mays opened the hearing on HR 6003 - Attorney general directed to determine certain issues of law concerning unborn children. Representative Larkin supported this resolution and suggested the effective date be changed to February 2003 due to the change in Attorney General during the upcoming election cycle. (Attachment #3)

Mr. Feldkamp stated the inalienable right to life of all human beings (as clarified by scientific discoveries during the past 20 years) must be reexamined by the Courts to determine if unborn children are deprived of equal protection of the laws. (Attachment #4) He urged the committee to support **HR 6003**.

Dr. Ferris rose in support **HR 6003** and emphasized the scientific justification to address the issue of when life begins is readily available. Via various cases (Attachment #5), he cited the need to reexamine the value placed on human life following conception.

Representative Toplikar rose in support of **HR 6003** as an attempt to overturn *Roe v. Wade*. He stated he believes many of the questions did not address at the time of the Courts ruling which has since been answered by scientific, factual information such as when life begins. He cited DNA evidence is presently being recognized in the courts to overturn a previous ruling. (Attachment #6)

Ms. Stanton stated abortion has dramatically affected Generation Y. She cited the devaluation of life has resulted in increased school violence, higher suicide rates and drug usage. She urged the committee to support **HR 6003** to return dignity to all lives. (Attachment #7)

Ms. Messall expressed support of **HR 6003** in order to recognize in law what science has proved about the beginning of life citing various articles and rulings. (Attachment #8) She emphasized this resolution will be the Legislature's clarion call to the Executive and Judicial branches to enforce the Kansas Bill of Rights for all humans.

Ms. Duke stated legal restriction on abortion does not guarantee a low abortion rate and referenced abortion rates in Mexico and the Netherlands. She cited a study with worldwide abortion rates and hospitalizations in countries where abortion is legally restricted. She urged the committee to defeat **HR 6003** and to improve access to reliable contraception in Kansas. (Attachment #9)

Ms. Mahany stated opposition of **HR 6003** consistent with legislation during 2000 and 2001 citing State statutes and Constitutions may not be used in any way to restrict rights more than federal constitutional law allows. (Attachment #10) She also cited former United States District Attorney for Kansas Lee Thompson's written testimony in which he stated this resolution would be non-binding and is questionable as to whether the Legislature can direct the initiation of litigation. (Attachment #11). The hearing on HR 6003 was closed.

Representative Powell made the motion to amend effective date to be February 1, 2003. Representative Freeborn seconded the motion. The motion carried.

Representative Ruff made the motion to adopt HR 6003 as amended. Representative Cook seconded the motion. The motion carried. Representatives Benlon, Cox, Gilbert, Henderson and Peterson requested the record reflect their opposition to this bill.

Chairman Mays requested the committee turn their attention to **HB 2711 - Health care providers' rights of conscience act. Representative Powell made the motion to amend products/services, add advanced registered nurse practitioners as a provider and additional emergency provisions as exceptions. Representative Williams seconded the motion. The motion carried.**

Representative Powell made a motion to pass HB 2711 favorable for passage as amended. Representative Williams seconded the motion. During discussion, the following amendments were addressed:

Representative Rehorn made the motion to remove infanticide from Sec. 2(c). Representative Ruff seconded the motion. The motion failed.

Representative Barnes made the motion to exclude reference to health care payer. Representative Rehorn seconded the motion. The motion failed.

Representative Benlon discussed the SANE/SART brochure (Attachment #12) and made the motion to amend creating a referral requirement preventing disruption of continuous care. Representative Ruff seconded the motion. The motion failed.

_____ **Representative Rehorn made the motion to amend by adding similar language to protect individuals who chose to provide/perform the services listed in Sec. 3(c). Representative Benlon seconded the motion. The motion failed.**

Representative Benlon made the motion to amend to include a provision for employment at will for specific services. Representative Cox seconded the motion. The motion failed.

Representative Benlon cited research stating United States Equal Employment Opportunity Commission the failure to provide coverage for prescription contraceptives where group health plan provides

prescriptive coverage for the prevention of other conditions constitutes unlawful sexual discrimination under Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act of 1978 and thus questioned the constitutionality of this proposed legislation. (Attachment #13)

The committee recessed to the rail for further deliberation with no additional amendments offered. **The committee voted HB 2711 favorable for passage as amended. The motion carried 10-7 with Representatives Benlon, Cox, Gilbert, Henderson, Peterson, Rehorn, and Ruff requesting to be recorded in opposition.**

The meeting adjourned at 3:30 p.m. The next scheduled meeting is March 11, 2002.