

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:35 p.m. on February 19, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Joe McLeland, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes
Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Representative John Toplikar, co-sponsor
Representative Bruce Larkin, co-sponsor
Senator Kay O'Connor
Patrick Lehman, Kansas Fire Service Alliance
Nellie Gray, President March For Life, Washington DC
Dr. Ronald Ferris, Wichita Physician
Elmer Feldkamp, Right to Life
Karyl Graves, Wee Life, Inc.
Barbara Duke, American Association of University Women
Carla Mahany, Planned Parenthood of KS & Mid MO
Sharon Lockhart, Kansas National Organization for Women

Others attending: See attached list

Chairman Mays opened the hearing on **SB 71 - State capitol area; guidelines and procedures for memorials on grounds, memorial for Kansas firefighters.**

Mr. Lehman noted today was Fire Day at the Capitol. A large group of firefighters are in the audience. Similar legislation has been introduced during the last three sessions. **SB 71** would authorization for the construction of a memorial in honor of Kansas firefighters but requires this memorial follow new procedures and standards for reviewing proposals to construct or place permanent memorials on the State Capitol plaza area. The bill would create a nine-member Kansas Firefighters Memorial Advisory Committee composed of representatives of the groups stated in the Supplemental Note for **SB 71**. There is no fiscal impact to any agency inasmuch as the memorial would be designed, constructed and maintained by donations and/or grants.

No other individuals appeared regarding this bill. The hearing on **SB 71** was closed.

Representative Edmonds moved that Committee recommend **SB 71** favorable for passage. Representative Benlon seconded the motion. Motion passed.

The hearing on **HR 6007 - Attorney general directed to determine constitutionality and to establish that upon conception there is life** - was opened.

Representative Toplikar sponsored this resolution to determine the current abortion laws are in conflict with the Kansas constitution. The inalienable right to life is defined as a right that can never be taken away. (Attachment #1)

Representative Larkin stated this resolution would require the question of when life begins to be addressed by the courts. (Attachment #2)

Senator O'Connor noted the discrepancy in the United States and Kansas constitutions would be addressed by the court case stemming from this resolution. (Attachment #3)

Ms. Gray declared that if a society denies right to life for one individual, they deny all the right. She expressed that science has demonstrated that life begins at fertilization, not implantation and not viability of the child. Diminishing the sanctity of pre-born human life, in turn, has already diminished the sanctity

of other human life and inflicted us with euthanasia, assisted suicide, teen suicide, school shootings, drive-by shootings and more. She stated we have endured 28 years of destruction since *Roe v. Wade* decriminalized abortion more than 40,000,000 pre-born children have been killed. (Attachment #4)

Dr. Ferris stated it is a demonstrable scientific fact when the 23 chromosomes carried by a sperm encounter the 23 chromosomes carried by the ovum, all of the information necessary and sufficient to produce all of the characteristics of a new and unique human being are organized into one place and structure we call the human genome. (Attachment #5) He urged the committee to support **HR 6007**.

Mr. Feldkamp request the committee pass **HR 6007** to permit the courts the opportunity to consider the fact that an individual human life exists from fertilization. (Attachment #6) He also discussed the written testimony from Charles E. Rice, Notre Dame University Professor of Law. (Attachment #7) Mr. Rice noted this would not only affirm the rights of the unborn child under Kansas law, but also the reserved power of the State of Kansas to define, as a matter of state law, the meaning and scope of the Kansas Bill of Rights.

Ms. Graves expressed her support of **HR 6007** in that biological and medical facts provide that the life in the womb is the same individual from conception to birth as shown with DNA profiling and fingerprints. (Attachment #8) She stated because the pre-born children cannot speak for themselves, it is up to us to carry this message for them.

Ms. Duke opposed **HR 6007** because it attempts to impose particular religious views on others threatening not just women's reproductive freedom but the religious freedom that is America's founding value. (Attachment #9) The moment of fertilization is speculative therefore the moment of birth is the historical notation of life's beginning.

Ms. Mahany opposed **HR 6007** citing prior year's testimony by Dr. Charles W. Baughman and Dr. John Swomley. She noted the U.S. Constitution provides that states may expand rights but may not restrict rights. She commented five states currently have legislative declarations supporting the right of a woman to choose abortion. (Attachment #10) These states grant stronger, not weaker, rights than federal constitutional law. She also noted the U.S. Supreme Court struck down Nebraska's so-called "partial-birth" abortion law last year.

Ms. Lockhart stated the Kansas Legislature is losing sight of the "right to life, liberty and the pursuit of happiness" presume one to have sovereignty over one's own body and the freedom to make choices as to the course of one's own life. (Attachment #11)

The hearing on **HR 6007** was closed.

The committee meeting adjourned at 2:40 p.m. The next scheduled meeting is February 20, 2001.