

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Federal and State Affairs** recommends **HB 2598** be amended on page 1, in line 10, by striking "7" and inserting "6";

On page 2, in line 6, after "abortion." by inserting "Nothing in this subsection shall be construed to prevent a physician enrolled in a residency program and employed by the university of Kansas medical center from receiving experience with induced abortions conducted at facilities other than those owned, leased or operated by the university of Kansas hospital authority or any other state entity. For purposes of this act only, such physicians shall be considered as acting outside the scope of their official employment in such actions. This provision regarding physicians enrolled in a residency program shall remain in effect through June 30, 2013."; in line 7, by striking "7" and inserting "6"; in line 12, by striking "7" and inserting "6"; in line 20, by striking "7" and inserting "6"; by striking all in lines 23 through 27;

On page 4, in line 18, by striking "2011" and inserting "2012";

On page 6, in line 11, by striking "licensed to practice psychology; (3) licensed to"; by striking all in lines 12 through 14; in line 15, by striking "work; (7) registered to practice marriage and family therapy; (8)" and inserting "licensed to practice professional or practical nursing; (3) the following persons licensed to practice behavioral sciences: Licensed psychologists, licensed master's level psychologists, licensed clinical psychotherapists, licensed social workers, licensed specialist clinical social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors; (4)"; in line 16, by striking "(9)" and inserting "(5)"; in

line 25, by striking all after "(f)"; by striking all in lines 26 through 31; in line 32, by striking "irreversible impairment of a major bodily function."; and inserting ""Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy without first determining gestational age to avert her death or for which a delay necessary to determine gestational age will create serious risk of substantial and irreversible physical impairment of a major bodily function."; in line 43, by striking "registered" and inserting "licensed"; also in line 43, after "counselor," by inserting "licensed marriage and family therapist, licensed master's level psychologist, licensed clinical psychotherapist,";

On page 9, in line 43, after "irreversible" by inserting "physical";

On page 12, in line 31, after "department." by inserting "The total number of certifications shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto."; in line 32, after "received" by inserting "and the number of women who decided not to have an abortion after hearing the heartbeat of the unborn child";

On page 13, by striking all in lines 33 through 43;

On page 14, by striking all in lines 1 through 9;

And by redesignating subsections accordingly;

On page 24, in line 5, by striking "2011" and inserting "2012"; in line 13, by striking "2011" and inserting "2012";

On page 29, in line 28, by striking "2011" and inserting "2012";

On page 33, in line 30, by striking "2011" and inserting "2012";

On page 39, in line 26, by striking "2011" and inserting "2012";

On page 48, in line 24, by striking "2011" and inserting "2012";

On page 49, in line 7, by striking "2011" and inserting "2012";

On page 55, in line 18, by striking "2011" and inserting "2012";

On page 67, following line 42, by inserting:

"Sec. 22. K.S.A. 2011 Supp. 76-3308 is hereby amended to read as follows: 76-3308. (a) The authority shall have all the powers necessary to carry out the purposes and provisions of this act, including, without limitation, the following powers to:

(1) Have the duties, privileges, immunities, rights, liabilities and disabilities of a body corporate and a political instrumentality of the state;

(2) have perpetual existence and succession;

(3) adopt, have and use a seal and to alter the same at its pleasure;

(4) sue and be sued in its own name;

(5) make and execute contracts, guarantees or any other instruments and agreements necessary or convenient for the exercise of its powers and functions including, without limitation, to make and execute contracts with hospitals or other health care businesses to operate and manage any or all of the hospital facilities or operations and to incur liabilities and secure the obligations of any entity or individual;

(6) borrow money and to issue bonds evidencing the same and pledge all or any part of the authority's assets therefor;

(7) purchase, lease, trade, exchange or otherwise acquire, maintain, hold, improve, mortgage, sell, lease and dispose of personal property, whether tangible or intangible, and any interest therein; and to purchase, lease, trade, exchange or otherwise acquire real property or any interest therein, and to maintain, hold, improve, mortgage, lease and otherwise transfer such real property, so long as such transactions do not conflict with the mission of the authority as specified in this act;

(8) incur or assume indebtedness to, and enter into contracts with the Kansas development finance authority, which is authorized to borrow money and provide financing for the authority;

(9) develop policies and procedures generally applicable to the procurement of goods, services and construction, based upon sound business practices;

(10) contract for and to accept any gifts, grants and loans of funds, property, or any other aid in any form from the federal government, the state, any state agency, or any other source, or any combination thereof, and to comply with the provisions of the terms and conditions thereof;

(11) acquire space, equipment, services, supplies and insurance necessary to carry out the purposes of this act;

(12) deposit any moneys of the authority in any banking institution within or without the state or in any depository authorized to receive such deposits, one or more persons to act as custodians of the moneys of the authority, to give surety bonds in such amounts in form and for such purposes as the board requires;

(13) procure such insurance, participate in such insurance plans or provide such self insurance or both as it deems necessary or convenient to carry out the purposes and provisions of this act; the purchase of insurance, participation in an insurance plan or creation of a self-insurance fund by the authority shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the authority or its officers, directors, employees or agents are otherwise entitled;

(14) appoint, supervise and set the salary and compensation of a president of the authority who shall be appointed by and serve at the pleasure of the board;

(15) fix, revise, charge and collect rates, rentals, fees and other charges for the services or facilities furnished by or on behalf of the authority, and to establish policies and procedures regarding any such service rendered for the use, occupancy or operation of any such facility; such charges and policies and procedures not to be subject to supervision or regulation by any commission, board, bureau or agency of the State; and

(16) do any and all things necessary or convenient to carry out the authority's purposes and

exercise the powers given in this act.

(b) The authority may create, own in whole or in part, or otherwise acquire or dispose of any entity organized for a purpose related to or in support of the mission of the authority.

(c) The authority may participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers or other entities to facilitate any activities or programs consistent with the public purpose and intent of this act.

(d) The authority may create a nonprofit entity or entities for the purpose of soliciting, accepting and administering grants, outright gifts and bequests, endowment gifts and bequests and gifts and bequests in trust which entity or entities shall not engage in trust business.

(e) In carrying out any activities authorized by this act, the authority may provide appropriate assistance, including the making of loans and providing time of employees, to corporations, partnerships, associations, joint ventures or other entities, whether or not such corporations, partnerships, associations, joint ventures or other entities are owned or controlled in whole or in part, directly or indirectly, by the authority.

(f) Effective with the transfer date, all moneys of the authority shall be deposited in one or more banks or trust companies in one or more special accounts. All banks and trust companies are authorized to give security for such deposits if required by the authority. The moneys in such accounts shall be paid out on a warrant or other orders of the treasurer of the authority or any such other person or persons as the authority may authorize to execute such warrants or orders.

(g) Notwithstanding any provision of law to the contrary, the authority, effective with the transfer date, may invest the authority's operating funds in any obligations or securities as authorized by the board. The board shall adopt written investment guidelines.

(h) The authority is authorized to negotiate contracts with one or more qualified parties to provide collection services. The selection of a collection services provider shall be based on responses

to a request for proposals from qualified professional firms and shall be administered in accordance with policies adopted by the board.

(i) Notwithstanding any provision of law to the contrary, no abortion shall be performed, except in the event of a medical emergency, in any medical facility, hospital or clinic owned, leased or operated by the authority. The provisions of this subsection are not applicable to any member of the physician faculty of the university of Kansas school of medicine on property not owned, leased or operated by the authority. As used in this subsection, "~~medical emergency~~" ~~means a pregnant woman's medical condition that, on the basis of a physician's good-faith clinical judgment, necessitates an immediate abortion to avert the woman's death or to avert a serious risk of substantial and irreversible impairment of a major bodily function~~ has the meaning as defined in K.S.A. 65-6701, and amendments thereto.

New Sec. 23. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.";

And by renumbering sections accordingly;

On page 68, in line 1, after "65-6710," by inserting "76-3308,";

On page 1, in the title, in line 4, following "65-6710," by inserting "76-3308,"; and the bill be passed as amended.

Chairperson