

February 19, 2013

The Honorable Arlen Siegfried, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 185-N
Topeka, Kansas 66612

Dear Representative Siegfried:

SUBJECT: Fiscal Note for HB 2253 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2253 is respectfully submitted to your committee.

HB 2253 would enact eight new statutory provisions commonly known as the “personhood measure.” It would declare that the life of each human being begins at fertilization; that unborn children have interests in life, health and well-being that should be protected; and that parents of unborn children have protectable interests in the life, health and well-being of such children. In addition, HB 2253 would provide that, with limited exception, the laws of Kansas shall be interpreted and construed to acknowledge that an unborn child has all the rights, privileges and immunities available to other persons of the state.

Current law requires physicians who perform abortions to report the total number of certifications received monthly to the Kansas Department of Health and Environment (KDHE). HB 2253 would require that the total number of certifications be reported by the physician as part of the written report to KDHE that is required annually from every medical care facility where a pregnancy is lawfully terminated and every physician who lawfully terminates a pregnancy in a location other than a medical care facility.

HB 2253 would amend postage of signing requirements in facilities that provide abortions adding language to the posting including information about the pregnancy resources website that is published and maintained by KDHE and a notice to the patient that it is unlawful for someone to force the patient to have an abortion. The bill would also amend laws relating to the Woman’s Right to Know Act specifying detailed and minimum language that must appear in printed material published by KDHE.

Finally, HB 2253 would put prohibitions on funding, tax credits and exemptions and health care services for abortion services.

KDHE states that if a yes/no question on the abortion statistical reporting form is added, a field would need to be added to the vital statistics database and forms changed would have to be changed. Past experience in adding fields indicates costs would be approximately \$10,000 for database changes. In addition, the proposed changes would necessitate a word by word review of all current print, video, and website information. This review would be done by existing staff without additional resources. The current video and all print materials would need to be revised. Materials in circulation would no longer be usable and updated documents would need to be distributed. Destroying current versions and providing new editions of the required material would cost \$28,650 from agency fee funds.

The Kansas State Board of Healing Arts states that because of new and changed definitions, additional reports and complaints of practitioners not complying with the requirements of HB 2253 could be received. If an increase in the number of investigations to be performed by staff and the number of disciplinary cases to be handled by the Board occurred, an increase in expenditures would also occur. If investigations and caseloads do not increase substantially, the bill could be implemented within existing resources.

The Kansas Department of Revenue states that no information exists to accurately estimate the amount and number of taxpayers that would be required to add expenses to income, lose credits due to expenses or donations being disallowed, or the amount of sales taxes collected due to the loss of a sales tax exemption. Therefore, the fiscal effect of HB 2253 on state sales and income tax revenues cannot be estimated. The Department does state that the administrative costs to implement this bill would be negligible and could be accommodated within existing resources. Any fiscal effect associated with HB 2253 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Aaron Dunkel, KDHE
Dale Dennis, Education
Theresa Gordzica, KU
Steve Neske, Revenue
Kelly Oliver, Board of Regents
Cathy Brown, Healing Arts