

Approved

4/3/85
DateMINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRSThe meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson11:00 a.m. ~~xxxx~~ on March 18, 1984 in room 254-E of the Capitol.All members were present ~~except~~.

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
 Russell Mills, Legislative Research
 Emalene Correll, Legislative Research
 Arden Ensley, Revisor of Statutes
 June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Barbara Sabol, Secretary, Kansas Department of Health and Environment
 Rowena Harr, 1521 N. Madison, Topeka, Kansas, Topeka Genealogical Society
 Helen King, Kansas Council of Genealogical Societies, Topeka, Kansas
 LaRita M. Neeley, Kansas Council of Genealogical Societies,
 9922 NW 46th Street, Silver Lake, Kansas
 James McBride, Topeka Genealogical Society, Topeka, Kansas
 Robert Littrell, Riley County Genealogical Society of Manhattan, Manhattan
 Bob Keckeisen, Local Records Archivist, Kansas State Historical Society
 Mary Carson, Assistant Attorney General, Topeka, Kansas

SB319 - Disclosure of vital records to genealogical societies and others.

The Chairman called upon Emalene Correll, Staff, to explain the SB319. During Ms. Correll's explanation she distributed copies of, and referred to, Attachment #1, Certificate of Live Birth; and Attachment #2, Certificate of Death. There were questions from and discussion by Committee.

The Chairman introduced Secretary Barbara Sabol of the Kansas Department of Health and Environment. Ms. Sabol introduced members of her staff who were present: Irv Franzen, Charlene Satzler, Loren Phillips and Charles Hamm. Secretary Sabol presented copy of her testimony, Attachment #3, which states the official position of the Kansas Department of Health and Environment on SB319. Also is attached a copy of a balloon of SB319, Attachment #4.

The next person to appear was Rowena Horr, whose statement is Attachment #5. Mrs. Horr represents various genealogical societies, as shown on her statement, all of whom support SB319.

Helen King was the next conferee. Mrs. King is a member of various genealogical groups and said that she and they heartily support the efforts for a more open position so that people doing genealogical and medical research will have easier access to records.

Mrs. LaRita M. Neeley appeared in support of SB319, and her statement reflects the organizations she supports and their support of the bill. Her statement is Attachment #6.

Mr. Jim McBride appeared as a proponent of SB319. Mr. McBride said that he and his wife are members of the Genealogical Society of Topeka, and wish to be counted among the proponents of this bill. He is interested in the rights of all concerned and asks that "these really gentle people be able to pursue their research into the records of this county."

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on March 18, 1985

The Chairman introduced Robert Littrell, a proponent of SB319 representing the Riley County Genealogical Society of Manhattan. He stated Attorney General's Opinion 84-101 had prompted this bill; that the Opinion states that K.S.A. 65-2422 does not permit disclosure of vital statistic information for genealogical information. His statement is Attachment #7.

Bob Keckheisen, of the Kansas State Historical Society, proponent of SB319 said that the state historical society believes the bill in its present form represents a practical and proper balance between protecting the privacy rights of individuals and granting adequate public access to archival resources of the State of Kansas. Attachment #8.

Assistant Attorney General Mary Carson was the next conferee. Her statement is Attachment #9. She was present to convey Attorney General Robert Stephan's support for SB319. He feels this bill updates laws pertaining to vital statistics in a manner to serve important public interest in access to records maintained by government.

There being no other conferees, the Chairman said he would appoint a Subcommittee to meet with Staff and various interested parties to try to arrive at an acceptable bill. The Subcommittee to report back in 8-10 days. He appointed: Chairman, Senator Walker; Members, Senator Hoferer and Senator Martin.

The Minutes of the Meetings of March 7 and 14, 1985, were distributed for Committee. Senator Arasmith moved that the Minutes of March 7, be approved as corrected, and that the Minutes of March 14, 1985, be approved. 2d by Senator Martin. Motion carried.

The Chairman said there were requests for introduction of two bills by Lyle Eckhart of the Kansas Highway Patrol, Emergency Medical Services. The proposed bills which had been prepared by the Revisor's Office were distributed.

Senator Ehrlich moved that legislation concerning unlawful interference with an ambulance attendant be introduced. 2d by Senator Strick. Motion carried.

Senator Ehrlich moved that legislation prohibiting uncertified individuals from representing themselves as ambulance attendants be introduced. 2d by Senator Strick. Motion carried.

The Chairman asked Arden Ensley, the Revisor of Statutes, to refresh the Committee's minds concerning SCR1606, concerning parimutuel wagering. Mr. Ensley distributed a balloon copy of SCR1606, which is Attachment #10 of these Minutes. Mr. Ensley stated this was at the request of the Subcommittee. Their first recommendation was that it not only include horses, but also dogs, and that the proposition be amended to authorize county option by either the approval of the proposition to amend the constitution or the proposition for parimutuel wagering and racing at a subsequent local county election. The Chairman thanked Senators Morris, Martin and Arasmith for having performed so diligently as the Subcommittee.

Senator Arasmith moved that dogs be included in the resolution and the provision for county option, either by approval of the constitutional amendment or the proposition at a special election, be adopted. 2d by Senator Strick. Motion carried. Senator Martin moved it be passed out favorably. 2d by Senator Strick. Motion carried.

The meeting was adjourned.

3/15/85
Attachment #

PERMANENT INK FOR INSTRUCTIONS SEE HANDBOOK

KANSAS STATE DEPARTMENT OF HEALTH AND ENVIRONMENT
VITAL STATISTICS

115

CERTIFICATE OF LIVE BIRTH

BIRTH NUMBER

LOCAL FILE NUMBER

CHILD

1. CHILD—NAME FIRST MIDDLE LAST SEX DATE OF BIRTH (Mo., Day, Yr.) HOUR

2. 3a. 3b. M

4a. HOSPITAL—NAME (If not in hospital, give street and number) 4b. CITY, TOWN OR LOCATION OF BIRTH 4c. COUNTY OF BIRTH

I certify that the stated information concerning this child is true to the best of my knowledge and belief

5a. (Signature) CERTIFIER—NAME AND TITLE (Type or print) 5b. DATE SIGNED (Mo., Day, Yr.) 5c. NAME AND TITLE OF ATTENDANT AT BIRTH IF OTHER THAN CERTIFIER (Type or Print)

5d. REGISTRAR 5e. MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip) 6b. DATE RECEIVED BY REGISTRAR (Month, Day, Year)

6a. (Signature)

MOTHER

7a. MOTHER—MAIDEN NAME FIRST MIDDLE LAST AGE (At time of this birth) STATE OF BIRTH (If not in U.S.A., name country)

7b. 7c.

8a. RESIDENCE—STATE COUNTY CITY, TOWN OR LOCATION STREET AND NUMBER OF RESIDENCE INSIDE CITY LIMITS (Specify Yes or No)

8b. 8c. 8d. 8e.

MOTHER'S MAILING ADDRESS—If same as above, enter Zip Code Only

9. FATHER—NAME FIRST MIDDLE LAST AGE (At time of this birth) STATE OF BIRTH (If not in U.S.A., name country)

10a. 10b. 10c.

11a. PARENT'S VERIFICATION I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief (Signature of Parent) DATE SIGNED 11b.

SAMPLE

DEATH UNDER ONE YEAR OF AGE
Enter State File Number of death certificate for this child

MULTIPLE BIRTHS
Enter State File Number for mate(s)

LIVE BIRTH(S)

FETAL DEATH(S)

CONFIDENTIAL PERSONAL DATA

13. PREGNANCY HISTORY (Complete each section)

LIVE BIRTHS (Do not include this child) OTHER TERMINATIONS (Spontaneous and Induced)

12a. Now living Number 12b. Now dead Number 12d. Before 20 weeks Number 12e. After 20 weeks Number

14. RACE—MOTHER (e.g. White, Black, American Indian, etc.) (Specify) 15. RACE—FATHER (e.g. White, Black, American Indian, etc.) (Specify) 16. ORIGIN OR DESCENT—(e.g. Italian, Mexican, German, Puerto Rican, English, Cuban, etc.) (Specify)

17. EDUCATION—MOTHER (Specify only highest grade completed) 18. EDUCATION—FATHER (Specify only highest grade completed)

Elementary or Secondary (0-12) College (1-4 or 5+) Elementary or Secondary (0-12) College (1-4 or 5+)

19. BIRTH WEIGHT 20a. THIS BIRTH—Single, twin, triplet, etc. (Specify) 20b. IF NOT SINGLE BIRTH—Born first, second, third, etc. (Specify) 21. IS MOTHER MARRIED? (Specify yes or no)

12c. DATE OF LAST LIVE BIRTH (Month, Year) 12f. DATE OF LAST OTHER TERMINATION (as indicated in a or e above) (Month, Year)

INFORMATION FOR MEDICAL AND HEALTH USE ONLY
(This Section MUST Be Filled Out)

22. Date Last Normal Menses Began Month Day Year

23. Month of Pregnancy Prenatal Care Began First, Second, Third, etc. (Specify)

24. Prenatal Visits—Total Number (If none, so state)

CERTIFICATE OF LIVE BIRTH (Continued)

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NOTE: Please use X to mark boxes

PRENATAL	LABOR-DELIVERY	THE LIVE BORN INFANT
25. Nutrition of the mother 1. Height _____ 2. Pregravid weight _____ 3. Total pregnancy weight gain _____	30. Was labor induced? 1. <input type="checkbox"/> Yes (Specify and, if drug, how administered) 2. <input type="checkbox"/> No	38. Apgar score 1 minute _____ 5 minutes _____ 39. Congenital malformations or anomalies of infant (Describe or write "none")
26. Complications of pregnancy (check 1 or more) 1. <input type="checkbox"/> None 5. <input type="checkbox"/> Bleeding 1st trimester 2. <input type="checkbox"/> Pre-eclampsia 6. <input type="checkbox"/> Other (Specify) 3. <input type="checkbox"/> Eclampsia 4. <input type="checkbox"/> Uterine bleeding not associated with labor	31. Was a test of fetal lung maturity performed before induction or elective C. section? 1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No	40. Other conditions of the infant (check 1 or more) 1. <input type="checkbox"/> Normal 5. <input type="checkbox"/> Hypoglycemia 2. <input type="checkbox"/> Resuscitation required 6. <input type="checkbox"/> Erythroblastosis 3. <input type="checkbox"/> Respiratory distress syndrome 7. <input type="checkbox"/> Birth Injury 4. <input type="checkbox"/> Hyperbilirubinemia 8. <input type="checkbox"/> Other * * Specify
27. Concurrent illnesses or conditions affecting the pregnancy (check 1 or more) 1. <input type="checkbox"/> None 8. <input type="checkbox"/> Syphilis 2. <input type="checkbox"/> Hypertensive disease 9. <input type="checkbox"/> Rubella 3. <input type="checkbox"/> Renal disease * 10. <input type="checkbox"/> Viral infection * 4. <input type="checkbox"/> Anemia 11. <input type="checkbox"/> Hyperemesis 5. <input type="checkbox"/> Obesity (at least 20% over std. wt. for ht.) 12. <input type="checkbox"/> Tobacco usage 6. <input type="checkbox"/> Heart disease * 13. <input type="checkbox"/> Alcoholism 7. <input type="checkbox"/> Diabetes 14. <input type="checkbox"/> Drug addiction 15. <input type="checkbox"/> Seizures 16. <input type="checkbox"/> Other *	32. Conditions of labor (check 1 or more) 1. <input type="checkbox"/> Normal 7. <input type="checkbox"/> Other malpresentation 2. <input type="checkbox"/> Placenta praevia 8. <input type="checkbox"/> Cephalo-pelvic disproportion 3. <input type="checkbox"/> Premature separation of placenta 9. <input type="checkbox"/> Labor 18 hrs. or more 4. <input type="checkbox"/> Other intra-partum hemorrhage 10. <input type="checkbox"/> No labor 5. <input type="checkbox"/> Prolapse of cord 11. <input type="checkbox"/> Other (Specify) 6. <input type="checkbox"/> Breech presentation	41. Condition of placenta and cord 1. <input type="checkbox"/> Normal 2. <input type="checkbox"/> Abnormal (Specify)
28. Has blood been tested for Group and Rh? 1. <input type="checkbox"/> Yes (Specify) Group _____ Rh _____ Mother _____ Father _____ 2. <input type="checkbox"/> No	33. Sedation 1. <input type="checkbox"/> None 2. <input type="checkbox"/> Light 3. <input type="checkbox"/> Medium 4. <input type="checkbox"/> Heavy	42. Post-partum complications (24 hours) 1. <input type="checkbox"/> None 4. <input type="checkbox"/> Hemorrhage 2. <input type="checkbox"/> Hypertension 5. <input type="checkbox"/> Other (Specify) 3. <input type="checkbox"/> Eclampsia
29a. Was mother's blood screened for atypical antibodies? 1. <input type="checkbox"/> Yes (Specify) 2. <input type="checkbox"/> No	34. Anesthesia 1. <input type="checkbox"/> Yes (Specify) 2. <input type="checkbox"/> No	43. Consultation 1. <input type="checkbox"/> Yes (Specify) <input type="checkbox"/> Prenatal <input type="checkbox"/> Delivery <input type="checkbox"/> Labor <input type="checkbox"/> Post-partum <input type="checkbox"/> Infant transferred to another facility 2. <input type="checkbox"/> No
29b. Was an amniocentesis performed during pregnancy? 1. <input type="checkbox"/> Yes (Reason) 2. <input type="checkbox"/> No	35. At moment of delivery mother was: 1. <input type="checkbox"/> Fully conscious 2. <input type="checkbox"/> Semi-conscious 3. <input type="checkbox"/> Unconscious	44. Remarks
	36. Anesthetist 1. <input type="checkbox"/> Physician 2. <input type="checkbox"/> Nurse anesthetist 3. <input type="checkbox"/> Other (Specify)	
	37. Method of delivery 1. <input type="checkbox"/> Spontaneous 8. <input type="checkbox"/> C. hysterectomy 2. <input type="checkbox"/> Low forceps 9. <input type="checkbox"/> Internal version and extraction 3. <input type="checkbox"/> Mid forceps 10. <input type="checkbox"/> High forceps 4. <input type="checkbox"/> Breech 11. <input type="checkbox"/> Other (Specify) 5. <input type="checkbox"/> Breech extraction 6. <input type="checkbox"/> Elective C. section 7. <input type="checkbox"/> Emergency C. section	

THIS IS NOT A PART OF THE CERTIFICATE OF LIVE BIRTH

Kansas State Department of Health Report of Prenatal Serological Test as Required by K.S.A. 65-153F, 153G

Serological Test Made: 1st Trimester 2nd Trimester 3rd Trimester At Delivery Not Performed

If no Test made state reason: _____

ATTACHMENT 1

KANSAS STATE DEPARTMENT OF HEALTH AND ENVIRONMENT
VITAL STATISTICS
CERTIFICATE OF DEATH

3/18/85
Attachment 2
STATE FILE NUMBER

LOCAL FILE NUMBER

TYPE OR PRINT IN PERMANENT INK FOR INSTRUCTIONS SEE HANDBOOK

DECEDENT—NAME		FIRST	MIDDLE	LAST	SEX	DATE OF DEATH (Month, Day, Year)	
1. AGE—Last Birthday (Yrs.)		2. UNDER 1 YEAR MOS. DAYS		3. UNDER 1 DAY HOURS MINS.		4. DATE OF BIRTH (Mo., Day, Yr.)	
5. RACE—(e.g., White, Black, American Indian, etc.) (Specify)		6. ORIGIN OR DESCENT—(Specify)		7. (e.g., Italian, Mexican, German, Puerto Rican, English, Cuban, etc.)			
8. COUNTY OF DEATH		9. CITY, TOWN OR LOCATION OF DEATH		10. HOSPITAL OR OTHER INSTITUTION—Name (If not in either, give street and number)		11. IF HOSP. OR INST. Indicate DOA, OP/Emer. Rm., Inpatient (Specify)	
12. STATE OF BIRTH (If not in U.S.A., name country)		13. CITIZEN OF WHAT COUNTRY		14. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)		15. SURVIVING SPOUSE (If wife, give maiden name)	
16. SOCIAL SECURITY NUMBER		17. USUAL OCCUPATION (Give kind of work done during most of working life, even if retired)		18. KIND OF BUSINESS OR INDUSTRY		19. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Specify Yes or No)	
20. RESIDENCE—STATE		21. COUNTY		22. CITY, TOWN OR LOCATION		23. STREET AND NUMBER	
24. INSIDE CITY LIMITS (Specify Yes or No)		25. FATHER—NAME First Middle Last		26. MOTHER—MAIDEN NAME First Middle Last			
27. INFORMANT—NAME (Type or Print)		28. MAILING ADDRESS		29. STREET OR R.F.D. NO.		30. CITY OR TOWN STATE ZIP	
31. BURIAL, CREMATION, REMOVAL, OTHER (Specify)		32. CEMETERY OR CREMATORY—NAME		33. LOCATION		34. CITY OR TOWN STATE	
35. FUNERAL SERVICE LICENSEE & LICENSE NO. (Signature)		36. NAME OF EMBALMER & LICENSE NO.		37. NAME & ADDRESS OF FIRM			
38. 21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title)		39. 22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title)		40. DATE SIGNED (Mo., Day, Yr.)		41. HOUR OF DEATH	
42. 21b. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		43. 22b. PRONOUNCED DEAD (Mo., Day, Yr.)		44. 21c. HOUR OF DEATH		45. 22c. PRONOUNCED DEAD (Hour)	
46. 21d. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) (Type or Print)		47. 22d. ON		48. 21e. DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)		49. 22e. AT	
50. REGISTRAR		51. 24a. (Signature)		52. 24b. DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)			
53. 25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)		54. PART I (a) DUE TO, OR AS A CONSEQUENCE OF:		55. (b) DUE TO, OR AS A CONSEQUENCE OF:		56. (c) OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not related to cause given in Part I (a)	
57. ACC., SUICIDE, HOM., UNDET., OR PENDING INVEST, (Specify)		58. DATE OF INJURY (Mo., Day, Yr.)		59. HOUR OF INJURY		60. DESCRIBE HOW INJURY OCCURRED	
61. INJURY AT WORK (Specify Yes or No)		62. PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)		63. LOCATION		64. STREET OR R.F.D. No. CITY OR TOWN STATE	
65. 28a.		66. 28b.		67. 28c.		68. 28d.	
69. 28e.		70. 28f.		71. 28g.		72. 27.	

DECEDENT

PARENTS

DISPOSITION

CERTIFIER

CONDITIONS IF ANY WHICH GAVE RISE TO IMMEDIATE CAUSE STATING THE UNDERLYING CAUSE LAST

CAUSE OF DEATH

SAMPLE

1978 Revision

3/18/85
Attachment #3

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON SB 319

PRESENTED TO Senate Committee on Federal and State Affairs

This is the official position taken by the Kansas Department of Health and Environment on SB 319.

BACKGROUND INFORMATION:

The bill would require that all vital statistics records, wherever located locally or at the state level, would be open for public inspection 70 years from the date of the event and it would expand the definition of vital statistics to include cemetery records. It defines "records repositories" and "records custodians" as including a wide range of agencies, institutions and handlers of records and then authorizes them to secure and dispense vital statistics records with some limitations. It authorizes records repositories to prepare, publish and sell indexes and abstracts of vital records with the condition that two data items be excluded and it apparently authorizes records custodians to do just about anything that the state registrar and secretary of health and environment are authorized to do with vital statistics records. The provisions of the bill would allow anybody to inspect death records of individuals, including the cause of death, when doing genealogical or historical research. They would also not prohibit the disclosure of identities of medical research subjects.

STRENGTHS:

It provides for written affirmations by persons requesting disclosure of any restricted vital statistics that the facts and reasons for requesting disclosure are true.

It would clarify under what circumstances and to what extent the early vital statistics files and records may be accessed for genealogical and historical research purposes.

WEAKNESSES:

The span of 70 years from the date of the event, referred to in Sec. 2 (i), (j) and (k), as a point for opening vital records files to public inspection, is not long enough for birth records. (After 70 years more than 210,000 citizens born in the State are still living and more than 2,000 are out-of-wedlock births.)

By allowing all "records custodians" to decide whether an "applicant" has proper interest and need in a record for determination of personal or property rights or for medical/health research, the provisions of the bill imply that copies of records could be issued at almost any point for that purpose. If such copies were issued of the current flow of birth and death records, it could cost the State up to \$350,000 per year in General Revenue funds.

WEAKNESSES: (continued)

Authorizing "records custodians" the full range of copying and dispensing of vital statistics set forth by the proposed revisions of the vital statistics act would inevitably result in the loss of control of quality and completeness of records before copies thereof are issued, and would slow down the whole birth and death registration process.

The provisions of Sec. 2 (b) imply the "records custodians" would have records of illegitimate birth in their files and would be provided with such on a current basis. This is prohibited under present regulations.

The wording of Sec. 2(k) would permit the inclusion of some medical/health information from birth records in the indexes or abstracts to be published and sold.

The wording of Sec. 2 (j) would permit the inclusion of cause-of-death information for genealogical or historical research without limit as to time after death.

The revised wording in Sec. 2 (e) would permit the identification of medical research subjects except when the research involves "compilation of data regarding identifiable individuals." This would render our existing contracts, assuring research confidentiality, completely useless.

DEPARTMENT'S POSITION:

Support the proposal to make some records available for genealogical and historical research if the above weaknesses are corrected, particularly to make birth records open to public inspection only after 100 years after the date of the event and clearly limiting the activities of "records custodians" to those pertinent to genealogical and historical research and clearly limiting the data included in their files, and their indexes or abstracts, to non-medical information from birth and death records for a reasonable span of years. It's also important that the existing provisions regarding confidentiality of medical-health research be retained.

SENATE BILL No. 319

By Committee on Federal and State Affairs

2-26

0017 AN ACT concerning the uniform vital statistics act; relating to
0018 disclosure of certain records; amending K.S.A. 65-2401 and
0019 65-2422 and repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 65-2401 is hereby amended to read as fol-
0022 lows: 65-2401. As used in this act: (1) "Vital statistics" ~~includes~~
0023 ~~the registration, preparation, transcription, collection, compila-~~
0024 ~~tion, and preservation of means~~ data pertaining to birth, adop-
0025 tion, legitimation, death, stillbirth, marriage, divorce, annulment
0026 of marriage, and data incidental thereto *compiled for registra-*
0027 *tion performed or supervised by the department of health and*
0028 *environment or its predecessor agencies or contained in records*
0029 *of tax-supported cemeteries.*

0030 (2) "Live birth" means the complete expulsion or extraction
0031 from its mother of a product of human conception, irrespective of
0032 the duration of pregnancy, which, after such expulsion or ex-
0033 traction, breathes or shows any other evidence of life such as
0034 beating of the heart, pulsation of the umbilical cord, or definite
0035 movement of voluntary muscles, whether or not the umbilical
0036 cord has been cut or the placenta is attached.

0037 (3) "Stillbirth" means any complete expulsion or extraction
0038 from its mother of a product of human conception the weight of
0039 which is in excess of 350 grams, irrespective of the duration of
0040 pregnancy, which is not a live birth as defined in this act.

0041 (4) "Dead body" means a lifeless human body or such parts
0042 of a human body or the bones thereof from the state of which it
0043 reasonably may be concluded that death recently occurred.

0044 (5) "Person in charge of interment" means any person who
0045 places or causes to be placed a stillborn child or dead body or the

3/18/85

Attachment #4

0046 ashes, after cremation, in a grave, vault, urn or other receptacle,
0047 or otherwise disposes thereof.

0048 (6) "Secretary" means the secretary of health and environ-
0049 ment.

0050 (7) "Records repositories" means the Kansas state historical
0051 society, genealogical societies, local historical societies, college
0052 or university libraries, public libraries and other non-profit
0053 organizations or institutions involved in the preservation of
0054 records or compilation of information for research purposes.

delete

(7)

0055 (8) "Records custodians" means the state registrar, local
0056 registrars and any persons responsible for preserving or making
0057 determinations regarding disclosure of vital statistics in the
0058 possession of records repositories or of any political subdivision
0059 of the state, including tax-supported cemeteries.

delete

0060 Sec. 2. K.S.A. 65-2422 is hereby amended to read as follows:
0061 65-2422. (a) The records and files of the division of health
0062 pertaining to vital statistics shall be open to inspection, subject to
0063 the provisions of this act and regulations of the secretary, but it
0064 shall be unlawful for any officer or employee of the state to
0065 disclose data contained in vital statistical records, except as
0066 authorized by this act and the secretary and it shall be unlawful
0067 for anyone who possesses, stores or in any way handles vital
0068 statistics records under contract with the state to disclose any
0069 data contained in such records, except as authorized by law.
0070 Vital statistics related to identifiable individuals in the posses-
0071 sion of records custodians, or of anyone who in any way handles
0072 records under contract, shall not be disclosed except as autho-
0073 rized by this act and regulations of the secretary.

0074 (b) Except as otherwise provided in subsections (c), (i) and
0075 (k) of this section, no disclosure of illegitimacy of birth or of
0076 information from which illegitimacy can be ascertained shall be
0077 made, except upon order of a court in a case where such infor-
0078 mation is necessary for the determination of personal or property
0079 rights and then only for such purpose, but the state registrar and
0080 other records custodians shall open the records disclose the
0081 birth record of any person whose birth has been listed as ille-
0082 gitimate who has attained legal age and demands the opening

return to original language

0083 disclosure.

0084 (c) ~~Except as otherwise provided in subsections (e), (f) and~~
0085 ~~(k) of this section, no disclosure of the cause of death for an~~
0086 ~~identifiable individual shall be made for 30 years following the~~
0087 ~~death, except upon order of a court, or when the records custo-~~
0088 ~~dian is satisfied that the applicant therefor has a direct interest~~
0089 ~~in the matter and that the information is necessary for the~~
0090 ~~determination of personal or property rights.~~

delete

0091 (e) (d) The state registrar shall not permit inspection of the
0092 records or issue a certified copy of a certificate or part thereof
0093 unless he is satisfied that the applicant therefor has a direct
0094 interest in the matter recorded and that the information therein
0095 contained is necessary for the determination of personal or
0096 property rights. His decision shall be subject, however, to review
0097 by the secretary or a court under the limitations of this section.
0098 Vital statistics related to identifiable individuals shall be dis-
0099 closed when records custodians are satisfied that the applicant
0100 therefor has a direct interest in the matter and that the infor-
0101 mation is necessary for the determination of personal or prop-
0102 erty rights.

return to original language

0103 (d) (e) The secretary shall permit the use of data contained in
0104 vital statistical records for research purposes only, but no iden-
0105 tifying use thereof shall be made. Vital statistics shall be dis-
0106 closed when the records custodian is satisfied that the applicant
0107 therefor needs the information for research which does not
0108 involve compilation of data regarding identifiable individuals.

return to original language

0109 (e) (f) Subject to the provisions of this section the secretary
0110 may direct local registrars to make a return upon the filing of
0111 birth, death and stillbirth certificates with them of certain data
0112 shown thereon to federal, state or municipal agencies. Payment
0113 by such agencies for such services may be made through the
0114 state registrar to local registrars as the secretary shall direct.

0115 (f) (g) On or before the twentieth day of each month the state
0116 registrar shall furnish to the county election officer of each
0117 county, without charge, a list of deceased residents of such
0118 county who were at least eighteen ~~(18)~~ 18 years of age, for whom
0119 death certificates have been filed in the office of the state

02

0120 registrar during the preceding calendar month, which list shall
0121 include the name, age or date of birth, address and date of death
0122 of each of such deceased persons, and shall be used solely by
0123 such election officer for the purpose of correcting records of their
0124 offices.

0125 (g) (h) No person shall prepare or issue any certificate which
0126 purports to be an original, certified copy, or copy of a certificate
0127 of birth, death, or fetal death, except as authorized in this act or
0128 regulations adopted hereunder.

0129 (i) All records containing vital statistics shall be open to
0130 inspection by any person after 70 years from the dates of the
0131 events recorded. Inspection of microphotographic copies of
0132 such records, rather than the original documents, may be re-
0133 quired by records custodians.

0134 (j) Prior to 70 years from the dates of the events recorded,
0135 information from, or copies of, vital statistics records related to
0136 specific individuals shall be made available to any person in-
0137 volved in genealogical or historical research, provided that the
0138 person requesting such information or copies supplies the
0139 names of the specific individuals and the approximate dates of
0140 the vital statistics involved in the request, and provided that no
0141 information to which public access is restricted by subsection
0142 (b) of this section is disclosed.

0143 (k) Indexes or abstracts of any vital statistics records in the
0144 possession of local registrars, ~~of records repositories, or of~~
0145 ~~political subdivisions of the state,~~ or any records of tax-sup-
0146 ported cemeteries, may be prepared by persons designated by
0147 records custodians. Information to which public access is re-
0148 stricted by subsections (b) and (c) of this section shall be omitted
0149 from such indexes or abstracts. Any other vital statistics infor-
0150 mation may be included in the indexes or abstracts. ~~Records~~
0151 ~~repositories~~ shall be allowed to prepare, publish and sell with-
0152 out profit copies of these indexes or abstracts. No commercial
0153 use shall be made of information contained in such indexes or
54 abstracts.

0155 (l) Records repositories shall be allowed to make or purchase
0156 microphotographic copies of vital statistics records, records of

*pertaining to birth shall be open to
inspection by any person after
100 years from the date of birth
and all other records*

delete

*This opens up all records
genealogical - historical not defined
records of adoption, birth,
death, marriage, divorce
some medical information on
birth certificates.
Homicides, suicides...*

*local registrars or tax supported
cemeteries*

delete

0157 infectious diseases and tax-supported cemetery records in the
0158 possession of local registrars or political subdivisions of the
0159 state after 70 years from the dates of the events recorded.

delete

0160 (m) Any person requesting disclosure of vital statistics pur-
0161 suant to subsections (b), (c), (d), (e), (j) or (k) of this section shall
0162 be required to sign an oath or affirmation swearing or affirming
0163 that the facts and reasons for requesting disclosure set forth in
0164 the application are correct to the best of the person's knowledge.
0165 When vital statistics are disclosed pursuant to subsections (e) or
0166 (k) of this section, the oath or affirmation signed by the person
0167 requesting the information shall include a pledge not to reveal
0168 to other persons any information to which public access is
0169 restricted by subsections (b) or (c) of this section. Signing a false
0170 oath or affirmation pursuant to this section, or violation of a
0171 pledge in such an oath or affirmation, shall be a class C mis-
0172 demeanor.

0173 (n) ~~Decisions made pursuant to this section by the registrar~~
0174 ~~shall be subject to review by the secretary or a court. Decisions~~
0175 ~~made pursuant to this section by other records custodians shall~~
0176 ~~be subject to review by a court.~~

records custodians

0177 Sec. 3. K.S.A. 65-2401 and 65-2422 are hereby repealed.

0178 Sec. 4. This act shall take effect and be in force from and
0179 after its publication in the statute book.

3/18/85
Attachment #5

Federal and State Affairs Committee
11:00 a.m. March 18, 1985
Room 254 East

Rowena Horr
1521 N. Madison
Topeka, Ks. 66608
913-354-1087

I represent The Topeka Genealogical
Society, of which I am 2nd vice-
president

Kansas Council of Genealogical
Societies (Editor, The Review)

Genealogy instructor with Topeka
Parks and Recreation Dept.

Genealogy is a hobby that has no age limit, there's something
very interesting and fascinating about tracing your
ancestors and finding the parts they played in settling our
nation.

We feel the Open Records will give all those doing research
the opportunity to search to find their family records.

3/18/85
Attachment # 6

Federal and State Affairs Committee
11:00 a.m. March 18, 1985
Room 254 East

Mrs. LaRita M. Neeley
9922 NW 46th St
Silver Lake, KS 66539
Ph 913-582-4303

I represent these groups:

- 1 I'm president of The Kansas Council
Genealogical Societies, Inc.
- 2 Delegate to the Federation of
Genealogical Societies, Inc.
- 3 John Haupt Chapter DAR
- 4 Topeka Chapter DAR
- 5 Henry Woodhouse Chapter Colonial
Dames XVII Century
- 6 Daughters of the American Colonist
- 7 Huguenot Society of Kansas

I have talked with many others people
who all have an interest in tracing
the family history. We all want to go
on record as being in favor of Senate
319.

As president of the Kansas Council of Genealogical Societies
I represent 36 genealogical societies in Kansas, these
societies are scattered all over Kansas and many of the
presidents of the local chapters have asked me to include
them in asking that the vital records be opened in Kansas
that we might continue to research.

STATEMENT IN SUPPORT OF SENATE BILL 319
Committee on Federal and State Affairs

My name is Robert Littrell, an attorney of Manhattan, Kansas, and a representative of the Riley County Genealogical Society of Manhattan. The society is one of numerous genealogical societies in the state and boasts 440 Kansas members. I speak as a proponent of Senate Bill 319 which was proposed to the Senate by the Kansas State Historical Society. Mr. Terry Harmon of the archives section of the Historical Society has submitted a well written four page statement and it is not my intention to duplicate his comments although our society wholeheartedly endorses those comments.

What prompted this bill was an interpretation of K.S.A. 65-2422 by the Attorney General in his opinion No. 84-101. Subsection (e) of the statute is the key to understanding our problem. It reads:

"The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct interest in the matter and that the information is necessary for the determination of personal or property rights."

The Attorney General determined that the statute, as written, does not permit disclosure of vital statistic information for the purposes of general genealogical information or research. He said the statute applies even to local authorities such as city or county clerks or local registrars. He went on to say that there is no distinction in the statute for records compiled prior to the implementation of the 1911 law which required the state to compile such records. So even 100 year old records of the State Board of Health are closed to genealogical and historical research.

Many individuals have legitimate uses of vital statistic information. For instance, to become a member of the Daughters of the American Revolution or S.A.R. or the Mayflower Society or Colonial Dames or other patriotic or historical societies it is necessary to prove your kinship to someone in the remote past. Vital statistics compiled over the past 100 years are very important sources of information in documenting the most recent three or four generations for such purposes. Others may be concerned with the genetics of their family for medical or other reasons and may need access to death records. Still others such as members of the Church of Jesus Christ of Latter Day Saints have religious reasons for seeking information on their ancestors. Yet all of these reasons do not fall in the narrowly interpreted phrase "for the determination of personal or property rights".

Many people in our own society regard genealogy as more than just a pastime for retired persons. Young persons are encouraged to start work on family histories while their grandparents are still living in order to preserve for their

children what would otherwise be gone forever with their passing. Part of the building blocks of family history are pieces of information gleaned from study of vital statistics records: dates and places of birth and the names of parents and their birthplaces appear on death records; maiden names, dates and residences appear on marriage certificates. Valuable clues appear which aid in the reconstruction of history. Gradually one can piece together a picture of family life from many different sources which makes your family appear as real people, not just images from faded pictures in an album. A sense of family history is valuable to those who have taken the time to investigate or merely read the efforts of others who have taken the time to compile it.

And really now, what is to hide? Most of the information of a vital statistics record is available somewhere. It may, however, be extremely difficult or impossible to find it without first getting the clues from vital statistics. When you consider that wills and estate proceedings, divorces, lawsuits, obituaries, published birth and marriage announcements, immigration records, war records, personal property and real estate tax lists and real estate holdings are all public records available for inspection and copying on demand, then you must ask yourselves just what interest does the state have in denying access to vital statistics other than that addressed in the proposed amendment to the statute, namely illegitimacy and cause of death. That information is still protected for 70 and 30 years, respectively.

We know of nobody in the study of genealogy who has not run across a "horse thief" or other skeleton in the family closet. But, as the Attorney General himself said when addressing a session of the Kansas Council of Genealogical Societies, "We live in an all-knowing and all-forgiving society now." Things are different from what they were a generation or two ago in what we are willing to acknowledge and accept.

We ask you today to reopen the door; the one shut by the restrictive interpretation of the statute. Provide us once again with access to these records. I have tried to list a few of the reasons why we need, and other researchers need, such access. On behalf of our society I urge you to support Senate Bill 319. It is a reasonable compromise which insures accurate reporting of sensitive material while not barring access to not-so-sensitive information that has great value to the user.

Respectfully submitted,

RILEY COUNTY GENEALOGICAL
SOCIETY

By: _____

Robert C. Pittrell

3/18/85
Attachment #5

COMMENTS CONCERNING SENATE BILL NO. 319

Presented to the Senate Federal and State Affairs Committee
by Bob Keckeisen, Local Records Archivist

March 18, 1985

When Senate Bill No. 319 was introduced last month, the Kansas State Historical Society presented comments to this committee concerning the reasons we believe this legislation is needed. Rather than taking a great deal of time today repeating our concerns at length, we would like to refer the members of this committee to Mr. Terry Harmon's comments of February 25, 1985. We regret that this bill is such a complex proposal, but access to vital statistics records has become a complicated situation and has resulted in much confusion and uncertainty regarding the legality of disclosing information contained in such records. The state historical society believes that Senate Bill No. 319 in its present form represents a practical and proper balance between protecting the privacy rights of individuals and granting adequate public access to the archival resources of the state of Kansas.

COMMENTS CONCERNING PROPOSED REVISIONS
OF THE UNIFORM VITAL STATISTICS ACT

Presented to the Senate Federal and State Affairs Committee
by Terry Harmon, Assistant State Archivist
February 25, 1985

For a number of years the Kansas State Historical Society has been consulting with officials of the Department of Health and Environment in an effort to answer many questions and resolve numerous problems related to use of vital statistics records for research purposes. Genealogy has become a very popular pursuit for thousands of Kansans and for countless people in other states whose ancestors have resided in Kansas. Records of births, deaths, marriages, and divorces compiled for vital statistics registration are one of the best available sources of information for persons involved in family history research. Access to such records also is needed by other historians seeking biographical information.

Unfortunately, there long has been much confusion and uncertainty in Kansas about the legality of disclosing various types of vital statistics records to researchers. A complex situation has evolved which is difficult to describe succinctly and precisely.

In 1911 legislation was adopted which initiated the compilation of vital statistics information by local registrars, most of whom have been city clerks, designated and supervised by the State Board of Health. The Department of Health and Environment and its predecessors long have prohibited disclosure of any birth or death information by these local registrars. They are instructed to refer all persons requesting vital statistics information to the Department of Health and Environment in Topeka. Genealogists often express frustration about their inability to obtain birth and death information from local registrars, and at least one city official--the city attorney in Ashland--repeatedly has sought authority to allow genealogists to prepare indexes or abstracts of the vital statistics records held by a local registrar.

The state registrar in Topeka has released vital statistics information in accordance with statutory restrictions in K.S.A. 65-2422 which for the most part require that persons receiving the data have "a direct interest in the matter recorded" and need it "for the determination of personal or property rights." Genealogists generally have been able to receive birth and death information from the state registrar by supplying the names and approximate dates of the births or deaths and by signing a declaration saying that they have "a direct interest in the matter" and need the information "for the determination of personal or property rights." Faced with thousands of requests for copies of birth and death records each year, the state registrar and his staff have been unable to review carefully the merits of each request. They have, however, carefully avoided releasing information about illegitimate births and causes of death except as provided by K.S.A. 65-2422 and K.A.R. 28-17-7, and they have denied requests for vital statistics information when the persons seeking it lack fairly specific information about the names and dates involved.

Prior to mid-1911, some county clerks, local public health officers, and city clerks compiled birth and death records, largely because of legislation adopted in 1885 which was never fully implemented. Chapter 129 of the Session

Laws of 1885 authorized, but apparently did not require, the collection of data regarding births, deaths, and communicable diseases by local officials acting under the supervision of the State Board of Health. Most of the vital statistics records created pursuant to this law are now in the custody of county clerks who are not local registrars. The information they contain is not duplicated in the records of the state registrar, which begin in mid-1911.

Some county clerks have made the information in their pre-1911 vital statistics records available to the public upon request, while others have believed that they legally could not do so. The same inconsistency has existed with regard to cemetery records containing data about deaths. Some custodians of cemetery records have gladly disclosed death information whenever requested, while others have said that public access to such records is restricted by law. The Department of Health and Environment always has assumed that it has no jurisdiction over any birth and death records created before the present registration system was created in mid-1911, but the state registrar has contended that information about illegitimate births and causes of death should be withheld from the public, regardless of the age of the records and regardless of whether the records were created and held by the Department of Health and Environment and its local registrars.

Over the years the State Historical Society occasionally has borrowed and microfilmed vital statistics records predating mid-1911. Because of the frequent requests for them received from researchers, we have wanted to microfilm such records systematically throughout the state. An opportunity to do so arose in 1984 when the Historical Society was approached by the Genealogical Society of Utah, which is associated with the Church of Latter-Day Saints, with a proposal for a cooperative microfilming project. Now underway in southeastern Kansas, it will involve filming local government records and some nongovernmental material with genealogical value in every Kansas county. State Historical Society personnel are preparing lists of the records in each county to be filmed and making other preliminary arrangements. A microfilm camera operator employed by the Genealogical Society of Utah is taking portable equipment to each county and spending several weeks there to do the filming. In return for cooperating in this project, the State Historical Society will receive duplicate rolls of the microfilm for use by researchers at our headquarters in Topeka. Local government agencies or local historical societies may purchase copies of the film at very reasonable prices. This type of microfilming project has been carried out very successfully by the Genealogical Society of Utah in other states. The quality of their microfilm is excellent, and the Kansas State Historical Society is very pleased to cooperate with them.

Anticipating that some county clerks and cemetery officials would have doubts about the legality of allowing inclusion of their vital statistics records in this microfilming project, the State Historical Society requested opinions of the Attorney General with regard to this and a number of related matters. The result was Opinion No. 84-101, which made it clear that a number of amendments to K.S.A. 65-2422 will be necessary if genealogists and historians are to have adequate access to vital statistics records. The Attorney General concluded that genealogical research does not involve "determination of personal or property rights." Genealogists, in other words, no longer can obtain birth and death information from vital statistics records held by the Department of Health and Environment. The status of the pre-1911 records held by county clerks and the death records of cemeteries is not fully clarified by Opinion No. 84-101. One portion suggests that most or all local officials pos-

sessing vital statistics records are affected by the provisions of K.S.A. 65-2422, while other statements in the opinion indicate that the law applies only to records held by state agencies and local registrars.

The opinion of the Attorney General does make it clear that the State Historical Society cannot disclose to researchers information in its microfilm copies of vital statistics records and that statutory changes will be necessary if we are to include birth and death records in our current cooperative microfilming project.

The bill we are asking this committee to introduce was prepared by the State Historical Society's department of archives in an effort to address the problems which I have attempted to summarize. It is a complex proposal which deals with a complicated situation.

The changes proposed in Section 1 are efforts to improve or expand the definitions of terms in K.S.A. 65-2401 which are used in the Uniform Vital Statistics Act.

Subsection 2(a) would amend K.S.A. 65-2422 in an effort to make the wording less awkward and in order to make it clear that the statute applies to vital statistics records held by all "records custodians," including county clerks and cemetery officials.

The provision in subsection 2(b) protecting the confidentiality of information about illegitimate births would be retained, but it would be limited to 70 years by subsection (i). References to subsections (e) and (k) would be added to allow disclosure of illegitimate birth records to researchers gathering statistical data or persons preparing indexes and abstracts of vital statistics records.

Subsection 2(c) would be added to the statute in order to limit restrictions on the disclosure of causes of death to 30 years following the deaths. This would modify the policy set forth in K.A.R. 28-17-7, which contains no such time limit.

The new language in subsection 2(d) is largely an effort to improve the wording, although it would for the first time authorize local registrars to disclose information in their records in some circumstances.

Subsection 2(e) would retain the policy of granting access to vital statistics records by persons involved in statistical research not involving disclosure by the researcher of data regarding identifiable individuals.

Subsections 2(f), 2(g), and 2(h) would retain existing provisions of K.S.A. 65-2422.

Subsection 2(i) would limit the confidential status of all vital statistics records to 70 years from the dates of the events recorded. This would enable researchers to carry out a direct examination of the records, or microfilm copies of them, in order to look for information they need without first possessing the names and approximate dates. Such a direct examination of vital statistics records often is very helpful to researchers. The 70-year period is the length of time federal census records are withheld from public

disclosure, and it is the time period incorporated in the Open Records Act (K.S.A. 1984 Supp. 45-221(e)).

Subsection 2(j) would enable genealogists and historians to obtain vital statistics information before 70 years had passed by providing the names of specific individuals and the approximate dates of the vital statistics involved to the records custodians. The records custodians then would disclose only information (or provide copies of records) related to the individuals requested. Researchers would not be granted direct access to vital statistics records for a general search prior to expiration of the 70-year period. This subsection would allow genealogists to obtain information about causes of death because such data is needed by persons who are studying family health patterns, but it would not authorize disclosure of illegitimate birth information.

Subsection 2(k) would authorize custodians of vital statistics records to allow genealogists or other persons to prepare and publish indexes or abstracts of any vital statistics records. Information about illegitimate births would have to be omitted from such indexes or abstracts for 70 years and causes of death would have to be excluded for 30 years. Some genealogical societies and local historical societies already have prepared and published such indexes or abstracts of vital statistics records created before mid-1911 under the 1885 law. This subsection would allow such endeavors to continue and would permit indexing or abstracting of records held by local registrars.

Subsection 2(l) would authorize including all vital statistics records more than 70 years old in the State Historical Society's cooperative micro-filming project. We thus would be able to film all the registers of births, deaths, marriages, and infectious diseases held by county clerks which were created prior to mid-1911 under the 1885 law, and also tax-supported cemetery records.

Subsection 2(m) would require persons requesting disclosure of vital statistics information pursuant to this act to sign oaths or affirmations regarding the facts stated in their applications. In some circumstances, moreover, these oaths would include pledges not to reveal information about illegitimate births or causes of deaths to other persons. Signing false oaths or affirmations or violation of such pledges would be a class C misdemeanor.

Subsection 2(n) would provide for court review of decisions made by custodians of vital statistics records pursuant to this section.

We regret that this bill is such a complex proposal, but it deals with a complicated situation requiring some delicate compromises. The state registrar believes, and many other people no doubt agree, that it is very important to continue limiting public access to vital statistics data, especially information regarding illegitimate births and causes of death, in order to protect privacy rights and the integrity of the vital statistics registration system. The State Historical Society believes that this can be done while still granting adequate access to the information needed by researchers. Compromises are needed in order to pursue two important conflicting goals--protecting rights of privacy and granting adequate public access to the archival resources of the state. We hope that members of this committee, records custodians, and the innumerable genealogists who are concerned about this matter will agree that this proposed bill would strike a proper balance.

3/18/85
Attachment #9

STATEMENT OF ASSISTANT ATTORNEY GENERAL MARY CARSON
REGARDING SENATE BILL NO. 319

Mr. Chairman and members of the Committee, thank you for the opportunity to speak today. I am Mary Carson and I am here today to convey Attorney General Stephan's support for Senate Bill 319. I am an assistant attorney general and I have done some research on matters affected by Senate Bill 319.

It is the Attorney General's opinion that this bill updates the laws pertaining to vital statistics in a manner which serves the important public interest in access to records maintained by government.

The Attorney General's support for this bill arises from the analysis of the effect of the present law upon access to records found in Attorney General Opinion No. 84-101. That opinion was requested by Joseph Snell, the Executive Director of the Kansas State Historical Society. Mr. Snell asked whether the present law would permit a cooperative venture between the Kansas Historical Society and the Genealogical Society of Utah. The proposal was to allow the Utah Society to microfilm governmental records with genealogical value. Naturally, they were interested in vital statistics records. The Kansas Historical Society was to receive duplicates of the microfilm to be made available to researchers, local agencies, historical societies, and other interested parties.

Please understand that we were convinced of the value and utility of the proposed project. Our examination of the Kansas Uniform Vital Statistics Act, however, led to the inescapable conclusion that this worthy project was not permissible under Kansas law. It is clear that all vital statistics information covered by the present K.S.A. 65-2422 may be disclosed only in very limited circumstances. The present law permits the disclosure of vital statistics information about identifiable persons only when the applicant has a direct interest and the information sought is necessary to determine personal or property rights. Disclosure of vital statistics records pertaining to identifiable persons for the general research purposes described in the opinion request simply was not such a circumstance. Although we were not pleased with the result, we were unable to conclude that the project was permissible. The conclusions in the opinion received a great deal of negative public attention. Apparently, the impact of the statutory limitations in question had not been fully realized either by those seeking information nor by those who maintained it.

In view of the substantial public interest in access to such information as a source of historical and genealogical information, the Attorney General has asked me to convey his support for the amendments to the law offered by Senate Bill No. 319. The bill permits access to vital statistics records for legitimate historical and genealogical purposes and yet protects

personal privacy interests by limiting access to certain information and restricting the use of other information. In the Attorney General's opinion, this represents a great improvement over the non-discrete limitations found in the present law. The present law was adopted from the Uniform Vital Statistics Act drafted by the Committee on Uniform State Laws. It was first enacted in Kansas in 1951. In 1966 the Committee on Uniform State Laws withdrew the Vital Statistics Act.

Thus, the Attorney General supports a favorable report for Senate Bill 319. Thank you for your time. If you have questions, I will be pleased to address them.

March 18, 1985
Attachment #10

Senate Concurrent Resolution No. 1606

By Committee on Federal and State Affairs

1-16

0017 A PROPOSITION to amend the constitution of the state of
0018 Kansas by adding a new section thereto authorizing the legis-
0019 lature to permit, regulate, license and tax horse racing by bona
0020 fide nonprofit organizations and parimutuel wagering thereon
0021 ~~and to provide~~ for county option thereon.

and dog

; and providing for the use of certain revenues
derived therefrom

0022 *Be it resolved by the Legislature of the State of Kansas, two-*
0023 *thirds of the members elected (or appointed) and qualified to*
0024 *the Senate and two-thirds of the members elected (or ap-*
0025 *pointed) and qualified to the House of Representatives con-*
0026 *curring therein:*

; providing

0027 Section 1. The following proposition to amend the constitu-
0028 tion of the state of Kansas shall be submitted to the qualified
0029 electors of the state for their approval or rejection: Article 15 of
0030 the constitution of the state of Kansas is amended by adding a
0031 new section thereto to read as follows:

and dog

0032 "§ 3b. Regulation, licensing and taxation of horse racing
0033 and parimutuel wagering thereon; ~~disbursal of~~ revenue
0034 therefrom. Notwithstanding the provisions of section 3 of
0035 article 15 of the constitution of the state of Kansas, the legis-
0036 lature may permit, regulate, license and tax the operation or
0037 conduct, by bona fide nonprofit organizations, of horse racing
0038 and parimutuel wagering thereon in any county in which the
0039 qualified electors of the county ~~have determined~~ by a major-
0040 ity vote of those voting thereon, to permit such racing and
0041 wagering within the boundaries of the county."

use of tax

and dog

: (a) a majority of

voting thereon approve this proposed amendment; or
(b) the qualified electors of the county approve a
proposition

at an election held within the county

0042 Sec. 2. The following statement shall be printed on the bal-
0043 lot with the amendment as a whole:

Revenue derived from parimutuel wagering and defined
as taxes by the legislature shall be used for general
property tax relief or the financing of primary or
secondary education.

0044 "Explanatory statement. This proposed amendment would
0045 authorize the legislature to permit, license, regulate and tax

Attachment 10

0046 horse races and parimutuel wagering on horse races, con- ^{and dog}
 0047 ducted by nonprofit organizations, in any county where the ^{such}
 0048 voters have approved the conduct of the races and wagering in ^{a majority of}
 0049 their county. ^{this proposition authorizing}
^{thereon}

0050 "A vote for the proposed amendment would permit horse ^{and dog}
 0051 racing with parimutuel wagering in any county where the ^{a majority of}
 0052 voters approve the conduct of the races and wagering in their ^{this proposition authorizing}
 0053 county. ^{thereon}

0054 " A vote against the proposed amendment would continue
 0055 the current prohibition against parimutuel wagering on horse ^{and dog}
 0056 races."

0057 Sec. 3. This resolution, if approved by two-thirds of the
 0058 members elected (or appointed) and qualified to the Senate and
 0059 two-thirds of the members elected (or appointed) and qualified
 0060 to the house of representatives, shall be entered on the journals,
 0061 together with the yeas and nays. The secretary of state shall
 0062 cause this resolution to be published as provided by law and
 0063 shall cause the proposed amendment to be submitted to the
 0064 electors of the state at the general election in the year 1986
 0065 unless a special election is called at a sooner date by concurrent
 0066 resolution of the legislature, in which case it shall be submitted
 0067 to the electors of the state at such special election.