

Approved _____

Date 4-4-90

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at _____
Chairperson

2:05 /a.m./p.m. on March 27, 1990 in room 423-S of the Capitol.

All members were present except:

Rep. Shallenburger, excused

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Jamie Corkhill, Legal Counsel, Department of SRS
Loren Phillips, State Registrar/Directof of Division of Information
Systems, Department of Health/Environment

Chair called meeting to order drawing attention to last bill that
Committee will have before them for 1990 Session.

SB 665 (Parents Social Security Numbers be collected when birth
certificate is being issued.

Chair invited Ms. Correll to explain the bill. Attachment I

Emalene Correll gave a comprehensive explanation of SB 665, noting
it did have amendments discussed in Senate committee, however,
the bill was not amended in that Committee. She detailed those
proposed changes as well. She noted the bill had been requested
by the Department of SRS in response to 1988 Federal Amendments
to the Family Support Act. The Federal Government has requested
this in order to expedite collection of child support payments.
She noted confidentiality precautions in regard to the social
security numbers and who would and would not have access to same.

After her comprehensive explanation, Rep. Foster moved to conceptually
amend SB 665, seconded by Rep. Weimer.

At this time Chair recognized Jamie Corkhill, Legal Counsel for
Department of SRS, (see Attachment No. 2).

Ms. Corkhill stated she could add very little to Ms. Correll's
very able summary of SB 665. She would answer questions. It
was brought out there would be a positive side to fiscal impact
of \$20,000 annually, and would benefit both Department of SRS
and Health/Environment. If the bill is passed could prevent Federal
Sanctions which could be substantial if they choose to reprimand
for infractions. She noted they are in agreement with the proposed
amendments suggested by Department of Health and Environment as
detailed by Ms. Correll. She noted further, expenses incurred
by the Department of Health/Environment in regard to HB 3003 would
be \$18,000 the first year to change over their system, and years
following, \$1,500 annually.

Dr. Loren Phillips, State Registrar from Department of Health/Environ-
ment offered (Attachment No. 3), noting their Department would
recommend favorable passage of SB 665, provided the cost of revising
and implementing required changes were to be funded. Currently
however, these costs have not been included in the FY 1991 Governor's
Budget Report.

Unless specifically noted, the individual remarks recorded herein have not
been transcribed verbatim. Individual remarks as reported herein have not
been submitted to the individuals appearing before the committee for
editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 2:05 AM/p.m. on March 27, 1990

HEARINGS CONTINUED ON SB 665. (Dr. Loren Phillips continued:--)

Amendments recommended have been suggested by their Legal Counsel, and if implemented will help the overall legislation in regard to this program run smoother. He noted obtaining the social security numbers from the parents would be done during the process of issuing the birth certificate, not necessarily at the time of birth. This information will be placed on the bottom portion of the document, not in the top/legal portion of the document. He explained confidentiality procedures in regard to information obtained. He detailed the process of record keeping. He noted these records are released only to Department of SRS under the Title 4-D Requirements. He explained costs in getting set up for this system, i.e., birth certificate forms will have to be changed; computer soft ware will have to be changed in offices of their Department.

He answered questions, i.e., after 1990 there will not be a child born in Kansas that will not have a birth certificate issued; no birth certificates cannot be sent to schools since they are a confidential document; a series of State Requirements would allow them access to certain records when necessary; yes, an intercept program is used to collect unpaid child support dollars from income tax rebates, and this practice has been on-going for several years.

At this point Chairman noted there is a motion to conceptionally amend SB 665, and a second. Vote taken, motion carried.

On the bill as a whole, Rep. Foster moved to pass SB 665 favorably as amended, seconded by Rep. Cribbs, motion carried.

Chair drew attention to committee minutes in need of approval. Rep. Amos moved to approve minutes for March 19, 20, 21st, 1990 as written, seconded by Rep. Wells, motion carried.

Chair noted this concludes work on the legislation in this committee for 1990. He stated there could be a bill still assigned to our Committee relative to Marriage Counselors. Chair noted this legislation was turned down by the Secretary of Department of Health/Environment and unless Chair receives a letter from the Secretary doing a reverse in their position, he does not plan to hear this bill in 1990.

Rep. Reinert introduced his Intern, Brett Reinert, his son.

Rep. Branson, Ranking Minority Leader, gave a package to Secretary Sue Hill, Committee Secretary. Sue opened the gift of cologne, (which was great), and a lovely card of thanks from members of this committee. She is grateful and very pleased....

Mr. Bill Dean, Lobbyist for John Peterson Agencies, asked to make a comment. He stated it is their HONOR to HONOR the Chairman at a reception on Wednesday evening at 6:00 at the Top of the Fourth, and he reminded all committee members they were invited as were there spouses.

Chair remarked at this time Mr. Dean is considering a run for election to the Legislature.

This meeting will conclude action by the House Public Health and Welfare Committee for the 1990 Session.

Meeting adjourned 2:35 p.m.

SENATE BILL No. 665

By Committee on Ways and Means

2-15

AN ACT relating to furnishing social security numbers; certificates of birth; amending K.S.A. 1989 Supp. 65-2422 and repealing the existing section.

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

Section 1: K.S.A. 1989 Supp. 65-2422 is hereby amended to read as follows: 65-2422. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose.

(c) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless the state registrar is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information contained in the record is necessary for the determination of personal or property rights. The state registrar's decision shall be subject, however, to review by the secretary or by a court in accordance with the act for judicial review and civil enforcement of agency actions, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made.

(e) Subject to the provisions of this section the secretary may direct local registrars to make a return upon the filing of birth, death and stillbirth certificates with them of certain data shown thereon

Jim Robertson
SRS



STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT

Dr. Lorne A. Phillips
STATE REGISTRAR AND DIRECTOR
DIVISION OF INFORMATION SYSTEMS

(913) 296-1415
KANS-A-N 561-1415
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LANDON STATE OFFICE BLDG.
900 S.W. JACKSON, 1ST FLOOR
TOPEKA, KS 66612-1290

3/12/90

*Judicial Note Approx \$18,000.00
Computer Changes*

*only case when the SSN
can be released is
for tracking child
custody (surrender)
case -*

P. Heav

3-27-90

Attn #1.

PKW
3-27-90
Attn: #1
Pg. 2.

1 to federal, state or municipal agencies. Payment by those agencies
2 for the services may be made through the state registrar to local
3 registrars as the secretary directs.

4 (f) On or before the 20th day of each month, the state registrar
5 shall furnish to the county election officer of each county, without
6 charge, a list of deceased residents of the county who were at least
7 18 years of age and for whom death certificates have been filed in
8 the office of the state registrar during the preceding calendar month.
9 The list shall include the name, age or date of birth, address and
10 date of death of each of the deceased persons and shall be used
11 solely by the election officer for the purpose of correcting records
12 of their offices.

13 (g) No person shall prepare or issue any certificate which purports
14 to be an original, certified copy or copy of a certificate of birth,
15 death or fetal death, except as authorized in this act or rules and
16 regulations adopted under this act.

17 (h) Records of births, deaths or marriages which are not in the
18 custody of the secretary of health and environment and which were
19 created before July 1, 1911, pursuant to chapter 129 of the 1885
20 Session Laws of Kansas, and any copies of such records, shall be
21 open to inspection by any person and the provisions of this section
22 shall not apply to such records.

23 ~~(i) Except as provided in this subsection, when a certificate of~~
24 ~~birth is filed pursuant to this act, each parent shall furnish the social~~
25 ~~security number or numbers issued to the parent. Social security~~
26 ~~numbers furnished pursuant to this subsection shall not be recorded~~
27 ~~on the birth certificate. Social security numbers furnished pursuant~~
28 ~~to this subsection shall only be used as permitted by title IV-D of~~
29 ~~the federal social security act and amendments thereto or as per-~~
30 ~~mitted by section 7(a) of the federal privacy act of 1974 and amend-~~
31 ~~ments thereto. The secretary shall make social security numbers~~
32 ~~furnished pursuant to this subsection available to the department of~~
33 ~~social and rehabilitation services for purposes permitted under title~~
34 ~~IV-D of the federal social security act.~~

Delete

K.S.A. 65-2409 and amendments thereto

K.S.A. 65-2409 and amendments thereto

35 ~~A parent shall not be required to furnish such person's social~~
36 ~~security number pursuant to this subsection if no social security~~
37 ~~number has been issued to the parent, the social security number~~
38 ~~is unknown, or the secretary determines that good cause, as defined~~
39 ~~in federal regulations promulgated pursuant to title IV-D of the~~
40 ~~federal social security act, exists for not requiring the social security~~
41 ~~number. Nothing in this subsection shall delay the filing or issuance~~
42 ~~of the birth certificate.~~

Delete

PI

Section 2. K.S.A. 65-2409 is hereby amended to read as follows:

65-2409.

(a) A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurs within five days after such birth and shall be registered by such registrar if such certificate has been completed and filed in accordance with this section. If a birth occurs on a moving conveyance, a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

(b) When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority: (1) The physician in attendance at or immediately after the birth, or in the absence of such a person; (2) any other person in attendance at or immediately after the birth, or in the absence of such a person; or (3) the father, the mother or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

PN&W
3-27-90
Attn. #1.
Bq.3

If the mother was married at the time of either conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. If the mother was not married either at the time of conception or of birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and of the person to be named as the father unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

(d) One of the parents of any child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the five days prescribed above.

(e) Except as otherwise provided by this subsection, a fee of \$4 shall be paid for each certificate of live birth filed with the state registrar. Such fee shall be paid by the parent or parents of the child. If a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall be responsible for collecting the fee and shall remit it to the secretary of health and environment not later than the 15th day following the end of the calendar quarter during which the birth occurred. If a birth occurs other than in an institution, the local registrar shall be responsible for collecting the fee and shall remit it to the secretary of health and environment not later than the 15th day of the month following the birth.

The fee provided for by this subsection shall not be required to be paid if the parent or parents of the child are at the time of the birth receiving assistance, as defined by K.S.A. 39-702 and amendments thereto, from the secretary of social and rehabilitation services.

(f) Except as provided in this subsection, when a certificate of birth is filed pursuant to this act, each parent shall furnish the social security number or numbers issued to the parent. Social security numbers furnished pursuant to this subsection shall not be recorded on the birth certificate.

A parent shall not be required to furnish such person's social security number pursuant to this subsection if no social security number has been issued to the parent; the social security number is unknown; or the secretary determines that good cause, as defined in federal regulations promulgated pursuant to title IV-D of the federal social security act, exists for not requiring the social security number. Nothing in this subsection shall delay the filing or issuance of the birth certificate.

PAvel
3-27-90
Attm.#1,
pg.4.

Sec. 2. _____³ are
K.S.A. 1989 Supp. 5602422 ~~is~~ hereby repealed. _____⁴ K.S.A. 65-2409 and

Sec. 3. This act shall take effect and be in force from and after
its publication in the statute book.

PAVED
3-27-90
Attn. #1.
J.P.S.

Family Support Act of 1988

PAKED
3-27-90
Attn #1.
P9.6

SEC. 125. USE OF SOCIAL SECURITY NUMBER TO ESTABLISH IDENTITY OF PARENTS.

(a) DISCLOSURE OF SOCIAL SECURITY NUMBER AT TIME OF CHILD'S BIRTH.—Section 205(c)(2)(C) of the Social Security Act is amended—

(1) in clause (i)—

(A) by inserting "(I)" after "(i)"; and

(B) by adding at the end the following new subclause:

"(II) In the administration of any law involving the issuance of a birth certificate, each State shall require each parent to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the parent has more than one such number) issued to the parent unless the State (in accordance with regulations prescribed by the Secretary) finds good cause for not requiring the furnishing of such number. The State shall make numbers furnished under this subclause available to the agency administering the State's plan under part D of title IV in accordance with Federal or State law and regulation. Such numbers shall not be recorded on the birth certificate. A State shall not use any social security account number, obtained with respect to the issuance by the State of a birth certificate, for any purpose other than for the enforcement of child support orders in effect in the State, unless section 7(a) of the Privacy Act of 1974 does not prohibit the State from requiring the disclosure of such number, by reason of the State having adopted, before January 1, 1975, a statute or regulation requiring such disclosure."; and

(2) in clause (ii)—

(A) by striking "clause (i) of this subparagraph" and inserting in lieu thereof "subclause (I) of clause (i)"; and

(B) by adding at the end the following new sentence: "If and to the extent that any such provision is inconsistent with the requirement set forth in subclause (II) of clause (i), such provision shall, on and after the date of the enactment of such subclause, be null, void, and of no effect."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on the first day of the 25th month which begins on or after the date of the enactment of this Act.

Family Support Act of 1988

PA/ML
3-27-90
Attn #1.
Pg. 7

SEC. 125. USE OF SOCIAL SECURITY NUMBER TO ESTABLISH IDENTITY OF PARENTS

(a) DISCLOSURE OF SOCIAL SECURITY NUMBER AT TIME OF CHILD'S BIRTH.—Section 205(c)(2)(C) of the Social Security Act is amended—

when

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(A) by inserting "(1)" after "(i)"; and
(B) by adding at the end the following new subclause:
"(II) In the administration of any law involving the issuance of a birth certificate, each State shall require each parent to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the parent has more than one such number) issued to the parent unless the State (in accordance with regulations prescribed by the Secretary) finds good cause for not requiring the furnishing of such number. The State shall make numbers furnished under this subclause available to the agency administering the State's plan under part D of title IV in accordance with Federal or State law and regulation. Such numbers shall not be recorded on the birth certificate. A State shall not use any social security account number, obtained with respect to the issuance by the State of a birth certificate, for any purpose other than for the enforcement of child support orders in effect in the State, unless section 7(a) of the Privacy Act of 1974 does not prohibit the State from requiring the disclosure of such number, by reason of the State having adopted, before January 1, 1975, a statute or regulation requiring such disclosure."; and

who; what

good cause for not furnishing
make available to IV-D agency (SRS)
shall not record on birth certificate

disclosure only for child support enforcement (iv-D)
or as permitted by Privacy Act

(2) in clause (ii)—

(A) by striking "clause (i) of this subparagraph" and inserting in lieu thereof "subclause (1) of clause (i)"; and
(B) by adding at the end the following new sentence: "If and to the extent that any such provision is inconsistent with the requirement set forth in subclause (II) of clause (i), such provision shall, on and after the date of the enactment of such subclause, be null, void, and of no effect."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on the first day of the 25th month which begins on or after the date of the enactment of this Act.

Department of Social and Rehabilitation Services
Winston Barton, Secretary

Statement regarding S.B. 665

Before the House Public Health and Welfare Committee
March 13, 1990

Title:

An act relating to furnishing social security numbers; certificates of birth.

Purpose:

This bill would require parents to furnish their own social security numbers when a birth certificate is filed and would require the Department of Health and Environment to disclose the social security numbers to SRS in Title IV-D Child Support Enforcement cases upon request.

This legislation is needed to meet the mandate of the federal Family Support Act before October 1, 1990. The goals are to reduce costs for identifying parents' social security numbers, a key factor in successfully locating absent parents, and to increase revenues from support payments made by such parents.

Background:

The primary responsibility of the SRS Child Support Enforcement Program is to help children by establishing regular and adequate support payments and by enforcing past due support obligations. The program receives federal funding under Title IV-D of the social security act.

The federal Family Support Act of 1988 requires each state, in the administration of its laws involving issuance of a birth certificate, to adopt procedures requiring each parent to furnish his or her social security number. These procedures must be in place by October 1990. The federal act also prohibits the social security numbers from being recorded on the birth certificate, permits the state to make limited exceptions to the reporting requirement, and requires that the information be made available to the Title IV-D agency (SRS).

Kansas law does not currently require parents' social security numbers to be reported. Beginning July 1, 1990, this legislation would require each parent to furnish his or her social security number when a birth certificate is filed and would specify exceptions to the reporting requirement. The legislation would prohibit disclosure of the parents' social security numbers on the face of the birth certificate.

The Department of Health and Environment would be required to make the social security numbers available to SRS in Title IV-D cases. Subsequent use and disclosure of social security numbers by SRS would be restricted by existing federal and state law, including the provisions of the Family Support Act. Existing disclosure laws concerning records of the Department of Health and Environment would apply to other persons requesting information from that agency.

PKW
3-27-90
attm #2

Effect of Passage:

It is estimated that there would be an annual net gain for SRS of approximately \$20,676.48 per year, primarily from reduced expenses for locating putative fathers of children born out of wedlock and from support payments by such parents following establishment of support obligations. Gains in the first fiscal year are not expected to be significant, as the relative proportion of birth records with parents' social security numbers will be very low until several months have passed.

Enactment of Senate Bill 665 would also prevent significant federal fiscal sanctions for failure to meet Title IV-D program standards. Based upon FY 1989 figures, federal sanctions could range from \$558,000 to \$63,980,000 per year.

This legislation would increase administrative expenses for the Department of Health and Environment for implementing the changes, maintaining records, and sharing the information with SRS. A fiscal impact statement prepared by the Department of Health and Environment estimated that the one-time cost to that agency of implementation and operation during the first year would be \$18,152. Operating costs to the Department of Health and Environment are estimated at \$1,500 for each succeeding year.

Agency recommendation:

The Department of Social and Rehabilitation Services urges passage of this legislation.

Jamie L. Corkhill
Child Support Enforcement
Social and Rehabilitation Services
296-3237

*PHW
3-27-90
Attn #2
pg. 2.*

Family Support Act of 1988

SEC. 125. USE OF SOCIAL SECURITY NUMBER TO ESTABLISH IDENTITY OF PARENTS.

(a) DISCLOSURE OF SOCIAL SECURITY NUMBER AT TIME OF CHILD'S BIRTH.—Section 205(c)(2)(C) of the Social Security Act is amended—
(1) in clause (i)—

(A) by inserting "(I)" after "(i)"; and

(B) by adding at the end the following new subclause:

"(II) In the administration of any law involving the issuance of a birth certificate, each State shall require each parent to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the parent has more than one such number) issued to the parent unless the State (in accordance with regulations prescribed by the Secretary) finds good cause for not requiring the furnishing of such number. The State shall make numbers furnished under this subclause available to the agency administering the State's plan under part D of title IV in accordance with Federal or State law and regulation. Such numbers shall not be recorded on the birth certificate. A State shall not use any social security account number, obtained with respect to the issuance by the State of a birth certificate, for any purpose other than for the enforcement of child support orders in effect in the State, unless section 7(a) of the Privacy Act of 1974 does not prohibit the State from requiring the disclosure of such number, by reason of the State having adopted, before January 1, 1975, a statute or regulation requiring such disclosure."; and

(2) in clause (ii)—

(A) by striking "clause (i) of this subparagraph" and inserting in lieu thereof "subclause (I) of clause (i)"; and

(B) by adding at the end the following new sentence: "If and to the extent that any such provision is inconsistent with the requirement set forth in subclause (II) of clause (i), such provision shall, on and after the date of the enactment of such subclause, be null, void, and of no effect."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on the first day of the 25th month which begins on or after the date of the enactment of this Act.

Handwritten notes:
PPL
3-27-90
Attm. #2
C4.3



State of Kansas

Mike Hayden, Governor

Department of Health and Environment Division of Information Systems

Stanley C. Grant, Ph.D., Secretary

Landon State Office Bldg., Topeka, KS 66612-1290

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FAX (913) 296-6231

Testimony presented to
House Public Health and Welfare Committee
by
The Kansas Department of Health and Environment
S.B. 665

S.B. 665 requires that parents' social security numbers be collected during the birth registration process and be entered on the birth certificate forms processed by the Department of Health and Environment Vital Statistics Program. It should be noted that the social security number will not appear on the legal certified portion of the birth certificate.

Passage of S.B. 665 would require a change to the information being collected through the birth registration process which would require changes to existing forms and software. Since the federal requirement addressed by S.B. 665 impacts on SRS federal funding, we recommend passage provided the cost of revising and implementing the required changes is funded.

The necessary modifications and form changes required to implement this requirement within the Department of Health and Environment will be approximately \$18,152 with an additional annual cost of \$1,500 to maintain the system. This fiscal impact is not included in the FY 1991 Governor's Budget Report.

Testimony presented by: Dr. Lorne A. Phillips
State Registrar and Director
Division of Information Systems
March 27, 1990

PH&W
3-27-90
Attn #3