

Approved: May 10, 2002  
Date

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 7, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department  
Ms. Lisa Montgomery, Revisor of Statutes  
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Dr. Loren Phillips, Director, KDHE

Others attending: See attached guest list.

**Final Action on SB630 - an act concerning the Kansas Dental Board**

Upon calling the meeting to order, Chairperson Wagle announced that before the hearings she would like to work the above bill that was heard in yesterday's Committee meeting. Senator Brungardt motioned that the bill be moved out favorably as is amended and put it on the consent calendar. Senator Jordan seconded the motion and the motion carried.

**Hearing on HB2718 - an act concerning vital statistics records, including certification of birth, death, adoption, marriage, and divorce, and the manner in which the Department of Health and Environment makes records it maintains available to eligible Applicants**

The Chair then announced they would be hearing two bills from KDHE, the first being HB2718. She then asked Mr. Norm Furse, Revisor of Statutes, to give an overview of the bill. Highlights of his overview included: the bill relating generally to vital statistics record keeping, allows issuants not only a certified copy in lieu thereof an abstract copy could be issued, incorporating two sections that were enacted last year and did not get pulled together, and two technical changes: 1) page 1, lines 24 and 30 (striking 65-2422 and adding 65-2422d); and 2) page 2 line 43, typo error (state treasure changed to state treasurer).

Following Mr. Furse's overview, Chairperson Wagle then called upon the one proponent to testify before the bill, Dr. Lorne Phillips, Ph.D., Chairman of the Health Care Data Governing Board and Director of the Center for Health & Environmental Statistics, KDHE who said what they are requesting with this proposed legislation, is to have the authority to issue both certified abstracts and certified copies of vital records, specifically authorizing the State Registrar to furnish to any eligible applicant the certified abstract or a certified copy of any of the vital records (birth, death, marriage, divorce, or fetal death). He stated they are currently only authorized to issue certified copies. He also provided three positives of issuing abstracts electronically. A copy of his testimony and attachments are (Attachment 1) attached hereto and incorporated into the Minutes by reference.

As there was no opponent or written testimony, he stood before the Committee for questions. Senator Haley and Ms Correll asked questions relating to social security numbers of parents on a birth certificate, birth/death match, funeral directors providing information, concerns with the electronic signatures ensure witnessing and are other means being considered, and finally, a list of required signatures of authority required for births and deaths.

As there were no more questions, the Chair announced the hearing closed.

**Hearing on HB2733 - an act concerning presumptive death, relating to persons absent for catastrophic events and disasters**

Again, Mr. Norm Furse was called upon to give an overview of the bill. Highlights of this overview included: involving a broader area of scope than just the vital statistic bill, blending the state of Kansas absentee act with this bill, 5-year period of absence before presumed to be dead; if no search and after five years the District Court could take action, new language, new section 2 sets out and defined events, definition of "a catastrophic event", state of emergency and state of a war emergency, addition of the word "abstract", and the absent states act.

As he stood before the Committee, questions were asked of him from Senator Salmans to include: MIA & POW situations - who declares the death and the time and is the state responsible if a KS citizen, language on page 3 lines 12-20, U.S. Department of Defense to wait for estate to be terminated for three years, and the state of a war emergency.

The Chair then again recognized the only proponent to testify, Dr. Lorne Phillips, Ph.D., Chairman of the Health Care Data Governing Board and Director of the Center for Health & Environmental Statistics, KDHE who stated this legislation would establish a mechanism to authorize state officials to file a presumptive death certificate in the event of a catastrophe in which a body for an individual cannot be found. He also proposed an amendment to establish a procedure to declare a catastrophic event that will supersede the provisions in K.S.A. 59-2704 which requires that an absentee is presumed dead if they have not been heard from for a period of five years and if a diligent search has been conducted. He stated the procedure would shorten the time period for declaring an individual deceased and allow for the registration, certification and issuance of death certificates. A copy of his testimony is (Attachment 2) attached hereto and incorporated into Minutes by reference.

As there were no opponents or written testimony, questions from Senator Barnett and Salmans regarding interference with monies allowed families, year time period law, and parts of estate where liens against it.

**Adjournment**

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for March 12, 2002.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

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GUEST LIST

DATE: Thursday, 2-7-02

NAME	REPRESENTING
LORNE PHILLIPS	KDHE
Kelleen Brennan	Security Benefit Group
Jemi Freed	KS Dental Bd.
Carolyn Messinger	KS St No Care
Dave Hollings	Ken Low Firm
Rick Gottlieb	Health Midwest
[Signature]	KSNA
Chris Maxwala	KSNA
Cmy Brundage	KSNA
Mardy Birk	KSNA
Amanda Holloway	KSNA
Chris Collins	KMS
Hannie Ann Lowe	KS Govt Consulting



**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Clyde D. Graeber, Secretary

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**Testimony on Authority to Produce Certified Abstracts of Vital Records (HB 2718)**

to

**Senate Committee on Public Health and Welfare**  
**Presented by Dr. Lorne A. Phillips**  
**Director, Center for Health and Environmental Statistics**

**March 7, 2002**

Chairperson Wagle and members of the Public Health and Welfare Committee, I am pleased to appear before you today to discuss the need for authority to produce certified abstracts of vital records.

Enactment of the Vital Statistics Act in 1951 (K.S.A. 65-2401 *et seq.*) predates information management and technology systems which are in use today. Since such capabilities did not exist when the Act was implemented, manual processes were required to prepare, store, retrieve and reproduce vital records. Whenever a copy of the record was produced, a statement of authenticity needed to be placed on the document to ensure the document would satisfy legal requirements. A person with proper authority was required to sign the statement to certify that the document was a copy of the original certificate. Consequently, to preserve the legal integrity of such documents, the concept of certification was incorporated into statute, as reflected in K.S.A. 65-2417. Although advanced technology of optical imaging was implemented nearly 47 years later to reduce the amount of labor intensive work associated with producing a copy of a vital record, each copy requires certification, for it is a reproduction of the optical image of the original certificate.

The 2001 Session of the Kansas Legislature granted approval to establish a capital improvement project "... for financing facilities, equipment, technology and other capital improvements for the implementation and maintenance of the vital statistics integrated information system..." (2001 Session Laws of Kansas, ch. 168, sec. 3). A functional requirement of the re-engineered system is to make it possible to establish records of vital events through application of technological advances, particularly web-based communication and electronic transaction systems. One of the features of the re-engineered system will include capability to electronically capture and store all of the source information of each new vital record. To enhance timeliness of service to customers, this capability will make it possible to create a legal document, a certified abstract.

A certified abstract will make it possible for customers to present a secure, authentic vital record in a format more commonly recognized by officials to establish official documents such as drivers' licenses and passports or to secure services such as airline tickets and boarding passes.

Thank you for the opportunity to appear before the Senate Committee on Public Health and Welfare. I will be pleased to respond to any questions members of the committee may have regarding this topic.

*Senate Public Health & Welfare Committee*  
*Date: February 7, 2002*  
*Attachment 1*

**CERTIFICATE OF LIVE BIRTH**

BIRTH NUMBER

**KANSAS STATE BOARD OF HEALTH**  
Division of Vital Statistics

DO NOT WRITE  
**54 041550**  
IN THIS SPACE

NOV 10 1954 Registrar's No. **22468**

1. PLACE OF BIRTH a. COUNTY <b>Shawnee</b>		b. TOWNSHIP <b>892</b>		2. USUAL RESIDENCE OF MOTHER (Where does mother live?) <b>890</b> a. STATE <b>Kansas</b>		b. COUNTY <b>Shawnee</b>		
c. CITY OR TOWN <b>Topeka</b>		Is PLACE OF BIRTH WITHIN CITY LIMITS? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		c. CITY OR TOWN <b>Topeka</b>		Is PLACE OF RES. WITHIN CITY LIMITS? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
d. FULL NAME OF (If NOT in hospital or institution, give street address or HOSPITAL OR INSTITUTION) <b>Stormont-Vail Hospital</b>				d. STREET ADDRESS (If rural, give location) <b>2017 Colorado CITY</b>				
3. CHILD'S NAME (Type or print)			a. (First) <b>Donna</b>	b. (Middle) <b>Lynne</b>	c. (Last) <b>Johnson</b>			
4. SEX <b>F</b>	5a. THIS BIRTH Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>		5b. IF TWIN OR TRIPLET (this child born) 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>			6. DATE OF BIRTH (Month) (Day) (Year) <b>10 22 1954</b>		
FATHER OF CHILD								
7. FULL NAME			a. (First) <b>Albert</b>	b. (Middle) <b>Henry</b>	c. (Last) <b>Johnson</b>		13. COLOR OR RACE <b>W</b>	
9. AGE (at time of this birth) <b>25</b> YEARS		10. BIRTHPLACE (State or foreign country) <b>Topeka Kansas</b>		11a. USUAL OCCUPATION <b>Attendant - SuperOil Service Station</b>		11b. KIND OF BUSINESS OR INDUSTRY		
MOTHER OF CHILD								
12. FULL MAIDEN NAME			a. (First) <b>Beth</b>	b. (Middle) <b>Olivia</b>	c. (Last) <b>Wiseman</b>		13. COLOR OR RACE <b>W</b>	
14. AGE (At time of this birth) <b>28</b> YEARS		15. BIRTHPLACE (State or foreign country) <b>Osawatomie Kansas</b>		16. CHILDREN PREVIOUSLY BORN TO MOTHER (Do NOT include this child)				
17. PARENT: I hereby certify that the information above is correct to the best of my knowledge and belief. Signature <i>Beth Johnson</i> Date <b>10-25-54</b>				a. How many OTHER children are now living? <b>2</b>	b. How many OTHER children were born alive but are now dead? <b>0</b>	c. How many children were stillborn (born dead after 20 weeks pregnancy)? <b>0</b>		
I hereby certify that this child was born alive on the date stated above.			18a. SIGNATURE <i>Dan L. Joyner</i>			18b. ATTENDANT AT BIRTH M. D. <input checked="" type="checkbox"/> Midwife <input type="checkbox"/> Other (specify)		
			18c. ADDRESS <b>Topeka Kansas</b>			18d. DATE SIGNED <b>10-27-54</b>		
19. DATE REC'D BY LOCAL REG. <b>OCT 28 1954</b>		20. REGISTRAR'S SIGNATURE <i>Edwin L. Jones</i>			21. DATE ON WHICH GIVEN NAME ADDED By (Registrar)			<b>12</b>

CERTIFICATION OF VITAL RECORD

STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
CERTIFIED ABSTRACT OF BIRTH

STATE FILE NUMBER

DATE FILED

NAME OF REGISTRANT

*Use for Births*

DATE AND TIME OF BIRTH

*1962 to current*

CITY OF BIRTH

MOTHER'S MAIDEN NAME

MOTHER'S PLACE OF BIRTH

MOTHER'S AGE

SEX

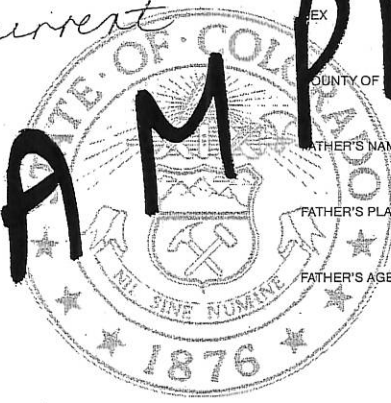
COUNTY OF BIRTH

FATHER'S NAME

FATHER'S PLACE OF BIRTH

FATHER'S AGE

**SAMPLE**



THIS IS A TRUE CERTIFICATION OF NAME AND BIRTH FACTS AS RECORDED IN THIS OFFICE.

DATE ISSUED

*Joseph D. Carney*

JOSEPH D. CARNEY  
STATE REGISTRAR

SS576376

Do not accept unless prepared on security paper with engraved border displaying the Colorado state seal and signature of the Registrar. PENALTY BY LAW, Section 25-2-118, Colorado Revised Statutes, 1982, if any person alters, uses, attempts to use or furnishes to another for deceptive use any vital statistics record. NOT VALID IF PHOTOCOPIED.

VR 101 8/90



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

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1-8



**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Clyde D. Graeber, Secretary

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**Testimony on Request for Authority to Issue Presumptive Death Certificates (HB 2733)**  
to  
**Senate Public Health and Welfare**

**Presented by Dr. Lorne A. Phillips**  
**Director and State Registrar**  
**Center for Health and Environmental Statistics**

**March 7, 2002**

Chairperson Wagle and members of the Public Health and Welfare Committee, I am pleased to appear before you today to discuss legislation which would establish a mechanism to authorize state officials to file a presumptive death certificate in the event of a catastrophe in which a body for an individual cannot be found.

In light of the disasters of September 11 in New York and Washington D.C. issues have arisen related to the registration of death certificates for individuals for which no body is found. I believe there is a need to change the Kansas statutes related to an "absentee presumed dead" or K.S.A. 59-2704 to effectively address the needs of family members in settling the affairs of the deceased. These "affairs" include the claim for a life insurance policy which may be needed due to lost income, settling of bank accounts, Social Security and other personal affairs including inheritance issues.

The current statute K.S.A 59-2704, requires that an absentee is presumed dead if they have not been heard from for a period of five years and if a diligent search has been conducted. This provision would pose a hardship on families in the event of a catastrophic event.

To address this issue I propose that K.S.A. 59-2704 be amended to establish:

-A procedure to declare a catastrophic event that will supersede the provisions in K.S.A. 59-2704 and shorten the time period for declaring an individual deceased and allow for the registration, certification and issuance of death certificates.

This legislation would:

-Allow, if the Governor and/or President were to declare an emergency either due to a

*Senate Public Health & Welfare Committee  
Date: March 7, 2002  
Attachment 2*

catastrophic event or a war, that expedited procedures for the declaration of death and the creation of a death certificate would be allowed.

–Provide procedures in which evidence would be presented to declare the individual deceased.

–This evidence would be presented to the appropriate official, in this case to the district court. The evidence would include that the individual was at the site of the catastrophic event at the time of the event and the body cannot be found or recovered.

–The court, upon a finding of presumptive death, would order the coroner in the county of death to prepare a death certificate with the cause of death being due to the catastrophic event.

–Upon receipt of the death certificate from the coroner, the state registrar will register and make available certified copies of the death certificate.

–Language also is included that will allow for amendments to the record in case new information or the body is found and also, for the ability to rescind the death certificate if the person is subsequently found to be alive.

The remainder of the bill deals with the manner in which the estate of individual will be handled.

Thank you for the opportunity to appear before the Senate Public Health and Welfare Committee. I will be pleased to respond to any questions members of the committee may have regarding this topic.