

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 27, 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: Mr. Dan Hermes, Lobbyist, for Kansas Coroners Association  
Mr. Michael Pepoon, Sedgewick County, for Dr. Jamie Oebertz  
Mr. Rob Linderer, Executive Director, Midwest Transplant Network  
Ms. Sheila Walker, Director, Division of Vehicles, Kansas Department of Revenue  
Ms. Julie Hein, Lobbyist, for National Kidney Foundation of Kansas and Western Missouri

Others attending: See attached guest list.

**Hearing on HB2666 - an act concerning autopsies; relating to payment**

Upon calling the meeting, Chairperson Susan Wagle announced there would be a hearing on two bills, the first being HB2666 as stated above. She then asked Ms. Emalene Correll, Kansas Legislative Research Department, to give a briefing on the bill.

Ms. Correll explained that this bill relates in part to the child death legislation passed eight or nine years ago that requires that there be an autopsies in all instances of child death except for those that are specifically covered under the law. She stated a number of language changes were made, including:

- relating to where the fees will be paid from, language stricken in lines 6 thru 11 (page 2) leaving no responsibility to the department of health and environment and inserting the "district coroner's fund" will bear this responsibility. She does not recall the legislature has ever appropriated any money for this.
- "Payments" stricken and in its place, adding "Distributions" with regards to counties under this act, and adding "and payments of fees for autopsies undersub (f); and
- relating to charges for birth and death certificates and adds "fee for the first copy of a death certificate shall include a \$4 surcharge and for each additional copy of the same certificate requested at the same time shall include a \$2 surcharge."

She stated a new subsection was added (sub (d)) regarding receipt of fee for certified certificates "\$1 of each fee shall be remitted to the state treasurer who shall deposit into the state treasury and credit it to the vital statistics maintenance fee fund. Lastly she stated there is a statute amended in this bill that is amended in another bill that the Committee has already worked, regarding "abstracts of certificates" so at some point these will need to be reconciled in both houses.

A discussion then ensued among Senators Wagle and Salmans, Ms Correll and Mr. Furse regarding such issues as: specific increases, part of the changes that look like new is current law, amended one and repealed the other, looks like several new fees, but it is not, and the cost of death certificates now.

The Chair then recognized the first proponent, Mr. Dan Hermes, representing the Kansas Coroners Association who stated that the bill:

- 1) its current form, allows the Secretary of Health and Environment to pay for child autopsies from the district coroner fund which is financed by a one-dollar increase in the fee charged for each copy of a death certificate (this is the only new fee);
- 2) as introduced, it would have eliminated the requirement for the state to reimburse counties for the cost of autopsies on children;
- 3) in practice, the unfunded mandate exists as the Department of Health and Environment is currently not paying for child autopsies as is required by law; and,
- 4) in the past the Department had reimbursed but discontinued due to the number of requests has grown beyond the capacity of the fund and the authority to use this fund for this purpose does not exist.

A copy of his testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

Again, a question and answer discussion ensued between Senators Salmans and Wagle, Ms. Correll, Mr. Furse, Dr. Phillips, and Mr. Hermes regarding issues of clarify the fees, what fund taken out of, why depleted, how many deaths in the state per year are children, to what child autopsies are being performed.

The next proponent to testify was Mr. Michael Pepoon, Sedgewick County who presented testimony provided by Dr. Jamie Oeberst, Deputy District Coroner for the Sedgwick County Regional Forensic Science Center. Dr. Oeberst wrote that a coroner shall not make a determination that the death of a child less than one year of age was caused by sudden infant death syndrome (SIDS) unless such an autopsy is performed and that differential diagnosis in suspected SIDS includes, but not limited to, child abuse, infectious disease and congenital abnormalities. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The Chair asked the Committee to look at the written testimony submitted by Ms. Judy Moler, General Counsel/Legislative Services Director for the Kansas Association of Counties. A copy of her written testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

Another question and answer discussion ensued between Senators Wagle and Salmans, Mr. Furse and Mr. Pepoon regarding cost of autopsies, cases of abuse found, litigation, actual fee collected and actual fee deposited, and no change on page 4 (it's current law).

As there was no opponent testimony offered, the Chair announced the hearing on the bill was closed.

**Hearing on HB2808 - an act relating to the division of vehicles; concerning driver's licenses and identification cards; providing information for an organ donation registry program**

The Chair then announced a hearing on the second bill, HB2808 as stated above and called upon Mr. Furse to explain the bill. Mr. Furse stated:

- 1) that new Sec.1 was the key to the bill and that other sections relate back to Sec.1 which provides for the creation of a state wide tissue and organ donor registry that would be created by the Kansas Federally Designated Organ Procurement Organization (KFDPOPO), and created off of the information that is generated at least in part from the driver's license and/or identification cards;
- 2) the language provides that these organizations cannot use this information for fund-raising purposes;
- 3) sub.©) states that all costs associated with the creation, written materials and maintenance of the registry are to be paid by KFDPOPO;

4) Sec. 2 provides the process of obtaining a drivers license and written information: explaining their right to make and anatomical gift, describing the registry program, giving the applicant the opportunity to be placed on the registry, and if applied would forward the information to the registry ; and

5) Sec. 3 is a parallel section relating to identification cards.

A question/comment discussion ensued between Ms. Correll, Senator Haley and Mr. Furse regarding provisions made for removing the name from the registry, federally recognized directory, any opponents from the House side, and a proposed amendment from the Department.

The Chair then recognized the first proponent to testify, Mr. Rob Linderer, Executive Director, Midwest Transplant Network who stated his organization, in operation for almost 30 years, was responsible for providing organ procurement and transplant services to 6 transplant centers and procurement services to more than 200 hospitals and they also recover tissue and eyes for transplantation. He stated there are 22 other states that currently have donor registries and provided a statistic of 17 people dying every day out of more than 80,000 people waiting nationally for a transplant. A copy of his testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

A question/comment discussion ensued between Senators Wagle, Barnett and Salmans, Ms. Correll, and Mr. Linderer regarding verification of names, do other states allow for change of mind, what happens if card not with you, send out verification sheets, can you as an adult put your child on the list, who is authorized legally, if you know if a person is contaminated who do you notify, relying on healthcare providers to notify and complying with federal law to notify and nothing mentioned in the bill.

The next to testify was Ms. Sheila Walker, Director of the Kansas Division of Vehicles who stated that it was the Division's intent to use the space already available in the renewal pamphlet to provide the required information, eliminating the need for an additional \$70,000 for increased postage costs (which had been requested in their original fiscal note). A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

The final proponent to testify was Ms. Julie Hein, the government affairs consultant for the National Kidney Foundation of Kansas and Western Missouri who gave a history of the Foundation and stated that this bill imitates a program that was implemented by U.S. Secretary of Health and Human Services, Mr. Tommy Thompson, when he was Governor in the State of Michigan. Ms. Hein also defined the three step process of becoming a member and adding the bill is an additional opportunity for individuals to designate their wishes. A copy of her testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

**Final action on HB2808 - an act relating to the division of vehicles; concerning driver's licenses and identification cards; providing information for an organ donation registry program**

The Chair then asked Mr. Furse if any technical changes needed to be added to the bill. As there were none, Senator Praeger made a motion to pass the bill out favorably, It was seconded by Senator Harrington and the motion carried

**Final action on HB 2718 - an act concerning the department of health and environment; relating to vital statistics**

The Chair then recognized Mr. Furse asking him to explain the changes in the balloon that the Committee had before them. Mr. Furse basically: stated that KDHE did not think they could accommodate Senator Jordan's request, so he pulled out, added "abstract" after certificate, page 2 having a technical change (state "treasure" to "treasurer"), page 3 are note changes and will monitor for federal changes, class B demeanor, sub (2)transporting dead bodies without a permit changed to class C misdemeanor, sub (3) filling out the forms, and Sec. 6 relates to altering part of vital statistics act. A copy of his balloon is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

As there were no questions of Mr. Furse, Senator Barnett motioned that the Committee adopt the amendment. This was seconded by Senator Brungardt and the motion passed. Senator Steineger made a motion to move the bill out of Committee as amended. Senator Harrington seconded and the motion carried.

**Final action on HB2666 - an act concerning autopsies; relating to payment**

The Chair stated that since the printing error at the bottom of page 2 of the bill had not been corrected, Senator Barnett motioned to pass the bill and giving the revisor the ability to make the technical change. Senator Brungardt seconded the motion and the motion carried.

**Adjournment**

Adjournment time was at 2:30 p.m.

The next meeting is scheduled for April 9, 2002.



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## LEGISLATIVE TESTIMONY

TO: Members of the Senate Committee on Public Health and Welfare  
FROM: Dan Hermes, Kansas Coroners Association  
DATE: March 27, 2002  
SUBJECT: HB 2666 As Amended by House Committee

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Madam Chair and members of the committee, my name is Dan Hermes and I represent the Kansas Coroners Association. I appreciate the opportunity to offer the support of the association of the bill in its current form.

In its current form, the bill allows the Secretary of Health and Environment to pay for child autopsies from the district coroner fund. This is financed by a one-dollar increase in the fee charged for each copy of a death certificate.

As introduced, the bill would have eliminated the requirement for the state to reimburse counties for the cost of autopsies on children. As these autopsies are required by the state child death review board, this would have created an unfunded mandate for counties.

In practice, the unfunded mandate exists as the Department of Health and Environment is currently not paying for child autopsies as is required by law. Although the Department has never received an appropriation specifically to finance these autopsies, the obligation on the Department exists.

In the past, the Department had reimbursed counties from the district coroner fund but discontinued this practice this fall for two reasons. One, authority to use this fund for this purpose does not exist and, two, the number of requests from counties for reimbursement has grown beyond the capacity of the fund to sustain continued reimbursements.

The changes in the bill, as amended by the House Committee, address both of these problems and represent a solution for the counties, the coroners and the state.

As a final point, the association would like to highlight the importance of autopsies for children when a natural disease process is not known or expected. Without complete investigations, including autopsies, progress in the understanding of SIDS is limited, cases of child abuse and neglect may be missed, familial genetic diseases go undetected, public health threats may be overlooked, and inadequate medical care may be unrecognized.

*Senate Public Health & Welfare Committee  
Date: March 27, 2002  
Attachment #1*

**TESTIMONY HB 2666  
Of Dr. Jaime Oeberst  
Before The Senate Public Health and Welfare Committee  
March 27, 2002**

Honorable Chair Wagle and members of the committee, I appreciate the opportunity to testify in support of HB 2666 as amended. My name is Dr. Jaime Oeberst and I am the Deputy District Coroner for the Sedgwick County Regional Forensic Science Center. I am here to testify in support of HB 2666, as amended, which would provide an increase of \$1 dollar to the fee for a death certificate which shall be remitted to the state treasurer to the credit of the district coroner's fund. The district coroner's fund would also be used to pay for autopsies when a coroner determines that the death of a child includes any suspicious circumstance or unknown cause.

Under current law, a coroner shall not make a determination that the death of a child less than one year of age was caused by sudden infant death syndrome (SIDS) unless such an autopsy is performed. The differential diagnosis in cases of suspected SIDS includes, but is not limited to, child abuse, infectious disease and congenital abnormalities. These other causes of death can only be ruled out by the performance of a complete and thorough autopsy. Infants who die due to child abuse may have no visible external injuries, and thus mimic SIDS. In cases where the cause of death is due to child abuse or infectious disease, the lack of an autopsy diagnosis could also have significant impact on other children or family members in the home.

Last year the Sedgwick County there were 65 pediatric autopsies performed. This is a significant amount of money for Sedgwick County if there is no revenue from the State.

For the above reasons Sedgwick County strongly supports HB 2802 as amended.

*Senate Public Health Welfare Committee  
Date: March 27, 2002  
Attachment #2*



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

WRITTEN TESTIMONY

Before the Senate Public Health and Welfare Committee  
HB 2666

March 27, 2002

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you Chair Wagle and Members of the Senate Public Health and Welfare Committee for allowing the Kansas Association of Counties to provide written testimony on HB 2666.

The Kansas Association of Counties supports the passage of HB 2666 as amended in the House. The bill as amended provides a funding mechanism for the reimbursement to counties for child death autopsies. The bill without the additional \$1.00 fee added to the death certificates would have created an unfunded mandate for counties. The solution of the death certificate fee allows for no impact for county or the state budget while achieving the desired outcome.

The Kansas Association of Counties respectfully requests the committee pass HB2666.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

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*Senate Public Health & Welfare Committee  
Date: March 27, 2002  
Attachment # 3*





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**TESTIMONY OF THE MIDWEST TRANSPLANT NETWORK,  
BY ROB LINDERER, EXECUTIVE DIRECTOR  
BEFORE THE SENATE HEALTH COMMITTEE**

**ON WEDNESDAY, March 27, 2002**

**IN SUPPORT OF HOUSE BILL NO. 2808  
AN ACT RELATING TO THE DIVISION OF VEHICLES; CONCERNING  
DRIVER'S LICENSES AND IDENTIFICATION CARDS; PROVIDING  
INFORMATION FOR AN ORGAN DONATION REGISTRY PROGRAM**

*MADAM*  
~~Mr.~~ Chairman, Senators, and members of the Health Committee, my name is Rob Linderer. I am the Executive Director of the Midwest Transplant Network, based in Westwood, Kansas. My organization is a non-profit, federally designated organ procurement organization (OPO) serving the State of Kansas and 62 counties in western Missouri. We have been in operation for almost 30 years and are responsible for providing organ procurement and transplant services to 6 transplant centers and procurement services to more than 200 other hospitals. In addition, we also recover tissues and eyes for transplantation. Midwest Transplant Network staff work collaboratively with other healthcare professionals and organizations to coordinate the medical/legal aspects of donation necessary to provide transplant organs and tissues to patients locally and throughout the country. As a federally certified OPO, we are members of the National Organ Procurement and Transplant Network (OPTN) administered by the United Network for Organ Sharing (UNOS).

I am here today to testify in support of House Bill No. 2808: An Act concerning the establishment of a state organ donor registry. As drafted, this Bill would provide a timely means of accessing information regarding an individual's intention to be an organ or tissue donor and provide additional means for people to participate in the registry.

*Senate Public Health & Welfare Committee  
Date: March 27, 2002  
Attachment #4*

Currently, Kansas Law provides the means for an individual of legal age to indicate their wishes regarding donation on the back of their drivers license or by an organ donor card. Although these documents provide legal consent, in most situations they are not available at the precise time they are needed. The voluntary registry would provide an around-the-clock, accessible means for authorized procurement personnel to verify a deceased person's intent to donate. Although registry participation would not constitute legal consent, it would provide the person approaching their next-of-kin with information that would help them fulfill their loved-one's wish to be a donor. Current Federal Regulations require that every hospital in our service area notify Midwest Transplant Network when a death occurs. Additionally, we receive many non-hospital death referrals through the medical examiner and coroner offices. Checking whether a deceased person is listed on the registry at the time they are screened for potential donor eligibility would provide the most efficient and effective way to ensure that their directive is acted upon.

Another benefit of the registry is the opportunity that it affords to increase awareness about the critical need for life-saving transplants and the importance of donation in saving lives. By having the flexibility of registering individuals through means other than the DMV Office, registrations can be obtained during health fairs, public education events, by direct request and other means. People can learn about donation and act on their decision by registering immediately. In the event that a Kansan would die in another state, the organ procurement organization in that area would be able to contact my organization to determine if that person is listed.

In summary, there are 22 other states that currently have donor registries. There is a great deal of variation in the approaches, but all provide the benefits previously described. With 17 people dying every day out of more than 80,000 people waiting nationally for an organ transplant and thousands who can benefit from tissue transplants, I urge the Committee to support this Bill and add Kansas to the growing list of states with donor registries. Thank you for the opportunity to testify before the Committee today. I would be happy to answer any questions.

Sheila Walker, Director  
Division of Vehicles  
Kansas Department of Revenue  
915 SW Harrison St.  
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### TESTIMONY

**TO:** Susan Wagle, Chairperson  
Public Health & Welfare Committee Members

**FROM:** Sheila J. Walker, Director  
Division of Vehicles *Sheila J. Walker*

**DATE:** March 27, 2002

**SUBJECT:** HB 2808 – Organ Donor Registry

Madame Chairperson, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. I want to thank you for the opportunity to appear today regarding House Bill 2808.

If passed, House Bill 2808 will provide for the distribution of educational information regarding the collection and transfer of organ and tissue donor information, to a statewide organ and tissue donor registry, accessible by federally designated organ procurement organizations. The bill requires the state to:

- disseminate donor education information and application materials with monthly drivers' license renewal notices;
- provide additional educational information at driver's license exam stations throughout the state;
- provide written confirmations for persons indicating a desire to participate in the organ donation program; and,
- compile and transfer donor information to an organ and tissue donor registry.

It is our intent to use the space already available in the renewal pamphlet to provide the required information, eliminating the need for an additional \$70,000 for increased postage costs (which had been requested in our original fiscal note). The House Committee also amended the bill to make it clear that the federally designated organ procurement organization is responsible for providing and maintaining the educational materials the Division is supposed to provide.

Donors wishing to participate would have their name and address automatically forwarded to the donor registry. The Division would not be allowed to keep a record of individuals whose information is forwarded to the registry. The ability to electronically forward these names and addresses would require five days of programming to develop a method of electronic transmission to the donor registry, at an in-house cost of \$1,200. The contract rate would be about \$4,000.

*for their sake to make it clear (hope)*

Senate Public Health & Welfare Committee  
Date: March 27, 2002  
Attachment #5

6

**HEIN LAW FIRM CHARTERED**

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*Attorney-at-Law*

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**Testimony re: HB 2808**  
**Senate Public Health and Welfare Committee**  
**Presented by Julie J. Hein**  
**on behalf of**  
**National Kidney Foundation of Kansas and Western Missouri**  
**March 27, 2002**

Madam Chairman, Members of the Committee:

My name is Julie J. Hein, and I am government affairs consultant for the National Kidney Foundation of Kansas and Western Missouri. NKF KS/West MO is a regional office of the National Kidney Foundation with a service area of the entire state of Kansas and the western portion of the state of Missouri. It's mission is to assist patients with kidney disease. It fulfills this mission through numerous services including raising funds for research; providing direct patient care and treatment; providing early intervention screenings; increasing organ donation awareness; and numerous other programs for victims of kidney disease.

NKF supports HB 2808, the organ donation registry program bill. Although I have not been involved in the details of outlining this program, it appears those involved are imitating a very successful program that was implemented by U. S. Secretary of Health and Human Services Tommy Thompson when he was Governor in the State of Michigan.

I am also fortunate to be able to testify as a living donor. Five and a half years ago, through the miracles of medicine and the advancements in immuno-suppressant drugs, I was allowed as a non-blood relative to donate a kidney to my husband, Ron. Because of that experience, Ron and I are very active with the National Kidney Foundation and many organ donation projects.

When I talk to people about organ donation, I find that although most of them have thought about it, they have not actually taken the steps it takes to be an organ donor at the time of their death. I believe part of this is because the process is somewhat confusing. Recently, in a conversation, three people said they were designated to be organ donors upon their deaths, but when checking found that although they had a "donor" sticker on the front of their driver's licenses, they had not taken the additional step of signing the driver's licenses with two witnesses.

The process is actually three steps. First, an individual must make the decision to be an organ donor upon their death. Second, they must take some action in designating that

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*Attachment #6*

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decision such as signing the back of their driver's license or asking to be on the organ donor registry, if this bill should pass. Third, and most important, they must discuss their decision with family and loved ones.

HB 2808 is an additional opportunity for individuals to designate their wishes. Increased public education about this issue, and a simplified process will make it easier for individuals to make this important decision and then follow through in taking the steps necessary to be eligible donors.

Our firm has been appointed by the NKF board to lobby for the NKF, but we are offering the services of our firm on a *pro bono* basis.

I urge you to support HB 2808. Thank you very much for permitting me to testify and I would be happy to yield to questions.

HOUSE BILL No. 2718

By Committee on Health and Human Services

1-28

AN ACT concerning the department of health and environment; relating to vital statistics; amending K.S.A. 23-110 and 65-2417 and K.S.A. 2001 Supp. 65-2418 and 65-2422d and repealing the existing sections; also repealing K.S.A. 2001 Supp. 65-2418a.

, 65-2417 and 65-2434

, 65-2422d and 65-2423

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

Section 1. K.S.A. 23-110 is hereby amended to read as follows: 23-110. The secretary of health and environment shall index all records received pursuant to K.S.A. 23-109 and amendments thereto and, upon request, shall issue a certified copy or abstract of them which in all courts and for all purposes shall be prima facie evidence of the facts stated in them. For each certified copy or abstract a fee shall be paid to the secretary in an amount prescribed in accordance with, and disposed of in the manner provided by, K.S.A. 65-2418 and amendments thereto.

, 65-2422d

Sec. 2. K.S.A. 65-2417 is hereby amended to read as follows: 65-2417. (a) Subject to the requirements of K.S.A. 65-2421, 65-2422 and 65-2423, the state registrar shall, upon request, furnish to any applicant a certified copy or a certified abstract of any certificate, or any part thereof.

and amendments thereto

(b) Copies or abstracts of the contents of any certificate on file or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original subject to the requirements of K.S.A. 65-2421, 65-2422 and 65-2423.

, 65-2422d

Sec. 3. K.S.A. 2001 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) Except as otherwise provided in this section, the secretary shall fix and charge the fees, if any, to be paid for certified copies or abstracts of certificates or for search of the files or records when no certified copy or abstract is made. Fees for certified copies or abstracts of certificates shall be fixed by rules and regulations of the secretary except that the fee for the first copy of a birth or death certificate shall include a \$3 surcharge and the fee for each additional copy of the same birth or death certificate requested at the same time shall include a \$1 surcharge. The secretary shall not charge any fee for a certified copy or abstract of a certificate or for a search of the files or records if the certificate or search is requested by a person who exhibits correspondence from the United States veterans administration department of veterans

or abstract

, abstract

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Attachment #7

1 *affairs* or the Kansas commission on veterans' affairs which indicates that  
 2 the person is applying for benefits from the United States veterans ad-  
 3 ~~ministration~~ *department of veterans affairs* and that such person needs  
 4 the requested information to obtain such benefits, except that, for a sec-  
 5 ond or subsequent ~~certified~~ copy of a certificate ~~or search of the files~~  
 6 requested by the person, the usual fee shall be charged. The secretary  
 7 may provide by rules and regulations for exemptions from such fees.

8 (b) Subject to K.S.A. 65-2420, and amendments thereto, the national  
 9 office of vital statistics may be furnished copies or data it requires for  
 10 national statistics. The state shall be reimbursed for the cost of furnishing  
 11 the data. The data shall not be used for other than statistical purposes by  
 12 the national office of vital statistics unless so authorized by the state reg-  
 13 istrar of vital statistics.

14 (c) (1) The secretary shall remit all moneys received by or for the  
 15 secretary from fees, charges or penalties to the state treasurer in accord-  
 16 ance with the provisions of K.S.A. 75-4215, and amendments thereto.  
 17 Upon receipt of each such remittance, other than remittances for fees  
 18 for birth certificates, the state treasurer shall deposit the entire amount  
 19 in the state treasury to the credit of the state general fund.

20 (2) Upon receipt of any such remittance of a fee for a birth certificate,  
 21 \$3 of each such fee for the first copy of a birth certificate and \$1 of each  
 22 such fee for each additional copy of the same birth certificate requested  
 23 at the same time shall be remitted to the state treasurer in accordance  
 24 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
 25 receipt of each such remittance, the state treasurer shall deposit the entire  
 26 amount in the state treasury to the credit of the permanent families ac-  
 27 count of the family and children investment fund created by K.S.A. 38-  
 28 1808, and amendments thereto. Upon receipt of any such remittance of  
 29 a fee for a death certificate, \$3 of each such fee for the first copy of a  
 30 death certificate and \$1 of each such fee for each additional copy of the  
 31 same death certificate requested at the same time shall be remitted to  
 32 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
 33 and amendments thereto. Upon receipt of each such remittance, the state  
 34 treasurer shall deposit the entire amount in the state treasury to the credit  
 35 of the district coroners fund created by K.S.A. 22a-245, and amendments  
 36 thereto. The balance of the money received for a fee for a birth certificate  
 37 shall be remitted to the state treasurer in accordance with the provisions  
 38 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
 39 remittance, the state treasurer shall deposit the entire amount in the state  
 40 treasury to the credit of the state general fund.

41 (d) Upon receipt of any fee for a certified copy or abstract of a birth,  
 42 death, fetal death, marriage or divorce certificate, \$1 of each such fee shall  
 43 be remitted to the state ~~treasure and~~ who shall deposit the entire amount

, abstract

or abstracts

or abstract

treasurer

1 of each such remittance in the state treasury and credit it to the vital  
2 statistics maintenance fee fund created under K.S.A. 2001 Supp. 65-  
3 2418b, and amendments thereto. For the purposes of the vital statistics  
4 maintenance fee fund, the secretary of health and environment shall adopt  
5 rules and regulations providing for an increase of \$1 in the fees charged  
6 by the state registrar for providing a certified copy or abstract of a birth,  
7 death, fetal death, marriage or divorce certificate.

8 Sec. 4. K.S.A. 2001 Supp. 65-2422d is hereby amended to read as  
9 follows: 65-2422d. (a) The records and files of the division of health per-  
10 taining to vital statistics shall be open to inspection, subject to the pro-  
11 visions of this act and rules and regulations of the secretary. It shall be  
12 unlawful for any officer or employee of the state to disclose data contained  
13 in vital statistical records, except as authorized by this act and the secre-  
14 tary, and it shall be unlawful for anyone who possesses, stores or in any  
15 way handles vital statistics records under contract with the state to disclose  
16 any data contained in the records, except as authorized by law.

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

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

30 (d) The secretary shall permit the use of data contained in vital sta-  
31 tistical records for research purposes only, but no identifying use of them  
32 shall be made.

33 (e) Subject to the provisions of this section the secretary may direct  
34 the state registrar to release birth, death and stillbirth certificate data to  
35 federal, state or municipal agencies.

36 (f) On or before the 20th day of each month, the state registrar shall  
37 furnish to the county election officer of each county, without charge, a  
38 list of deceased residents of the county who were at least 18 years of age  
39 and for whom death certificates have been filed in the office of the state  
40 registrar during the preceding calendar month. The list shall include the  
41 name, age or date of birth, address and date of death of each of the  
42 deceased persons and shall be used solely by the election officer for the  
43 purpose of correcting records of their offices.



1 (g) No person shall prepare or issue any certificate which purports to  
2 be an original, certified copy or abstract or copy of a certificate of birth,  
3 death or fetal death, except as authorized in this act or rules and regu-  
4 lations adopted under this act.

5 (h) Records of births, deaths or marriages which are not in the cus-  
6 tody of the secretary of health and environment and which were created  
7 before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of  
8 Kansas, and any copies of such records, shall be open to inspection by  
9 any person and the provisions of this section shall not apply to such  
10 records.

11 (i) Social security numbers furnished pursuant to K.S.A. 65-2409 and  
12 amendments thereto shall only be used as permitted by title IV-D of the  
13 federal social security act and amendments thereto or as permitted by  
14 section 7(a) of the federal privacy act of 1974 and amendments thereto.  
15 The secretary shall make social security numbers furnished pursuant to  
16 K.S.A. 65-2409 and amendments thereto available to the department of  
17 social and rehabilitation services for purposes permitted under title IV-  
18 D of the federal social security act.

19 (j) Fact of death information may be disseminated to state and federal  
20 agencies administering benefit programs. Such information shall be used  
21 for file clearance purposes only.

22 Sec. 5. K.S.A. 23-110 and 65-2417 and K.S.A. 2001 Supp. 65-2418  
23 65-2418a and 65-2422d are hereby repealed.

24 Sec. 6. This act shall take effect and be in force from and after its  
25 publication in the Kansas register.

Sec. 5. 65-2423 attached.

Sec. 6. 65-2434 attached.

And by renumbering sections accordingly

, 65-2417 and 65-2434

, 65-2422d and 65-2423

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Sec. 5. K.S.A. 2001 Supp. 65-2423 is hereby amended to read as follows: 65-2423. (a) In cases of adoption the state registrar upon receipt of a certified decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and the report of adoption form shall prepare a supplementary certificate or abstract in the new name of the adopted person and seal and file the original certificate of birth with such certified copy or abstract attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the files.

(b) For any child born in a foreign country but adopted in Kansas or born and adopted in a foreign country and such adoption is filed and entered pursuant to K.S.A. 59-2144, and amendments thereto, the state registrar, upon request, shall complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, the report of adoption form and proof of the date and place of the child's birth. The certificate shall show the new name of the child as specified in the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and such further information

concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country of birth and the date of birth of the child, and that the certificate is not evidence of United States citizenship.

Sec. 6. K.S.A. 65-2434 is hereby amended to read as follows:  
65-2434. (1) Any person who willfully makes or alters any certificate ~~or~~, certified copy thereof or abstract provided for in this act, except in accordance with the provisions of this act, shall be ~~fined-not-more-than-\$1,000, or--be--imprisoned--not exceeding--six--months,--or--both--fined--and--imprisoned~~ guilty of a class B misdemeanor.

(2) Any person who knowingly transports or accepts for transportation, a dead body located in this state to a location outside the boundaries of this state without an accompanying permit issued in accordance with the provisions of K.S.A. 65-2428a, shall be ~~fined-not-more-than-\$500~~ guilty of a class C misdemeanor.

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon such person by this act, shall be fined not more than ~~\$100~~ \$200.