

Date: September 9, 2009  
Revised, October 20, 2009

Kansas Department of Health and Environment  
Economic Impact Statement

Pursuant to the requirements of K.S.A. 77-416, the Kansas Department of Health and Environment submits the following economic impact statement.

**1. Regulation(s):**

Regulation(s) to be implemented:

K.A.R. 28-17-6. Fees for copies, abstracts, and searches.

K.A.R. 28-17-12. Delayed certificate of birth filing fee.

**2. Brief description of each regulation(s) and what is intended to be accomplished by adoption.**

K.A.R. 28-17-6. Fees for copies, abstracts and searches; specifies fees for certified copies and other services provided per the statutory responsibility of the Kansas civil registration system (vital records).

K.A.R. 28-17-12. Delayed certificate of birth filing fee; specifies fee for filing and registering a delayed certificate of birth.

The Kansas Department of Health and Environment, Office of Vital Statistics (OVS), is statutorily responsible for the registration, certification and issuance of all Kansas vital records (birth, death, stillbirth, marriage, divorce). Each year, approximately 100,000 new vital records are filed and 380,000 certified copies are issued to fulfill the state's civil registration responsibilities. This program is financially supported by fees collected for copies and services and contractual agreements made with state and federal partners.

Due to the economic downturn, income from vital records fees has declined 7.46% with a continued 2.17% decline observed in July 2009. Pursuant to K.A.R. 28-17-6, OVS is seeking an increase in fees to assure financial solvency for the civil registration program function. In addition, fees are increased for filing and registering delayed certificates of birth. OVS is statutorily required to file delayed certificates of birth, K.S.A. 65-2419 through 65-2421. The process is specified in K.A.R. 28-17-10. Individuals seeking to file a delayed certificate of birth will experience an increase in the payment for filing.

**3. Is this regulation(s) mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?**

Yes \_\_\_\_\_

No   X  

**4. Do the proposed regulations exceed the requirements of applicable federal law?**

Yes \_\_\_\_\_

No   NA  

**5. Description of Costs:**

**(a) Cost to the agency:**

There is no additional cost to the agency. Any costs will be absorbed in the current budget.

**(b) Cost to persons who will bear the costs and those who will be affected (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:**

Due to a customer service focus and strategic investments in information technology, Kansans experience excellent service from their state's vital records office, typically with certified copies provided within 15 minutes of submitting a walk-in application. A standard mail-in request is returned to the requestor within a week of receipt. As a central issuance office, OVS offers a variety of mechanisms whereby Kansas citizens can acquire their vital record via remote ordering processing. Subsequently, innovative, web-based reporting processes result in hospitals and funeral homes reporting the majority of vital events occurring in Kansas within 5 days of the event. Kansas is a leader in the nation for vital statistics reporting and quality of service and numerous entities depend on these records including the Secretary of State (voter registration), Medicaid program (citizenship verification) and KPERS.

During SFY 2009, OVS experienced declines in the number of certified copies purchased with a 7.49% decrease in revenues from 2008 and with another 2.17% decline experienced in July 2009. Given the economic downturn, fewer copies are being requested for travel purposes (including passports) and for athletic activities (proof of age). Also, customers are not requesting as many additional copies of vital records. However, with the implementation of the enhanced web-based system, external users have expanded to currently over 600 with the addition of hundreds of physicians in the near future. OVS staff duties have increased to meet the needs of these users. OVS proposes to increase fees for all vital records to \$15 for first copies and \$15 for second copies (special fund amounts included) to support operations for the civil registration program. If OVS continues at the current fee structure, OVS will experience a revenue shortfall of over \$986,291 in SFY 2010 with a \$1,931,399 shortfall in SFY 2011. If current purchasing patterns for vital records prevail, an estimated \$2,147,978 will be generated by this fee increase.

Civil registration is a core function of every state government that must continue effectively and efficiently. Other states have experienced declines in revenue and have increased fees to continue operations. Fee structures for neighboring states include:

Oklahoma	\$15 for first copies, \$15 for additional copies
Missouri	\$15 for first copies, \$15 for additional copies (births); \$13/\$10 (deaths)
Iowa	\$15 for first copies, \$15 for additional copies
Colorado	\$17.75 for first copies, \$17.75 for additional copies (births); \$17/\$17 (deaths)

Kansas proposes to charge \$15 for first copies and \$15 for additional copies.

K.A.R. 28-17-6. Individuals requiring a birth, death, marriage or divorce certificate will be affected by this fee increase. Current fees for birth, marriage and divorce certificates are \$12 for the first copy and \$7 for the second copy. Fees for death certificates are \$13 for the first copy and \$8 for the second copy. Kansans purchase approximately 380,000 certificates per year. .

KA.R. 28-17-12. Individuals seeking to file a delayed certificate of birth certificate will experience an increase in the payment for filing.

**(c) Costs to other governmental agencies or units:**

At this time, Memorandum of Understandings (MOU) are in place with the Kansas Health Policy Authority (KHPA) for payments regarding pricing for access to birth record verification for Medicaid applicants. That will not change until the MOU is revised.

**6. Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.**

The civil registration program at KDHE is financed by fees collected and contracts with state and federal agencies. Contracts with federal agencies are non-negotiable and the decision was made to maintain existing fee amounts where they exist with KHPA, Social and Rehabilitation Services and the Department of Labor. These monies account for approximately 20% of income for the civil registration function.

**7. Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.**

The above mentioned regulations were determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards, pursuant to K.S.A. 77-416.

Yes   X  

No \_\_\_\_\_

**If yes:** Kansas Association of School Boards

Date Contacted and by what means (i.e., letter, FAX, etc.):

A letter with the regulations and economic impact statement attached was mailed to the Kansas Association of School Boards when the notice of public hearing was published in the Kansas Register.

**Response and comments received by:**

League of Kansas Municipalities:

Kansas Association of Counties:

Kansas Association of School Boards: