

Proposed

**State of Kansas**  
**Department of Health and Environment**  
**Notice of Hearing on Proposed Administrative Regulations**

The Kansas Department of Health and Environment (KDHE), Bureau of Epidemiology and Public Health Informatics, will conduct a public hearing at 10:00 a.m. Wednesday, April 6, 2022, to receive public comment regarding the adoption of proposed amended KDHE Article 17 Division of Vital Statistics regulations 28-17-6 and 28-17-12 regarding fees for vital records.

Due to recent public health concerns, only remote public participation is available. To participate in the teleconference hearing, call 1-866-620-7326 and enter conference code 8141969688#. During the teleconference public hearing, all interested individuals will be given a reasonable opportunity to present their comment orally on the proposed regulations. It is requested that each individual giving oral comment provide a written copy of the comment for the record prior to the hearing by email or postal mail to the email or postal mailing address listed in this notice or by fax to the fax number also listed in this notice. In order to give each individual an opportunity to present their comment, it may be necessary for the hearing officer to request that each presenter limit an oral presentation of comment to an appropriate time frame.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comment on the proposed regulations. Individuals are encouraged to participate in the public hearing by submitting written comment prior to 5:00 p.m. on the day of the hearing. Submit written comment, including a written copy of oral comment, to Kay Haug, Bureau of Epidemiology and Public Health Informatics, Kansas Department of Health and Environment, Curtis State Office Bldg., Suite 110, 1000 SW Jackson, Topeka, KS 66612, by email to [Kay.haug@ks.gov](mailto:Kay.haug@ks.gov) or by fax to 1-785-559-4219.

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A summary of the proposed regulations and estimated economic impact follows:

**Summary of Regulations:**

**K.A.R. 28-17-6. Fees for copies, abstracts, and searches.** Increases the fee for the search to issue certified birth, death, stillbirth, marriage and divorce certificates, non-certified records or verifications.

**K.A.R. 28-17-12. Delayed certificates of birth or foreign-born certificate; filing fee.** Increases the filing fee for an application for a delayed certificate of birth or foreign-born certificate.

**Economic Impact:**

Cost to the agency: The proposed regulations will result in minimal costs to KDHE that can be absorbed in the ongoing KDHE budget.

Cost to the public: The proposed regulation changes will impact members of the public that purchase certificates or file a delayed certificate of birth or foreign-born certificate.

Cost to other governmental agencies or units: The proposed regulation changes will have some impact on governmental agencies that request certificates.

A detailed economic impact is provided in the economic impact statement that is available from the designated KDHE contact person or at the KDHE Bureau of Epidemiology and Public Health Informatics website, as listed below.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the KDHE Bureau of Epidemiology and Public Health Informatics website, at <https://www.kdhe.ks.gov/1088/Epidemiology-Public-Health-Informatics> or by contacting Kay Haug, at [Kay.haug@ks.gov](mailto:Kay.haug@ks.gov) or phone 785-296-8795. Questions pertaining to the proposed regulations should be directed to Kay Haug at the contact information above.

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Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Kay Haug.

Janet Stanek  
Acting Secretary

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28-17-6. Fees for copies, abstracts, and searches. (a)(1) ~~Subject to the requirements of K.S.A. 65-2417 and K.S.A. 65-2418(a)(2) and amendments thereto, certified copies or abstracts of certificates or parts of certificates shall be furnished by the state registrar upon request by an authorized applicant and payment of the required fee.~~

(2)(A) The fees for making and certifying copies or abstracts of birth, death, stillbirth, marriage, and divorce certificates shall be \$15.00 \$20.00 for the first copy or abstract and \$15.00 \$20.00 for each additional copy or abstract of the same record requested at the same time.

(B) ~~The fees for making and certifying copies or abstracts of death certificates shall be \$15.00 for the first copy or abstract and \$15.00 for each additional copy or abstract of the same record requested at the same time.~~

(b) The fee for any search or verification of the files and records for birth, death, stillbirth, marriage, or divorce certificates if no certified copy or abstract is made, ~~the fee shall be \$15.00~~ \$20.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period.

(c) The fee for any search of the files necessary for preparing an amendment to a birth, death, stillbirth, ~~death~~, marriage, or divorce certificate or abstract ~~already on file, the fee shall be \$15.00~~ \$20.00.

(d) The fees for non-certified copies or abstracts of certificates or parts of certificates requested for statistical research purposes, ~~the following fees shall be charged~~ the following:

(1)(A) ~~\$10.00~~ \$15.00 for each copy of a birth, death, marriage, divorce, or stillbirth certificate, if the state certificate number is provided; and

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~~(B)(2) \$15.00~~ \$20.00 for each copy of a birth, death, marriage, divorce, or stillbirth certificate, if the state certificate number is not provided; ~~and~~

~~(2)(A) \$10.00 for each copy of a death certificate, if the state certificate number is provided; and~~

~~(B) \$15.00 for each copy of a death certificate, if the state certificate number is not provided.~~

(e) The fee for each certified copy of an heirloom certificate, ~~the fee shall not exceed~~ shall be \$40.00.

(f) The fee for each copy of any supporting documentation that was used to place a certificate on file shall be \$20.00. If the supporting documentation is more than five pages, an additional \$.10 for each page shall be charged. (Authorized by K.S.A. 2008 Supp. 65-2418; implementing K.S.A. 23-110 2021 Supp. 23-2512 and K.S.A. 65-2417 and K.S.A. 2008 Supp., 65-2418, and 65-2422d; effective Jan. 1, 1966; amended Jan. 1, 1968; amended, E-78-18, July 7, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-84-13, July 1, 1983; amended May 1, 1984; amended May 1, 1988; amended Oct. 7, 1991; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-7-2-01, July 2, 2001; amended Oct. 12, 2001; amended, T-28-6-27-02, July 1, 2002; amended Oct. 18, 2002; amended, T-28-7-1-03, July 1, 2003; amended Oct. 17, 2003; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005; amended Jan. 15, 2010; amended P-\_\_\_\_\_.)

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28-17-12. Delayed certificate of birth or foreign-born certificate; filing fee. Each application for a delayed certificate of birth or a foreign-born certificate shall be accompanied by a fee of ~~\$20.00~~ \$30.00 for the filing and registration of the ~~birth certificate~~ delayed certificate of birth or the foreign-born certificate. A certified copy of a delayed certificate of birth or a foreign-born certificate may be issued ~~in accordance with~~ obtained pursuant to K.A.R. 28-17-6. (Authorized by and implementing K.S.A. 65-2420; effective Jan. 1, 1966; amended Jan. 1, 1968; amended May 1, 1983; amended Oct. 22, 1990; amended Oct. 7, 1991; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Jan. 15, 2010; amended P-\_\_\_\_\_.)

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**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Kansas Department of Health and Environment  
Agency

Susan Vogel  
Agency Contact

785-296-1291  
Contact Phone Number

K.A.R. 28-17-6 and K.A.R. 28-17-12  
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

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 351,000 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 increased costs to maintain a state wide registration system in the cloud, the OVS is proposing amendments to K.A.R. 28-17-6 and K.A.R. 28-17-12 increasing the fees for birth, death, marriage and divorce certificates. 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 and foreign born.

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 sent out within a week of receipt. Will-call orders are ready the next day. As a central issuance office, OVS offers a variety of mechanisms whereby Kansas citizens can acquire their vital record via remote ordering. Subsequently, innovative, web-based reporting processes result in hospitals, funeral homes and courthouses 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 with numerous entities depending on these records including the Secretary of State (voter registration), Medicaid program (citizenship verification), CDC programs and KPERS.

Starting in SFY 2022, OVS will have expenses that exceed the current fee structure. The funds in the civil registration fee fund will not be

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sufficient to cover the increased cost to maintain a state wide registration system in the new cloud services, along with the added expense to maintain the OVS certificate issuance system in the state cloud. Customers will not be requesting as many additional copies of vital records, once Real ID is completed. The registration system in the cloud is necessary for the expanding user base of over 12,250 users, which includes, physicians, attorneys, court clerks, birth clerks, etc. Users are added to the registration system each day and OVS staff duties have increased to meet the needs of these users. If OVS does not raise fees and continues at the current fee structure, OVS will experience a revenue shortfall of over \$620,000 in SFY 2022 with a \$1,800,000 shortfall in SFY 2023.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

These regulations are not mandated by the federal government. All contiguous states charge fees for birth, death, stillbirth, marriage and divorce certificates, although the amounts from state to state differ.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

The proposed amended regulations will neither enhance nor restrict business activities and growth.

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

OVS proposes to increase fees for all vital records from \$15 per copy to \$20 per copy to support operations for the civil registration program. This will impact members of the public that purchase birth, death, stillbirth, marriage and divorce certificates. Filing a delayed birth and foreign-born certificate will increase from \$20 to \$30.

**C. Businesses that would be directly affected by the proposed rule and regulation;**

The changes in these proposed regulations will not directly affect businesses.

**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

If the fee per certificate is not increased, OVS will not be able to meet statutory requirements.

**E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

No other option exists to minimize the cost.

**F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are**

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reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There will be an estimated \$1,755,000 increase in costs (from \$15 to \$20 for each certificate) that will be incurred by members of the public that purchase birth, death, marriage, divorce certificates. The increase for non-certified copies or abstracts from \$10 to \$15 and the increase from \$20 to \$30 for filing a delayed birth and foreign-born certificate is minimal and did not impact the estimated cost increase.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There will be a \$1,755,000 annual increase in costs of certificates.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☒ NO ☐

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

An average of 351,000 certificates are issued by OVS each year.

SFY2023 - 351,000 (certs) x \$15 (current cert fee) = \$5,265,000

SFY2023 - 351,000 (certs) x \$20 (proposed cert fee) = \$7,020,000

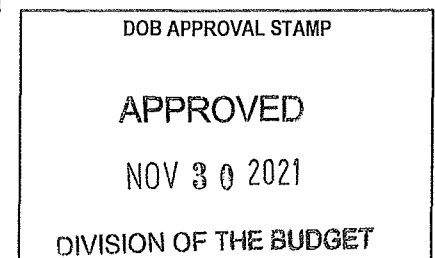
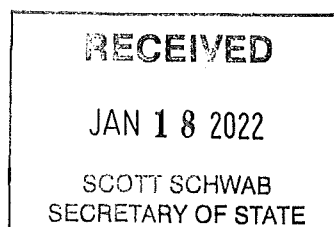
(\$20) \$7,020,000.00 – (\$15) \$5,265,000 = \$1,755,000 (increase)

The increase from \$20 to \$30 for filing a delayed birth & foreign-born certificate along with the non-certified copies increasing from \$10 to \$15 will result in a very minimal increase to the overall cost estimate.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☒ NO ☐

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas



**Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The proposed amended regulations will have no effect on the cities, counties or school districts within the state. However, when a notice of hearing for a set of regulations is published in the *Kansas Register*, standard agency procedure is followed and the three organizations are contacted electronically for comment with attached copies of the regulations, economic impact statement, and published notice of hearing.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The agency solicited information concerning fee structure from other state vital record offices and how they determined their fee amounts.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A

