

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 994

Introduced by Health and Human Services Committee: Campbell, 25,
Chairperson; Cook, 13; Crawford, 45; Gloor, 35;
Howard, 9; Krist, 10; Watermeier, 1.

Read first time January 21, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to vital statistics; to amend section 71-612,
2 Reissue Revised Statutes of Nebraska; to change fees as
3 prescribed; to provide an operative date; to repeal the
4 original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-612, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-612 (1) The department, as the State Registrar, shall
4 preserve permanently and index all certificates received. The
5 department shall supply to any applicant for any proper purpose, as
6 defined by rules and regulations of the department, a certified copy
7 of the record of any birth, death, marriage, annulment, or
8 dissolution of marriage or an abstract of marriage. The department
9 shall supply a copy of a public vital record for viewing purposes at
10 its office upon an application signed by the applicant and upon proof
11 of the identity of the applicant. The application may include the
12 name, address, and telephone number of the applicant, purpose for
13 viewing each record, and other information as may be prescribed by
14 the department by rules and regulations to protect the integrity of
15 vital records and prevent their fraudulent use. Except as provided in
16 subsections (2), (3), (5), (6), and (7) of this section, the
17 department shall be entitled to charge and collect in advance a fee
18 of ~~eleven~~sixteen dollars to be paid by the applicant for each
19 certified copy or abstract of marriage supplied to the applicant or
20 for any search made at the applicant's request for access to or a
21 certified copy of any record or abstract of marriage, whether or not
22 the record or abstract is found on file with the department.

23 (2) The department shall, free of charge, search for and
24 furnish a certified copy of any record or abstract of marriage on
25 file with the department upon the request of (a) the United States

1 Department of Veterans Affairs or any lawful service organization
2 empowered to represent veterans if the copy of the record or abstract
3 of marriage is to be issued, for the welfare of any member or veteran
4 of the armed forces of the United States or in the interests of any
5 member of his or her family, in connection with a claim growing out
6 of service in the armed forces of the nation or (b) the Military
7 Department.

8 (3) The department may, free of charge, search for and
9 furnish a certified copy of any record or abstract of marriage on
10 file with the department when in the opinion of the department it
11 would be a hardship for the claimant of old age, survivors, or
12 disability benefits under the federal Social Security Act to pay the
13 fee provided in this section.

14 (4) A strict account shall be kept of all funds received
15 by the department. Funds received pursuant to subsections (1), (5),
16 (6), and (8) of this section shall be remitted to the State Treasurer
17 for credit to the Health and Human Services Cash Fund. Money credited
18 to the fund pursuant to this section shall be used for the purpose of
19 administering the laws relating to vital statistics and may be used
20 to create a petty cash fund administered by the department to
21 facilitate the payment of refunds to individuals who apply for copies
22 or abstracts of records. The petty cash fund shall be subject to
23 section 81-104.01, except that the amount in the petty cash fund
24 shall not be less than twenty-five dollars nor more than one thousand
25 dollars.

1 (5) The department shall, upon request, conduct a search
2 of death certificates for stated individuals for the Nebraska Medical
3 Association or any of its allied medical societies or any inhospital
4 staff committee pursuant to sections 71-3401 to 71-3403. If such
5 death certificate is found, the department shall provide a
6 noncertified copy. The department shall charge a fee for each search
7 or copy sufficient to cover its actual direct costs, except that the
8 fee shall not exceed ~~two~~three dollars per individual search or copy
9 requested.

10 (6) The department may permit use of data from vital
11 records for statistical or research purposes under section 71-602 or
12 disclose data from certificates or records to federal, state, county,
13 or municipal agencies of government for use in administration of
14 their official duties and charge and collect a fee that will recover
15 the department's cost of production of the data. The department may
16 provide access to public vital records for viewing purposes by
17 electronic means, if available, under security provisions which shall
18 assure the integrity and security of the records and data base and
19 shall charge and collect a fee that shall recover the department's
20 costs.

21 (7) In addition to the fees charged under subsection (1)
22 of this section, the department shall charge and collect an
23 additional fee of one dollar for any certified copy of the record of
24 any birth or for any search made at the applicant's request for
25 access to or a certified copy of any such record, whether or not the

1 record is found on file with the department. Any county containing a
2 city of the metropolitan class which has an established city-county
3 or county health department pursuant to sections 71-1626 to 71-1636
4 which has an established system of registering births and deaths
5 shall charge and collect in advance a fee of one dollar for any
6 certified copy of the record of any birth or for any search made at
7 the applicant's request for such record, whether or not the record is
8 found on file with the county. All fees collected under this
9 subsection shall be remitted to the State Treasurer for credit to the
10 Nebraska Child Abuse Prevention Fund.

11 (8) The department shall not charge other state agencies
12 the fees authorized under subsections (1) and (7) of this section for
13 automated review of any certificates or abstracts of marriage. The
14 department shall charge and collect a fee from other state agencies
15 for such automated review that will recover the department's cost.

16 Sec. 2. This act becomes operative on July 1, 2014.

17 Sec. 3. Original section 71-612, Reissue Revised Statutes
18 of Nebraska, is repealed.

19 Sec. 4. Since an emergency exists, this act takes effect
20 when passed and approved according to law.