

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 33

Introduced by Ebke, 32.

Read first time January 05, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to vital statistics; to amend section 71-612,
- 2 Revised Statutes Cumulative Supplement, 2016; to change fees for
- 3 multiple copies of death certificates; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-612, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

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

25 (2) The department shall, free of charge, search for and furnish a
26 certified copy of any record or abstract of marriage on file with the
27 department upon the request of (a) the United States Department of
28 Veterans Affairs or any lawful service organization empowered to
29 represent veterans if the copy of the record or abstract of marriage is
30 to be issued, for the welfare of any member or veteran of the armed
31 forces of the United States or in the interests of any member of his or

1 her family, in connection with a claim growing out of service in the
2 armed forces of the nation or (b) the Military Department.

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

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

19 (5) The department shall, upon request, conduct a search of death
20 certificates for stated individuals for the Nebraska Medical Association
21 or any of its allied medical societies or any inhospital staff committee
22 pursuant to sections 71-3401 to 71-3403. If such death certificate is
23 found, the department shall provide a noncertified copy. The department
24 shall charge a fee for each search or copy sufficient to cover its actual
25 direct costs, except that the fee shall not exceed three dollars per
26 individual search or copy requested.

27 (6) The department may permit use of data from vital records for
28 statistical or research purposes under section 71-602 or disclose data
29 from certificates or records to federal, state, county, or municipal
30 agencies of government for use in administration of their official duties
31 and charge and collect a fee that will recover the department's cost of

1 production of the data. The department may provide access to public vital
2 records for viewing purposes by electronic means, if available, under
3 security provisions which shall assure the integrity and security of the
4 records and data base and shall charge and collect a fee that shall
5 recover the department's costs.

6 (7) In addition to the fees charged under subsection (1) of this
7 section, the department shall charge and collect an additional fee of one
8 dollar for any certified copy of the record of any birth or for any
9 search made at the applicant's request for access to or a certified copy
10 of any such record, whether or not the record is found on file with the
11 department. Any county containing a city of the metropolitan class which
12 has an established city-county or county health department pursuant to
13 sections 71-1626 to 71-1636 which has an established system of
14 registering births and deaths shall charge and collect in advance a fee
15 of one dollar for any certified copy of the record of any birth or for
16 any search made at the applicant's request for such record, whether or
17 not the record is found on file with the county. All fees collected under
18 this subsection shall be remitted to the State Treasurer for credit to
19 the Nebraska Child Abuse Prevention Fund.

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

25 Sec. 2. Original section 71-612, Revised Statutes Cumulative
26 Supplement, 2016, is repealed.