

AMENDMENTS TO LB 239

(Amendments to Standing Committee amendments, AM727)

Introduced by Mello

1           1. Insert the following new section:

2           Sec. 13. Section 71-612, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           71-612 (1) The department, as the State Registrar, shall  
5 preserve permanently and index all certificates received. The  
6 department shall supply to any applicant for any proper purpose,  
7 as defined by rules and regulations of the department, a certified  
8 copy of the record of any birth, death, marriage, annulment, or  
9 dissolution of marriage or an abstract of marriage. The department  
10 shall supply a copy of a public vital record for viewing purposes  
11 at its office upon an application signed by the applicant and  
12 upon proof of the identity of the applicant. The application may  
13 include the name, address, and telephone number of the applicant,  
14 purpose for viewing each record, and other information as may be  
15 prescribed by the department by rules and regulations to protect  
16 the integrity of vital records and prevent their fraudulent use.  
17 Except as provided in subsections (2), (3), (5), (6), ~~and (7)~~, (8),  
18 and (9) of this section, the department shall be entitled to charge  
19 and collect in advance a fee of eleven dollars to be paid by the  
20 applicant for each certified copy or abstract of marriage supplied  
21 to the applicant or for any search made at the applicant's request  
22 for access to or a certified copy of any record or abstract of

1 marriage, whether or not the record or abstract is found on file  
2 with the department.

3 (2) The department shall, free of charge, search for and  
4 furnish a certified copy of any record or abstract of marriage on  
5 file with the department upon the request of (a) the United States  
6 Department of Veterans Affairs or any lawful service organization  
7 empowered to represent veterans if the copy of the record or  
8 abstract of marriage is to be issued, for the welfare of any member  
9 or veteran of the armed forces of the United States or in the  
10 interests of any member of his or her family, in connection with a  
11 claim growing out of service in the armed forces of the nation or  
12 (b) the Military Department.

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

19 (4) A strict account shall be kept of all funds received  
20 by the department. Funds received pursuant to subsections (1),  
21 (5), (6), and (8) of this section shall be remitted to the  
22 State Treasurer for credit to the Health and Human Services Cash  
23 Fund. Money credited to the fund pursuant to this section shall  
24 be used for the purpose of administering the laws relating to  
25 vital statistics and may be used to create a petty cash fund  
26 administered by the department to facilitate the payment of refunds  
27 to individuals who apply for copies or abstracts of records. The

1 petty cash fund shall be subject to section 81-104.01, except  
2 that the amount in the petty cash fund shall not be less than  
3 twenty-five dollars nor more than one thousand dollars.

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

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

24 (7) In addition to the fees charged under subsection  
25 (1) of this section, the department shall charge and collect an  
26 additional fee of one dollar for any certified copy of the record  
27 of any birth or for any search made at the applicant's request

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

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

18 (9) The department shall, free of charge, search for and  
19 furnish a certified copy of any birth record on file with the  
20 department upon the request of any registered voter for purposes  
21 of obtaining a government-issued photographic identification as  
22 defined in section 3 of this act in order to vote under the  
23 Election Act.

24 2. On page 16, line 25, strike "and 32-953" and insert  
25 "32-953, and 71-612".

26 3. Renumber the remaining section accordingly.