

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2327

2001 SENATE HUMAN SERVICES

SB 2327

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2327

Senate Human Services Committee

Conference Committee

Hearing Date February 13, 2001

Tape Number	Side A	Side B	Meter #
No tape			
Committee Clerk Signature <i>Carol Holody, clerk</i>			

Minutes:

The hearing was opened on SB 2327.

SENATOR TOM FISCHER introduced bill. It deals with registration of certificates.

TERRY TRAYNOR, ND Association of Counties, supports bill. (Written testimony) He also provided written testimony from Charlotte Sandvik, Cass County Treasurer, who supports the bill. Death certificates would remain with the county; all other will go directly to the state.

DAVID MAYER, Division of Vital Records, Dept of Health, supports bill. (Written testimony)

The hearing was closed.

The discussion resumed.

SENATOR MATHERN moved the adopt the amendments by Terry Traynor. SENATOR ERBELE seconded the motion. Voice vote carried. SENATOR MATHERN moved a DO PASS AS AMENDED. SENATOR POLOVITZ seconded it. Roll call vote carried 6-0. SENATOR POLOVITZ will carry the bill.

# FISCAL NOTE

Requested by Legislative Council

02/15/2001

Bill/Resolution No.:

Amendment to: SB 2327

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires that each live birth that occurs in this State and all fetal deaths be filed directly with the state registrar rather than passing them through the local registrar. This bill will also require that death certificates be filed directly with the state registrar if the state registrar implements an automated system that allows each local registrar to produce certified copies of death certificates within two working days of filing. This will establish a more timely filing of these events as well as provide better service to the public. If this bill is passed, there is no additional fiscal impact for the Health Department as all costs are already included in our appropriation bill, SB 2004.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Kathy J. Albin	<b>Agency:</b>	Department of Health
<b>Phone Number:</b>	328-2392	<b>Date Prepared:</b>	02/15/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/23/2001

Bill/Resolution No.: SB 2327

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires that each live birth that occurs in this State and all fetal deaths be filed directly with the state registrar rather than passing them through the local registrar. This bill will also require that death certificates be filed directly with the state registrar if the state registrar implements an automated system that allows each local registrar to produce certified copies of death certificates within two working days of filing. This will establish a more timely filing of these events as well as provide better service to the public. If this bill is passed, there is no additional fiscal impact for the Health Department as all costs are already included in our appropriation bill, SB 2004.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Kathy J. Albin	<b>Agency:</b>	Health Department
<b>Phone Number:</b>	328-2392	<b>Date Prepared:</b>	01/30/2001

Date: 2/18/01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2327

Senate HUMAN SERVICES Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pas as Amended

Motion Made By Sen Mathern Seconded By Sen Palovitz

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Palovitz

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 14, 2001 11:53 a.m.

Module No: SR-27-3311  
Carrier: Polovitz  
Insert LC: 10689.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2327: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "or fetal death"

Page 1, line 12, overstrike "or fetal death"

Page 1, line 18, overstrike "and fetal death"

Renumber accordingly

2001 HOUSE HUMAN SERVICES

SB 2327

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2327

House Human Services Committee

Conference Committee

Hearing Date March 7, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		2740 to 4130

Committee Clerk Signature

*Connie Easton*

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on SB 2327.

Senator Fischer: Presented bill. I am here to introduce and ask your support of SB 2327 which deals with birth death and fetal death certificates and how they are reported to the state. I will defer to Terry Traynor and let him explain the need of the bill.

Terry Traynor: Assistant Director, N. D. Association of Counties. (See written testimony.) The transfer of numerous filing duties among county offices, due to the changes brought about by court unification, has provided excellent timing for improvements to vital records filing. For this reason, our Association requested that this bill be introduced. The Health Department has been a partner in the development of this bill, and they can go into greater detail about how they view

the future of vital records filing. I wish to close by stating, county officials support changes that will streamline, simplify, and improve the process for those required to file these records, but we remain committed to providing the local services that the citizens requesting these records deserve. We believe that this bill will do that.

Chairman Price: The only section you didn't address was section 6.

Terry Traynor: The fetal death is handled the same as the birth and the foundling registrations. As they are filed by the medical facilities there isn't an immediate need for the documents at a local level. It was felt the most expedient way of handling those was to have the medical facilities mail them right into the state.

Senator Porter: Section 1 starting on line 12-14 - With the number of counties having lower numbers of population I would see there would be numerous months where there would be no deaths to be registered by the registrar and if there is no deaths, the way this reads is they have to send a report that says there are no deaths and they get reimbursed 25 cents? How much does it cost the state of North Dakota to write a check for 25 cents?

Terry Traynor: The state doesn't make that payment. It is actually a payment transfer within the county. The county makes the payment to the local registrar. Why this is in statute, I don't know.

Rep. Porter: Is the 25 cents to cover the cost of producing the report or the cost of the postage, or what is the fee used to cover?

Terry Traynor: That has been around for 50 or 60 years - I really don't know what the purpose was.

David Mayer: As Terry has said, that section of the code has been around for years. I think part of the intent was that it was part of the salary of the registrar. What we do is once a year is

supply the county with a count of the number of events which were registered in that county and give to county auditor. The Health Department is no longer a participant in that transfer of fees or anything like that. We're not talking about a great deal of money being transferred within the counties.

Rep. Porter: The 25 cents is county budgeted money within the county - it has nothing to do with the Health Department?

David Mayer: Correct. It goes from the county auditor to the registrar.

David Mayer: Division of Vital Records, N. D. Health Department. (See written testimony.)

On behalf of the Vital Records Office I testify in support of SB 2327's proposed changes to N.D. Century Code. The fiscal note attached to this bill indicates that there would be no fiscal impact on the Department of Health. Under the proposed changes births and fetal deaths would be filed directly with the Vital Records office and death registration would continue to go through the counties. Our office was approached by the Association of Counties on this issue and we worked in cooperation with them on the proposed changes to the text. I feel the proposed changes work for both the counties and for the state office.

Rep. Klein: What happens when the gestation is less than 20 weeks?

David Mayer: Those are not reported to the Health Department. The 20 week gestation is a standard that is used across the United States for reporting fetal deaths.

Rep. Sandvig: On fetal death registration - do you record the number of abortions? Are they recorded as fetal deaths?

David Mayer: No. We actually have an abortion reporting form and it is induced termination of pregnancy, not spontaneous. Those are reported by mainly the clinic in Fargo.

Chairman Price: Close hearing on SB 2327.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2327 A

House Human Services Committee

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
Tape 3	X		3295 to 3620
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: Let's go to SB 2327. What are your wishes?

REP. METCALF: I will move a Do PASS.

REP. POLLERT: Second.

CHAIRMAN PRICE: Discussion? Seeing no hands, the clerk will take the roll on a **DO PASS**.

**14 YES 0 NO 0 ABSENT CARRIED BY REP. DOSCH**

Date: 3-12-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2327

House Human Services Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Rep. Metcalf Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin	✓		Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter	✓				
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Dosch

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**March 13, 2001 12:47 p.m.**

**Module No: HR-43-5457**  
**Carrier: Dosch**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2327: Human Services Committee (Rep. Price, Chairman) recommends DO PASS**  
**(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the**  
**Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2327

**27**  
**Testimony To The**  
**SENATE HUMAN SERVICES COMMITTEE**  
**Prepared February 13, 2001 by the**  
**North Dakota Association of Counties**  
**Terry Traynor, Assistant Director**

**CONCERNING SENATE BILL NO. 2327**

Madam Chair and members of the Senate Human Services Committee, I am here on behalf of the North Dakota Association of Counties to express our support for Senate Bill 2327, and also to offer a small technical correction amendment which will be explained as I discuss the bill.

The transfer of numerous filing duties among county offices, due to the changes brought about by court unification, has provided excellent timing for improvements to vital records filing. For this reason, our Association requested that this bill be introduced.

Five types of vital records are addressed by this bill - records that currently are first filed with a "local registrar" at the county courthouse. They are:

- Birth Registration (Section 3)
- Foundling Registration (Section 4)
- Death Registration (Section 5)
- Fetal Death Registration (Section 6)
- Burial-Transit Permits (Section 7)

This bill removes the county as the point of initial filing for birth, foundling, and fetal death certificates. Currently, these are filed by medical providers with the county, where they are stamped and mailed to the State Health Department Division of Vital Records (State Registrar). The county receives 25-cents per certificate for this duty. We contend that there is little value in handling these

documents twice, and the bill would simply make the State Registrar the direct recipient of these filings.

The handling of death certificates (Section 5) however, is addressed somewhat differently in this bill. Death certificates are extremely important to local estate and property reconciliation, they are needed for life and health insurance settlements, as well as other purposes. For these reasons, it is critical that family members have a source for certified copies of these documents, almost immediately after a death certificate is filed. The local filing of death certificates by funeral directors, and the county's ability to quickly create certified copies are very valuable services. We do however believe that direct filing of these with the State may ultimately be appropriate, and the language included in Section 5 allows for this to happen when a system is in-place to maintain the present rapid and local production of certified copies.

Filing of the final record, the burial-transit permit, (Section 7) is expanded by the bill to allow filing with the state registrar or the local registrar. As this document is often an addendum or attachment to the death certificate, it will ultimately go where the other is filed.

I would now like to briefly address the remaining sections of the bill that I have not mentioned, and explain the proposed amendment. Sections 1 & 2 describe the reporting necessary and the payment amount for county reimbursement related to these filing activities. These two sections were drafted to strike out the birth certificates, but we somehow missed the necessary 'strikeout' of the fetal death certificates. The amendments included with this testimony were prepared to correct that omission.

The final section (8) was included by the Legislative Council to maintain a correct reference. They chose to simplify the language by omitting the subsection reference entirely rather than simply renumbering it.

The Health Department has been a partner in the development of this bill, and they can go into much greater detail about how they view the future of vital records filing. I wish to close by stating, county officials support changes that will streamline, simplify, and improve the process for those required to file these records, but we remain committed to providing the local services that the citizens requesting these records deserve. We believe that this bill will do that.

Madam Chair and committee members, I urge the adoption of the proposed amendments and a Do Pass recommendation on Senate Bill 2327.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2327

Page 1, line 10, overstrike "or fetal death"

Page 1, line 12, overstrike "or fetal death"

Page 1, line 18, overstrike "and fetal death"

Renumber accordingly

CASS COUNTY  
GOVERNMENT



February 12, 2001

TO: Senator Judy Lee & Members of the Senate Human  
Services Committee  
FR: Charlotte Sandvik, Cass County Treasurer *CS*  
RE: SB 2327 Streamlined Vital Records Filing

## Auditor

Michael Montplaisir, CPA  
701-241-5601

## Treasurer

Charlotte Sandvik  
701-241-5611

## Director of Equalization

Frank Klein  
701-241-5616

Senate Bill No. 2327 streamlines the way birth certificates are filed with the state registrar. Currently, birth certificates are filed with a local registrar in the county in which the birth occurred. Cass County's local registrar is the County Treasurer. The exception to this process is for the birth of a child out to wedlock, those birth certificates must be filed directly with the state registrar. SB 2327 would make this exception the normal practice, eliminating one step in the process of recording birth certificates. This change does not involve any loss of service to the public, copies of birth certificates are currently only available through the state registrar, the local registrar is not able to provide copies of the birth certificate to the public. Our office spends several hours each week processing these certificates, a process that could be eliminated by this legislation.

The second part of SB 2327 also allows the recording of death certificates directly with the state registrar, but only after they implement an automated system that allows each local registrar to produce certified copies of death certificates. The provision for the local registrars to be able to produce certified copies is important for service to the public at a time when they need it the most.

I urge you to support Senate Bill 2327 as a bill that would streamline some administrative procedures without sacrificing public services.

Thank you for your consideration.

Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58103

FAX 701-241-5728

**Testimony**  
**Senate Bill 2327**  
**Human Services Committee**  
**Tuesday, February 12, 2001**  
**10:15 a.m.**

Madam Chairman, members of the committee. My name is David Mayer and I work with the Division of Vital Records within the North Dakota Department of Health. I am here to today to provide testimony on Senate Bill 2327. With me today is Beverly Wittman, also of the Vital Records Office.

The Vital Records office is the central repository in the state for the filing of birth, death and fetal death records for events which occur in North Dakota.

On behalf of the Vital Records Office I testify in support of Senate Bill 2327's proposed changes to North Dakota Century Code. The fiscal note attached to this bill indicates that there would be no fiscal impact on the Department of Health.

Under the current code birth, death and fetal death events are filed with the local registrars and then forwarded to the state registrar, with the exception of births and fetal deaths born out of wedlock. These events are filed directly with the state registrar. Local registrars can only make certified copies of death records while the original is in their possession.

Under the proposed changes births and fetal deaths would be filed directly with the Vital Records office and death registration would continue to go through the counties. We support these changes for a couple reasons.

- Births and fetal deaths events would be filed with one entity regardless of wedlock status and this would be of some clarification to those reporting the events.
- By filing records directly with the State registrar we can get those birth events into the process faster and make those records available for certified copies to those parents requesting them. Original documents with legal and historical value would be handled less.
- The timely issuance of SSN's to infants serves to benefit the parents as it relates to those families seeking assistance or services and also the need for an SSN for tax purposes.

Our office was approached by the Association of Counties on this issue and we worked in cooperation with them on the proposed changes to the text. I feel the proposed changes work for both the counties and for the state office.

Madam Chairman and members of the committee I wish to thank you for your time. I will be happy to answer any questions you may have.

**Testimony To The  
HOUSE HUMAN SERVICES COMMITTEE  
Prepared March 7, 2001 by the  
North Dakota Association of Counties  
Terry Traynor, Assistant Director**

**CONCERNING ENGROSSED SENATE BILL NO. 2327**

Madam Chair and members of the House Human Services Committee, I am here on behalf of the North Dakota Association of Counties to express our support for Engrossed Senate Bill 2327.

The transfer of numerous filing duties among county offices, due to the changes brought about by court unification, has provided excellent timing for improvements to vital records filing. For this reason, our Association requested that this bill be introduced.

Five types of vital records are addressed by this bill – records that currently are first filed with a “local registrar” at the county courthouse. They are:

- Birth Registration (Section 3)
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- Death Registration (Section 5)
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- Burial-Transit Permits (Section 7)

This bill removes the county as the point of initial filing for birth, foundling, and fetal death certificates. Currently, these are filed by medical providers with the county, where they are stamped and mailed to the State Health Department – Division of Vital Records (State Registrar). The local registrar receives 25-cents per certificate for this duty. We contend that there is little value in handling these documents twice, and the bill would simply make the State Registrar the direct recipient of these filings.

The handling of death certificates (Section 5) however, is addressed somewhat differently in this bill. Death certificates are extremely important to local estate and property reconciliation, they are needed for life and health insurance settlements, as well as other purposes. For these reasons, it is critical that family members have a source for certified copies of these documents, almost immediately after a death certificate is filed. The local filing of death certificates by funeral directors, and the county's ability to quickly create certified copies are very valuable services. We do however believe that direct filing of these with the State may ultimately be appropriate, and the language included in Section 5 allows for this to happen when a system is in-place to maintain the present rapid and local production of certified copies.

Filing of the final record, the burial-transit permit, (Section 7) is expanded by the bill to allow filing with the state registrar or the local registrar. As this document is often an addendum or attachment to the death certificate, it will ultimately go where the other is filed.

I would now like to briefly address the remaining sections of the bill that I have not mentioned. Sections 1 & 2 describe the reporting necessary and the payment amount related to these filing activities, and the bill simply removes the payment related to those documents that will now be direct filed with the State.

The final section (8) was included by the Legislative Council to maintain a correct reference. They chose to simplify the language by omitting the subsection reference entirely rather than simply renumbering it.

The Health Department has been a partner in the development of this bill, and they can go into greater detail about how they view the future of vital records filing. I wish to close by stating, county officials support changes that will streamline, simplify, and improve the process for those required to file these records, but we remain committed to providing the local services that the citizens requesting these records deserve. We believe that this bill will do that.