

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1129

2007 HOUSE HUMAN SERVICES

HB 1129

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1129

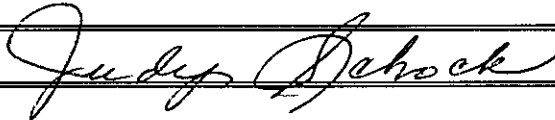
House Human Services Committee

Check here for Conference Committee

Hearing Date: January 8, 2007

Recorder Job Number: 722

Committee Clerk Signature



Minutes:

Chairman Price called the session to order. The roll was taken, all were present. Chairman Price opened HB1129.

Darin Meschke, state registrar and Director of ND Department of Health's Division of Vital Records. I support HB 1129. See attached. These minor changes are necessary and a result of the Federal Legislation. It is more enhanced than the Federal Law. We need birth records security. So ND can no longer just issue them to anyone. We are repealing section 29, parts dealing with the county and their requirements to register death records.

The transit permit follows the body in or out of State. In case of cremation the ashes are given to the family. We are developing a system for electronic death records, which are sent by the hospitals, to the funeral homes.

A lawyer would be an attorney for the family would be considered an authorized representative, and they would be entitled to a copy of the death record. In regards to a relative we are defining what a relative is in this new bill. Limited to a current spouse, their children or legal guardian, and need proof of that relationship before we would issue a copy. We try to get the Social Security number to S.S as soon as possible for prevent identity theft.

The reason we are changing the reading, certificate, to record, is the new section of code moving us from the paper registration process to certificate, to electronic registration process.

Terry Traynor, Director of ND Association of Counties: See attached including the fiscal notes on the back. The Health Department and Mr. Meschke have been very open with the changes they have been required to make. We are not overjoyed with the removal of this local function from the court house or the loss of county revenue, we understand the requirements and why they have to go through that. It is a concern for the loss of local service, and they are hopeful the new process will do kindly to the families of the deceased. The revenue loss is a concern for the counties as well. The fiscal notes vary from year to year. The Division included in their bill, a filing requirement for the burial transit permit. The filing will go to the county recorder, and that would be a \$10.00 filing fee, so I don't see a need to change this bill at all.

Representative Weisz: Why is some counties revenue higher than others?

Terry Traynor: Some counties do not provide certified copies; they redirect them to the state. This means they lost the filing fee for revenue.

Chairman Price: Any other opposition to HB 1129? If not closing HB 1129.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

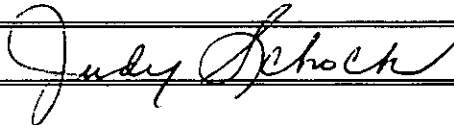
House Human Services Committee

Check here for Conference Committee

Hearing Date: 01/08/2007

Recorder Job Number: 724

Committee Clerk Signature



Minutes:

Chairman Price: Opening HB 1129 for discussion.

Representative Porter: I wouldn't mind waiting until they provide that piece of Federal documentation to make sure that we are not exceeding that requirement all that much. We are taking this to a class C felony. Is there a portion of this that will increase the cost of fee for a record, because of this \$10.00 fee that the counties are going to get, that they weren't giving? Than all requests will through the county rather than getting them from the state and seems like we are increasing the fee to the person requesting the records, rather than create a good system.

Discussion from the committee: If not a certified copy, in today's world why not get it off the internet. It is still an open record if it is not a certified copy. Someone doing a family back ground may not know which county to look in. The burial is not listed on the death certificate. Why the county verses the city? If the county doesn't do it and it is only with who ever runs the cemetery, which would be a nightmare. On page 3 of Mr. Meschke's testimony. it seems the \$10.00 fee is up for grabs. It says the counties may pursue adding a fee for the filing. The \$10.00 may not be the set fee. Chairman Price recommended the Representatives talk to their funeral directors on how they feel. We will close the discussion on HB ~~4408~~

1129.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1200

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: On HB 1129 with burial permits, Representative Weisz, Hofstad and Conrad to work on this bill today.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1305

Committee Clerk Signature

Judy Schock

Minutes:

Representative Weisz asks Chairman Price if he could get a sense from the committee on HB 1129. There appears to be a difference between what the Health Department said that is required of what the register requires. Does the committee feel we should not do any more than the federal requires? There is not a whole lot of change that we can see that is required over current law.

Representative Pietsch: So you are saying the department will be more stringent?

Representative Weisz: The bill appears to be quite a bit more stringent, especially as far as the open record. We can still decide how we want to make them available. The issue is what information would be available to the general public. We need to do what is good for the citizens.

Chairman Price reminds committee what bills need to be out by the end of January, and we are adjourned.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129


House Human Services Committee

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1332

Committee Clerk Signature



Minutes:

Representative Weisz is chairing the subcommittee meeting on HB 1129 he opens with discussion. **Representative Weisz, Representative Hofstad, and Representative Conrad** is all present. On page 17 starting on line 7 discussing if we should be making some changes there. Should we go to records instead of certificates, also some discussion on bill on page 5? I don't think the funeral director any longer files the death certificate, under the new law. There is a difference in filing the records and the death records. That is now a certificate. We will need to do what is good for the citizen. **Representative Conrad** made a motion for amendments and second by **Representative Hofstad**, all in favor. We will have amendments drawn up and bring them to the committee.

Representative Weisz adjourns the meeting.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 23, 2007

Recorder Job Number: 1726

Committee Clerk Signature

Judy Schoch

Minutes:

Chairman Price: Take out HB 1129

Representative Weisz talked about the amendments. We don't need to call them death records. Everyone still calls the death certificates. Also the death is recorded on the birth certificate now. That too helps prevent identity theft. On the burial transit, the Department of Health does not want it and the counties don't care. They will keep the records.

Representative Weisz moves the amendments, **Representative Hofstad** seconds, all in favor with 1 absent.

Representative Porter moves the suicide amendment, seconded by **Representative Weisz.**, all in favor with 1 absent.

Representative Hofstad moves a do pass as amended with RR/Appropriations, second by **Representative Weisz.** The vote was 11 yeas, 0 nays and 1 absent. **Representative Hofstad** to carry to the floor.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2356

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: take out HB 1129 and HB 1191. We have not had a hearing on 1191. 1129 we have had passed out. We have done nothing with it on the floor. We pulled it before anything happened to it, at the request of the sponsors of 1191. Instead of going through the entire hearing, we may just do some on 1129.

Representative Olie Aarsvold, District 20: I am here as a sponsor of HB 1191. I am here to advocate the amended to HB 1129. See attached. The first two pages tell the origin of this initiative. See attached information. On page 5 & 6 is an email from Daryl Logullo, a volunteer for the organization on his experiences. There are birth certificates, but none for a still born child. On page 11 and 12 is what is offered and what we want offered. On page 13 are the proposed amendments.

Representative James Kerzman: This is traumatic when this happens. It takes a lot of healing, and the state needs to recognize the deaths. These are tough times and we need to look at the human element. You can not imagine the emptiness.

Darin Meschke, state registrar and director of the ND Department of Health's Division of

Vital Records: See attached testimony getting HB 1191 into HB 1129. We are offering an additional amendment. The Doctor makes the decision if there is life, and if there is than there

is a birth certificate and than a death certificate. The certificate of birth deals with a live birth. The fetal death means it never had any signs of life once it was removed from the Mother. We have been registering fetal deaths for years. We could go back and issue the certificate.

Representative Hofstad: Could you explain to me the process when someone contacts your office and asks for a certified copy.

Mr. Meschke: Death records are requested immediately by the funeral home on behalf of the family. They are the ones submitting the record to us. We are issuing copies to them. They are than distributed to the family. If in the future they wanted additional copies out side of that process, you would have to send a drivers license or something to verify who you are. Death certificates are basically open records in this state. The only part of the death record that we give to non family members has no Social Security number and the cause of death.

Representative Weisz: How about an attorney working with an real estate transaction, but not for the family.

Mr. Meschke: He would have to go through the process of obtaining a court order. If you are concerned about the certification, we could change the information that all copies to be certified, which would not include the Social Security number or cause of death.

Tom Freier, ND Family Alliance: I support combining both bills, and I support the amendments. This is a big issue for a lot of people.

Chairman Price: We have a bill in front of us. **Representative Weisz** moves to reconsider action by which we passed HB 1129. **Representative Kaldor** seconds the motion. The verbal vote on the motion was all yeas.

Representative Weisz: I prefer to have some time to work with Mr. Meshke about some of the certified issues.

Chairman Price: Goes over the amendments before them.

Representative Kaldor moves the amendments, seconded by **Representative Potter**. The verbal vote was all yeas. **Representative Conrad** makes the motion for a do pass RR/Appropriations, seconded by **Representative Kaldor**. The vote was 12 yeas, 0 nays, 0 absent. **Representative Hofstad** will carry the bill to the floor.

Representative Aarsvold: I would request that we bring the HB 1191 back to floor to with draw.

FISCAL NOTE

Requested by Legislative Council

03/09/2007

Amendment to: Engrossed
 HB 1129

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.*

| | 2005-2007 Biennium | | 2007-2009 Biennium | | 2009-2011 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | \$140,000 | | \$180,000 | |
| Expenditures | | \$107,570 | \$9,000 | \$220,000 | \$12,000 | |
| Appropriations | | \$107,570 | \$9,000 | \$220,000 | \$12,000 | |

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

| 2005-2007 Biennium | | | 2007-2009 Biennium | | | 2009-2011 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | (\$140,000) | | | (\$180,000) | | |

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

- 1) Mandates for electronic birth and death registration systems;
- 2) Moving responsibility of death registration to the state;
 - a. Reassigning death registration responsibilities to the state registrar and subregistrars
- 3) Restricting access to certified copies of birth and death records.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The North Dakota Department of Health is required by state law to register and certify all births and deaths that occur in the state. Upcoming federal legislation has mandated new requirements that are intended to make birth certificates more secure and less likely to be used for fraudulent activities. The critical requirements of this Act include;

- 1) Restricting or closing access to birth records;
- 2) Creating electronic registration systems for both birth and death reporting;
- 3) Using security paper when creating certified copies of these records.

If the changes required by this Act are not made, then federal government agencies will no longer be able to accept certified copies of North Dakota birth and death records. The result of this would be catastrophic, because agencies such as the Social Security Administration and the U.S. Passport Agency will no longer be able to provide their valuable services to the citizens of North Dakota. Birth certificates are the primary document used to obtain identification cards such as a driver's license or a passport, and this new legislation is requiring states to step up their security regarding these documents. Open record states, like North Dakota, are being mandated to restrict access to these vital documents where only the individuals with a legitimate need will be allowed to request a certified copy.

Currently the ND Department of Health, Division of Vital Records is responsible for all death registration and the issuing of those certified copies. The state's new electronic death registration system will allow funeral directors to electronically register all deaths in the state directly with the ND Department of Health and request certified copies at the same time. The counties will no longer have access to this information, so they will no longer be issuing certified copies of death records.

The bill also removes the ND Department of Health, Division of Vital Records, from the responsibility of issuing certified copies of marriage records. This was done as a compromise between the state and the ND Association of Counties as a way to alleviate some of the lost revenue from the death registration process. It is also our understanding that the counties may begin charging a fee to file the burial-transit permits in the counties as a way to recoup the remaining lost revenue.

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.

The result of adding the revenue from issuing all certified copies of death records and losing the revenue from issuing certified copies of marriage records is a net effect of about \$90,000 increase to the state's general fund for each year of the biennium for a total increase of \$180,000 per biennium. Since these changes will not go into effect until January 1, 2008, the revenue estimates for the 2007-2009 biennium are 25% less.

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.

The result of adding the increased workload and supply cost of issuing all certified copies of death records and the additional cost of the new electronic death registration system is about \$500 per month or \$12,000 per biennium. The increase is made up of additional monthly hosting fees at the Information Technology Department for the new death system and miscellaneous supplies. Since these changes will not go into effect until January 1, 2008, the expenditure estimates for the 2007 is being funded through a federal grant of \$327,570 obtained through the Social Security Administration (SSA) and should cover 100% of development and implementation of the system.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Included in the Health Department's appropriation bill (HB 1004) is \$220,000 of federal funds for continued development and implementation of the electronic death registry system.

| | | | |
|----------------------|----------------|-----------------------|-------------------|
| Name: | Kathy J. Albin | Agency: | Health Department |
| Phone Number: | 328.4542 | Date Prepared: | 03/09/2007 |

FISCAL NOTE

Requested by Legislative Council

02/05/2007

Amendment to: HB 1129

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.*

| | 2005-2007 Biennium | | 2007-2009 Biennium | | 2009-2011 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
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1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium | | | 2007-2009 Biennium | | | 2009-2011 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | (\$140,000) | | | (\$180,000) | | |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

- | | |
|----|---|
| 1) | Mandates for electronic birth and death registration systems; |
| 2) | Moving responsibility of death registration to the state; Reassigning death registration responsibilities to the state |
| a. | registrar and subregistrars |
| 3) | Restricting access to certified copies of birth and death records. |

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The North Dakota Department of Health is required by state law to register and certify all births and deaths that occur in the state. Upcoming federal legislation has mandated new requirements that are intended to make birth certificates more secure and less likely to be used for fraudulent activities. The critical requirements of this Act include;

- 1) Restricting or closing access to birth records;
- 2) Creating electronic registration systems for both birth and death reporting;
- 3) Using security paper when creating certified copies of these records.

If the changes required by this Act are not made, then federal government agencies will no longer be able to accept certified copies of North Dakota birth and death records. The result of this would be catastrophic, because agencies such as the Social Security Administration and the U.S. Passport Agency will no longer be able to provide their valuable services to the citizens of North Dakota. Birth certificates are the primary document used to obtain identification cards such as a driver's license or a passport, and this new legislation is requiring states to step up their security regarding these documents. Open record states, like North Dakota, are being mandated to restrict access to these vital documents where only the individuals with a legitimate need will be allowed to request a certified copy.

Currently the ND Department of Health, Division of Vital Records is responsible for all death registration and the issuing of those certified copies. The state's new electronic death registration system will allow funeral directors to electronically register all deaths in the state directly with the ND Department of Health and request certified copies at the same time. The counties will no longer have access to this information, so they will no longer be issuing certified copies of death records.

The bill also removes the ND Department of Health, Division of Vital Records, from the responsibility of issuing certified copies of marriage records. This was done as a compromise between the state and the ND Association of Counties as a way to alleviate some of the lost revenue from the death registration process. It is also our understanding that the counties may begin charging a fee to file the burial-transit permits in the counties as a way to recoup the remaining lost revenue.

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| | | | |
|----------------------|----------------|-----------------------|------------|
| Name: | Kathy J. Albin | Agency: | Health |
| Phone Number: | 328.4542 | Date Prepared: | 02/05/2007 |

FISCAL NOTE
Requested by Legislative Council
01/02/2007

Bill/Resolution No.: HB 1129

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|----------------------|----------------|-----------------------|------------|
| Name: | Kathy J. Albin | Agency: | Health |
| Phone Number: | 328.4542 | Date Prepared: | 01/04/2007 |

Date: 4/17
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1129 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken move ^{language} ~~language~~ 1 + 2

Motion Made By Conrad as amended Seconded By Hofstad

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------------|-----|----|------------------|-----|----|
| Clara Sue Price – Chairman | | | Kari L Conrad | | |
| Vonnie Pietsch – Vice Chairman | | | Lee Kaldor | | |
| Chuck Damschen | | | Louise Potter | | |
| Patrick R. Hatlestad | | | Jasper Schneider | | |
| Curt Hofstad | | | | | |
| Todd Porter | | | | | |
| Gerry Uglem | | | | | |
| Robin Weisz | | | | | |
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Total (Yes) 3 "Click here to type Yes Vote" No "Click here to type No Vote"

Absent _____

Floor Assignment _____

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

Date: 1/17
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No." ✓

House HUMAN SERVICES HB 1129 Committee Sub Committee
 Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken motion for change

Motion Made By Conrad Seconded By Ho Hatlestad

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------------|-----|----|------------------|-----|----|
| Clara Sue Price – Chairman | | | Kari L Conrad | | |
| Vonnie Pietsch – Vice Chairman | | | Lee Kaldor | | |
| Chuck Damschen | | | Louise Potter | | |
| Patrick R. Hatlestad | | | Jasper Schneider | | |
| Curt Hofstad | | | | | |
| Todd Porter | | | | | |
| Gerry Uglem | | | | | |
| Robin Weisz | | | | | |
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Total (Yes) 3 yes "Click here to type Yes Vote" No "Click here to type No Vote"

Absent _____

Floor Assignment _____

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

VR
1/24/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1129

Page 12, line 1, overstrike "The funeral director who first assumes custody of a dead body shall file the death"

Page 12, line 2, remove "record" and overstrike the period

Page 17, line 4, remove "the suicide prevention task force."

Page 17, line 7, after "record" insert "or certified copy of the facts of death"

Renumber accordingly

Date: 1/23
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1129 Committee

Check here for Conference Committee

Legislative Council Amendment Number 000

Action Taken Move Amendments

Motion Made By Rep Weisz Seconded By Rep. Hatlestad

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------------|-----|----|------------------|-----|----|
| Clara Sue Price - Chairman | | | Kari L Conrad | | |
| Vonnie Pietsch - Vice Chairman | | | Lee Kaldor | | |
| Chuck Damschen | | | Louise Potter | | |
| Patrick R. Hatlestad | | | Jasper Schneider | | |
| Curt Hofstad | | | | | |
| Todd Porter | | | | | |
| Gerry Uglem | | | | | |
| Robin Weisz | | | | | |
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Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment R

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

