

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

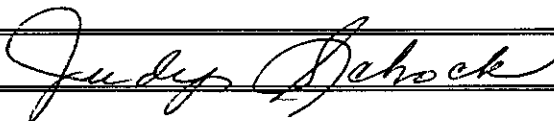
House Human Services Committee

☐ 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

Judy Schock

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.*

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			(\$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;

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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

Sub Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

move ^{language} line 1 + 2
is amended

Motion Made By

Conrad

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					

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

☐ Check here for Conference Committee

Sub Committee

Legislative Council Amendment Number _____

Action Taken

Motion for change

Motion Made By

Conrad

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					

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: 7/25
Roll Call Vote #: 1

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

House HUMAN SERVICES

NB 1129

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 100

Action Taken None Amended

Motion Made By Rep. Waring Seconded By Rep. Hagstad

[illegible]

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent _____

Floor Assignment

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

Date:
Roll Call Vote #: 2

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 to substitute Amendment

Motion Made By Rep Porter Seconded By Rep Weisz

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					

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment

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

Date: 12 3
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 No pers As Amended RR/APP.

Motion Made By Rep Haysstad Seconded By Rep Weiss

[illegible]

Total (Yes) 11 "Click here to type Yes Vote" No 3 "Click here to type No Vote"

Absent /

Floor Assignment Rep. Hofstad

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

REPORT OF STANDING COMMITTEE

HB 1129: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the appropriations Committee (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

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: 7/31
Roll Call Vote #: 1

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

House HUMAN SERVICES

H B 1129

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Reconsider Action by which we pass
Motion Made By Rep. Weiss Seconded By Rep. K... H.B. 1127

Motion Made By Rep. Weing Seconded By Rep. Kaldor H-15

[illegible]

Total (Yes) all Yes 45 No 0 "Click here to type No Vote"

Absent

Absent

Floor Assignment

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

House Amendments to HB 1129 (78114.0201) - Human Services Committee 01/31/2007

Page 2, line 7, after "death" insert "or "birth resulting in stillbirth""

House Amendments to HB 1129 (78114.0201) - Human Services Committee 01/31/2007

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

House Amendments to HB 1129 (78114.0201) - Human Services Committee 01/31/2007

Page 16, line 10, after "information" insert "related to birth, death, and fetal death records"

House Amendments to HB 1129 (78114.0201) - Human Services Committee 01/31/2007

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

Page 17, line 6, replace "noncertified" with "certified"

Page 17, line 11, after the underscored period insert "A person authorized to receive a certified copy of a fetal death record may request the certified copy be issued in the form of a certification of birth resulting in stillbirth."

Renumber accordingly

Date: 4/31
Roll Call Vote #: 2

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

More Answers

Motion Made By

Rep. Ladd

Seconded By

Rep Patter

[illegible]

Total (Yes) 12 "Click here to type Yes Vote" No "Click here to type No Vote"

Absent

Absent

Floor Assignment

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

Date: _____
Roll Call Vote #: 3 4/31

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

House HUMAN SERVICES

B 1129

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

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		☒					
Total	(Yes)	12					

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Absent

Floor Assignment

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

REPORT OF STANDING COMMITTEE

HB 1129: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 2, line 7, after "death"" insert "or "birth resulting in stillbirth""

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 16, line 10, after "information" insert "related to birth, death, and fetal death records"

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

Page 17, line 6, replace "noncertified" with "certified"

Page 17, line 11, after the underscored period insert "A person authorized to receive a certified copy of a fetal death record may request the certified copy be issued in the form of a certification of birth resulting in stillbirth."

Renumber accordingly

2007 HOUSE APPROPRIATIONS

HB 1129

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3163

Committee Clerk Signature

Shirley Branning

Minutes:

Chm. Svedjen called the meeting to order to take up HB 1129, First Engrossment by calling on **Rep. Weisz**, District 14.

Rep. Weisz began his testimony with an explanation of Engrossed House Bill 1129 and stating that it changes how we deal with birth and death certificates. It changes the titles to records and has a process change so that is why you have a fiscal note of \$147,000. The death record will reside at the state level. It will be an electronic system.

Chm. Svedjen: To Rep. Pollert, \$220,000 is in the Health Department budget to get the system up and running. We got the bill because of its fiscal note; the funding is in another budget.

Rep. Skarphol: Is this going to make it easier for those who have trouble getting a birth certificate?

Rep. Weisz: It will be more difficult because of all the documentation required.

Rep. Klein moved a Do Pass to HB 1129. Rep. Kerzman seconded the motion.

Rep. Wald: What was the vote in the committee?

Chm. Svedjen: it was 12 yeas, 0 nays, 0 absent.

Rep. Nelson: Worried that we are making the process more difficult for birth certificates.

Rep. Weisz: Some directives are coming from the feds; for example, when someone dies that information will be on the birth certificate. It will curb some of the identity theft.

Rep. Skarphol: Will this improve the situation for those who cannot get a birth certificate?

Chm. Svedjen: Not an issue for this part of the country but there is a challenge to get real ID.

Rep. Weisz: It could affect drivers' licenses outside of the state of North Dakota; it will be more difficult because the birth certificate has to be the primary source of documentation.

The Do Pass motion carried by a roll call vote of 21 yeas, 2 nays and 1 absent and not voting. Rep. Hofstad will be the carrier of the bill.

Date: 2/8/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1129

House Appropriations Full Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Engrossed

Motion Made By Klein Seconded By Kempner

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald		✓	Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleason	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 21 No 2

Absent 1

Floor Assignment Referenced

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

REPORT OF STANDING COMMITTEE (410)
February 8, 2007 8:01 p.m.

Module No: HR-27-2621
Carrier: Hofstad
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1129, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends DO PASS (21 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1129 was placed on the Eleventh order on the calendar.

2007 SENATE HUMAN SERVICES

HB 1129

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1129

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3-06-07

Recorder Job Number: 4451, 4493, 4495

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Senator J. Lee opened the hearing on HB 1129 relating to electronic birth, marriage, fetal death, and death records and electronic filing and registration for birth, fetal death, and death records.

Paul Sannes (President, ND Funeral Directors Association) testified in support of HB 1129.
(Attachment #1)

Senator J. Lee recessed the hearing.

JOB #4493

Senator J. Lee resumed the hearing on HB 1129.

Darin Meschke (State Registrar and Director, ND Dept. of Health's Division of Vital Records)
Testified in support of HB 1129 and offered two minor clarifying amendments (Attachment #2).

Senator J. Lee asked when a personal representative is handling the affairs of a deceased person if it will be the funeral director who might request the initial ten certified copies of a death certificate.

Mr. Meschke said that is what the system is going to be geared to. As they file the facts of death information with the state they will also be able, at that time, to request a number of certified facts of death copies so that the family can use those to deal with immediate matters.

The only reason to have a full copy is for life insurance benefits.

Senator Warner referred to page 4 of the testimony and asked if they would no longer issue copies of marriage records.

Mr. Meschke replied that the counties will be the sole issuer of marriage copies.

Senator Warner asked if there were no financial implications in this would it make sense to centralize everything in the Dept.

Mr. Meschke replied that the marriage and divorce issues are really county functions. There is a reporting requirement for the county to report marriage and divorce information. The way the bill is worded and the way the law will change is that it will draw that line so that birth and death are state functions and marriage and divorce are county functions.

Senator J. Lee said he had mentioned that if the parents are married the birth records are public record. If they are not married what happens?

Mr. Meschke answered basically that is what is going to happen to the rest of the records (meter 19:25).

Senator Erbele asked if there are any system backups for the electronic registration starting January 2008. T

Mr. Meschke said they have been registering births electronically since January 2006. The information is stored and replicated at ITD.

Senator J. Lee referred to flooding and asked if geography is an issue.

Mr. Meschke said it might be an issue (meter 21:30). It is their goal to get records in an electronic format to make sure they have legitimate and readable copies of those records.

Senator Dever referred to the top of page 17 and said that people live to be 100 now.

Mr. Meschke said that the model law governing vital statistics has for years allowed people access to those records after they are 100 years old for mainly the reason of genealogy

Senator Warner asked when the social security catches up to the identity.

Mr. Meschke said the process that the health department uses is that when a baby is born and the information is registered with the state, information is sent to the social security administration asking for a social security number to be issued in that child's name.

Senator Warner asked him if it was reported to them.

Mr. Meschke said no, social security just sends the information directly to the parents.

Senator Warner asked if there was any public interest in them knowing what the number was.

Mr. Meschke replied not that he was aware of.

Senator Warner – If you are going to match births with deaths, wouldn't that be useful?

Mr. Meschke – Yes, it would be very useful (meter 24:30).

Senator Erbele asked if it is by law the parents have to register the birth of a child like in a case of a home birth.

Mr. Meschke – It is in the law that they are required to file (meter 25:50).

Senator J. Lee asked what they do about those cases with midwives who are attending births and are not nurses (meter 26:30).

Mr. Meschke said the home birth situation is definitely an issue that has to be dealt with – with midwives and some families.

Senator Heckaman asked if it was advantageous to report a home birth because the social security number is needed in order to file income tax and claim deductions.

Mr. Meschke – Yes, it is. Typically it is followed up. Usually it is a scheduled home birth and at some point a doctor has seen the baby.

Senator Warner asked about the issue of fetal death at birth. What point of gestation is the fetus considered to be reportable?

Mr. Meschke said that under current state law after 20 weeks of gestation it is a reportable event. Anything prior to that is considered a miscarriage. Anything after the 20 weeks gestation if the baby has any signs of life when it is born and then dies both a birth and a death certificate is filed. The doctor makes that determination.

(Meter 30:35) There was discussion on adoption records.

Jack McDonald representing the funeral directors and the State Bar Association of ND testified in support of HB 1129. A concern of the funeral directors is that they be allowed to have continuing authority to request death certificates. The amendment for the bar association is important because of legal reasons. The proposed amendment would address both of these concerns. He also added that an adoptee would have to have some proceeding before the court in order to open up adoption records.

Senator Warner asked if giving authority to funeral directors to continue relationship of being agents of the family would be specific to the director making the original request or does it stay within the firm. Does the authority transfer if the funeral home is sold to a new owner? Would it be more useful to have funeral director's as a class of agents?

Mr. McDonald said that issue had been discussed. The way the amendment reads now would be the continuing authority is with the funeral home that reported the death initially. In this case the funeral director means funeral home.

Family members can always get copies.

Discussion followed on the definition of family and current and surviving spouse.

Rep. Ole Aarsvold (District #20) testified in support of HB 1129. His interest came about as a result of contact with a group called MISS (Mothers In Sympathy and Support). It's a family support group for those families who have lost infant children especially those that have had stillborn children.

This legislation would provide for the appropriate department in several states to issue a certificate of birth resulting in stillborn, to acknowledge a birth. Currently the only vehicle in most states is a certificate of death. The question is "How can there be a death without a birth?"

Tom Freier (NDFA) testified in support of HB 1129.

Terry Traynor (Association of Counties) testified in support of HB 1129. (Attachment #3)

Senator Warner asked about wording on page 23 concerning the color of the deceased and why it was there.

Mr. Traynor said he didn't know why it was there, probably just old language.

There was no opposing or neutral testimony.

The hearing on HB 1129 was closed.

JOB #4495

Vice Chair Senator Erbele opened HB 1129 for discussion and consideration of amendments.

There was discussion on removing the language on page 23 lines 5 and 6 "The sexton is not required to record the cause of death or the color of the deceased." Adding the word "or surviving" on page 3, line 9, was also discussed.

Senator Pomeroy made a motion to amend HB 1129 with amendments as discussed and the Meschke amendments.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Amendments accepted.

Senator Warner moved a Do Pass as amended and rerefer to Appropriations.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Erbele.


3-7-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1129

Page 3, line 9, after "current" insert "or surviving"

Page 17, line 6, after "board" insert ", or a funeral director reporting the facts of death"

Page 17, line 8, after the underscored period insert "A certified copy of a death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a death record or to any licensed attorney who requires the copy for a bona fide legal determination."

Page 23, line 5, overstrike "The sexton is not"

Page 23, line 6, overstrike "required to record the cause of death or the color of the deceased."

Renumber accordingly

Date: 3-6-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1129

Senate HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken amendments

Motion Made By Sen. Pomeroy Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 3-6-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1129

Senate **HUMAN SERVICES** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass / amended / rerefer

Motion Made By Sen. Warner Seconded By Sen. Heckaman

[illegible]

Total (Yes) 6 No 0

Absent _____ 0

Floor Assignment Senator Erbele

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

REPORT OF STANDING COMMITTEE

HB 1129, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1129 was placed on the Sixth order on the calendar.

Page 3, line 9, after "current" insert "or surviving"

Page 17, line 6, after "board" insert ", or a funeral director reporting the facts of death"

Page 17, line 8, after the underscored period insert "A certified copy of a death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a death record or to any licensed attorney who requires the copy for a bona fide legal determination."

Page 23, line 5, overstrike "The sexton is not"

Page 23, line 6, overstrike "required to record the cause of death or the color of the deceased."

Renumber accordingly

2007 SENATE APPROPRIATIONS

HB 1129

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1129

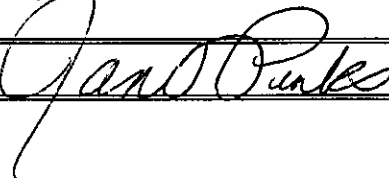
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-16-07

Recorder Job Number: 5205 (17.50) and 5206

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1129 indicating the bill was drafted because of federal legislation

Terry Mlschke, State Registrar, Division of Vital Records of the Health Department, introduced HB 1129 indicating it is a bill that will allow the Department to make changes to the way we process birth and death certificates which will be done electronically. Additionally some changes have been made the way marriage records as they will be done by the counties. That revenue will fall back to the counties. Through the death registration process, the burial transit permit now will have to be a recorded item in the county and there is a fee. The revenues will be a loss to the counties but these two changes will make up for some of that.

Senator Fischer asked if counties are doing less work, they won't have the expense of the people processing those documents, so wouldn't it be a wash. The response was yes it would as the work will be done at the state on death registration.

Senator Fischer questioned that he didn't understand the loss to the counties. The response was that we are projecting what the counties actually get from issuing certified copies of death records now; they won't be getting those funds in the future.

Senator Krauter indicated that comments had not been made about something still being recorded at the county. The response was yes.

Senator Krauter asked who pays the fees on an indigent case. The response was the county eats the cost of that.

Chairman Holmberg questioned the statement they are tightening up on birth records and what does that do to someone who wants to get a copy of a birth certificate for a child or themselves or someone. The response was that currently in ND if your parents were married at the time of your birth then anyone can get a certified copy of your birth certificate. With the bill, if your parents weren't married, then only the people that were involved in the birth or an authorized representative can get the certificate.

Senator Christmann indicated when you discuss electronic process. If someone doesn't have a computer, how will they get copies? The response there will still be a certified copy of a death record. The process for registration is becoming electronic, not the certification part of it.

Senator Christmann questioned the changes that are being made in record keeping at the counties almost sounds like busy work. The response was that is not the case, typically the counties actually issue the certified copies of the marriage records. The bill is drawing a line indicating birth and death are state recorded functions and marriage and divorce are county recorded functions.

Senator Mathern questions why we not went on both ends— to provide the data to create the record and provide certified copies electronically. The response was that now and historically, people need a paper certification for authenticity.

Senator Mather questioned why not create something they will accept. That may be in the future of vital records and how we issue certified copies, but at this point the federal law is dictating we issue in on a piece of paper.

Senator Krebsbach asked if there is still a central file in the state on marriage certificates. The response was yes, the county is required to send us the data.

Senator Krebsbach indicated at one time she was requested to obtain a death certificate for someone who lived in the area for someone who is out of the country wanted the information. Would that be possible to get as an individual for someone else or is that totally out of the question. The response is that only certain individuals will be able to get a certified copy of a death record as well. There will however be informational copies to the public. They will not include the cause of death or the social security number.

Senator Lindaas indicated up to now we could go to the courthouse to get information, will we still go there or only to the state. The response was the county will be removed from the death registration process like from the birth registration process a long time ago. At some point the records they have will have to be removed from the county and sent to the state archives.

Jack McDonald, testified on behalf of funeral directors in support of HB 1129. He indicated there were amendments made that were more agreeable to the association. this is the same procedure they follow in SD for a few years now.

Chairman Holmberg questioned whether he knew how far back records go. The response was to the late 1890's.

Chairman Holmberg closed the hearing on HB 1129.

Senator Tallackson moved a do pass on HB 1129, Senator Wardner seconded. No discussion followed. A roll call vote was taken resulting in 12 yes, 0 no, and 2 absent. The motion passed and Senator Erbele will carry the bill.

Date: 3/16/07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1129

Senate Appropriations

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Tallackson

Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm			Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer			Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 12 No -

Absent 02

Floor Assignment Hum. Serv

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

Erbele

REPORT OF STANDING COMMITTEE

HB 1129, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1129, as amended, was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1129

Testimony

House Bill 1129

House Human Services Committee

January 8, 2007; 9:00 a.m.

North Dakota Department of Health

Good morning, Chairman Price and members of the Human Services committee. My name is Darin Meschke, and I am the state registrar and director of the North Dakota Department of Health's Division of Vital Records. I am here today to provide testimony in support of House Bill 1129.

House Bill 1129 amends current laws regarding birth and death records to comply with new federal legislation and to update or clarify outdated language. The bill is quite lengthy, so first I will let you know why these changes are necessary. Then I will walk you through the substantive changes in the bill and explain how we plan to implement these changes. Please stop me at any time if you have a question about any of the proposed changes in the bill.

Need for Changes

The North Dakota Department of Health is required by state law to register and certify all births and deaths that occur in the state. The Intelligence Reform and Terrorism Prevention Act of 2004 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:

- Restricting or closing access to birth records.
- Requiring all states to link or match birth and death records.
- Creating electronic registration systems for both birth and death reporting.
- Using security paper when creating certified copies of these records.

If the changes required by this act are not made by the Division of Vital Records, federal agencies will no longer 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 State Department's Passport Services Office 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 and a passport. The new federal legislation requires states to enhance their security regarding these documents as a prevention measure for fraud and terrorist activities. Open record states like North Dakota are being mandated to

restrict access to these vital documents so that only individuals with a legitimate need will be able to receive a certified copy.

Proposed Changes to Chapters 23-02.1 and 23-06

At this time, I would like to walk you through the proposed changes that will ensure that the state of North Dakota complies with the federal mandates.

Some of the new requirements are already being done and do not require any changes to state law. For example, we already match birth certificates to death certificates and flag the birth certificate as deceased to prevent the identity theft of a recently deceased individual, and we started to use more secure paper for birth and death certificates in late 2005. The changes in this bill will help us meet the remaining federal requirements.

I will address only the substantial changes to the law, as the bill is quite lengthy. There are many minor changes, most of which are wording updates that I won't address; however, I would be happy to elaborate on any proposed change if you have a question.

Starting on page one under section one, line 17; we are adding some definitions to more clearly identify the individuals and procedures used in the vital event registration process. Some of these new definitions include:

- Authorized representative – An authorized representative is a person who has the legal authority to act on behalf of the person named on the record, including a personal representative or guardian.
- Relative – For the purposes of this bill, a relative is defined as and limited to a person's current spouse, a parent or legal guardian, a child, a grandparent or a grandchild.

The next change is on page four under section two, line five. This new section clearly defines the transition from the paper registration process to the electronic registration process. Electronic registration will reduce the time needed to register birth and death records and will eliminate the need for local county registration of death records. The North Dakota Department of Health's Division of Vital Records will be the sole source for all birth and death registration and for issuing certified copies. All existing certified copies of birth, marriage, fetal death and death records issued prior to January 1, 2008, will remain legally valid.

The Department of Health has had discussions with the North Dakota Association of Counties regarding these changes. The counties understand that the new death system will remove them from the death registration process and result in a loss of revenue because they will no longer be able to issue certified copies of death records. As a result of these discussions, the Department of Health agreed to transfer the

responsibility for issuing certified copies of marriage records to the counties, thus returning some of the lost revenue back to the counties. It is my understanding that the counties may pursue adding a fee for the filing of the burial-transit permit, which records the location of a body that is buried in a cemetery, to try and recoup some of the remaining lost revenue. The distinction we are trying to make with these changes is that birth and death registration will be state functions, while marriage and divorce filings are county functions.

The next major change is on page four of the bill, under section four, line 28. As we implement electronic death registration, we will no longer have a need for a local county registrar. All of the records will be electronically filed by funeral homes directly with the Department of Health; therefore, all of the duties of the local registrar will be assumed by the state registrar, with the exception of the duties assigned to the subregistrars under section 23-02.1-08. A subregistrar is a person employed by a funeral home, usually a funeral director, who now will be required to issue burial-transit permits and file those permits with the county recorder in the county where the final disposition takes place. All subregistrars will be subject to the supervision and control of the state registrar. We have worked with the Association of Counties on this issue, and they are aware of the changes. The county recorder will be charged with recording and filing the burial transit permits

The next change relates to the electronic processing of birth records. On page five, section seven, starting on line 22, the change requires that all births occurring in an institution be reported using the North Dakota Department of Health's Electronic Birth Registration System (EBRS). Any home birth or birth occurring outside of an institution will be filed using the required forms and then entered into the system by Department of Health staff. Since January 1, 2006, we have been using the EBRS, to electronically register all state births. Currently, all 21 birthing hospitals are using the system and seem to like it. The change to the law would make using the EBRS a mandatory requirement for filing a birth record.

The next change starts on page 11, under section 13, line 12 and deals with death registration. Similar to the birth requirement, starting January 1, 2008, all deaths and fetal deaths occurring in the state must be reported to the North Dakota Department of Health using the Electronic Death Registration System (EDRS). All registration and issuing of certified copies will be completed by the North Dakota Department of Health. As part of this new registration process, we will be dividing the death record into two parts: the Facts of Death part, which must be filed by the funeral director who assumes custody of the body; and the Medical Certification part, which will be completed by either the last known physician or nurse practitioner, a local health officer or county coroner, or the state medical examiner. This new electronic system is currently being developed by the North Dakota Information Technology Department. The changes to fetal death registration start on page 13, section 14, line

eight and are much the same as the changes to death registration. By implementing both birth and death registration systems at the state level, we are limiting the potential points of security failure in our state's vital records registration system to one agency.

The next changes in the bill are the most substantive and relate to the disclosure of records. They begin on page 16, section 20, line nine. These changes are required to restrict access to vital records. North Dakota currently is considered an open records state when it relates to birth record access because, under current state law, if your parents were married at the time of your birth, your record is open to anyone with the knowledge to request it. We need to make the following changes to comply with the federal requirements and to reflect the change in the issuance of marriage records:

1. A certified copy of a birth record may be issued to the individual named on the record, provided they are at least 16 years of age; to a parent named on the record; to an authorized representative; or by the order of a court of competent jurisdiction. If the individual named on the birth record is deceased, then a certified copy may also be issued to a relative. If the birth record is more than 100 years old, then it is an open record, and a certified copy may be issued to anyone. Adoption records will remain confidential forever, however. This allowable access follows the federal model law regarding birth record access.
2. A certified copy of a death record may be issued to a relative, an authorized representative, the child fatality review board, the suicide prevention task force or by the order of a court of competent jurisdiction. Non-certified informational copies of death records may be issued to anyone but will not contain the cause of death or a social security number. Death records are routinely requested by genealogists researching a family's history, and these non-certified copies will allow access to this information without the issuance of a certified copy.
3. A certified copy of a fetal death record may be issued to a parent named on the record, an authorized representative, or by the order of a court of competent jurisdiction.
4. The North Dakota Department of Health will no longer issue certified copies of marriage records, but will provide non-certified informational copies to the general public if requested.
5. Any individual authorized to receive a certified copy of any specific record may grant another individual the same authority by completing a written authorization form prescribed by the North Dakota Department of Health.
6. The North Dakota Department of Health may grant limited access to birth and death records to the North Dakota Department of Human Services for the purpose of completing their official duties. The divisions of Child Support Enforcement and Medical Services are two examples of specific staff that have been granted this type of access.

The last major change in the bill relates to chapter 23-06 and is found on page 22, section 28, line 22. This change again relates to the additional duties of the subregistrars and their requirement to issue and file burial transit permits. This change standardizes the language in both chapters to describe the duties and functions of a subregistrar.

Conclusion

As I mentioned earlier, most of the changes in this bill are the result of federal legislation that comes from the Intelligence Reform and Terrorism Prevention Act of 2004.

The two critical changes we need to make in North Dakota as a result of this act are electronic birth and death registration and closing access to birth record information. The new electronic registration systems will make these processes more timely and efficient. By making both birth and death registration and the issuance of all certified copies the sole responsibility of the state, we are limiting the points of failure within the vital event registration system in our state, making the system the most secure it can be.

Closing access to birth records is a needed change in the post-9/11 world. Terrorism prevention and identity theft are just two reasons why we should restrict access to vital birth record information.

This concludes my testimony. I am happy to answer any questions you may have.

**Testimony To The
HOUSE HUMAN SERVICES COMMITTEE
Prepared January 8, 2007 by the
North Dakota Association of Counties
Terry Traynor, Assistant Director**

CONCERNING HOUSE BILL 1129

Chairman Price and members of the Committee, the Division of Vital Records was very open with county officials in their planning process for this fairly significant change – and we would like to acknowledge this and thank them for their efforts. While we are not overjoyed with the removal of this much appreciated local function from the courthouse, or the loss of the county revenue, we understand the requirements that are forcing the restructuring of this process.

The most noted concern raised by county officials was the loss of local service that is now provided – and their hopes that the new system can become as timely for families of the deceased. Obviously the revenue loss is another point of concern. I have attached an estimate (from a survey) of the county-by-county impact of the removal of the counties' ability to provide certified copies as most do now. As it shows, the total is about \$108,000 – varying from nothing in five counties to over \$30,000 in Cass.

In our discussion with the Division, they have proposed other process changes and included suggestions by county officials that will hopefully lessen both the personal and the fiscal impact.

The Division has included in their bill draft a filing in the County Recorders office of the document termed the "burial-transit permit" (Section 28). This document is currently filed at no cost, but generally not retained for longer than year. It is currently filed with the County Registrar of vital records – an office which will no longer exist. Filing this in the Recorders Office will have two very important results.

Fiscally, this is estimated to generate about \$65,000 annually in filing fees. The standard filing fee of \$10 for all documents filed with the Recorder (NDCC 11-18-05) would apply. More importantly, this will provide a preserved record, filed by name, which will be locally available for the numerous researchers that come to the courthouse seeking death information. The increased federal restrictions on the detailed Death Certificate information will make this more general reference material an excellent starting point.

The Division of Vital Records has also indicated that they, in the future, will direct requests for certified copies of marriage licenses to the county holding the original document – thereby also shifting a fairly small piece of business to the counties.

Counties urge you to retain the filing of the burial-death certificate language, and with that can support the passage of HB1129.

HB 1129 - Death Certificate Process Changes

Analysis of Impact to County Revenues

NDACo Survey of County Registrars of Vital Records

	Lost Cert. Copy Revenue*	Proposed Filling Rev.
ADAMS	\$922.00	\$470.00
BARNES	\$1,890.00	\$1,260.00
BENSON	\$0.00	\$150.00
BILLINGS	\$10.00	\$20.00
BOTTINEAU	\$365.00	\$520.00
BOWMAN	\$771.00	\$340.00
BURKE	\$252.00 *	\$180.00
BURLEIGH	\$12,676.00	\$7,150.00
CASS	\$34,300.00	\$13,480.00
CAVALIER	\$661.00	\$500.00
DICKEY	\$1,100.00	\$840.00
DIVIDE	\$462.00 *	\$330.00
DUNN	\$476.00 *	\$340.00
EDDY	\$462.00	\$330.00
EMMONS	\$821.00	\$500.00
FOSTER	\$448.00 *	\$320.00
GOLDEN VALLEY	\$224.00 *	\$160.00
GRAND FORKS	\$5,670.00 *	\$4,050.00
GRANT	\$415.00	\$310.00
GRIGGS	\$544.00	\$330.00
HETTINGER	\$476.00 *	\$340.00
KIDDER	\$521.00	\$2,230.00
LAMOURE	\$448.00	\$320.00
LOGAN	\$0.00	\$160.00
McHENRY	\$600.00	\$410.00
McINTOSH	\$815.00	\$610.00
McKENZIE	\$700.00 *	\$500.00
McLEAN	\$1,773.00	\$1,020.00
MERCER	\$0.00	\$730.00
MORTON	\$2,635.00	\$1,690.00
MOUNTRAIL	\$805.00	\$490.00
NELSON	\$739.00	\$590.00
OLIVER	\$210.00 *	\$150.00
PEMBINA	\$0.00	\$760.00
PIERCE	\$1,134.00	\$870.00
RAMSEY	\$1,814.00	\$1,510.00
RANSOM	\$1,176.00 *	\$840.00
RENVILLE	\$266.00 *	\$190.00
RICHLAND	\$1,121.00	\$850.00
ROLETTE	\$67.00	\$810.00
SARGENT	\$532.00 *	\$380.00
SHERIDAN	\$280.00 *	\$200.00
SIOUX	\$0.00	\$140.00
SLOPE	\$98.00 *	\$70.00
STARK	\$3,234.00 *	\$2,310.00
STEELE	\$3,870.00	\$2,470.00
STUTSMAN	\$3,047.00	\$2,010.00
TOWNER	\$424.00	\$290.00
TRAILL	\$1,646.00	\$900.00
WALSH	\$2,508.00	\$1,650.00
WARD	\$10,943.00	\$5,740.00
WELLS	\$315.00	\$600.00
WILLIAMS	\$3,929.35	\$1,660.00
	\$108,595.35	\$65,070.00

* For counties that did not return a survey, the number of deaths attributed to that county by State Vital Records and the statewide average revenue per death certificate (\$14) was used.

Memorandum for Additional Information
HB 1129

To: Clara Sue Price
Chairman, House Human Services Committee

From: Darin J. Meschke
State Registrar and Director, Division of Vital Records
ND Department of Health

Date: January 8, 2007

This memorandum is intended to provide follow-up information from my testimony on January 8, 2007 in support of HB 1129. I have already provided your committee clerk with 15 copies of section 7211 of the Intelligence Reform and Terrorism Prevention Act of 2004. This specific section relates to the mandates I spoke of in my testimony and the requirements we are being asked to make at the state level. The final rules relating to this act are presently being drafted by the Center for Disease Control's National Center for Health Statistics. Final regulations should be out at the end of 2007.

I also provided the clerk with 15 copies of the current burial-transit permit and a single copy of a current ND certificate of death. To reiterate, the function of recording the burial-transit permit has always been a county function and never been a duty of my office. The counties record the exact location of the body with the permit and with the changes we are requesting, the permit will become a permanent document in the county recorder's office. This new filing is also a source of revenue that will alleviate some of lost revenue in the counties when we remove the local county registrars from the death registration process. The state currently does not have any system set up to record the burial-transit information that is currently maintained in the county.

To answer your question regarding the need of the suicide prevention task force having access to certified copies of death record. After discussing this issue with Department of Health members on the task force, they have stated that the de-identified data set that they currently receive from the Division of Vital Records is sufficient. Thus, we can remove the reference to the "suicide prevention task force," from the group of people who may obtain a certified copy of a death record. That reference is on page 17, line four.

NORTH DAKOTA LEGISLATIVE ASSEMBLY
HOUSE HUMAN SERVICES COMMITTEE

HB 1191 AND 1129

CERTIFICATION OF BIRTH RESULTING IN STILLBIRTH

Several months ago, a story was printed in one of our weekly papers. It was about a family in my hometown that had one of their two month old twins die of SIDS. It told of the almost unbearable events surrounding the loss of a child. Included in that news story was a reference to MISS - Mothers in Sympathy and Support. As the name implies, it is a support group for families who have experienced the death of a child.

The MISS website is a wonderful resource for those who have lost a child. Chat rooms, reading recommendations, practical advice on funeral arrangements, and counselors are but a few of the features offered. Links to other resources and other appropriate websites are very helpful.

One of the organization's current initiatives is MISSing Angels legislation. This program has worked its way through 16 states. It authorizes those states that approve to issue a certificate of birth for those stillborn. In those states where such legislation has not yet passed, including North Dakota, the procedure is to issue only a death certificate when a baby is stillborn.

This begs the question; can there be a death when there is currently no record of birth?

The proposed document would be called a "Birth Certificate Resulting in Stillbirth." It would be an entirely voluntary matter requiring a person currently authorized to receive a fetal death record to request a Certification of Birth Resulting in Stillbirth. Not every family would feel a

need for such validation, but many would. I am told that the frequency of stillbirth in North Dakota is between 40 and 50 annually. Perhaps, coincidentally, there are about 50 North Dakota families who participate in the MISS organization.

I bring a personal perspective to the matter of stillbirth. My mother experienced the stillbirth of twins after an automobile accident. The event also ended her child bearing at the age of 22. My sister and I recently had our brothers' graves opened and reinterred with our mother.

More recently, our first grandson was stillborn at full term after a seemingly normal pregnancy. The medical statistic that our grandson's death was the result of a one in a one thousand event did nothing to ease the pain.

At the recommendation of the Health Department and Vital Records, HB 1129 serves as a better vehicle to carry the MISSing Angels legislation. I offer Amendment .0102 for your consideration.

Representative Ole Aarsvold

District 20



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MISS Foundation's MISSing Angels Bill Legislation

What is the MISSing Angels Bill?

The MISSing Angels Bill is a piece of legislation that allows for the issuance of a "Certificate of Birth resulting in Stillbirth (CBRS)" by a state's vital records office for any stillborn infant.

Why is the MISSing Angels Bill necessary?

Every state in the U.S. already issues a death certificate for all stillbirths. Additionally, each state has a final disposition mandate for stillbirths. Many parents want to have their child's birth certificate in addition to their death certificate. Unfortunately, without legislative change, most states are unable to accommodate the parents' wishes.

How did this legislative effort begin?

Many parents across the United States have voiced their concerns about the public health policy which issues the death certificate yet completely ignores the woman's process of birth when there is an intrauterine death.

Arizona was the first state in the United States to change the law and the first state to issue the CBRS in 2001. MISS Foundation Founder, Joanne Cacciatore-Garard, lobbied the Arizona legislature for more than one year to educate law-makers about stillbirth and to rally support. With the help of many families who wrote and emailed their legislators, HB2416, the MISSing Angels Bill, passed its final vote in the Arizona Senate with unanimous support.

Supporter, Senator Susan Gerard said in closing, "The passage of this bill will give much needed respect to those who have experienced the stillbirth of a child. It may even be the first step toward increased knowledge about the causes of stillbirth. In addition, it makes Arizona the first state in what will hopefully be a national trend toward recognizing the significance of this tragedy. I would like to thank Joanne Cacciatore for her leadership and efforts on this bill and her daughter Cheyenne Cacciatore for whom this act is named."

How can I get a MISSing Angels Bill passed in my state?

Some states have already followed Arizona's lead in issuing the CBRS. If your state has not passed this legislation and you'd like to champion for it, please email Joanne Cacciatore-Garard at joanne@missfoundation.org or call 623.979.1000.

More information on the MISSING Angels Bill:

Find out if your state has passed this legislation

About HB2416: An information/fact sheet for law-makers.

Arizona State Senate: Read a transcript of the very last hearing on the MISSING Angels Bill.

Arizona Press Release: MISSING Angels Bill.

The Signing: Arizona Governor, Jane D. Hull, signs the MISSING Angels Bill into law (with photo).

Bill Text: The original language of the first MISSING Angels Bill.

Letter to Legislators: Read a template of the letter sent by Joanne Cacciatore to Arizona legislators

Testimony before the Arizona Senate: Read Joanne Cacciatore's testimony before the Senate Health Committee.

Hospital Compliance Letter: Read a letter sent out by the MISS Foundation in Arizona to local hospitals ensuring compliance with the new law.

Communication Strategy: In Hospital Recommended Protocol for Offering the CBRs.

Meeting with your legislators: A few helpful hints for new political activists!

A tally of the final votes in the Arizona Senate: Both Democrats and Republicans unite in their voices to support the MISSING Angels Bill

Feminists Support Women Experiencing Stillbirth: A letter to NSS from Planned Parenthood regarding Arizona's MISSING Angels Bill and the combined efforts to pass this legislation across the nation

Arizona Vital Records: Notice of Substantive Policy Statement

The first Certificate of Birth resulting in Stillbirth in the United States:
See a copy

If your child was stillborn, you'll want to read this book:
Dear Cheyenne

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The M.I.S.S. Foundation is a nonprofit, 501(c)3, international organization which provides immediate and ongoing support to

Dear Committee Members,

Please prepare yourself for what I am about to tell you.

My name is Daryl Logullo, outside of Orlando, Florida. **Many, many North Dakota mothers, fathers, grandparents and families need your help.** I know. I've walked their tragic steps.

I speak to your great residents as a national volunteer with the MISS Foundation – which stands for Mothers In Sympathy and Support. We are the leading non-profit in American as advocates for stillbirth legislation, as a means to provide comfort and compassion. Nothing else! No other issues or agendas.

Are you a parent? So am I. Listen to my story.

In October 2004 my wife and I were overjoyed to learn that we would be expecting our second child in 2005. Our pregnancy ended abruptly and in complete devastation.

On May 9, 2005, the Monday morning after Mother's Day, Beth awoke with uneasiness over her pregnancy. She courageously drove herself to the hospital. I rushed from work to be by her side. In only a matter of minutes, and just days after a routine and excellent prenatal check-up with her doctor, we learned that our baby girl's heart was no longer beating. For no medical reason whatsoever, at 35 weeks into our pregnancy--or approximately 8 months--our daughter, due to be born in just 5 short weeks, was no longer alive. We watched in complete shock and devastation as he prescribed medication that would immediately induce labor during the evening of Monday, May 9, 2005. Beth would very faithfully endure an emotionally and physically traumatizing childbirth of about 18 long. Courageously battling a overwhelming sea of emotions, she conquered heartbreak and agony to deliver our daughter, Katherine Elizabeth, on Tuesday May, 10, 2005 -- beautiful, 5 pound stillborn daughter, born sleeping.

The statistics are shocking for this type of death. There are more than 35,000 babies 'stillborn' in the U.S. every year. In just our state of Florida, there are approximately 1,600 every year.

You have similar figures in North Dakota.

'Stillbirth protocols', and the medical courtesies given to mothers dictate the parents may be given mementos such as the baby's "crib-card," the wrist or ankle bands, or the handprints associated with the birth of their baby. Yet parents of stillborn babies check out of the hospital with empty arms, broken hearts and sent home with deep wounds. It's easy to understand that any "tangible item" from these traumatic events could be considered essential in the bereavement process.

I was told since there are no provisions for Birth Certificates "by law," it is simply "not done." I was told I will receive a death certificate for Katherine; but never a birth certificate! In the State of Florida, my baby's birth never existed.

The same is true in North Dakota.

It is a complete travesty and injustice to the people of North Dakota and anyone in the United States.

I am asking you to support a "Missing Angels Bill" for the State of North Dakota. Under this bill, parents who lose a child after 20 weeks of gestation would be given the option to receive a "Certificate of Birth Resulting in Stillbirth." Optional is the key word. The State is not forcing this on any one.

As of this letter, the State of Florida became the 14th state in the United States to adopt such meaningful legislation, following the states of Arizona, Utah, Indiana, Massachusetts, and Michigan, Texas and many others -- all which have recently already enacted "*Missing Angels Bills*" into law.

It is my hope that North Dakota will quickly rise to the occasion, follow Arizona's lead, and Florida's most recent law, meet the expectations of bereaved North Dakota parents who suffer such devastating losses.

The fact is: these children lived, they died, and that even in their deaths, all of these children very much matter to North Dakota.

Respectfully,

Daryl T. Logullo
Proud Father of Katherine Elizabeth Logullo
(Born Sleeping on May 10, 2005)

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Kids who are grieving...

When someone you love dies, you might feel as though you are the only person in the world feeling the way you do. The truth is that you're not alone. Everyday, there are other kids who lose a brother or sister, a mom or a dad, a grandma or a grandpa... someone that *they* love. And even though no one's feelings are exactly the same, you are all grieving.



"Grieving" is when you miss the person who has passed away. It's that empty feeling you get when you remember they're gone. You might feel angry or sad or confused. You might feel like you can't sleep, playing or going to school—and you might not. You might get stomachaches or headaches. You might want to be with your friends or be alone. Whatever you are feeling, it's okay to feel that way.

The grownups in your family might be grieving too. That might make you feel like you will hurt their feelings if you talk about how you feel. The truth is grownups would be more sad if you *didn't* share your feelings with them. You can also talk to a teacher, minister, or counselor. Sometimes, it's okay to talk to a friend. If you don't feel like sharing your feelings, that's okay too. You could write in a journal or draw pictures about how you feel.

Sometimes, other people might forget that kids grieve. It's okay to tell them, "Someone I love died".

Sometimes, people might say things to make you feel better but it hurts your feelings instead. Or, sometimes, people won't say anything at all because they're afraid of talking about it will upset you. It's okay for you to say, "It hurt my feelings. Tell me why."

And remember, it's okay to feel angry or sad or whatever you are feeling. You can't control what feelings you have--BUT you *can* control what you *do* with your feelings. Make positive choices to let those feelings out and take good care of yourself...the way the person you love who died would want you to.

For the Grownups who love them...

Someone you loved has died. Now imagine that everyone around you shelter you from having any involvement with funeral arrangements or the death. Would you be angry? Would you be confused?

Though this is no doubt a difficult time for you and your family, please remember to include your kids as much as possible. Let them help with arrangements, talk to them about your beliefs, help them to understand behind the death.

Very young children (2 and younger) may not understand anything in fact that their routine has been changed or that mom and dad are upset. Comfort them as best you can with continuity and reassurance. Talk to their loved one who has died.

Preschoolers understand a lot more than they are able to express. Their acting out by "fit throwing" or having angry outbursts. Let them express their grief with drawings or play dough. Talk to them about the one who has died.

Adolescents will have differing reactions. Some will become withdrawn, keep their feelings from upsetting you. Some will become anxious as to about their own death. They may experience more somatic feelings such as headaches or stomachaches. Encourage them to keep a journal or express themselves in other ways. Talk to them about their loved one who has died.

Teenagers will most likely become distracted or withdrawn. They may try to fill the role of "caregiver" to help lessen your burden. They may minimize their existence. They may turn to friends for support. Talk to them about the one who has died.

Talking to them about their loved one who has died...are you seeing a pattern? Many kids don't know it's okay to bring up the subject until they get to the adults in their lives. Your loss is undoubtedly one of the most difficult you have gone through. You need to take care of yourself first and foremost. It will be impossible to help your child. If you are struggling with your own grief, it might be a good idea to ask another adult you trust to be the support you need. If anyone in your family is experiencing symptoms of severe depression or extreme variations of the above mentioned feelings, seek professional help.

References

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Oikonen, J. & Brownlee, K. (2002) Family therapy following perinatal loss. *Family Therapy*. 29(3), 125-140.

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Many groups are forming across
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Our Bi-monthly newsletter. Filled
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Meet and Share with Other Bereaved Families:

- Share with other bereaved parents in our MISS Forums. many forums covering a wide range of topics - something everyone! There's even a place for kids!
- NetPals! One of our most popular features. Submit your You can even upload a thumbnail picture of your child to your entry.
- Join other parents in our Online Chat room. The chat sets the day, time, subject and moderator of the daily live chat.
 - o Please note that in order to access the chat room, you need to be registered on the forum boards. You can find the registration link here: [Register for Chat and Forums](#)
- Enter your child's special days on our interactive Ascensions

MISS Photo Gallery

The MISS Photo Gallery - see what we have been up to! Photos from our annual conference, kid's activities, fundraisers and more!

Legislation

If your child was stillborn, read about what Arizona has done in the past to advocate for women and their families enduring this tragedy

Our MISSING Angels Memorial Quilt

Memorial quilt in loving memory...

Cherish Corner

Poetry, articles, suggested reading, and more. Cherish corner is a place to grieve, heal and remember.

The Father's Page

There is a lot of support for grieving moms but not much for dad's section, inspired by one dad's grief, is for all grieving dads.

Saying Goodbye

Help for planning a special goodbye for your child.

Bookstore and More

In association with Amazon.com, the internet's largest online bookstore, have browsed through their extensive listing of books to create a bookstore tailored just for you. Our bookstore includes topics such as resources, infant health issues, pregnancy, inspirational and more.

Finding a Therapist

Finding a well-trained, empathic grief counselor can help parents, grandparents, and children deal with the death of the child. Family therapy with a competent counselor or psychologist is an important part of coping and healing.

The MISS Store

Shop our store for angel gifts, photo prints, MISS Foundation merchandise and beautiful jewelry.

"Dear Child"

A journal for women experiencing miscarriage by MISS Foundation founder of Fundacion Esperanza, Carla Hoffman

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The M.I.S.S. Foundation is a nonprofit, 501(c)3, international organization which provides immediate and ongoing support to grieving families, empowerment through community volunteerism opportunities, public policy and legislative advocacy programs to reduce infant and toddler death through research and education.

North Dakota Department of Health

Bismarck, North Dakota

Certification of Birth Resulting in Stillbirth

THIS IS TO CERTIFY THAT THERE IS ON RECORD IN THE DIVISION OF VITAL RECORDS, NORTH DAKOTA DEPARTMENT OF HEALTH, BISMARCK ND, THE FOLLOWING ENTRY OF BIRTH:

NAME:

BIRTH PLACE:

DATE OF STILLBIRTH:

SEX:

FATHER'S NAME:

MOTHER'S NAME:

FILING DATE:

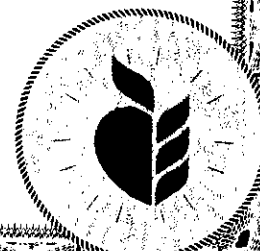
CERTIFICATE NUMBER:

DATE ISSUED:

Darin J. Meschke

Darin J. Meschke
State Registrar of Vital Statistics

This certificate is issued in compliance with the laws of the State of North Dakota
(NOT VALID without raised impression seal of the North Dakota Department of Health)



North Dakota Department of Health
Bismarck, North Dakota
Certification of Fetal Death

THIS IS TO CERTIFY THAT THERE IS ON RECORD IN THE DIVISION OF VITAL RECORDS, NORTH DAKOTA DEPARTMENT OF HEALTH, BISMARCK ND, THE FOLLOWING ENTRY OF BIRTH:

NAME: _____
BIRTH PLACE: _____
DATE OF DEATH: _____
SEX: _____
FATHER'S NAME: _____
MOTHER'S NAME: _____
FILING DATE: _____
CERTIFICATE NUMBER: _____
DATE ISSUED: _____

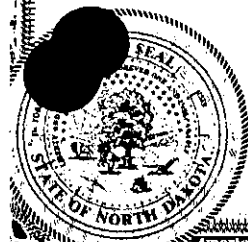
Darin J. Meschke

Darin J. Meschke
State Registrar of Vital Statistics

000179000

This certificate is issued in compliance with the laws of the State of North Dakota
(NOT VALID without raised impression seal of the North Dakota Department of Health)

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1129

Page 2, line 7, after "death"" insert "or "birth resulting in stillbirth""

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"

Page 17, line 11, after the underscored period insert "A person authorized to receive a certified copy of a fetal death record may request the certified copy be issued in the form of a certification of birth resulting in stillbirth."

Renumber accordingly

Testimony

House Bill 1129

House Human Services Committee

January 31, 2007; 8:30 a.m.

North Dakota Department of Health

Good morning, Madam Chair and members of the House Human Services Committee. My name is Darin Meschke, and I am the state registrar and director of the North Dakota Department of Health's Division of Vital Records. I am here today to provide testimony in support of House Bill 1129 with amendments suggested by Representative Aarsvold and to offer an additional amendment.

The amendments to House Bill 1129 offered by Representative Aarsvold eliminate the need for House Bill 1191, which directed the Department of Health to register and file a new classification of vital events called "stillbirths," based on the request of the parents, for fetuses that die after 20 weeks gestation. Since we currently classify this type of event as a fetal death, House Bill 1191 essentially required the Department of Health to file two records for a single event. The Department of Health has worked with Representative Aarsvold to develop the following amendments to replace the changes proposed in House Bill 1191.

The first amendment is on page 2, line 7, and inserts "or birth resulting in stillbirth" after the word "death." Basically, this allows the Department of Health to continue to register fetal deaths as we have for more than 70 years, but to add the alternative name of "birth resulting in stillbirth." With this change, the two terms would have the same meaning under state law.

The second amendment deals with the certified copies our office issues for fetal deaths and is on page 17, line 11. Here the amendment adds the ability for any person authorized to receive a copy of a fetal death record to request a certified copy of a birth resulting in stillbirth. With this change, parents can decide which copy they would like to receive. These two changes offer parents a valid option to a certification of fetal death.

The Department of Health is asking the committee to consider an additional amendment to ensure the security of death records. On page 17, line 7, the committee has amended House Bill 1129 so that a "certified copy of the facts of death" can be issued to anyone who makes a request, whether or not that person is a family member or anyone else authorized to receive one. I would like to take a minute to discuss the

types of death certificates that our office will issue through our electronic registration system.

Once electronic death registration is implemented, the Department of Health will issue three types of death records:

- 1) A certified copy of the facts of death. This certificate will be issued immediately after the funeral home registers the facts of death with our office. This copy will have limited demographic information about the deceased, but will include the social security number. The inclusion of the social security number on this type of copy is critical, because immediate family members can use this type of certificate to close bank accounts, secure discounted airline travel, transfer title of land or property, etc.
- 2) A certified copy of the death record. Once the medical portion of the record is completed by a physician or coroner, then we can issue to the immediate family a full copy of the death record that includes the cause of death. This type of copy is usually needed for life insurance matters and any other matter where the cause of death and the social security number are required. Family members who have a certified copy of the facts of death will be able to exchange it for a certified copy of the death record for a full year after the date of death at no cost.
- 3) A non-certified information copy of a death record. Other individuals, such as genealogists, sometimes need a copy of a death record. These individuals will receive non-certified informational copies. These types of copies would be similar to a facts of death copy and could be issued to anyone for any reason; however, the copies would not include causes of death or social security numbers. This would allow anyone to obtain the information about a death, but would not allow them to use the copy for any official business.

The certified copies are usually the ones that businesses and insurance companies need, and we want to make certain that the informational copies will not be used for official purposes. As a deterrent to fraud, the general public will not receive certified copies, but rather will receive only non-certified informational copies of death records. Therefore, the Department of Health asks that the words "or certified copy of the facts of death" as amended by the committee on page 17, line 7 be removed.

This concludes my testimony. I am happy to answer any questions you may have.

March 6, 2007

SENATE HUMAN SERVICES COMMITTEE
HB 1129

SENATOR LEE AND COMMITTEE MEMBERS:

My name is Paul Sannes. I am president of the North Dakota Funeral Directors Association and also manage the Myers Funeral Home in Linton. Our Association supports this legislation, especially with the amendments offered this morning by Mr. Meschke, and respectfully request that you give it a do pass.

This brings North Dakota's vital records system, and specifically death registration, into the digital age and will make it easier and quicker for all parties to handle the paperwork involved with a death. Actually, it does this by eliminating much of the paperwork. Many North Dakota funeral directors, me included, already work with this system in South Dakota, so its implementation in North Dakota should be fairly smooth.

The first amendment is very important to North Dakota funeral directors who often maintain close contacts with the deceased's family many years after the funeral, and want to assist these families perhaps years later. The amendment assures that the funeral director who reported the facts of death can continue to help the family by obtaining certified copies of the death record for them.

We respectfully request that you give this bill a DO PASS. Thank you for your time and consideration. I'd be glad to answer any questions.

Testimony**House Bill 1129****Senate Human Services Committee****March 6, 2007; 10:30 a.m.****North Dakota Department of Health**

Good morning, Chairman Lee and members of the Human Services committee. My name is Darin Meschke, and I am the state registrar and director of the North Dakota Department of Health's Division of Vital Records. I am here today to provide testimony in support of House Bill 1129 and offer two minor clarifying amendments.

House Bill 1129 amends current laws regarding birth and death records to comply with new federal legislation and to update or clarify outdated language. The bill is quite lengthy, so first I will let you know why these changes are necessary. Then I will walk you through the substantive changes in the bill and explain how we plan to implement these changes. Please stop me at any time if you have a question about any of the proposed changes in the bill.

Need for Changes

The North Dakota Department of Health is required by state law to register and certify all births and deaths that occur in the state. The Intelligence Reform and Terrorism Prevention Act of 2004 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:

- Restricting or closing access to birth records.
- Requiring all states to link or match birth and death records.
- Creating electronic registration systems for both birth and death reporting.
- Using security paper when creating certified copies of these records.

If the changes required by this act are not made by the Division of Vital Records, federal agencies will no longer 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 State Department's Passport Services Office 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 and a passport. The new federal legislation requires states to enhance their security regarding these documents as a prevention measure for fraud and terrorist activities. Open record states like North Dakota are being mandated to

restrict access to these vital documents so that only individuals with a legitimate need will be able to receive a certified copy.

Proposed Changes to Chapters 23-02.1 and 23-06

At this time, I would like to walk you through the proposed changes that will ensure that the state of North Dakota complies with the federal mandates.

Some of the new requirements are already being done and do not require any changes to state law. For example, we already match birth certificates to death certificates and flag the birth certificate as deceased to prevent the identity theft of a recently deceased individual, and we started to use more secure paper for birth and death certificates in late 2005. The changes in this bill will help us meet the remaining federal requirements.

I will address only the substantial changes to the law, as the bill is quite lengthy. There are many minor changes, most of which are wording updates that I won't address; however, I would be happy to elaborate on any proposed change if you have a question.

Starting on page one under section one, line 17; we are adding some definitions to more clearly identify the individuals and procedures used in the vital event registration process. Some of these new definitions include:

- Fetal Death or Birth Resulting in Stillbirth – This definition means death of a fetus prior to the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy. The death is indicated by the fact that, after such expulsion or extraction, the fetus does not breathe or show any evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
- Relative – For the purposes of this bill, a relative is defined as and limited to a person's current spouse, a parent or legal guardian, a child, a grandparent or a grandchild.

The next change is on page three under section two, line 24. This new section clearly defines the transition from the paper registration process to the electronic registration process. Electronic registration will reduce the time needed to register birth and death records and will eliminate the need for local county registration of death records. The North Dakota Department of Health's Division of Vital Records will be the sole source for all birth and death registration and for issuing certified copies. All existing certified copies of birth, marriage, fetal death and death records issued prior to January 1, 2008, will remain legally valid.

The Department of Health has had discussions with the North Dakota Association of Counties regarding these changes. The counties understand that the new death system

will remove them from the death registration process and result in a loss of revenue because they will no longer be able to issue certified copies of death records. As a result of these discussions, the Department of Health agreed to transfer the responsibility for issuing certified copies of marriage records to the counties, thus returning some of the lost revenue back to the counties. It is my understanding that the counties may pursue adding a fee for the filing of the burial-transit permit, which records the location of a body that is buried in a cemetery, to try and recoup some of the remaining lost revenue. The distinction we are trying to make with these changes is that birth and death registration will be state functions, while marriage and divorce filings are county functions.

The next major change is on page four of the bill, under section four, line 28. As we implement electronic death registration, we will no longer have a need for a local county registrar. All of the records will be electronically filed by funeral homes directly with the Department of Health; therefore, all of the duties of the local registrar will be assumed by the state registrar, with the exception of the duties assigned to the subregistrars under section 23-02.1-08. A subregistrar is a person employed by a funeral home, usually a funeral director, who now will be required to issue burial-transit permits and file those permits with the county recorder in the county where the final disposition takes place. All subregistrars will be subject to the supervision and control of the state registrar. We have worked with the Association of Counties on this issue, and they are aware of the changes. The county recorder will be charged with recording and filing the burial transit permits.

The next change relates to the electronic processing of birth records. On page five, section seven, starting on line 22, the change requires that all births occurring in an institution be reported using the North Dakota Department of Health's Electronic Birth Registration System (EBRS). Any home birth or birth occurring outside of an institution will be filed using the required forms and then entered into the system by Department of Health staff. Since January 1, 2006, we have been using the EBRS, to electronically register all state births. Currently, all 21 birthing hospitals are using the system and seem to like it. The change to the law would make using the EBRS a mandatory requirement for filing a birth record.

The next change starts on page 11, under section 13, line 12 and deals with death registration. Similar to the birth requirement, starting January 1, 2008, all deaths and fetal deaths occurring in the state must be reported to the North Dakota Department of Health using the Electronic Death Registration System (EDRS). All registration and issuing of certified copies will be completed by the North Dakota Department of Health. As part of this new registration process, we will be dividing the death record into two parts: the Facts of Death part, which must be filed by the funeral director who assumes custody of the body; and the Medical Certification part, which will be completed by either the last known physician or nurse practitioner, a local health

officer or county coroner, or the state medical examiner. This new electronic system is currently being developed by the North Dakota Information Technology Department. The changes to fetal death registration start on page 13, section 14, line eight and are much the same as the changes to death registration. By implementing both birth and death registration systems at the state level, we are limiting the potential points of security failure in our state's vital records registration system to one agency.

The next changes in the bill are the most substantive and relate to the disclosure of records. They begin on page 16, section 20, line nine. These changes are required to restrict access to vital records. North Dakota currently is considered an open records state when it relates to birth record access because, under current state law, if your parents were married at the time of your birth, your record is open to anyone with the knowledge to request it. We need to make the following changes to comply with the federal requirements and to reflect the change in the issuance of marriage records:

1. A certified copy of a birth record may be issued to the individual named on the record, provided they are at least 16 years of age; to a parent named on the record; to an authorized representative; or by the order of a court of competent jurisdiction. If the individual named on the birth record is deceased, then a certified copy may also be issued to a relative. If the birth record is more than 100 years old, then it is an open record, and a certified copy may be issued to anyone. Adoption records will remain confidential forever, however. This allowable access follows the federal model law regarding birth record access.
2. A certified copy of a death record may be issued to a relative, an authorized representative, the child fatality review board or by the order of a court of competent jurisdiction. A certified informational copy of a death record may be issued to anyone but will not contain the cause of death or a social security number. Death records are routinely requested by genealogists researching a family's history, and this type of copy will allow access to this information without giving them the cause of death or the social security number.
3. A certified copy of a fetal death record may be issued to a parent named on the record, an authorized representative, or by the order of a court of competent jurisdiction. A person authorized to receive a certified copy of a fetal death record may request the certified copy be issued in the form of a certification of birth resulting in stillbirth.
4. The North Dakota Department of Health will no longer issue certified copies of marriage records, but will provide non-certified informational copies to the general public if requested.
5. Any individual authorized to receive a certified copy of any specific record may grant another individual the same authority by completing a written authorization form prescribed by the North Dakota Department of Health.
6. The North Dakota Department of Health may grant limited access to birth and death records to the North Dakota Department of Human Services for the

purpose of completing their official duties. The divisions of Child Support Enforcement and Medical Services are two examples of specific staff that have been granted this type of access.

The last major change in the bill relates to chapter 23-06 and is found on page 22, section 28, line 25. This change again relates to the additional duties of the subregistrars and their requirement to issue and file burial transit permits. This change standardizes the language in both chapters to describe the duties and functions of a subregistrar.

Proposed Amendments

The Department of Health is proposing two minor amendments to this bill as a result of discussions with the Funeral Director's Association and a member of the State Bar Association.

The first amendment regards who is entitled to receive certified copies of a death certificate. The bill needs to clarify that a funeral director is an authorized representative of the deceased and may request and receive copies of the death record on behalf of the family. To accomplish this, we suggest the following amendment.

1. On page 17, line six, after "board", insert ", a funeral director reporting the facts of death".

The second amendment deals with who can obtain a certified copy of the facts of death. According to a member of the State Bar Association, there are many times when attorneys need a certified copy of a death record to complete a legal transaction, such as a transfer of title on a land deed. Many times the attorney is representing a business or an individual who is not a member of the deceased's family, yet they need a copy of the death record that includes the social security number. To accomplish this, we suggest the following amendment.

1. On page 17, line eight, after "number.", insert "A certified copy of a death record that includes the facts of death and the social security number may be issued to anyone who may obtain a certified copy of a death record or to any licensed attorney who needs the copy for a bona fide legal determination."

With these two minor amendments, it will more clearly define who is entitled to a certified copy of a death record and what information will be on those copies.

Conclusion

As I mentioned earlier, most of the changes in this bill are the result of federal legislation that comes from the Intelligence Reform and Terrorism Prevention Act of 2004.

The two critical changes we need to make in North Dakota as a result of this act are electronic birth and death registration and closed access to birth record information. The new electronic registration systems will make these processes more timely and efficient. By making both birth and death registration and the issuance of all certified copies the sole responsibility of the state, we are limiting the points of failure within the vital event registration system in our state, making the system the most secure it can be.

Closing access to birth records is a needed change in the post-9/11 world. Terrorism prevention and identity theft are just two reasons why we should restrict access to vital birth record information.

This concludes my testimony. I am happy to answer any questions you may have.

**Testimony To The
SENATE SERVICES COMMITTEE
Prepared March 6, 2007 by the
North Dakota Association of Counties
Terry Traynor, Assistant Director**

CONCERNING ENGROSSED HOUSE BILL 1129

Chairman Lee and members of the Committee, the Division of Vital Records was very open with county officials in their planning process for this fairly significant change – and we would like to acknowledge this and thank them for their efforts. While we are not overjoyed with the removal of this much appreciated local function from the courthouse, or the loss of the county revenue, we understand the requirements that are forcing the restructuring of this process.

The most noted concern raised by county officials was the loss of local service that is now provided – and their hopes that the new system we be as timely for families of the deceased. Obviously the revenue loss is another point of concern. I have attached an estimate (from a survey) of the impact of the removal of the counties' ability to provide certified copies as most do now. As it shows, the total is about \$108,000 – varying from nothing in five counties to over \$30,000 in Cass. (Slightly less than estimated in the fiscal note.)

The Division has included in their bill draft a filing in the County Recorders office of the document termed the "burial-transit permit" (Section 28). This document is currently filed at no cost, but generally not retained for longer than year. It is currently filed with the County Registrar of vital records – an office which will no longer exist. Filing this in the Recorders Office will have two very important results.

Fiscally, this is estimated to generate about \$65,000 annually in filing fees. The standard filing fee of \$10 for all documents filed with the Recorder (NDCC 11-18-05) would apply. More importantly, this will provide a preserved record, filed by name, which will be locally available for the numerous researchers that come to the courthouse seeking death information. The increased federal restrictions on the detailed Death Certificate information, we believe, will make this more general reference material an excellent starting point.

Counties urge you to retain the filing of the burial-death certificate language, and with that support the passage of HB1129.

HB 1129 - Death Certificate Process Changes

Analysis of Impact to County Revenues

NDACo Survey of County Registrars of Vital Records

	Lost Cert. Copy Revenue*	Proposed Filing Rev.
ADAMS	\$922.00	\$470.00
BARNES	\$1,890.00	\$1,260.00
BENSON	\$0.00	\$150.00
BILLINGS	\$10.00	\$20.00
BOTTINEAU	\$365.00	\$520.00
BOWMAN	\$771.00	\$340.00
BURKE	\$252.00 *	\$180.00
BURLEIGH	\$12,676.00	\$7,150.00
CASS	\$34,300.00	\$13,480.00
CAVALIER	\$661.00	\$500.00
DICKEY	\$1,100.00	\$840.00
DIVIDE	\$462.00 *	\$330.00
DUNN	\$476.00 *	\$340.00
EDDY	\$462.00	\$330.00
EMMONS	\$821.00	\$500.00
FOSTER	\$448.00 *	\$320.00
GOLDEN VALLEY	\$224.00 *	\$160.00
GRAND FORKS	\$5,670.00 *	\$4,050.00
GRANT	\$415.00	\$310.00
GRIGGS	\$544.00	\$330.00
HETTINGER	\$476.00 *	\$340.00
KIDDER	\$521.00	\$2,230.00
LAMOURE	\$448.00	\$320.00
LOGAN	\$0.00	\$160.00
McHENRY	\$600.00	\$410.00
McINTOSH	\$815.00	\$610.00
McKENZIE	\$700.00 *	\$500.00
McLEAN	\$1,773.00	\$1,020.00
MERCER	\$0.00	\$730.00
MORTON	\$2,635.00	\$1,690.00
MOUNTRAIL	\$805.00	\$490.00
NELSON	\$739.00	\$590.00
OLIVER	\$210.00 *	\$150.00
PEMBINA	\$0.00	\$760.00
PIERCE	\$1,134.00	\$870.00
RAMSEY	\$1,814.00	\$1,510.00
RANSOM	\$1,176.00 *	\$840.00
RENVILLE	\$266.00 *	\$190.00
RICHLAND	\$1,121.00	\$850.00
ROLETTE	\$67.00	\$810.00
SARGENT	\$532.00 *	\$380.00
SHERIDAN	\$280.00 *	\$200.00
SIOUX	\$0.00	\$140.00
SLOPE	\$98.00 *	\$70.00
STARK	\$3,234.00 *	\$2,310.00
STEELE	\$3,870.00	\$2,470.00
STUTSMAN	\$3,047.00	\$2,010.00
TOWNER	\$424.00	\$290.00
TRAILL	\$1,646.00	\$900.00
WALSH	\$2,508.00	\$1,650.00
WARD	\$10,943.00	\$5,740.00
WELLS	\$315.00	\$600.00
WILLIAMS	\$3,929.35	\$1,660.00
	\$108,595.35	\$65,070.00

* For counties that did not return a survey, the number of deaths attributed to that county by State Vital Records and the statewide average revenue per death certificate (\$14) was used.