

LEGISLATIVE BILL 48

Approved by the Governor August 15, 2002

Introduced by Appropriations Committee: Wehrbein, 2, Chairperson;
Beutler, 28; Bourne, 8; Cudaback, 36; Engel, 17; Foley, 29;
Kruse, 13; D. Pederson, 42; Thompson, 14

AN ACT relating to fees; to amend section 33-106.03, Reissue Revised Statutes of Nebraska, sections 71-612, 71-617.15, 71-627, and 71-628, Revised Statutes Supplement, 2000, and section 43-1906, Reissue Revised Statutes of Nebraska, as amended by Laws 2002, LB 1310, section 4; to change provisions relating to distribution of certain fees as prescribed; to provide for a transfer by the State Treasurer as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 33-106.03, Reissue Revised Statutes of Nebraska, is amended to read:

33-106.03. In addition to the fees provided for in sections 33-106 and 33-123, the clerk of the court shall collect an additional twenty-five dollars in docket fees for dissolution of marriages. The twenty-five dollar fee shall be paid to the state treasury and credited to the General remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

Sec. 2. Section 43-1906, Reissue Revised Statutes of Nebraska, as amended by Laws 2002, LB 1310, section 4, is amended to read:

43-1906. (1) There is hereby established the Nebraska Child Abuse Prevention Fund. The Legislature shall appropriate two hundred fifty thousand dollars each year from the General Fund to the Nebraska Child Abuse Prevention Fund except for fiscal year 2002-03. All The additional docket fee as provided in section 33-106.03, the additional charge for supplying a certified copy of the record of any birth as provided in sections 71-612, 71-617.15, 71-627, and 71-628, and all amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for the purposes specified in sections 43-1901 to 43-1906 shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund. The fund shall be administered and disbursed by the department.

(2) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) ~~Until the amount in the fund exceeds two and one-half million dollars, not more than seventy-five percent of the money credited to the fund each year plus seventy-five percent of all earnings from the investment of money in the fund credited during the previous fiscal year shall be available for disbursement by the board in accordance with sections 43-1901 to 43-1906, except that any amounts which may be received from any grants, gifts, bequests, the federal government, or other sources shall be disbursed pursuant to the conditions imposed by such sources. For fiscal year 2002-03 only, the principal of the fund may be disbursed by the board in accordance with such sections in an amount not to exceed two hundred fifty thousand dollars. Money not available for disbursement shall be retained and accumulated in the fund. When the assets in the fund exceed two and one-half million dollars, only the earnings from the investment of money in the fund credited during the previous fiscal year or other income credited to the fund shall be available for disbursement by the board in accordance with such sections.~~

~~(4) In any one fiscal year, no more than twenty percent of the annually available appropriated funds as provided in subsection (3) of this section shall be disbursed to any one agency, organization, or individual.~~

~~(5) (4) Funds allocated from the fund shall only be used for purposes authorized under such sections 43-1901 to 43-1906 and shall not be used to supplant any existing governmental program or service. No grants may be made to any state department or agency.~~

~~(6) When the State Treasurer certifies that the assets in the fund exceed two and one-half million dollars, the additional docket fees prescribed in section 33-106.03 and the additional charge for supplying a certified copy of the record of any birth as provided in sections 71-612, 71-617.15, 71-627, and 71-628 shall be terminated.~~

Sec. 3. Section 71-612, Revised Statutes Supplement, 2000, is amended to read:

71-612. (1) The Director of Finance and Support, as the State Registrar, through the Department of Health and Human Services Finance and

Support shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by rules and regulations of the department, a certified copy of the record of any birth, death, marriage, annulment, or dissolution of marriage registered. The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use. Except as provided in subsections (2), (3), (5), (6), and (7) of this section, the department shall be entitled to charge and collect in advance a fee of (a) nine dollars until July 1, 1999, and (b) seven dollars on and after July 1, 1999, to be paid by the applicant for each certified copy supplied to the applicant or for any search made at the applicant's request for access to or a certified copy of any record, whether or not the record is found on file with the department.

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

(3) The Department of Health and Human Services Finance and Support may, free of charge, search for and furnish a certified copy of any record on file with the department when in the opinion of the Director of Finance and Support it would be a hardship for the claimant of old age, survivors, or disability benefits under the federal Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received by the department. Such funds shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. Money credited to the fund pursuant to this section shall be used for the purpose of administering the laws relating to vital statistics and may be used to create a petty cash fund administered by the department to facilitate the payment of refunds to individuals who apply for copies of records. The petty cash fund shall be subject to section 81-104.01, except that the amount in the petty cash fund shall not be less than twenty-five dollars nor more than one thousand dollars.

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

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

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

(8) The department shall not charge other state agencies the fees

authorized under subsections (1) and (7) of this section for automated review of any certificates. The department shall charge and collect a fee from other state agencies for such automated review that will recover the department's cost.

Sec. 4. Section 71-617.15, Revised Statutes Supplement, 2000, is amended to read:

71-617.15. The Department of Health and Human Services Finance and Support shall charge and collect a fee of (1) nine dollars until July 1, 1999, and (2) seven dollars on and after July 1, 1999, for each delayed birth certificate application when submitted. Upon request and payment of the fee required by section 71-612, a certified copy of such a certificate shall be furnished by the Director of Finance and Support. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund as provided in section 71-612. The department shall charge and collect an additional fee of one dollar for each delayed birth certificate. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the ~~General~~ Nebraska Child Abuse Prevention Fund.

Sec. 5. Section 71-627, Revised Statutes Supplement, 2000, is amended to read:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of (1) nine dollars until July 1, 1999, and (2) seven dollars on and after July 1, 1999, charged for each certificate filed. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund as provided in section 71-612. Upon request and the payment of the fee prescribed by section 71-612, a certified copy of such a certificate may be furnished by the Director of Finance and Support. The department shall charge and collect an additional fee of one dollar for each certificate furnished. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the ~~General~~ Nebraska Child Abuse Prevention Fund.

Sec. 6. Section 71-628, Revised Statutes Supplement, 2000, is amended to read:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of such child's parents as provided in section 43-1406, the Department of Health and Human Services Finance and Support, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the parents acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births, and shall charge a filing fee of (1) nine dollars until July 1, 1999, and (2) seven dollars on and after July 1, 1999. The department shall charge and collect an additional fee of one dollar for each new certificate of birth prepared. The fees collected shall be remitted to the State Treasurer for credit to the ~~General~~ Nebraska Child Abuse Prevention Fund.

Sec. 7. On or before December 1, 2002, the State Treasurer shall transfer \$800,000 from the Nebraska Child Abuse Prevention Fund to the General Fund.

Sec. 8. Original section 33-106.03, Reissue Revised Statutes of Nebraska, sections 71-612, 71-617.15, 71-627, and 71-628, Revised Statutes Supplement, 2000, and section 43-1906, Reissue Revised Statutes of Nebraska, as amended by Laws 2002, LB 1310, section 4, are repealed.