

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1173

Introduced by Riepe, 12.

Read first time January 11, 2024

Committee:

1 A BILL FOR AN ACT relating to vital statistics; to amend sections
2 42-371.01 and 71-601.01, Reissue Revised Statutes of Nebraska,
3 section 71-605, Revised Statutes Cumulative Supplement, 2022, and
4 section 71-612, Revised Statutes Supplement, 2023; to define a term;
5 to provide for use of abstracts of death as prescribed; to provide
6 for payment of a fee; to change a requirement relating to death
7 certificates; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-371.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 42-371.01 (1) An obligor's duty to pay child support for a child
4 terminates when (a) the child reaches nineteen years of age, (b) the
5 child marries, (c) the child dies, or (d) the child is emancipated by a
6 court of competent jurisdiction, unless the court order for child support
7 specifically extends child support after such circumstances.

8 (2) The termination of child support does not relieve the obligor
9 from the duty to pay any unpaid child support obligations owed or in
10 arrears.

11 (3) The obligor may provide written application for termination of a
12 child support order when the child being supported reaches nineteen years
13 of age, marries, dies, or is otherwise emancipated. The application shall
14 be filed with the clerk of the district court where child support was
15 ordered. A certified copy of the birth certificate, marriage license,
16 death certificate, or court order of emancipation or an abstract of
17 marriage or abstract of death as defined in section 71-601.01 shall
18 accompany the application for termination of the child support. The clerk
19 of the district court shall send notice of the filing of the child
20 support termination application to the last-known address of the obligee.
21 The notice shall inform the obligee that if he or she does not file a
22 written objection within thirty days after the date the notice was
23 mailed, child support may be terminated without further notice. The court
24 shall terminate child support if no written objection has been filed
25 within thirty days after the date the clerk's notice to the obligee was
26 mailed, the forms and procedures have been complied with, and the court
27 believes that a hearing on the matter is not required.

28 (4) The State Court Administrator shall develop uniform procedures
29 and forms to be used to terminate child support.

30 Sec. 2. Section 71-601.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-601.01 For purposes of the Vital Statistics Act:

2 (1) Abstract of death means a certified document that summarizes the
3 facts of death, including, but not limited to, the name of the decedent,
4 the date of the death, and the place of the death. An abstract of death
5 does not include signatures;

6 (2) (1) Abstract of marriage means a certified document that
7 summarizes the facts of marriage, including, but not limited to, the name
8 of the bride and groom, the date of the marriage, the place of the
9 marriage, and the name of the office filing the original marriage
10 license. An abstract of marriage does not include signatures;

11 (3) (2) Certificate means the record of a vital event. Certificate
12 does not include a commemorative certificate;

13 (4) (3) Certification means the process of recording, filing,
14 amending, or preserving a certificate, which process may be by any means,
15 including, but not limited to, microfilm, electronic, imaging,
16 photographic, typewritten, or other means designated by the department;

17 (5) (4) Commemorative certificate means a document commemorating a
18 nonviable birth;

19 (6) (5) Department means the Department of Health and Human
20 Services; and

21 (7) (6) Nonviable birth means an unintentional, spontaneous fetal
22 demise occurring prior to the twentieth week of gestation during a
23 pregnancy that has been verified by a health care practitioner.

24 Sec. 3. Section 71-605, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 71-605 (1) The funeral director and embalmer in charge of the
27 funeral of any person dying in the State of Nebraska shall cause a
28 certificate of death to be filled out with all the particulars contained
29 in the standard form adopted and promulgated by the department. Such
30 standard form shall include a space for veteran status ~~and the period of~~
31 ~~service~~ in the armed forces of the United States and a statement of the

1 cause of death made by a person holding a valid license as a physician,
2 physician assistant, or nurse practitioner who last attended the
3 deceased. The standard form shall also include the deceased's social
4 security number and a notice that, pursuant to section 30-2413, demands
5 for notice which may affect the estate of the deceased are filed with the
6 county court in the county where the decedent resided at the time of
7 death. Death and fetal death certificates shall be completed by the
8 funeral directors and embalmers and physicians, physician assistants, or
9 nurse practitioners for the purpose of filing with the department and
10 providing child support enforcement information pursuant to section
11 43-3340.

12 (2) The physician, physician assistant, or nurse practitioner shall
13 have the responsibility and duty to complete and sign by electronic means
14 pursuant to section 71-603.01, within twenty-four hours from the time of
15 death, that part of the certificate of death entitled medical certificate
16 of death. In the case of a death when no person licensed as a physician,
17 physician assistant, or nurse practitioner was in attendance, the funeral
18 director and embalmer shall refer the case to the county attorney who
19 shall have the responsibility and duty to complete and sign the death
20 certificate by electronic means pursuant to section 71-603.01.

21 No cause of death shall be certified in the case of the sudden and
22 unexpected death of a child between the ages of one week and three years
23 until an autopsy is performed at county expense by a qualified
24 pathologist pursuant to section 23-1824. The parents or guardian shall be
25 notified of the results of the autopsy by their physician, physician
26 assistant, nurse practitioner, community health official, or county
27 coroner within forty-eight hours. The term sudden infant death syndrome
28 shall be entered on the death certificate as the principal cause of death
29 when the term is appropriately descriptive of the pathology findings and
30 circumstances surrounding the death of a child.

31 If the circumstances show it possible that death was caused by

1 neglect, violence, or any unlawful means, the case shall be referred to
2 the county attorney for investigation and certification. The county
3 attorney shall, within twenty-four hours after taking charge of the case,
4 state the cause of death as ascertained, giving as far as possible the
5 means or instrument which produced the death. All death certificates
6 shall show clearly the cause, disease, or sequence of causes ending in
7 death. If the cause of death cannot be determined within the period of
8 time stated above, the death certificate shall be filed to establish the
9 fact of death. As soon as possible thereafter, and not more than six
10 weeks later, supplemental information as to the cause, disease, or
11 sequence of causes ending in death shall be filed with the department to
12 complete the record. For all certificates stated in terms that are
13 indefinite, insufficient, or unsatisfactory for classification, inquiry
14 shall be made to the person completing the certificate to secure the
15 necessary information to correct or complete the record.

16 (3) A completed death certificate shall be filed with the department
17 within five business days after the date of death. If it is impossible to
18 complete the certificate of death within five business days, the funeral
19 director and embalmer shall notify the department of the reason for the
20 delay and file the certificate as soon as possible.

21 (4) Before any dead human body may be cremated, a cremation permit
22 shall first be signed electronically by the county attorney, or by his or
23 her authorized representative as designated by the county attorney in
24 writing, of the county in which the death occurred on an electronic form
25 prescribed and furnished by the department.

26 (5) A permit for disinterment shall be required prior to
27 disinterment of a dead human body. The permit shall be issued by the
28 department to a licensed funeral director and embalmer upon proper
29 application. The request for disinterment shall be made by the person
30 listed in section 30-2223 or a county attorney on a form furnished by the
31 department. The application shall be signed by the funeral director and

1 embalmer who will be directly supervising the disinterment. When the
2 disinterment occurs, the funeral director and embalmer shall sign the
3 permit giving the date of disinterment and file the permit with the
4 department within ten days of the disinterment.

5 (6) When a request is made under subsection (5) of this section for
6 the disinterment of more than one dead human body, an order from a court
7 of competent jurisdiction shall be submitted to the department prior to
8 the issuance of a permit for disinterment. The order shall include, but
9 not be limited to, the number of bodies to be disinterred if that number
10 can be ascertained, the method and details of transportation of the
11 disinterred bodies, the place of reinterment, and the reason for
12 disinterment. No sexton or other person in charge of a cemetery shall
13 allow the disinterment of a body without first receiving from the
14 department a disinterment permit properly completed.

15 (7) No dead human body shall be removed from the state for final
16 disposition without a transit permit issued by the funeral director and
17 embalmer having charge of the body in Nebraska, except that when the
18 death is subject to investigation, the transit permit shall not be issued
19 by the funeral director and embalmer without authorization of the county
20 attorney of the county in which the death occurred. No agent of any
21 transportation company shall allow the shipment of any body without the
22 properly completed transit permit prepared in duplicate.

23 (8) The interment, disinterment, or reinterment of a dead human body
24 shall be performed under the direct supervision of a licensed funeral
25 director and embalmer, except that hospital disposition may be made of
26 the remains of a child born dead pursuant to section 71-20,121.

27 (9) All transit permits issued in accordance with the law of the
28 place where the death occurred in a state other than Nebraska shall be
29 signed by the funeral director and embalmer in charge of burial and
30 forwarded to the department within five business days after the interment
31 takes place.

1 (10) The changes made to this section by Laws 2019, LB593, shall
2 apply retroactively to August 24, 2017.

3 Sec. 4. Section 71-612, Revised Statutes Supplement, 2023, is
4 amended to read:

5 71-612 (1) The department, as the State Registrar, shall preserve
6 permanently and index all certificates received. The department shall
7 supply to any applicant for any proper purpose, as defined by rules and
8 regulations of the department, a certified copy of the record of any
9 birth, death, marriage, annulment, or dissolution of marriage or an
10 abstract of marriage or abstract of death. The department shall supply a
11 copy of a public vital record for viewing purposes at its office upon an
12 application signed by the applicant and upon proof of the identity of the
13 applicant. The application may include the name, address, and telephone
14 number of the applicant, purpose for viewing each record, and other
15 information as may be prescribed by the department by rules and
16 regulations to protect the integrity of vital records and prevent their
17 fraudulent use. Except as provided in subsections (2), (3), (5), (6),
18 (7), and (9) of this section, the department shall be entitled to charge
19 and collect in advance a fee of sixteen dollars to be paid by the
20 applicant for each certified copy, ~~or~~ abstract of marriage, or abstract
21 of death supplied to the applicant or for any search made at the
22 applicant's request for access to or a certified copy of any record, ~~or~~
23 abstract of marriage, or abstract of death whether or not the record or
24 abstract is found on file with the department.

25 (2) The department shall, free of charge, search for and furnish a
26 certified copy of any record, ~~or~~ abstract of marriage, or abstract of
27 death on file with the department upon the request of (a) the United
28 States Department of Veterans Affairs or any lawful service organization
29 empowered to represent veterans if the copy of the record or abstract of
30 marriage is to be issued, for the welfare of any member or veteran of the
31 armed forces of the United States or in the interests of any member of

1 his or her family, in connection with a claim growing out of service in
2 the armed forces of the nation or (b) the Military Department.

3 (3) The department may, free of charge, search for and furnish a
4 certified copy of any record or an abstract of marriage or abstract of
5 death on file with the department when in the opinion of the department
6 it would be a hardship for the claimant of old age, survivors, or
7 disability benefits under the federal Social Security Act to pay the fee
8 provided in this section.

9 (4) A strict account shall be kept of all funds received by the
10 department. Funds received pursuant to subsections (1), (5), (6), and (8)
11 of this section shall be remitted to the State Treasurer for credit to
12 the Health and Human Services Cash Fund. Money credited to the fund
13 pursuant to this section shall be used for the purpose of administering
14 the laws relating to vital statistics and may be used to create a petty
15 cash fund administered by the department to facilitate the payment of
16 refunds to individuals who apply for copies or abstracts of records. The
17 petty cash fund shall be subject to section 81-104.01, except that the
18 amount in the petty cash fund shall not be less than twenty-five dollars
19 nor more than one thousand dollars.

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

28 (6) The department may permit use of data from vital records for
29 statistical or research purposes under section 71-602 or disclose data
30 from certificates or records to federal, state, county, or municipal
31 agencies of government for use in administration of their official duties

1 and charge and collect a fee that will recover the department's cost of
2 production of the data. The department may provide access to public vital
3 records for viewing purposes by electronic means, if available, under
4 security provisions which shall assure the integrity and security of the
5 records and database and shall charge and collect a fee that shall
6 recover the department's costs.

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

21 (8) The department shall not charge other state agencies the fees
22 authorized under subsections (1) and (7) of this section for automated
23 review of any certificates, ~~or~~ abstracts of marriage, or abstracts of
24 death. The department shall charge and collect a fee from other state
25 agencies for such automated review that will recover the department's
26 cost.

27 (9) The department shall not charge any fee for a certified copy of
28 a birth record if the applicant does not have a current Nebraska driver's
29 license or state identification card and indicates in the application
30 that the applicant needs a certified copy of the birth record to apply
31 for a state identification card for voting purposes.

1 Sec. 5. Original sections 42-371.01 and 71-601.01, Reissue Revised
2 Statutes of Nebraska, section 71-605, Revised Statutes Cumulative
3 Supplement, 2022, and section 71-612, Revised Statutes Supplement, 2023,
4 are repealed.