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COMMITTEE REPORT
SENATE

1/11/82

FURTHER: None

Date: FEB. 27, 1982

Mr. President:

The Committee on JUDICIARY has had SB 610

Certificates of birth

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 22, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 610 - "An Act relating to certificates of birth."
- SB 692 - "An Act relating to the duties of coroners and the coroner's inquest."
- SB 765 - "An Act exempting importation of alcoholic beverages for religious purposes."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:05 P.M. Committee members present were: Senators Rodey, Ray, and Parr. Senator Bennett was absent.

Chairman Rodey first brought SB 765 before the committee. Senator Ray moved that on page 1, line 18, after "body" insert ", are limited in quantity to the amount necessary for religious purposes, and are dispensed for religious purposes by a person authorized by the church or religious body to dispense the alcoholic beverage". There was no objection and the amendment was adopted.

Senator Ray motioned that SB 765 be moved from committee. There was no objection. All members present signed do pass.

The next item on the agenda was SB 610. Senator Parr explained the intent of the bill. Chairman Rodey next called Joan Brooks, Vital Statistics, before the committee. Ms. Brooks testified in favor of the bill stating that SB 610 would alleviate problems she had encountered with mothers requesting the name of the natural father, other than her husband, being placed on the child's birth certificate. She reported receiving one (1) call a week to her office on the subject.

After discussion Senator Parr moved that the bill be passed from committee. Senator Parr signed do pass, Senator Rodey signed no recommendation, Senator Ray signed do not pass.

Next Chairman Rodey brought SB 692 before the committee. Mr. Bruce gave a brief history of the bill at the request of Chairman Rodey.

After discussion, Senator Ray moved that the committee substitute for SB 692 be passed from committee. There was no objection. All members present signed do pass.

Chairman Rodey adjourned the meeting at 2:00 P.M.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 10, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 610 - "An Act relating to smoking in public places."

HB 406 - "An Act relating to sales of alcoholic beverages to and by licensed wholesalers."

SB 626 - "An Act relating to certificates of birth."

The meeting of the Senate Judiciary Committee was called to order by acting Chairman Ray at 1:40 P.M. Committee members present were: Senators Ray, Bennett, and Parr. Senator Rodey was absent.

Acting Chairman Ray first brought before the committee SB 610. Joseph Geldhof, representing the Tobacco Institute, testified against the bill.

Dr. Rabeau, Department of Health & Social Services, addressed the committee on the health ramifications to nonsmokers when smoking is permitted in crowded public places.

After brief discussion, Senator Parr suggested moving the bill from committee with individual recommendations. This action failed; Senators Parr and Bennett voting to move the bill, Senator Ray voting against moving the bill.

Acting Chairman Ray next brought HB 406 before the committee. Doug Metz, Wine and Spirits Wholesaler of America, Inc., and Russel Shannon, Distilled Spirits Council of the U.S. Inc., testified in favor of this bill.

Mr. Hanford, representing Odom Corporation, offered amendments to HB 406 without testimony.

Next, Joe Donohue, Department of Revenue, addressed the committee and offered his assistance to the committee on any questions which he could help answer. The Department had no recommendation on the bill.

Acting Chairman Ray next called Mr. King, representing the Juneau Retail Dealers Assoc., to testify. Mr. King expressed the local retailers

opposition to HB 406, stating that it would only cause an increase in prices to the consumer. Mr. Thibideau and Mr. Tallman, both local retailers, joined Mr. King and stated their opposition to this legislation.

Maurice Druhe, representing DISCUS, testified in favor of HB 406.

After discussion, acting Chairman Ray asked if any member of the committee wished to suggest action on the bill. There was no motion.

SB 626 was not addressed by the committee today.

Acting Chairman Ray adjourned the meeting at 2:50 P.M.

POSITION PAPER

SENATE BILL NO. 610

"An Act relating to certificates of birth."

Under AS 18.50.160 (d), as it is presently written, the husband of a married woman is listed as father on the certificate of birth of her child, unless paternity has otherwise been determined by the court. That determination would be made either through an adjudication of paternity or in an action for divorce.

By amending this section to add the new provision under (d) (2), it simplifies matters for the parents. An action for divorce is the most-often used remedy to provide the legitimation process for a child born to a married woman, whose husband is not the natural father. However, the divorce may take months to be finalized. This amendment makes it unnecessary for the court to address the question, and permits the original birth certificate to be filed and registered reflecting the true facts of birth, while fulfilling the intent of the Legislature, to provide legitimacy to the child.

The Department of Health and Social Services recommends passage of SB No. 610

RECOMMENDED BY:

Joan P. Brooks
JOAN P. BROOKS
STATE REGISTRAR
BUREAU OF VITAL
STATISTICS

DATE:

January 21, 1982

APPROVED BY:

Heleen D. Beirne
HELEEN D. BEIRNE
COMMISSIONER
DEPARTMENT OF HEALTH
& SOCIAL SERVICES

DATE:

January 22, 1982

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 610
 Title "An Act relating to certificates of birth."
 Requested by Senator Parr Date _____

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Administrative Services
 BRU, Program, Or Subprogram(s) Affected Vital Statistics
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact.

IV. DATE Jan. 21, 1982 PREPARED BY Jean P. Brooks JPC
 AGENCY D/H & S.S.
 Original: Legislative Finance PHONE 465-3391
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Sec. 18.50.140. Payment of fees to local registrars and others. The state registrar shall certify monthly, or at least quarterly, the number and type of records filed by, and the amount due to each local registrar and deputy registrar, and the amount due to each subregistrar. Upon certification, the amounts due shall be paid from the proper state appropriations by the Department of Administration. (§ 11 ch 118 SLA 1960)

Article 3. Registration Requirements, Procedures and Certificates.

Section	Section
150. Form of certificate	220. New certificate of birth
160. Birth registration	230. Death registration
170. Foundling registration	240. Fetal death registration
180. Delayed registration of birth	250. Permits
190. Delayed registration of death or marriage	260. Extension of time
200. Judicial procedure to establish facts of birth	270. Marriage registration
210. Court reports of adoption	280. Court reports of divorce and annulment

Sec. 18.50.150. Form of certificate. The form of certificates, reports, and other returns required by this chapter, or by regulations adopted under it, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics subject to approval of any modification by the state registrar. The bureau shall prescribe and furnish forms. (§ 12 ch 118 SLA 1960)

Sec. 18.50.160. Birth registration. (a) A certificate of birth for each live birth which occurs in the state shall be filed with the local registrar of the registration district in which the birth occurred, as provided in this section, within seven days after the birth. When a birth occurs on a moving conveyance a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

(b) When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure signatures required on the certificate and shall file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) the physician in attendance at or immediately after the birth; or in his absence

(2) a person in attendance at or immediately after the birth; or in his absence

(3) the father, mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurs.

(d) If the mother was married at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father, if determined by the court, shall be entered.

(e) If the mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth unless paternity has been determined by a court of competent jurisdiction, or both the mother and father request the entry, or otherwise as specified by statute.

(f) In the case of a child born out of wedlock, the certificate of birth shall be filed in accordance with (a), (b), and (c) of this section unless the state registrar directs another procedure. (§ 13 ch 118 SLA 1960; am § 83 ch 127 SLA 1974)

Effect of amendment. — The 1974 Am. Jur. reference. — 15 Am. Jur., amendment inserted "or both the mother Health, § 47. and father request the entry" near the end of subsection (e).

Sec. 18.50.170. Foundling registration. (a) The person who assumes the custody of a living infant of unknown parentage shall within seven days report the information prescribed by the state registrar on a form and in the manner prescribed by the state registrar to the local registrar of the registration district in which the child was found.

(b) The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

(c) A report registered under this section constitutes the certificate of birth for the infant.

(d) If the child is identified and a certificate of birth is found or obtained, a report registered under this section shall be sealed and filed in accordance with instructions of the state registrar, and may be opened only by order of a superior court or as provided by regulation. (§ 14 ch 118 SLA 1960)

Am. Jur. reference. — 1 Am. Jur., Adoption of Children, §§ 27 — 29, 49, 67.

Sec. 18.50.180. Delayed registration of birth. (a) When the birth of a person born in the state has not been registered a certificate may be filed in accordance with regulations issued under this chapter. The certificate shall be registered subject to the evidentiary requirements the department prescribes by regulation to substantiate the alleged facts of birth.

(b) When the birth occurred more than seven days but less than one year before the application for registration, the birth may be filed with the proper local registrar in accordance with regulations issued under this chapter.

(c) When the birth occurred one year or more before the application for registration, the birth shall be filed on a form prescribed by the

bureau, and shall registrar may ac required by regu certificate regist

(d) When the for registration, entitled "delayed form shall be su be registered bel person is not c subscribed and representative. person whose bi other informati submitted, the s each document original delayed

(e) The state was born in th established to t evidence estab substantiated, number of nec description and shall be prescr national stand. national vital s national securi necessary by re filings by Indi otherwise satisf

(f) When the support of his question the v evidence, the s birth and shall of his right of a the dismissal o a-f ch 118 SLA

Sec. 18.50.1 a death or ma certificate may this chapter. T requirements substantiate t death and ma occurrence sha