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HB 91

"Vital statistics" refers to records of birth, death, fetal death, marriage, divorce, adoption and related data. With specific exceptions, vital statistics are not available for inspection.

The language of HB 91, taken from the 'Model State Vital Statistics Act' published by the Public Health Service, opens records to the public: birth records - 100 years after date of birth; and marriage, death, divorce, dissolution of marriage or annulment records - after 50 years.

Passage of HB 91 will make public approximately 33,000 of the 675,000 records held by the State Registrar of Vital Statistics. The bill addresses the concerns of geneological researchers. A zero fiscal note is attached to the bill. Committee of next referral is the Judiciary Committee.

Dave Palmer  
March 4, 1983

18.50.310 DOCUMENT= 1 OF 1 PAGE = 1 OF 2  
CHAPTER = 18.50  
SECTION = 18.50.310  
TITLE = 18

READINGS TITLE 18.  
HEALTH AND SAFETY.  
CHAPTER 50.  
VITAL STATISTICS ACT.  
ARTICLE 4.  
RECORDS.

CITATION SEC. 18.50.310.  
ATCH LINE

DISCLOSURE OF RECORDS.

EXT (A) TO PROTECT THE INTEGRITY OF VITAL STATISTICS RECORDS, TO INSURE THEIR PROPER USE, AND TO INSURE THE EFFICIENT AND PROPER ADMINISTRATION OF THE VITAL STATISTICS SYSTEM, IT IS UNLAWFUL FOR A PERSON TO PERMIT INSPECTION OF, OR TO DISCLOSE INFORMATION CONTAINED IN VITAL STATISTICS RECORDS, OR TO COPY OR ISSUE A COPY OF ALL OR PART OF A RECORD, EXCEPT AS AUTHORIZED BY REGULATIONS ISSUED UNDER THIS CHAPTER.

(B) THE BUREAU MAY PERMIT THE USE OF DATA CONTAINED IN VITAL

18.50.310 DOCUMENT= 1 OF 1 PAGE = 2 OF 2  
STATISTICS RECORDS FOR RESEARCH PURPOSES.

(C) INFORMATION IN VITAL STATISTICS RECORDS INDICATING THAT A BIRTH OCCURRED OUT OF WEDLOCK SHALL NOT BE DISCLOSED EXCEPT UPON ORDER OF A SUPERIOR COURT OR AS PROVIDED BY REGULATIONS.

(D) APPEALS FROM DECISIONS OF THE CUSTODIANS OF LOCAL RECORDS REFUSING DISCLOSURE UNDER (A) AND (B) OF THIS SECTION SHALL BE MADE TO THE STATE REGISTRAR, WHOSE DECISION IS BINDING UPON THE CUSTODIAN OF LOCAL RECORDS.

(E) THE DEPARTMENT MAY BY REGULATION PROVIDE FOR THE RELEASE OF INFORMATION TO AUTHORIZED REPRESENTATIVES OF ORGANIZATIONS OR FOUNDATIONS THAT COUNSEL THE NEXT OF KIN OF VICTIMS OF INFANT SUDDEN DEATH SYNDROME.

ISTORY (SEC. 27 CH 118 SLA 1960; AM SEC. 1 CH 132 SLA 1978)

601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. House Bill Number 798 *1000 22*  
 Title "An Act relating to disclosure of vital statistics records"  
 Requested by Representative Bettisworth Date \_\_\_\_\_

II. FISCAL DETAIL.  
 Agency Affected Department of Health and Social Services  
 Program Category Affected Division of Administrative Services  
 ERU, Program, Or Subprogram(s) Affected Bureau of 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	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	.4	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	.4	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)

- 1. 8 foot table \$225.00
- 2. Chairs (2) \$175.00
- \$400.00

IV. DATE Feb. 23, 1982 PREPARED BY Paul P. Brooks *JCC*  
 AGENCY Dept. of Health & Social Services  
 Original: Legislative Finance PHONE 412.5-3391  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-(01 (Rev. 12/81)

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill Number 91 . Date on Bill: \_\_\_\_\_  
 Title: "An Act Relating to disclosure of vital statistics records"  
 Sponsor: \_\_\_\_\_  
 Requestor: Representative Bettisworth

Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			0	0	0	0		

b. Revenues:

Revenue								
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c. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

d. Assumptions:

e. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Jan Brooks by D. Lee 1984 Phone: 465-3391  
 Division: Planning, Policy and Evaluation/Vital Statistics Date: February 22, 1983  
 Approved by Commissioner: Robert Gordon Smith Date: 2/22/83  
 Department: 21855

f. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

2/8/83

HB 91 TITLE & SPONSOR SUMMARY

10-01 3/08/83 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS  
AND INFORMATION;  
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: BETTLENWORTH.

CO-SPONSORS:

CURRENT STATUS: 3/07/83 IN (H) JUDICIARY

HB 91 HOUSE ACTION

14:02 3/08/83 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

DATE	SEQ	PAGE
01/20/83	01	0069
03/07/83	02	0418
03/07/83	03	0418

FIRST READING -- COMMITTEE REPORTS  
HESS -- DPOE  
HESS F/NOTE EQUALS ZERO  
JUDICIARY  
RULES

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February 24, 1983

House Health, Education and  
Social Services Committee  
Room 112, Capitol Building  
Pouch V  
Juneau, AK 99811

attn: Mr. Dave Palmer

Although I earnestly wish to testify in person on HB91, I am unable to postpone a trip on March 4th and, therefore, am submitting the following testimony in favor of the bill:

I am both a family and professional genealogist (Alaskan Records Research, Business License number BLO00201); hold a BLA with history emphasis from the University of Alaska, Juneau; am a full-time student in the Master of Arts in Teaching program at Alaska Pacific University; am employed half-time at the UAJ library; tutor history, english, geography, and logic at UAJ; am Alumni Representative on the UAJ Assembly; have published a family history and am currently working (in my spare time) on an historical novel.

With this variety of efforts underway, you can understand why I have little time to spend writing back and forth to prospective clients to obtain the written permissions required before I can access vital statistics data as my client's personal representative.

As it stands now, individuals can obtain vital statistics on their own ancestors but professionals or those working on far distant lateral relatives may not easily do so. A business must be cost-effective. Repeated correspondence is not (unless I raised my fees to cover it, which would price me out of the market). Thus, I simply refer many inquiries to the office of Vital Statistics and so lose the fees I could obtain for doing the research myself.

Passage of this bill will help all who are searching for long-lost relatives who "went up north to the goldrush and were never heard of again."

Being the first of my family to reside in Alaska, I have no family interest in opening Alaska's records. However, I would personally like to see my state on a par with the rest of the country. After tracing several thousand of my own ancestors, lateral, and collateral relatives through most of the northern states and Ontario, and collecting hundreds of official documents dated from 1738 to 1978, I have never been refused a record because of access restrictions except hospital patient records. I feel that this bill is a step in the right direction but could go further. People researching in Alaska should meet with no more roadblocks than I have experienced in other states. I would like to see the time limits of 100 and 50 years reduced to about 30 years, if the purpose is genealogical research. The most persuasive argument against opening birth records is the problem of illegitimacy. Besides the fact that it no longer carries the stigma it once did, a professional genealogist couldn't care less what the records say, all he or she is interested in

is locating them for the client. The client or individual researcher is a member of the illegitimate child's family and thus has a personal interest in keeping the fact of illegitimacy within the family.

I feel a person's right to know about their own heritage outweighs any "right to privacy" of their ancestors and this includes a person's right to hire a researcher if unable or unwilling to travel to Juneau to do their own research. Therefore, I highly recommend passage of this bill, preferably with an amendment allowing disclosure to genealogists of those vital records not made public by AS 18.50.310(f).

Sincerely

*Kit Stewart*

Kit Stewart  
9119 Nagoon Lane  
Juneau, AK 99801  
789-9411

Identity Protection

by a false status, occupation, membership, license, privilege, or identity of himself or another person shall be fined not more than \$[ ] imprisoned not more than [ ] years, or both.

(c) Any person who uses any such document to commit a crime shall be punished by fine or imprisonment or both equal to that required by statute for the accompanying offense. Such sentence shall be served consecutively with that of the accompanying offense.

Section 4. [Severability.] [Insert severability clause.]

Section 5. [Repeal.] [Insert repealer clause.]

Section 6. [Effective Date.] [Insert effective date.]

Suggested State Legislation 1977 119

Model State Vital Statistics Act (1977 Revision)

#291

The Model State Vital Statistics Act is a document designed to be used by state registrars of vital statistics and state legislators when considering revision of the vital statistics laws. The main objectives of the 1977 revision of the model act are (1) to incorporate current social customs and practices and current technology into the policies and procedures of the vital statistics system in the states, (2) to promote the uniformity of these policies and procedures to the end that all vital records will be readily acceptable in all places as prima facie evidence of the facts therein recorded, (3) to enhance the level of comparability of vital statistics data among the states, and (4) to minimize duplication within the vital statistics system and thereby achieve maximum administrative economy.

The historical philosophy of the vital statistics systems in the United States is that vital events be registered only in the state in which they occur. This concept is maintained in this revision of the model act. The jurisdiction of the state registrar extends only to boundaries of his state, and standards for registration may be set and enforced only for those events occurring within those boundaries. This is a very important concept in maintaining the validity of vital records in their use for legal purposes. If it is to be respected, the appropriate procedures for recording birth and death information for United States citizens born or dying in foreign countries and certification of birth information for aliens adopted by United States citizens must continue to be the responsibility of those federal agencies which retain jurisdiction over recording these events.

While this revision of the model act does not constitute an abrupt departure from earlier acts, there are several modifications that should be noted. The most significant change relates to the establishment of a centralized system for the collection, processing, registration, and certification of vital records in each state, whereby all vital events are reported directly to the State Office of Vital Statistics. However, the model act contains authorization for local offices to perform those functions the state registrar may direct, including the receipt and processing of vital records and the issuance of certified copies, when such offices can be shown to be an aid to efficient and effective operation of the system. The model act further provides for the options of allowing such local offices to work with records only for their designated geographic area or to be given access to the entire state file and allowing them to issue certified copies without regard to where the event occurred within the state. The important concept, however, is that these offices are part of the State Office of Vital Statistics and are under the direct control of the state registrar.

The recommendation for a change from a locally oriented vital statistics system to a centralized system is based on several considerations: (1) a centralized system produces more timely registration of the records, thereby improving the timeliness of all operations, including publication of statistical data as well as fulfillment of citizens' needs for vital records services; (2) it decreases duplication and cost since many activities presently performed at local vital records offices are repeated at the state office; (3) it reduces the opportunity for fraudulent use of certified copies because amendments to the records will be easier to control and certified copies will

Records of each [divorce, dissolution of marriage, or annulment] decree  
 recorded during the preceding calendar month.

(c) [Provision for a recording fee may be added here if desired.]

Section 22. [Amendment of Vital Records.]

(a) A certificate or report registered under this act may be amended  
 only in accordance with this act and regulations adopted by the state agen-  
 cy to protect the integrity and accuracy of vital records.

(b) A certificate or report that is amended under this section shall be  
 marked "Amended," except as otherwise provided in this section. The  
 date of amendment and a summary description of the evidence submitted  
 in support of the amendment shall be endorsed on or made a part of the  
 record. The state agency shall prescribe by regulation the conditions un-  
 der which additions or minor corrections may be made to certificates or  
 records within one year after the date of the event without the certificate  
 or record being marked "Amended."

(c) Upon written request of both parents and receipt of a sworn ac-  
 knowledgment of paternity signed by both parents of a child born out of  
 wedlock, the state registrar shall amend the certificate of birth to show  
 such paternity if paternity is not already shown on the certificate of birth.  
 Such certificate shall not be marked "Amended."

(d) Upon receipt of a certified copy of an order of [court of com-  
 petent jurisdiction] changing the name of a person born in this state and upon  
 request of such person or his or her parents, guardian, or legal represent-  
 ative, the state registrar shall amend the certificate of birth to show the  
 new name.

(e) Upon receipt of a certified copy of an order of [court of competent  
 jurisdiction] indicating the sex of an individual born in this state has been  
 changed by surgical procedure and that such individual's name has been  
 changed, the certificate of birth of such individual shall be amended [as  
 provided in Regulation 10.8(a)(5)] to reflect such changes.

(f) When an applicant does not submit the minimum documentation  
 required in the regulations for amending a vital record or when the state  
 registrar has reasonable cause to question the validity or adequacy of  
 applicant's sworn statements or the documentary evidence, and if the  
 deficiencies are not corrected, the state registrar shall not amend the  
 record and shall advise the applicant of the reason for this action and  
 shall further advise the applicant of the right of appeal to [court of com-  
 petent jurisdiction].

(g) When a certificate or report is amended under this section, the  
 registrar shall report the amendment to any other custodians of the  
 record and their record shall be amended accordingly.

Section 23. [Reproduction of Vital Records.] To preserve vital records,  
 the state registrar is authorized to prepare typewritten, photographic,

3 electronic, or other reproductions of certificates or reports in the [Of-  
 4 fice of Vital Statistics]. Such reproductions when certified by the state  
 5 registrar shall be accepted as the original records. The documents from  
 6 which permanent reproductions have been made and verified may be  
 7 disposed of as provided by regulation.

1 Section 24. [Disclosure of Information from Vital Records.]

2 (a) To protect the integrity of vital records, to ensure their proper use,  
 3 and to ensure the efficient and proper administration of the system of vital  
 4 statistics, it shall be unlawful for any person to permit inspection of, or  
 5 to disclose information contained in vital records, or copy or issue a  
 6 copy of all or part of any such record except as authorized by this act and  
 7 by regulation or by order of [court of competent jurisdiction]. Regulations  
 8 adopted under this section shall provide for adequate standards of securi-  
 9 ty and confidentiality of vital records.

10 (b) The state agency may authorize by regulation the disclosure of in-  
 11 formation contained in vital records for research purposes.

12 (c) Appeals from decisions of custodians of vital records, as designated  
 13 under authority of Section 6(b), who refuse to disclose information, or to  
 14 permit inspection or copying of records as prescribed by this section and  
 15 regulations issued hereunder, shall be made to the state registrar whose  
 16 decisions shall be binding upon such custodians.

17 (d) When 100 years have elapsed after the date of birth, or 50 years  
 18 have elapsed after the date of death, marriage, or [divorce, dissolution of  
 19 marriage, or annulment], the records of these events in the custody of the  
 20 state registrar shall become public records and information shall be made  
 21 available in accordance with regulations which shall provide for the con-  
 22 tinued safekeeping of the records.

1 Section 25. [Copies or Data from the System of Vital Statistics.] In ac-  
 2 cordance with Section 24 and the regulations adopted pursuant thereto:

3 (1) The state registrar [and other custodian(s) of vital records au-  
 4 thorized by the state registrar to issue certified copies] shall upon receipt  
 5 of a written application issue a certified copy of a vital record in his or her  
 6 custody or a part thereof to any applicant having a direct and tangible in-  
 7 terest in the vital record. Each copy issued shall show the date of registra-  
 8 tion and copies issued from records marked "Delayed" or "Amended"  
 9 shall be similarly marked and show the effective date. The documentary  
 10 evidence used to establish a delayed certificate shall be shown on all  
 11 copies issued. All forms and procedures used in the issuance of certified  
 12 copies of vital records in the state shall be provided or approved by the  
 13 state registrar.

14 (2) A certified copy of a vital record or any part thereof, issued in  
 15 accordance with Section 25(1), shall be considered for all purposes the  
 16 same as the original and shall be prima facie evidence of the facts stated