

HB

129

<TARGET><BILL>HB 129</BILL><SUBJECT>HB
129</SUBJECT><COMM>HMLV27</COMM></TARGET>

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON DISTRICT 10

FAX COVERSHEET

To: Leg. Legal

Fax Number: 465-2029

From: Jane Pierson

Date: 2.22.2011 **Number of pages including cover:**

Re: Please go final on the CS for HB129 version \M

Today, the House Military and Veterans' Affairs Committee heard HB 129 (27-LS0450\M) and passed it out of Committee. Please go final on the bill.

Thank you,

CS FOR HOUSE BILL NO. 129(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES GRUENBERG, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to providing a death certificate for a deceased veteran without
2 charge."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.50.320 is amended to read:

5 **Sec. 18.50.320. Copies of data from vital records.** Except as otherwise
6 provided and in accordance with the regulations adopted under AS 18.50.310,

7 (1) the bureau and the custodian of permanent local records shall, upon
8 request, issue a certified copy of a certificate or record in their custody, or a part of it;
9 each copy issued must show the date of registration or recording, and copies issued
10 from records marked "delayed," "amended," or "court order" shall be similarly marked
11 and must show the effective date;

12 (2) a certified copy of a certificate or a part of it issued in accordance
13 with (1) of this section is considered the original for all purposes and is prima facie
14 evidence of the facts stated; however, [PROVIDED THAT] the evidentiary value of a

1 certificate or record filed more than one year after the event, or a record that has been
 2 amended, or a presumptive death certificate, shall be determined by the judicial or
 3 administrative body or official before whom the certificate is offered as evidence;

4 (3) the National Office of Vital Statistics may be furnished the copies
 5 or data it requires for national statistics if the bureau is reimbursed for the cost of
 6 furnishing the data; the National Office of Vital Statistics may not use the data for
 7 purposes other than statistical purposes unless authorized by the state registrar;

8 (4) federal, state, local, and other public or private agencies, upon
 9 request, may be furnished copies or data for statistical purposes on the terms or
 10 conditions prescribed by the bureau;

11 (5) a person or agency may not prepare or issue a certificate or part of
 12 a certificate that purports to be an original, certified copy, or copy of a certificate of
 13 birth, death, fetal death, or marriage, except as authorized in this chapter or the
 14 regulations adopted under it;

15 (6) upon request, the bureau shall furnish a copy of a certificate or
 16 record registered by the bureau to the child support services agency created in
 17 AS 25.27.010, or the child support enforcement agency of another state, for child
 18 support purposes authorized under law; such a certificate or record that is prepared or
 19 maintained in an electronic data base may be supplied by providing the requesting
 20 agency with a copy of the electronic certificate or record and a statement certifying its
 21 contents;

22 **(7) upon request and without charge, the bureau shall issue one**
 23 **certified copy of the death certificate of a veteran to an eligible recipient for the**
 24 **purpose of satisfying an eligibility requirement for a benefit related to the death**
 25 **of the veteran; in this paragraph,**

26 **(A) "eligible recipient" means**

27 **(i) the deceased veteran's surviving spouse or other**
 28 **relative;**

29 **(ii) the deceased veteran's heir or devisee; or**

30 **(iii) the administrator, executor, personal**
 31 **representative, foreign personal representative, beneficiary,**

1 conservator, fiduciary, special administrator, successor personal
2 administrator, or trustee of the deceased veteran's estate;

3 (B) "veteran" means an individual who was

4 (i) on active duty at the time of the veteran's death
5 or had received an honorable or general discharge from a branch
6 of the armed services of the United States, the National Guard, a
7 reserve unit of the United States armed services, the Alaska Scouts,
8 the Alaska Territorial Guard, or the Alaska Naval Militia; and

9 (ii) a resident of Alaska at the time of the
10 individual's death.

27-LS0450\M
Bullard
2/17/11

CS FOR HOUSE BILL NO. 129()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES GRUENBERG, Lynn

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28 **relative;**

29 **(ii) the deceased veteran's heir or devisee; or**

30 **(iii) the administrator, executor, personal**
31 **representative, foreign personal representative, beneficiary,**

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conservator, fiduciary, special administrator, successor personal administrator, or trustee of the deceased veteran's estate;

(B) "veteran" means an individual who was

(i) on active duty at the time of the veteran's death or had received an honorable or general discharge from a branch of the armed services of the United States, the National Guard, a reserve unit of the United States armed services, the Alaska Scouts, the Alaska Territorial Guard, or the Alaska Naval Militia; and

(ii) a resident of Alaska at the time of the individual's death.

Member

Standing Committees:

Judiciary
State Affairs
Transportation
Rules

Finance Subcommittees:

Corrections
Courts
Law

Alaska State Legislature

House of Representatives



Representative Max F. Gruenberg, Jr.
House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

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Rep.Max.Gruenberg@legis.state.ak.us

HB 129

DEATH CERTIFICATES FOR DECEASED VETERANS

Explanation of Changes

Changes between HB 129 (27-LS0450\A) and CSHB 129 () (27-LS0450\M):

Paragraph (i) on page 3, lines 4-10 of HB 129 was restructured, incorporating the following changes:

- 1) References to the Coast Guard and Coast Guard Reserves were omitted in the CS because they are a branch of the "armed services," which is already included in the paragraph.
- 2) References in HB 129 to "Alaska Army National Guard" and "Alaska Air National Guard" were eliminated in the CS, and "National Guard" was substituted as an umbrella term.

These are stylistic changes and are in no way intended to exclude any service members covered in the original bill.

CERTIFICATION OF VITAL RECORD

STATE OF ARIZONA

STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS CERTIFICATE OF DEATH

DEATH NO. D 102-

ORIGINAL STATE COPY

Form with fields for Name of Deceased (SEYMOUR EPSTEIN), Date of Death (JANUARY 31 2004), Place of Death (YAVAPAI PRESCOTT VALLEY), Cause of Death (MORTAL CORRECTED BOXES 1 & 14A), and Certifier (SAM W. DOWNING, MD).

FOR GOVERNMENT USE ONLY. Pursuant to A.R.S. 29-122.A this copy has been issued free of charge for the purpose of applying for and obtaining Veteran's Social Security Benefits and shall not be valid for any other purpose.

CERTIFIED COPY OF VITAL RECORDS

STATE OF ARIZONA COUNTY OF YAVAPAI

DATE ISSUED FEB 06 2004

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA issued under the authority of A.R.S. 26-311 and by direction of

Marcia M Jacobson YAVAPAI COUNTY REGISTRAR YAVAPAI COUNTY HEALTH DEPARTMENT



152164

This copy not valid unless prepared on engraved border displaying county seal in color and raised seal of issuing agency

ANY ALTERATION OR ERASURE WILL RENDER THIS CERTIFICATE VOID

Member

Standing Committees:

Judiciary
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House of Representatives



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House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)
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Rep.Max.Gruenberg@legis.state.ak.us

HB 129

DEATH CERTIFICATES FOR DECEASED VETERANS

Sponsor Statement

House Bill 129 provides a death certificate, without cost, to a surviving spouse, next of kin, or other relative of a deceased veteran. The bill is modeled after an Arizona statute and will provide one copy to the eligible recipient. HB 129 demonstrates the state's respect for Alaska's veterans and their families and will provide a valuable service to military families in their time of bereavement.

If you have any questions about the bill, please contact my legislative aide, Gretchen Staff, at 465-4940.

Thank you for your consideration of House Bill 129.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB129
() Publish Date: _____

Identifier (file name): HB129-DHSS-BVS-2-21-2011
Title: Deceased Veteran Death Certificate
Dept. Affected: Health and Social Services
Appropriation: Public Health
Allocation: Bureau of Vital Statistics
Sponsor: Rep. Max Gruenberg
Requester: House MLV Committee
OMB Component Number: 961

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES	(75.0)	(80.0)	(85.0)	(90.0)	(95.0)	(100.0)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	75.0	0.0	80.0	85.0	90.0	95.0	100.0
1005 GF/Program Receipts	(75.0)	0.0	(80.0)	(85.0)	(90.0)	(95.0)	(100.0)
1037 GF/Mental Health							
Other (please identify)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable. Initial version.

Prepared by: Ward Hurlburt, M.D. MPH - Chief Medical Officer / Director
Division: Public Health
Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services

Phone 269-6680
Date/Time 2/21/11 12:00 PM
Date 2/21/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB129

Analysis:

Under this bill family members or representatives (executors, etc.) of deceased veterans may each request one free certified copy of the veteran's death certificate. This bill would allow many members or representatives of the veteran's family to separately request a free death certificate.

This bill will reduce the Bureau of Vital Statistics (BVS) program receipts/fees by an estimated \$75.0 in the first year, increasing each year to a projected loss of \$100.0 by Year 5. Because BVS relies substantially on fees to support its operating costs, any loss of these program receipts will have an immediate impact on staffing and quality of service to the public if not replaced by general funds. About 3% of the FY11 budget for BVS is GF (\$91.1). In contrast, 80% of the BVS budget for FY11 comes from program receipts (GF/Pgm).

The Bureau estimates that initially 75% of veteran's families will be aware of the bill, increasing to nearly 100% over five years. About 30 percent (approximately 1000 deaths) of total deaths in Alaska per year indicate the decedent was a veteran. It is estimated that between three to five family members (or executors) will qualify for a death certificate at no charge (families have been known to request as many as 40 copies of a death certificate). Assuming 3 to 4 certificates per death, the impact to the Bureau is projected to be between 3,000 to 4,000 certificates issued at no charge annually. The fee for a death certificate is \$25. It is anticipated the impact would be comparatively less for the first few years and then increase as more families become aware of the new law.

The fiscal impact will be approximately \$75.0 for the first year the legislation is in effect (\$25 x 3,000 certified copies, assuming just 750 families will request on average four certificates each in the first year), increasing to \$100.0 by Year 5 (\$25 x 4,000 certified copies) as more people become aware of the new benefit provided by this law. The Bureau will experience a greater loss of revenue if this bill generates more than four requests per death, or if the number of decedents who are veterans exceeds 1000 in a year. If the current level of staffing and service to the public is to be maintained, these lost program receipts will have to be replaced with GF.

Gretchen Staff

From: Dan McCrummen [dan.mccrummen@gmail.com]
Sent: Monday, February 07, 2011 12:46 PM
To: Rep. Max Gruenberg
Cc: Rep. Bob Lynn
Subject: HB 129 - DECEASED VETERAN DEATH CERTIFICATE

The Honorable Max Gruenberg,

I fully support HB 129; however, I ask that the wording of paragraph (7)(B)(i) of the bill be amended to remove specific reference to the Coast Guard and Coast Guard Reserves. The United States Coast Guard, and its reserve component, is a branch of the armed forces and therefore is inclusive in the earlier language of that same paragraph, namely "armed services."

In support of my request I provide the following references:

The five uniformed services that make up the Armed Forces are defined in 10 U.S.C. § 101(a)(4):

The term "armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

The Coast Guard is further defined by 14 U.S.C. § 1:

The Coast Guard as established 28 January 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

Thank you for your consideration of my request.

H. D. "Dan" McCrummen
MCPO, USCG (Retired)
907-321-2313