

# Legislative Analysis

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## GENEALOGICAL RESEARCH

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**Senate Bill 795 as passed by the Senate**

**Sponsor: Sen. Tom George**

**House Committee: Health Policy**

**Senate Committee: Health Policy**

### **First Analysis (2-7-06)**

**BRIEF SUMMARY:** The bill would add a new section to the Public Health Code to make it easier for the public when conducting genealogical research to access older vital records. Under the bill, the State Registrar could transmit on microfilm or microfiche or by other electronic means copies of certain vital record certificates or reports, or indexes of those documents, from the system of vital statistics to the Library of Michigan to be made available to the public to facilitate genealogical research.

**FISCAL IMPACT:** Senate Bill 795, as passed by the Senate, may have a modest fiscal impact for the Department of Community Health. The bill is permissive with regard to DCH transmitting copies of older vital records to the Library of Michigan, and making them publicly accessible on the Internet. If the Department does establish one or both of these systems there will be initial and ongoing tasks, and related costs.

The Department projects that implementation of the provisions of bill will not significantly reduce the number of requests received for older vital records. Instead of paying a minimum \$26 fee for one copy of a vital record, persons will be able to access these particular records online at no charge, and the state's vital records fee collections will be reduced by a modest amount.

### **THE APPARENT PROBLEM:**

The hobby of genealogy is becoming increasingly popular nationwide. Individuals often seek information about their ancestors in search of a deeper appreciation of their family heritage. Others desire family medical history information in order to better manage their own health. Vital records, such as birth, marriage, and death certificates, can be valuable sources of data for these purposes. The State of Michigan has required that such records be kept since 1867. To date, the State Registrar has more than 30 million records on file. It has been suggested that the state should take measures to make those records more accessible to the public, in order to aid people in researching their families' histories.

### **THE CONTENT OF THE BILL:**

The bill would add a new section to the Public Health Code to make it easier for the public when conducting genealogical research to access older vital records. Under the bill, the State Registrar could transmit on microfilm or microfiche or by other electronic means copies of the following vital record certificates or reports, or indexes of those

documents, from the system of vital statistics to the Library of Michigan to be made available to the public to facilitate genealogical research:

- Each death record certificate that was at least 75 years old.
- Each marriage record certificate that was at least 75 years old, excluding those issued under Public Act 180 of 1897 (which allows nonpublic marriages, as described below).
- Each divorce record that was at least 75 years old.
- Each birth record certificate that was at least 110 years old, unless it had been sealed or its disclosure was otherwise prohibited by law.

To facilitate genealogical research further, the State Registrar could establish and implement a web-based mechanism to provide the public with Internet access to the vital record certificates or reports, or indexes, described above; and transmit copies of those documents to federal, state, local, and other public or private entities.

The vital records described above, except the birth record certificates, that were previously sealed by law or rule would have to be unsealed and could be released by the State Registrar as historical copies of the certificate of a vital event.

The State Registrar would have to establish procedures for the transmission of the documents. He or she could establish procedures for the updating and correcting of documents that subsequently were amended or replaced.

Vital records copies or information released by the State Registrar in accordance with the bill and no longer under his or her supervisory control could not be considered prima facie evidence of the facts within those copies or other information.

(Under Public Act 180 of 1897, if a person desires to keep the exact date of his or her marriage a secret, a judge may issue, without publicity, a marriage license to the person upon application, if there is a good reason expressed in the application and the judge determines it to be sufficient. The code also allows a judge to marry, without publicity, people under marriageable age, if the license application is accompanied by a written request of all of the biological or adoptive living parents or guardians of both parties, or, if only one party is underage, a written request by his or her parents or guardians.)

MCL 333.2885

#### ***HOUSE COMMITTEE ACTION:***

The House Committee on Health Policy made no amendments to the bill; it remains in the form that passed the Senate. Some of the information in this analysis is taken from the Senate Fiscal Agency's analysis of Senate Bill 795, dated 11-14-05.

## ***ARGUMENTS:***

### ***For:***

Access to accurate records of events such as births, marriages, and deaths is becoming increasingly important as genealogy gains popularity. Witnesses before the Senate Health Policy Committee claimed that genealogy is the second-most popular pastime in America today. Some people find that, in learning about their family histories, they learn about themselves. Others use the information to identify diseases or conditions that run in their families. In some cases, this information can be life-saving. In fact, the U.S. Surgeon General launched a Family History Initiative in 2004 to encourage all families to learn more about their medical histories. Particularly for records as old as those specified in the bill, privacy is less relevant than for newer records. The state should remove the cloak of secrecy associated with these records and accommodate those who have an interest in genealogical research.

Genealogists who support the bill have said that it "provides a WIN-WIN situation, making records available, lifting a costly burden from a state office, increasing tourism attractions for the Lansing area and making our history more accessible to Michigianians at no cost to State Government." They point out that the Michigan Genealogical Council is contributing funds to pay for the cost of films used to transfer information to the Library of Michigan.

## ***POSITIONS:***

The Department of Community Health and the Department of History, Arts, and Libraries have indicated support for the bill. (2-7-06)

The Michigan Genealogical Council testified in support of the bill. (2-7-06)

The Lansing African-American Genealogical Society has indicated support for the bill. (2-7-06)

The Michigan Association of Health Plans has indicated support for the bill. (2-7-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.