



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 795 (as passed by the Senate)  
Sponsor: Senator Tom George  
Committee: Health Policy

Date Completed: 11-14-05

### **RATIONALE**

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 familial medical history information in order to manage their own health better. 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.

### **CONTENT**

**The bill would amend the Public Health Code to do the following:**

- **Allow the State Registrar to transmit to the Library of Michigan death, marriage, and divorce records that were at least 75 years old, and birth records at least 110 years old, for genealogical research by the public.**
- **Allow the State Registrar to provide for internet access to those records.**
- **Require those records (except birth records) to be unsealed, if they were sealed.**
- **Require the State Registrar to establish transmission procedures.**

Specifically, the bill would allow the State Registrar to transmit on microfilm or microfiche or by other electronic means copies of the following vital record

certificates or reports, or indexes of them, 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 Act 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

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Access to accurate records of events such as births, marriages, and deaths is becoming increasingly important as genealogy gains popularity. According to Senate Health Policy Committee testimony, 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.

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

If the State of Michigan provided vital record information through the Library of Michigan or a website, it would create a mild, indeterminate cost increase for the State. The majority of this increase would likely be associated with the administrative cost of transferring vital records information to microfilm, microfiche, or a website.

Additionally, this process could lead to a reduction in fee revenue collected by the State. The State of Michigan imposes a fee of between \$12 and \$39 to provide copies of vital records to requesting parties. Revenue generated by these fees (about \$4.7 million annually) is the primary funding source supporting the operation of the Vital Records Office. The loss of fee revenue would likely be minimal; the Vital Records Office has noted that the vast majority of record requests it receives are not for genealogical research and that reviews of older records are generally the most time-consuming and expensive to complete.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.