

Legislative Analysis



BIRTH CERTIFICATES FROM STATE REGISTRAR

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4152 (H-2) as referred to second committee
Sponsor: Rep. Steven Johnson

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4153 (H-2) as referred to second committee
Sponsor: Rep. Vanessa Guerra

1st Committee: Families, Children and Seniors
2nd Committee: Ways and Means
Revised 4-22-19

SUMMARY:

Taken together, House Bills 4152 and 4153 would amend the Public Health Code to allow certain individuals to obtain a birth certificate that is available only from the state registrar by making a request and paying a fee to the local registrar of the jurisdiction where the individual was born or his or her adoption was ordered, rather than obtaining the record directly from the state registrar.

House Bill 4153 would define the term *allowable individual* for purposes of the Public Health Code.

Allowable individual would mean an individual who is the subject of a birth record that is available only through the office of the state registrar and who meets all of the following:

- He or she was born in the jurisdiction of the office of the local registrar where the certified copy of the birth record is being sought.
- If the individual was adopted and his or her adoption was ordered by a probate court located in the jurisdiction of the office of the local registrar where the record is being sought.

MCL 333.2803

House Bill 4152 would amend the Public Health Code to provide that if a local registrar received a written request and payment of the appropriate fee from an individual eligible to receive a certified copy of a birth record of an *allowable individual*, the local registrar would have to notify the state registrar. Upon receiving the notification, the state registrar would have to search immediately for the birth record of the allowable individual and do one of the following, as applicable:

- If the local registrar has access to the *central issuance system*, electronically transmit the birth record to the local registrar. If the local registrar does not have access to the central issuance system, the state registrar would have to mail a copy of the record to the local registrar. (However, the state registrar would not be required to transmit or mail a birth record whose request is described in section

2882(2) or (3) of the Code, which pertains to requests made by adult adoptees and confidential intermediaries appointed under the Probate Code to act on behalf of adult adoptees.)

- If the allowable individual's birth record cannot be located after conducting the search for the record, notify the local registrar of that fact.

Central issuance system would mean the database maintained by the state registrar from which a state certified copy of a birth record may be issued.

The state registrar would have to provide the birth record or notification, as described above, without charge to the local registrar or the individual requesting the record.

MCL 333.2891

Each bill would take effect 90 days after its enactment. The bills are tie-barred to each other, which means that neither could take effect unless both were enacted.

BRIEF DISCUSSION:

According to news reports and committee testimony, birth certificates for those born to unmarried parents before 1978 are kept by and available from the state registrar only, and not from the county clerk of the county where the person was born. (Other birth certificates are available from the county clerk.) This means that some individuals have to pay higher fees—and often make a trip to Lansing—to obtain a document that others can obtain locally at less cost.

FISCAL IMPACT:

House Bills 4152 and 4153 would increase costs for the Department of Health and Human Services (DHHS) in establishing that the state registrar in DHHS shall provide the service of a search and certified copy of a birth certificate without receipt of the standard statutory fee of \$34 in certain circumstances. The state vital records program is supported by fees established under section 2891 of the Public Health Code. DHHS estimates \$600,000 of costs initially, assuming about 5,000 qualified requests per year, including \$150,000 for one additional employee, \$250,000 for information technology, which may include some one-time costs, and lost fee revenue of \$200,000. Additional revenue may need to be appropriated to offset the cost of the uncompensated services. The Michigan vital records system totals over 32 million records.

POSITIONS:

Representatives of the following entities testified in support of the bills (3-13-19):

- Oakland County Clerk
- Saginaw County Clerk
- Michigan Identification Taskforce

The following entities indicated support for the bills:

- Allegan County Clerk (3-13-19)
- Michigan Association of Counties (3-20-19)
- Michigan Association of County Clerks (3-13-19)
- Michigan Coalition Against Homelessness (3-13-19)
- Michigan Community Action (3-13-19)

The Office of the State Registrar indicated a neutral position regarding the bills. (4-18-19)

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