



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



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

House Bill 4152 (Substitute S-2)
House Bill 4153 (Substitute H-2 as passed by the House)
Sponsor: Representative Steven Johnson (H.B. 4152)
Representative Vanessa Guerra (H.B. 4153)
House Committee: Families, Children and Seniors
Ways and Means
Senate Committee: Families, Seniors, and Veterans

Date Completed: 1-14-20

CONTENT

House Bill 4153 (H-2) would amend the Public Health Code to define "allowable individual".

House Bill 4152 (S-2) would amend the Public Health Code to do the following:

- Require a local registrar that received a written request and prescribed payment from an individual who met certain requirements to receive a certified copy of a birth record to notify the State Registrar of the request.
- Require the State Registrar, after receiving the notification from a local registrar, to conduct a search for an allowable individual's birth record within 24 hours of the request, and either transmit the record to the local registrar or notify the local registrar that the record could not be found.
- Specify that the State Registrar could not charge an individual 65 years of age or older a fee of \$14 for a search for and one certified copy of the individual's birth record if the State Registrar received notice from a local registrar as provided by the bill.

The bills are tie barred, and each bill would take effect 90 days after its enactment. The bill also states that "It is the intent of the Legislature to appropriate money for the additional responsibilities placed on the state registrar by this amendatory act."

House Bill 4153 (H-2)

Under the bill, "allowable individual" would mean an individual who is the subject of a birth record that is only available through the office of the State Registrar and who meets either 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, his or her adoption was ordered by a probate court that is located in the jurisdiction of the office of the local registrar where the certified copy of the birth certificate is being sought.

"Local registrar" means the county clerk or the clerk's deputy, or in the case of a city having a population of 40,000 or more, the city clerk or city department designated by the governing body of the city; or a registrar appointed pursuant to Section 2814. (Section 2814 specifies that a city having a population of less than 40,000 and an institution located within the city limits may request the State Registrar to approve the governing body's appointment of a city clerk or a city department as a local registrar.)

House Bill 4152 (S-2)

Under the Code, the State Registrar or a local registrar, after receiving a written request and payment of the prescribed fee, must conduct a search for a vital record for an individual who purports to be eligible under Section 2882 or for an agency under Section 2883(2) to receive a certified copy, administrative use copy, or a statistical use copy of the requested vital record.

(Section 2882 requires the State Registrar or local registrar, upon written request and payment of the prescribed fee, to issue a certified copy of the applicable vital record. Section 2883(2) specifies that the Department of Health and Human Services (DHHS) may furnish copies or data from the system of vital statistics to Federal, State, local, and other public or private agencies for statistical or administrative purposes upon terms or conditions prescribed by the Department if the copies or data are used only for the purpose for which requested unless otherwise authorized by the State Registrar.)

Under the bill, if a local registrar received a written request and payment of the fee charged by the local registrar from an individual who purported to be eligible under Section 2882 to receive a certified copy of an allowable individual's birth record, the local registrar would have to notify the State Registrar. After receiving the notification, the State Registrar would have to conduct a search for the allowable individual's birth record within 24 hours and would have to do one of the following, as applicable:

- If the allowable individual's birth record could not be located after conducting the search for the record, notify the local registrar of that fact.
- If the local registrar had access to the central issuance system, electronically transmit the allowable individual's birth record to the local registrar.

If the local registrar did not have access to the central issuance system, the State Registrar would have to mail a copy of the allowable individual's birth record to the local registrar. These provisions would not apply to a request for a birth record described in Section 2882(2) or 2882(3) of the Code. (Section 2882(2) concerns the written request for a birth certificate from an adult who has been adopted and met certain requirements. Section 2882(3) concerns the written request made by a confidential intermediary that met certain requirements for a birth certificate of an adult adoptee.)

"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.

Generally, if the State Registrar conducts a search for a vital record and the record cannot be located, the State Registrar must issue an official statement that the record could not be located instead of a certified copy or an administrative use copy of the vital record. Under the bill, if the allowable individual's birth record could not be located after conducting the search for the record, the State Registrar would have to notify the local registrar of that fact.

Under the Code, upon formal application, the State Registrar must charge a person 65 years of age or older a fee of \$14 for a search for and one certified copy of his or her birth record. Under the bill, if the State Registrar received notice from a local registrar in the manner

provided under the bill, the State Registrar would have to conduct the search and provide the birth record or notification without charge to the local registrar or the individual requesting the record.

MCL 333.2891 (H.B. 4152)
333.2803 (H.B. 4153)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have a negative fiscal impact on the Department of Health and Human Services. The Department estimates that the bill would increase costs by \$75,000 for information technology upgrades, and by \$150,000 to hire an additional employee to commence requests within a 24-hour period. Under current law, the DHHS receives a fee of \$34 when an eligible individual requests a certified copy of a birth record from the State Registrar, and an additional \$12 if the eligible individual requests that the search be expedited. These, and other, fees are used to support the Vital Records Program within the DHHS. The bill would result in a decrease in revenue for the State by allowing local registrar offices to request certified copies of birth records on behalf of eligible individuals who have paid the prescribed fee to the local registrar. For each increase of 1,000 birth certificate requests made through a local registrar, the DHHS would see a decrease in revenue ranging from \$34,000 to \$46,000. The Department estimates that 5,000 requests annually could be affected by the bill, which would result in a decrease in revenue ranging from \$170,000 to \$230,000.

The bill likely would have a small, positive fiscal impact on local units of government. Since the bill would create a mechanism for a local registrar to request certain vital records from the State Registrar directly, the local registrar would be able to collect the fee for the vital records search, while the State Registrar would conduct the records search. Any additional administrative costs incurred by the local registrar should be no more than the additional fees collected.

Fiscal Analyst: Ellyn Ackerman
Ryan Bergan

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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.