A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2831, 2832, and 2891 (MCL 333.2831, 333.2832, and 333.2891), sections 2831 and 2832 as amended by 1996 PA 307 and section 2891 as amended by 2013 PA 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2831. The state registrar shall establish a new certificate of birth for an individual born in this state when the registrar receives the following:

(a) A report of adoption as provided in section 2829, a report of adoption prepared and filed under the laws of another state or foreign country, or a certified copy of the adoption order, together with the information necessary to identify the original certificate of birth and to establish a new certificate of live
birth. However, THE STATE REGISTRAR SHALL NOT ESTABLISH a new certificate of live birth shall not be established if so requested by the court ordering the adoption; the adopting parent; or the adoptee, if the adoptee is an adult.

(b) A request that a new certificate be established and the evidence required by the department proving that the individual's paternity has been established.

(c) A request that a new certificate be established to show a sex designation other than that designated at birth. The request shall MUST be accompanied by an affidavit of a physician certifying that sex-reassignment surgery has been performed.

(D) A CERTIFICATION FORM UNDER SECTION 9 OF THE GESTATIONAL SURROGATE PARENTAGE ACT, TOGETHER WITH THE INFORMATION NECESSARY TO IDENTIFY THE ORIGINAL CERTIFICATE OF BIRTH AND TO ESTABLISH A NEW CERTIFICATE OF LIVE BIRTH.

Sec. 2832. (1) When a new certificate of live birth is established, the actual place and date of birth shall MUST be shown. The new certificate shall MUST be substituted for the original certificate of live birth. Thereafter, the original certificate and the evidence of adoption, or sex designation, OR CERTIFICATION UNDER SECTION 9 OF THE GESTATIONAL SURROGATE PARENTAGE ACT are not subject to inspection except as otherwise provided in section 2882(2) or (3) or upon a court order. Evidence in support of other birth record changes is subject to inspection as provided in sections 2882 and 2883.

(2) Upon receipt of notice of annulment of adoption or a copy of an order of rescission, the original certificate of live birth
shall MUST be restored to its place in the files. The certificate created under subsection (1) is not subject to inspection except upon a court order.

(3) If a certificate of live birth is not on file for the individual for whom a new live birth certificate is to be established under section 2831, a new live birth certificate may be prepared on the delayed birth certificate form in use at the time of THE adoption, legitimation, or paternity determination, OR CERTIFICATION UNDER SECTION 9 OF THE GESTATIONAL SURROGATE PARENTAGE ACT.

(4) When a new certificate of live birth is established by the state registrar, all copies of the original certificate of birth in the custody of a custodian of permanent records in this state shall MUST be sealed from inspection or forwarded to the state registrar, as the state registrar directs.

Sec. 2891. (1) The state registrar or a local registrar shall, upon receipt of a written request and payment of the prescribed fee, 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.

(2) If a search for a vital record is conducted by the state registrar and the vital record cannot be located, the state registrar shall issue an official statement that the vital record could not be located instead of a certified copy or an administrative use copy of the vital record. If a search for a vital record is conducted by a local registrar and the vital record
cannot be located, the local registrar is not required to issue an official statement as described in this subsection, and the local registrar may waive the prescribed fee.

(3) The state registrar or a local registrar may require an applicant who requests a certified copy, an administrative use copy, or a statistical use copy of a vital record to provide verification of his or her identity before releasing the vital record if eligibility for the vital record is restricted under section 2882.

(4) Subject to subsection (8), the fees for a search for a vital record are as follows:

(a) A search including 1 certified copy, 1 administrative use copy, or 1 statistical use copy of a vital record or an official statement issued by the state registrar that a vital record could not be located................................. $ 34.00

(b) Additional identical copies ordered at the same time........................................ $ 16.00 per copy

(c) Additional years searched......................... $ 12.00 per year

(d) An authenticated copy............................... $ 42.00

(e) Additional authenticated copies ordered at the same time........................................ $ 26.00 per copy

(f) Verification of facts delineated in section 2881(2).................................................. $ 18.00
(g) Except as otherwise provided in subdivision (h), a request for an expedited search for a vital record under this subsection.................. $ 12.00

(h) A request for an expedited search for an authenticated copy of a vital record under subdivision (d)...................... $ 25.00

(5) The fees for establishment or registration of a vital record are as follows:

(a) Application for establishment of a delayed certificate of birth or death that includes 1 certified copy or an official denial of the application.................. $ 50.00

(b) Registration of a delayed certificate of birth for a foreign born adopted child that includes 1 certified copy.................. $ 50.00

(6) Upon formal application of a soldier; sailor; marine; member of the coast guard; nurse; member of a women's auxiliary; or other person who is entitled to a bonus, a pension, or other compensation under a law of this state, the United States, or another state or territory of the United States or a service auxiliary for a vital record for the purpose of obtaining the bonus, pension, or compensation, the state registrar shall furnish 1 certified copy of the vital record requested without charge. If the person entitled to the vital record is deceased or mentally incompetent, the state registrar may furnish the copy to an heir, guardian, or legal representative of the person.
INDIVIDUAL. The state registrar shall label a certified copy furnished under this subsection with the following statement: "for veteran's benefits only, not for personal use".

(7) Upon formal application, the state registrar or a local registrar shall furnish a certified copy of a vital record without charge to a licensed child placing agency representing a child for adoption purposes. The state registrar or local registrar shall label a certified copy provided under this subsection with the following statement: "for adoption purposes only, not for personal use".

(8) Upon formal application, the state registrar shall charge a person 65 years of age or older a fee of $14.00 for a search for and 1 certified copy of his or her birth record.

(9) The state registrar shall charge the following fees for the creation of new vital records and corrections of vital records:

(a) Application to create a new certificate of birth following an adoption; legal change of name for minors; acknowledgment of paternity; sex change; legitimation; order of filiation; or CERTIFICATION UNDER SECTION 9 OF THE GESTATIONAL SURROGATE PARENTAGE ACT, OR a request to replace a court filed certificate of adoption................. $ 50.00

(b) Subject to subsection (10), application received within 1 year of the date of the event to create a new certificate of birth or death to correct obvious minor errors and omissions................................. $ 50.00
(c) An application with a request for an expired creation of a new certificate under this subsection................................. $  25.00

(10) The errors and omissions that may be corrected under subsection (9)(b) are limited to the following:

(a) The addition of a given first or middle name if a name was not recorded at the time of filing.

(b) A change to a social security number.

(c) The addition of information originally specified as unknown or that was omitted by error.

(d) A minor spelling change.

(11) The state registrar shall charge a fee of $50.00 for an application to amend birth and death records more than 1 year after the date of the event for the purpose of adding information or correcting an error in information recorded on the document. The state registrar shall charge a fee of $25.00 for an application with a request for an expedited amendment to a birth or death record under this subsection.

(12) The state registrar shall not charge a fee for any of the following:

(a) Changing a vital record to correct an error made within the office of a local registrar or the state registrar.

(b) Correcting an error if the correction is initiated by the state registrar.

(c) Correcting a vital record if the correction is requested by a county medical examiner for a case within his or her jurisdiction.
(d) Correcting a record if the correction is ordered by a court of competent jurisdiction following denial by the department of an application to make the correction.

(e) Correcting a vital record if the correction is requested by a public agency that is the guardian of the individual to whom the vital record pertains.

(13) The state registrar shall charge a fee of $50.00 for an application to amend a birth record regarding a documented legal change of name for an adult. The state registrar shall charge a fee of $25.00 for an application with a request for an expedited amendment to a birth record under this subsection.

(14) The state registrar or a local registrar with approval of the state registrar may charge a reasonable fee to cover the costs of special services performed pursuant to section 2883, 2884, or 2888.

(15) A local registrar shall deposit fees collected under this section as the governing body of the city or county directs. The state registrar shall transmit fees collected under this section to the state treasurer for deposit into the vital records fund created in section 2892.

(16) The state registrar shall charge a fee of $12.00 for an application for a copy or a certified copy of a vital records-related document, including, but not limited to, a completed application submitted under this section or a document submitted under this section to support a requested change to a vital record.

(17) The state registrar or a local registrar shall not charge a fee other than a fee prescribed in this section. However, a local
governmental unit may adopt a system of fees for local registrars
under the jurisdiction of the local governmental unit for a search
that provides for fees less than those set forth in this section,
and a charter county with a population of more than 2,000,000
1,500,000 may adopt a system of fees for a local registrar under
the jurisdiction of that charter county that provides for fees more
than those set forth in this section. However, a charter county
shall not impose a fee that is greater than the cost of the service
for which the fee is charged.

(18) For searches under subsection (4), a local registrar
shall charge fees according to the following:

(a) The governing body of a local governmental unit that has
jurisdiction over a local registrar may adopt a system of fees for
the local registrar that provides for fees less than or equal to
the fees set forth in subsection (4). These fees shall MUST be used
for the maintenance and sustenance of the vital records fees
program only. The fees shall MUST alleviate any burden to the
taxpayers to provide this worthwhile program. A charter county with
a population of more than 2,000,000 1,500,000 may adopt a system of
fees for a local registrar under the jurisdiction of that charter
county that provides for fees that are more than the fees set forth
in subsection (4). A charter county shall not impose a fee that is
greater than the cost of the service for which the fee is charged.
A system of fees adopted under this subdivision shall MUST be used
by all local registrars under the jurisdiction of the local
governmental unit and shall MUST be reasonably related to the cost
incurred by the local registrar in making the search.
(b) If a system of fees is not adopted by a local registrar's local governmental unit under subdivision (a), the local registrar shall not charge a fee other than a fee prescribed in subsection (4).

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1082 of the 99th Legislature is enacted into law.