

SENATE BILL No. 1084

September 5, 2018, Introduced by Senators WARREN, ANANICH and CONYERS and referred to the Committee on Families, Seniors and Human Services.

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:

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

4 (a) A report of adoption as provided in section 2829, a report
5 of adoption prepared and filed under the laws of another state or
6 foreign country, or a certified copy of the adoption order,
7 together with the information necessary to identify the original
8 certificate of birth and to establish a new certificate of live

1 birth. However, **THE STATE REGISTRAR SHALL NOT ESTABLISH** a new
2 certificate of live birth ~~shall not be established~~ if so requested
3 by the court ordering the adoption; the adopting parent; or the
4 adoptee, if the adoptee is an adult.

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

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

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

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

26 (2) Upon receipt of notice of annulment of adoption or a copy
27 of an order of rescission, the original certificate of live birth

1 ~~shall~~**MUST** be restored to its place in the files. The certificate
2 created under subsection (1) is not subject to inspection except
3 upon a court order.

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

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

16 Sec. 2891. (1) The state registrar or a local registrar shall,
17 upon receipt of a written request and payment of the prescribed
18 fee, conduct a search for a vital record for an individual who
19 purports to be eligible under section 2882 or for an agency under
20 section 2883(2) to receive a certified copy, administrative use
21 copy, or a statistical use copy of the requested vital record.

22 (2) If a search for a vital record is conducted by the state
23 registrar and the vital record cannot be located, the state
24 registrar shall issue an official statement that the vital record
25 could not be located instead of a certified copy or an
26 administrative use copy of the vital record. If a search for a
27 vital record is conducted by a local registrar and the vital record

1 cannot be located, the local registrar ~~is not required to~~ **MAY** issue
2 an official statement as described in this subsection, and the
3 local registrar may waive the prescribed fee.

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

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

- 12 (a) A search including 1 certified copy,
13 1 administrative use copy, or 1 statistical use
14 copy of a vital record or an official statement
15 issued by the state registrar that a vital record
16 could not be located..... \$ 34.00
- 17 (b) Additional identical copies ordered at
18 the same time..... \$ 16.00
19 per copy
- 20 (c) Additional years searched..... \$ 12.00
21 per year
- 22 (d) An authenticated copy..... \$ 42.00
- 23 (e) Additional authenticated copies ordered
24 at the same time..... \$ 26.00
25 per copy
- 26 (f) Verification of facts delineated in
27 section 2881(2)..... \$ 18.00

1 (g) Except as otherwise provided in
 2 subdivision (h), a request for an expedited
 3 search for a vital record under this
 4 subsection..... \$ 12.00

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

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

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

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

17 (6) Upon formal application of a soldier; sailor; marine;
 18 member of the coast guard; nurse; member of a women's auxiliary; or
 19 other ~~person~~**INDIVIDUAL** who is entitled to a bonus, a pension, or
 20 other compensation under a law of this state, the United States, or
 21 another state or territory of the United States or a service
 22 auxiliary for a vital record for the purpose of obtaining the
 23 bonus, pension, or compensation, the state registrar shall furnish
 24 1 certified copy of the vital record requested without charge. If
 25 the ~~person~~**INDIVIDUAL** entitled to the vital record is deceased or
 26 mentally incompetent, the state registrar may furnish the copy to
 27 an heir, guardian, or legal representative of the ~~person~~.

1 **INDIVIDUAL.** The state registrar shall label a certified copy
2 furnished under this subsection with the following statement: "for
3 veteran's benefits only, not for personal use".

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

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

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

16 (a) Application to create a new certificate
17 of birth following an adoption; legal change of
18 name for minors; acknowledgment of paternity; sex
19 change; legitimation; order of filiation; ~~ex~~
20 **CERTIFICATION UNDER SECTION 9 OF THE GESTATIONAL**
21 **SURROGATE PARENTAGE ACT, OR** a request to replace a
22 court filed certificate of adoption..... \$ 50.00

23 (b) Subject to subsection (10),
24 application received within 1 year of the date
25 of the event to create a new certificate of birth
26 or death to correct obvious minor errors and
27 omissions..... \$ 50.00

1 (c) An application with a request for an
2 expedited creation of a new certificate under
3 this subsection..... \$ 25.00

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

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

8 (b) A change to a social security number.

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

11 (d) A minor spelling change.

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

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

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

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

25 (c) Correcting a vital record if the correction is requested
26 by a county medical examiner for a case within his or her
27 jurisdiction.

1 (d) Correcting a record if the correction is ordered by a
2 court of competent jurisdiction following denial by the department
3 of an application to make the correction.

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

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

12 (14) The state registrar or a local registrar with approval of
13 the state registrar may charge a reasonable fee to cover the costs
14 of special services performed pursuant to section 2883, 2884, or
15 2888.

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

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

26 (17) The state registrar or a local registrar shall not charge
27 a fee other than a fee prescribed in this section. However, a local

1 governmental unit may adopt a system of fees for local registrars
2 under the jurisdiction of the local governmental unit for a search
3 that provides for fees less than those set forth in this section,
4 and a charter county with a population of more than ~~2,000,000~~
5 **1,500,000** may adopt a system of fees for a local registrar under
6 the jurisdiction of that charter county that provides for fees more
7 than those set forth in this section. However, a charter county
8 shall not impose a fee that is greater than the cost of the service
9 for which the fee is charged.

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

12 (a) The governing body of a local governmental unit that has
13 jurisdiction over a local registrar may adopt a system of fees for
14 the local registrar that provides for fees less than or equal to
15 the fees set forth in subsection (4). These fees ~~shall~~**MUST** be used
16 for the maintenance and sustenance of the vital records fees
17 program only. The fees ~~shall~~**MUST** alleviate any burden to the
18 taxpayers to provide this worthwhile program. A charter county with
19 a population of more than ~~2,000,000~~**1,500,000** may adopt a system of
20 fees for a local registrar under the jurisdiction of that charter
21 county that provides for fees that are more than the fees set forth
22 in subsection (4). A charter county shall not impose a fee that is
23 greater than the cost of the service for which the fee is charged.
24 A system of fees adopted under this subdivision ~~shall~~**MUST** be used
25 by all local registrars under the jurisdiction of the local
26 governmental unit and ~~shall~~**MUST** be reasonably related to the cost
27 incurred by the local registrar in making the search.

1 (b) If a system of fees is not adopted by a local registrar's
2 local governmental unit under subdivision (a), the local registrar
3 shall not charge a fee other than a fee prescribed in subsection
4 (4).

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

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. 1082

9 of the 99th Legislature is enacted into law.