

HOUSE BILL No. 6067

(as amended December 7, 2016)

November 29, 2016, Introduced by Rep. Lyons and referred to the Committee on Elections.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2013 PA 136,
and by adding section 2882b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2882B. [(1)] UPON THE WRITTEN REQUEST OF AN INDIVIDUAL AND
2 WITHOUT PAYMENT OF THE PRESCRIBED FEE, THE STATE REGISTRAR SHALL,
3 OR A LOCAL REGISTRAR MAY, CONDUCT A SEARCH FOR THE INDIVIDUAL'S
4 LIVE BIRTH RECORD AND ISSUE EITHER A CERTIFIED COPY OF THAT RECORD
5 OR THE OFFICIAL STATEMENT DESCRIBED IN SECTION 2891(2) TO THE
6 INDIVIDUAL IF THE INDIVIDUAL EXECUTES, UNDER PENALTY OF PERJURY, AN
7 AFFIDAVIT IN A FORM PRESCRIBED BY THE STATE REGISTRAR CERTIFYING
8 THAT THE INDIVIDUAL IS REQUESTING THE RECORD FOR THE PURPOSE OF
9 OBTAINING AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD FROM THE

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1 SECRETARY OF STATE UNDER 1972 PA 222, MCL 28.291 TO 28.300, AND THE
2 COST OF THE RECORD IS PROHIBITIVE TO THE INDIVIDUAL.

[(2) FOR THE 2016-2017 FISCAL YEAR, \$1,000,000.00 IS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ISSUE CERTIFIED COPIES OF LIVE BIRTH RECORDS AND TO IMPLEMENT THE AMENDATORY ACT THAT ADDED THIS SECTION.]

3 Sec. 2891. (1) The state registrar or a local registrar shall,
4 upon receipt of a written request and, **EXCEPT AS OTHERWISE PROVIDED**
5 **IN THIS PART**, payment of the prescribed fee, conduct a search for a
6 vital record for an individual who purports to be eligible under
7 section 2882 or for an agency under section 2883(2) to receive a
8 certified copy, administrative use copy, or a statistical use copy
9 of the requested vital record.

10 (2) If a search for a vital record is conducted by the state
11 registrar and the vital record cannot be located, the state
12 registrar shall issue an official statement that the vital record
13 could not be located instead of a certified copy or an
14 administrative use copy of the vital record. If a search for a
15 vital record is conducted by a local registrar and the vital record
16 cannot be located, the local registrar ~~is not required to~~ **MAY** issue
17 an official statement as described in this subsection, and, **IF**
18 **APPLICABLE**, the local registrar may waive the prescribed fee.

19 (3) The state registrar or a local registrar may require an
20 applicant who requests a certified copy, an administrative use
21 copy, or a statistical use copy of a vital record to provide
22 verification of his or her identity before releasing the vital
23 record if eligibility for the vital record is restricted under
24 section 2882 **OR THE REQUEST FOR A CERTIFIED COPY OF THE VITAL**
25 **RECORD IS MADE BY THE APPLICANT UNDER SECTION 2882B.**

26 (4) Subject to subsection (8) **AND EXCEPT AS OTHERWISE PROVIDED**
27 **IN THIS PART**, the fees for a search for a vital record are as

1 follows:

2 (a) A search including 1 certified copy,
 3 1 administrative use copy, or 1 statistical use
 4 copy of a vital record or an official statement
 5 issued by the state registrar that a vital record
 6 could not be located..... \$ 34.00

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

10 (c) Additional years searched..... \$ 12.00
 11 per year

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

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

16 (f) Verification of facts delineated in
 17 section 2881(2)..... \$ 18.00

18 (g) Except as otherwise provided in
 19 subdivision (h), a request for an expedited
 20 search for a vital record under this
 21 subsection..... \$ 12.00

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

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

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

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

8 (6) Upon formal application of a soldier; sailor; marine;
 9 member of the coast guard; nurse; member of a women's auxiliary; or
 10 other ~~person~~**INDIVIDUAL** who is entitled to a bonus, a pension, or
 11 other compensation under a law of this state, the United States, or
 12 another state or territory of the United States or a service
 13 auxiliary for a vital record for the purpose of obtaining the
 14 bonus, pension, or compensation, the state registrar shall furnish
 15 1 certified copy of the vital record requested without charge. If
 16 the ~~person~~**INDIVIDUAL** entitled to the vital record is deceased or
 17 mentally incompetent, the state registrar may furnish the copy to
 18 an heir, guardian, or legal representative of the ~~person~~.
 19 **INDIVIDUAL**. The state registrar shall label a certified copy
 20 furnished under this subsection with the following statement: "for
 21 veteran's benefits only, not for personal use".

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

1 use".

2 (8) Upon formal application, the state registrar shall, **EXCEPT**
3 **AS OTHERWISE PROVIDED IN THIS PART**, charge ~~a person~~ **AN INDIVIDUAL**
4 65 years of age or older a fee of \$14.00 for a search for and 1
5 certified copy of his or her birth record.

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

8 (a) Application to create a new certificate
9 of birth following an adoption; legal change of
10 name for minors; acknowledgment of paternity; sex
11 change; legitimation; order of filiation; or a
12 request to replace a court filed certificate of
13 adoption..... \$ 50.00

14 (b) Subject to subsection (10),
15 application received within 1 year of the date
16 of the event to create a new certificate of birth
17 or death to correct obvious minor errors and
18 omissions..... \$ 50.00

19 (c) An application with a request for an
20 expedited creation of a new certificate under
21 this subsection..... \$ 25.00

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

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

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

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

3 (d) A minor spelling change.

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

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

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

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

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

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

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

26 (13) The state registrar shall charge a fee of \$50.00 for an
27 application to amend a birth record regarding a documented legal

1 change of name for an adult. The state registrar shall charge a fee
2 of \$25.00 for an application with a request for an expedited
3 amendment to a birth record under this subsection.

4 (14) The state registrar or a local registrar with approval of
5 the state registrar may charge a reasonable fee to cover the costs
6 of special services performed pursuant to section 2883, 2884, or
7 2888.

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

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

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

1 is charged.

2 (18) For searches under subsection (4), a local registrar
3 shall, **EXCEPT AS OTHERWISE PROVIDED IN THIS PART**, charge fees
4 according to the following:

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

21 (b) If a system of fees is not adopted by a local registrar's
22 local governmental unit under subdivision (a), the local registrar
23 shall not charge a fee other than a fee prescribed in subsection
24 (4).

25 Enacting section 1. This amendatory act takes effect February
26 1, 2018.

27 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 98th Legislature are
2 enacted into law:

3 (a) Senate Bill No. _____ or House Bill No. 6066 (request no.
4 06687'16 *).

5 (b) Senate Bill No. _____ or House Bill No. 6068 (request no.
6 06689'16 *).