

HOUSE BILL No. 6288

June 26, 2008, Introduced by Reps. Scott, Meadows, Condino, Lindberg, Lahti, Young, Leland, Alma Smith, Simpson, Bennett and Hood and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2004 PA
467.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (2) If a search for a vital record is conducted by the state
9 registrar and the vital record cannot be located, the state

registrar shall issue an official statement to the effect that the vital record could not be located in place of a certified copy or an administrative use copy of a 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 pursuant to section 2882.

(4) Subject to subsection (8), the fees for a search 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.....\$26.00

(b) Additional identical copies ordered at the same time.....\$12.00 per copy

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

(d) An authenticated copy.....\$29.00

(e) Additional authenticated copies ordered at the same time.....\$15.00 per copy

(f) Verification of facts delineated in

1 section 2881(2).....\$10.00
 2 (g) A request for an expedited search for
 3 a vital record.....\$10.00

4 (5) The fees for establishment and registration are as
 5 follows:

6 (a) Application for establishment of a delayed
 7 certificate of birth or death that includes 1 cer-
 8 tified copy or an official denial of the
 9 application.....\$40.00

10 (b) Registration of a delayed certificate of
 11 birth for a foreign born adopted child that
 12 includes 1 certified copy.....\$40.00

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

26 (7) Upon formal application, a certified copy of a vital

1 record shall be furnished by the state registrar or a local
2 registrar without charge to a licensed child placing agency
3 representing a child for adoption purposes. The state registrar
4 shall label a certified copy provided under this subsection with
5 the following statement: "for adoption purposes only, not for
6 personal use".

7 (8) Upon formal application, a person 65 years of age or
8 older shall be charged a fee of \$7.00 for a search and 1
9 certified copy of his or her birth record. **UPON FORMAL**
10 **APPLICATION, A HOMELESS INDIVIDUAL SHALL BE FURNISHED WITHOUT**
11 **CHARGE A SEARCH AND 1 CERTIFIED COPY OF HIS OR HER BIRTH RECORD.**
12 **AS USED IN THIS SUBSECTION, "HOMELESS INDIVIDUAL" MEANS THAT TERM**
13 **AS DEFINED UNDER 42 USC 11302. A STATE REGISTRAR OR A LOCAL**
14 **REGISTRAR SHALL ACCEPT AS VERIFICATION OF AN INDIVIDUAL'S**
15 **HOMELESS STATUS WRITTEN INFORMATION THAT INDICATES THE INDIVIDUAL**
16 **HAS BEEN RECEIVING ASSISTANCE FROM A PUBLIC OR PRIVATE AGENCY**
17 **PROVIDING SERVICES TO HOMELESS INDIVIDUALS, INCLUDING, BUT NOT**
18 **LIMITED TO, A SHELTER FOR HOMELESS PERSONS TO WHICH INDIVIDUALS**
19 **WHO CONTRIBUTE TO THE SHELTER ARE ELIGIBLE FOR A TAX CREDIT UNDER**
20 **SECTION 261 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL**
21 **206.261, OR A COMMUNITY ACTION AGENCY THAT IS SERVING THE**
22 **HOMELESS POPULATION UNDER SECTION 9 OF THE MICHIGAN ECONOMIC AND**
23 **SOCIAL OPPORTUNITY ACT OF 1981, 1981 PA 230, MCL 400.1109. A**
24 **HOMELESS INDIVIDUAL IS ONLY ENTITLED TO 1 BIRTH RECORD WITHOUT**
25 **CHARGE UNDER THIS SUBSECTION.**

26 (9) The following fees shall be charged for the creation of
27 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 a request to replace a court filed certificate of adoption.....\$40.00

(b) 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.....\$40.00

The errors and omissions that may be corrected under this subdivision are limited to the following:

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

(ii) A change to a social security number.

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

(iv) A minor spelling change.

(10) A fee of \$40.00 shall be charged 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.

(11) A fee shall not be assessed for 1 or more 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

1 the state registrar.

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

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

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

11 (12) A fee of \$40.00 shall be charged for an application to
12 amend a birth record regarding a documented legal change of name
13 for an adult.

14 (13) The state registrar or a local registrar with approval
15 of the state registrar may charge a reasonable fee to cover the
16 costs of special services performed pursuant to section 2883,
17 2884, or 2888.

18 (14) Fees collected under this section by a local registrar
19 shall be deposited as the governing body of the city or county
20 directs. Fees collected under this section by the state registrar
21 shall be deposited in the state treasury and credited to the
22 general fund of this state.

23 (15) The state registrar or a local registrar shall not
24 charge a fee other than a fee prescribed in this section.
25 However, a local governmental unit may adopt a system of fees for
26 local registrars under the jurisdiction of the local governmental
27 unit for a search that provides for fees less than those set

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

7 (16) For searches under subsection (4) a local registrar
8 shall charge fees according to the following:

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

25 (b) If a system of fees is not adopted by a local
26 registrar's local governmental unit under subdivision (a), the
27 local registrar shall not charge a fee other than a fee

1 prescribed in subsection (4).