

SENATE BILL NO. 546

June 16, 2021, Introduced by Senator VANDERWALL and referred to the Committee on Families, Seniors, and Veterans.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2020 PA 209,
and by adding section 2891a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 local registrar receives a written request and payment of the fee
2 charged by the local registrar under this section from an
3 individual who purports to be eligible under section 2882 to
4 receive a certified copy of an allowable individual's birth record,
5 the local registrar shall notify the state registrar. On receipt of
6 the notification, the state registrar shall conduct a search for
7 the allowable individual's birth record within 24 hours and shall
8 do 1 of the following, as applicable:

9 (a) If the local registrar has access to the central issuance
10 system, electronically transmit the allowable individual's birth
11 record to the local registrar. If the local registrar does not have
12 access to the central issuance system, mail a copy of the allowable
13 individual's birth record to the local registrar. This subdivision
14 does not apply to a request for a birth record described in section
15 2882(2) or (3). As used in this subdivision, "central issuance
16 system" means the database maintained by the state registrar from
17 which a state certified copy of a birth record may be issued.

18 (b) If the allowable individual's birth record cannot be
19 located after conducting the search for the record, notify the
20 local registrar of that fact.

21 (2) Except as otherwise provided in subsection (1)(b), if a
22 search for a vital record is conducted by the state registrar and
23 the vital record cannot be located, the state registrar shall issue
24 an official statement that the vital record could not be located
25 instead of a certified copy or an administrative use copy of the
26 vital record. If a search for a vital record is conducted by a
27 local registrar and the vital record cannot be located, the local
28 registrar may issue an official statement as described in this
29 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~~**subsections** (8), (19), and (20) and **section 2891a**, 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

1 record are as follows:

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

6 (b) Registration of a delayed certificate of
 7 birth for a foreign born adopted child that includes
 8 1 certified copy..... \$50.00

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

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

(8) The state registrar shall comply with all of the following:

(a) Subject to subdivision (b), upon formal application, charge an individual who is 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.

(b) If the state registrar receives notice from a local registrar under subsection (1), conduct the search and provide the birth record or notification as provided in that subsection without charge to the local registrar or the individual requesting the 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; acknowledgement of paternity; sex change; legitimation; order of filiation; 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 expedited 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:

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

3 (b) A change to a Social Security number.

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

6 (d) A minor spelling change.

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

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

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

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

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

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

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

29 (13) The state registrar shall charge a fee of \$50.00 for an

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

5 (14) The state registrar or a local registrar with approval of
6 the state registrar may charge a reasonable fee to cover the costs
7 of special services performed under section 2883, 2884, or 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, **subject to section 2891a**, a charter county with a population
24 of more than 2,000,000 may adopt a system of fees for a local
25 registrar under the jurisdiction of that charter county that
26 provides for fees more than those set forth in this section.
27 However, a charter county shall not impose a fee that is greater
28 than the cost of the service for which the fee is charged.

29 (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 must only be used for the maintenance and sustenance of the vital records fees program, to alleviate any burden to the taxpayers to provide this worthwhile program. A charter county with a population of more than 2,000,000 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 must be used by all local registrars under the jurisdiction of the local governmental unit and 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).

(19) ~~On~~ **In addition to providing a vital record under section 2891a**, on receipt of a formal application, the state registrar shall conduct a search for and furnish to an individual 1 certified copy of the individual's vital record, without charge, if the individual presents all of the following to the state registrar:

(a) A homeless verification letter that states that the individual meets the definition of category 1 homeless as that term is defined by the United States Department of Housing and Urban

1 Development. A verification letter provided under this subdivision
2 must be submitted on the official letterhead of a public service
3 agency. The department may verify the information contained in the
4 letter with the agency of issuance before issuing a certified copy
5 of the vital record.

6 (b) A photo identification card for the individual that is
7 generated from the United States Department of Housing and Urban
8 Development homeless management information system.

9 (c) Any information required by the state registrar under
10 subsection (3).

11 (20) The state registrar shall not charge a fee under
12 subsection (4) for a search and not more than 2 certified copies or
13 authenticated copies of a certificate or other record of stillbirth
14 described in section 2882(1)(a).

15 **Sec. 2891a. On receipt of a formal application, the state**
16 **registrar or local registrar shall conduct a search for and furnish**
17 **to an individual 1 certified copy of the individual's vital record,**
18 **without charge, if the individual presents all of the following to**
19 **the state or local registrar:**

20 (a) Evidence that the individual is seeking the vital record
21 for purposes of applying for an official state personal
22 identification card under 1972 PA 222, MCL 28.291 to 28.300.

23 (b) One of the following:

24 (i) Evidence that the individual is 65 years of age or older.

25 (ii) A notice of case action from the department indicating
26 that the individual is a participant in 1 or both of the following
27 programs and is making his or her application for the vital record
28 during a period in which he or she is receiving benefits:

29 (A) The family independence program.

1 (B) The state disability assistance program.

2 (ii) A United States Social Security Administration benefit
3 award letter indicating the applicant is currently receiving
4 payments under the supplemental security income program as that
5 term is defined in section 57 of the social welfare act, 1939 PA
6 280, MCL 400.57, or the Social Security disability income program.

7 (iii) A United States Social Security Administration benefit
8 verification letter indicating the applicant is currently receiving
9 payments under the supplemental security income program as that
10 term is defined in section 57 of the social welfare act, 1939 PA
11 280, MCL 400.57, or the Social Security disability income program.

12 (iv) Both of the following:

13 (A) A homeless verification letter that states that the
14 individual meets the definition of category 1 homeless as that term
15 is defined by the United States Department of Housing and Urban
16 Development. A verification letter provided under this sub-
17 subparagraph must be submitted on the official letterhead of a
18 public service agency. The department may verify the information
19 contained in the letter with the agency of issuance before issuing
20 a certified copy of the vital record.

21 (B) A photo identification card for the individual that is
22 generated from the United States Department of Housing and Urban
23 Development homeless management information system.

24 (c) Any information required by the state registrar under
25 section 2891(3).