

SUBJECT: Fee for vital statistics records

COMMITTEE: Public Health — favorable, without amendment

VOTE: 5 ayes — Capelo, Laubenberg, McReynolds, Truitt, Zedler
0 nays
4 absent — Coleman, Dawson, Naishtat, Taylor

SENATE VOTE: On final passage, May 1 — 31-0 Local and Uncontested Calendar

WITNESSES: *(On companion bill, HB 1355:)*
For — Susan Rocha, City of San Antonio
Against — None
On — Debra Owens, Texas Department of Health

BACKGROUND: The state keeps vital statistics records, such as birth and death certificates, but a local entity also may keep those records for that area. A local registrar is prohibited from charging a fee to obtain those records in excess of what the state charges, unless the local registrar's fees were higher than the state's in 1995. In that case, the local registrar is prohibited from raising the fee until the state's is higher.

DIGEST: SB 1744 would permit a local registrar to collect an additional fee of up to \$1 for the preservation of vital statistics records. That fee could make the total fee higher than what the state would charge. It would be collected at the time the local registrar issued the record.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: Vital statistics records are important to citizens and the state as a whole. These records serve as the raw data for historical demographic analysis and personal genealogical study. The state should ensure that municipalities have the ability to preserve this information.

Vital statistics records generally are inexpensive — \$11 for a birth certificate, for example. A \$1 fee on top of that would not hinder anyone from obtaining a needed document.

There is precedent for charging a fee for record preservation. In 1993, the 73rd enacted a \$1 fee on all courthouse filings for preservation of records. In 1995, however, Attorney General Morales issued an opinion, DM-371, that stated the fee could not be applied to birth, death, and fetal records because another statute prohibits it. Therefore, a record preservation fee currently is charged for marriage, divorce, and other records, but not birth and death.

**OPPONENTS
SAY:**

The state should focus its resources on another bill, SB 1553 by Janek, which currently is in the House Local and Consent Calendars Committee. That bill would raise the state fee, which would permit counties also to raise their fees, and direct a portion of the new revenue to the Bureau of Vital Statistics for much needed enhancements. Because the bureau receives only about half the revenue it takes in, death certificates must be mailed to the Texas Department of Health (TDH) and entered into the system by hand, rather than transmitted electronically. These records are important and the state should ensure that both TDH and local registrars can raise the funds they need to perform efficient data collection.

NOTES:

SB 1744 is identical to the House companion bill, HB 1353 by Uresti, which was passed by the House on May 10 on the Local and Consent Calendar and was referred to the Senate Health and Human Services Committee on May 13.