

BILL ANALYSIS

C.S.S.B. 861
By: Janek
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Medicaid abuse drives up costs for Texans truly in need of assistance. The Health and Human Services Commission and the Office of the Attorney General recapture millions of dollars in fraud and overpayment every year. One tool available to persons who commit fraud is “breeder” documents; that is, documents used to fraudulently apply for state benefits. Certified birth records are a prime example of breeder documents. Currently, the public can access a person’s birth records after that person’s 50th birthday.

The purpose of C.S.S.B. 861 is to make public access to birth records available after a person’s 75th birthday, making it harder to obtain records that can be used to commit fraud.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to any state agency, institution, department, or officer.

ANALYSIS

C.S.S.B. 861 amends Section 552.115(a), Government Code, by changing the date upon which a person’s birth record becomes public information from the 50th anniversary of the date of birth to the 75th anniversary of the date of birth. The bill provides a qualified exception relating to the microfilming agreement entered into between the Genealogical Society of Utah and the Texas State Library and Archives Commission.

C.S.S.B. 861 makes conforming amendments to Section 191.004(c), Local Government Code, consistent with the purposes of the bill.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds a provision prohibiting the Genealogical Society of Utah from selling or otherwise making available a birth record to which the society gains access under its microfilming agreement.

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