

By: Janek

S.B. No. 1553

Substitute the following for S.B. No. 1553:

By: McReynolds

C.S.S.B. No. 1553

A BILL TO BE ENTITLED

AN ACT

relating to birth and death certificates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 191.0045, Health and Safety Code, is amended by amending Subsections (d)-(g) and adding Subsection (h) to read as follows:

(d) A local registrar who issues a certified copy of a birth or death certificate shall charge the same fees as charged by the bureau of vital statistics, including the additional fees [~~fee~~] required under Subsections [~~Subsection~~] (e) and (h), except as provided by Subsection (g).

(e) In addition to fees collected by the bureau of vital statistics under Subsection (b), the bureau shall collect an additional \$5 [~~\$2~~] fee for each of the following:

(1) issuing a certified copy of a certificate of birth;

(2) issuing a wallet-sized certification of birth; and

(3) conducting a search for a certificate of birth.

(f) The fees collected under Subsection (e) shall be deposited in the state treasury as follows:

(1) \$2 to the credit of the general revenue fund; and

(2) \$3 to the credit of the vital statistics fund to be used only for the purposes prescribed by Sections 191.005(b) and (d) [~~work and family policies fund. Money in the fund may be used~~

1 ~~only for the purposes prescribed by Section 81.006(a), Labor Code].~~

2 (g) A local registrar that on March 31, 1995, was charging a
3 fee for the issuance of a certified copy of a birth certificate that
4 exceeded the fee charged by the bureau of vital statistics for the
5 same type of certificate may continue to do so but shall not raise
6 this fee until the fee charged by the bureau exceeds the fee charged
7 by the local registrar. A local registrar to which this subsection
8 applies shall charge the additional fees [~~fee~~] as required under
9 Subsections [~~Subsection~~] (e) and (h).

10 (h) In addition to fees collected by the bureau of vital
11 statistics under Subsections (b) and (e), the bureau shall collect
12 an additional \$2 fee for issuing a certified copy of a death
13 certificate. The fees shall be deposited in the state treasury to
14 the credit of the vital statistics fund.

15 SECTION 2. Section 191.005, Health and Safety Code, is
16 amended by amending Subsection (b) and adding Subsection (d) to
17 read as follows:

18 (b) The legislature shall make appropriations to the
19 department from the fund to be used to defray expenses incurred in
20 the administration, [~~and~~] enforcement, and enhancement of the
21 system of vital statistics.

22 (d) From funds appropriated by the legislature, the
23 department may award grants to local registration offices for
24 enhancements to local systems in accordance with rules adopted by
25 the board.

26 SECTION 3. Section 191.022, Health and Safety Code, is
27 amended by amending Subsection (f) and adding Subsections (g) and

1 (h) to read as follows:

2 (f) A local registrar who collects a fee for a certified
3 copy of a birth certificate shall retain \$1.70 [~~deduct 20 cents~~] of
4 that fee [~~to apply to the registrar's administrative costs~~] and
5 remit \$3.30 [~~\$1.80~~] of that fee to the comptroller. The comptroller
6 shall [~~for~~] deposit \$1.80 of each amount remitted under this
7 subsection in the general revenue fund and \$1.50 in the vital
8 statistics [~~work and family policies~~] fund.

9 (g) A local registrar who collects a fee for a certified
10 copy of a death certificate shall remit \$1 of that fee to the
11 comptroller for deposit in the vital statistics fund.

12 (h) A local registrar may use the fee retained under
13 Subsection (f) only for administering the system of vital
14 statistics.

15 SECTION 4. Chapter 193, Health and Safety Code, is amended
16 by adding Section 193.0015 to read as follows:

17 Sec. 193.0015. ELECTRONIC FILING. (a) The department by
18 rule may create an electronic filing system and require death
19 certificates and fetal death certificates to be filed
20 electronically.

21 (b) Notwithstanding Section 191.022 or other law, a local
22 registrar or other person required to file a death certificate or
23 fetal death certificate is not required to sign a report of a death
24 certificate or fetal death certificate filed in accordance with the
25 electronic filing system.

26 SECTION 5. Section 193.003(a), Health and Safety Code, is
27 amended to read as follows:

1 (a) Not later than the 10th day after the date of a death
2 that occurs in this state, a person who is required by law to file a
3 death certificate shall file the certificate [~~be filed~~] with the
4 local registrar of the registration district in which:

5 (1) the death occurs; or

6 (2) the body is found, if the place of death is not
7 known.

8 SECTION 6. Section 118.015, Local Government Code, is
9 amended by amending Subsection (b) and adding Subsections (c) and
10 (d) to read as follows:

11 (b) A county clerk who collects a fee under this section for
12 a certified copy of a birth certificate shall retain \$1.70 [~~deduct~~
13 ~~20 cents~~] of that fee [~~to apply to the clerk's administrative costs~~]
14 and remit \$3.30 [~~\$1.80~~] of that fee to the comptroller. The
15 comptroller shall [~~for~~] deposit \$1.80 of each amount remitted under
16 this subsection in the general revenue fund and \$1.50 in the vital
17 statistics [~~work and family policies~~] fund.

18 (c) A county clerk who collects a fee for a certified copy of
19 a death certificate shall remit \$1 of that fee to the comptroller
20 for deposit in the vital statistics fund.

21 (d) A county clerk may use the fee retained under Subsection
22 (b) only for administering the system of vital statistics.

23 SECTION 7. Section 81.007, Labor Code, is amended to read as
24 follows:

25 Sec. 81.007. RULES. The commission by rule may adopt
26 procedures to implement functions under Sections 81.004 and[~~7~~]
27 81.005[~~, and 81.006(b)~~]. In adopting rules under this section, the

1 commission shall consider the recommendations of the clearinghouse
2 staff.

3 SECTION 8. Section 81.006, Labor Code, is repealed.

4 SECTION 9. This Act takes effect September 1, 2003.