

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 84 Session of 2018

INTRODUCED BY LAWRENCE, BAKER, BENNINGHOFF, CHARLTON, DRISCOLL, FEE, IRVIN, JAMES, KAUFFMAN, LEWIS, MCGINNIS, MILLARD, MOUL, READSHAW, SAYLOR, M. QUINN, PICKETT, CORR, ZIMMERMAN, GILLEN AND KLUNK, MARCH 13, 2018

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 13, 2018

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An
2 act providing for the administration of a statewide system of
3 vital statistics; prescribing the functions of the State
4 Department of Health, the State Advisory Health Board and
5 local registrars; imposing duties upon coroners,
6 prothonotaries, clerks of orphans' court, physicians,
7 midwives and other persons; requiring reports and
8 certificates for the registration of vital statistics;
9 regulating the disposition of dead bodies; limiting the
10 disclosure of records; prescribing the sufficiency of vital
11 statistics records as evidence; prescribing fees and
12 penalties; and revising and consolidating the laws relating
13 thereto," in registration district administration, further
14 providing for local registrars' compensation; in birth
15 registration, further providing for children born in a
16 country other than the United States and providing for
17 certified copies of birth records, FOR OPTIONAL CITY AND <--
18 COUNTY ISSUANCE and for Legislative Budget and Finance
19 Committee study; IN RECORDS, FURTHER PROVIDING FOR DISCLOSURE <--
20 BY LOCAL REGISTRARS; and making a related repeal.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Section 304(c) of the act of June 29, 1953
24 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is
25 amended and the section is amended by adding subsections to

1 read:

2 Section 304. Registration Districts: Local Registrars'  
3 Compensation.--\* \* \*

4 (b.1) Local registrars may RECEIVE AND PROCESS APPLICATIONS <--  
5 FOR OR issue certified copies of a birth record in a manner  
6 prescribed by the department or the Division of Vital Records. <--  
7 The local registrar shall RECEIVE OR retain the percentage <--  
8 allocated under section 404 for each APPLICATION PROCESSED OR <--  
9 certificate issued.

10 (c) (1) A local registrar may not be compensated in excess  
11 of sixty thousand dollars (\$60,000) in any one calendar year[.  
12 Compensation shall include] for fees received from the  
13 department under subsection (a) and retained from requesters  
14 under subsection (b).

15 (1.1) A local registrar may not be compensated in excess of  
16 sixty thousand dollars (\$60,000) in any one calendar year for  
17 fees received or collected under subsection (b.1).

18 (2) Upon reaching the limitation on compensation set forth  
19 under clause (1) in any one calendar year, the local registrar  
20 shall transmit all additional fees received under subsection (b)  
21 to the department for deposit as follows:

22 (i) Three dollars (\$3) shall be deposited in the Vital  
23 Statistics Improvement Fund.

24 (ii) Three dollars (\$3) shall be deposited in the General  
25 Fund.

26 \* \* \*

27 (e) Upon reaching the limitation on compensation set forth  
28 under subsection (c)(1.1) in any one calendar year, additional  
29 fees shall be transmitted to the General Fund.

30 Section 2. Section 403(d) of the act is amended to read:

1 Section 403. Birth Registration: Children Born in a Country  
2 Other Than the United States.--\* \* \*

3 (d) Certified copies of [such certificates] a certificate  
4 shall be issued [upon] on application and payment of the  
5 prescribed fee under section 609-A of the act of April 9, 1929  
6 (P.L.177, No.175), known as "The Administrative Code of 1929."

7 Section 3. The act is amended by adding sections to read:

8 Section 404. Birth Registration: Certified Copies of Birth  
9 Records.--(a) A fee charged by the department for a certified  
10 copy of a birth record under section 609-A of "The  
11 Administrative Code of 1929" shall be distributed as follows:

12 (1) Twelve and one-half percent (12.5%) shall be deposited  
13 in a restricted account within the General Fund. The money in  
14 the restricted account is hereby appropriated on a continuing  
15 basis to the Department of Human Services for training of  
16 mandated reporters of child abuse and child abuse related costs.

17 (2) Thirty-seven and one-half percent (37.5%) shall be  
18 deposited in a restricted account within the General Fund. The  
19 money in the restricted account is hereby appropriated on a  
20 continuing basis to the Pennsylvania Commission on Crime and  
21 Delinquency for grants for child advocacy centers and  
22 multidisciplinary investigative teams.

23 (3) Twenty-five percent (25%) shall be deposited in a  
24 restricted account within the General Fund. The money in the  
25 restricted account is hereby appropriated on a continuing basis  
26 to the department for the sole purpose of costs associated with  
27 issuing certified copies of birth records. Acceptable uses of  
28 these funds are limited to the salary, benefits and training TO: <--

29 (I) THE SALARY, BENEFITS AND TRAINING costs for an employee  
30 in the ~~Division of Vital Records~~ DEPARTMENT actively involved in <--

1 the AMENDMENT OR issuance of certified copies of birth records; <--

2 AND

3 (II) MATERIALS DIRECTLY UTILIZED IN CONJUNCTION WITH THE  
4 AMENDMENT OR ISSUANCE OF A CERTIFIED COPY OF A BIRTH RECORD,  
5 INCLUDING COMPUTER HARDWARE AND SOFTWARE, PAPER AND POSTAGE.

6 (4) If a local registrar is involved in the issuance of a  
7 certified copy of a birth record OR ACCEPTS AND ENTERS AN <--  
8 APPLICATION FOR A CERTIFIED COPY OF A BIRTH RECORD THAT IS  
9 SUBSEQUENTLY ISSUED BY THE DEPARTMENT, an amount equal to twenty  
10 percent (20%) of the fee collected for the certified copy shall  
11 be transferred by the department to the local registrar or, if  
12 collected by the local registrar, retained by the local  
13 registrar.

14 (5) The remainder shall be deposited in the General Fund.

15 (b) Funding under subsection ~~(a) (2) and (3)~~ (A) (1) AND (2) <--  
16 may not be used to supplant Federal, State or local funds  
17 otherwise available for child advocacy centers and  
18 multidisciplinary investigative teams.

19 SECTION 405. BIRTH REGISTRATION: OPTIONAL CITY AND COUNTY <--  
20 ISSUANCE.--THE DEPARTMENT MAY COLLABORATE WITH A CITY BOARD OF  
21 HEALTH OR COUNTY DEPARTMENT OF HEALTH OR THE OFFICE OF A COUNTY  
22 OFFICER, OR COUNTERPART PERSONNEL IN COUNTIES HAVING A HOME RULE  
23 CHARTER OR OPTIONAL FORM OF GOVERNMENT, UNDER ARTICLE XIII OF  
24 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE  
25 COUNTY CODE," OR ARTICLE XIII OF THE ACT OF JULY 28, 1953  
26 (P.L.723, NO.230), KNOWN AS THE "SECOND CLASS COUNTY CODE," IN  
27 THE ISSUANCE OF A CERTIFIED COPY OF A BIRTH RECORD. AN OFFICE OF  
28 A CITY OR COUNTY OFFICIAL SO COLLABORATING MAY CHARGE AND RETAIN  
29 A FEE OF NO MORE THAN FIVE DOLLARS (\$5) FOR EACH CERTIFIED COPY  
30 OF A BIRTH RECORD ISSUED IN COLLABORATION WITH THE DEPARTMENT.

1 Section 405 406. Birth Registration: Legislative Budget and <--  
2 Finance Committee Study.--(a) Within one year of the effective  
3 date of this section, the Legislative Budget and Finance  
4 Committee shall produce and present a study concerning the  
5 process of issuing birth certificates in this Commonwealth. The  
6 study shall be presented to the President pro tempore of the  
7 Senate, the Majority and Minority Leader of the Senate, the  
8 chairperson and minority chairperson of the Health and Human  
9 Services Committee of the Senate, the Speaker of the House of  
10 Representatives, the Majority and Minority Leader of the House  
11 of Representatives, the chairperson and minority chairperson of  
12 the Health Committee of the House of Representatives and the  
13 Governor.

14 (b) The study shall, at a minimum, provide a review of the  
15 following:

16 (1) The current process and recommendations for improving  
17 the issuance of a certified copy of a birth record in this  
18 Commonwealth.

19 (2) A review and recommendations on future requirements of  
20 the costs associated with the issuance of a certified copy of a  
21 birth record in this Commonwealth.

22 (3) A review and comparison of the birth certificate  
23 issuance process used by states immediately adjacent to this  
24 Commonwealth.

25 SECTION 4. SECTION 809(B) (2) OF THE ACT IS AMENDED TO READ: <--

26 SECTION 809. RECORDS: DISCLOSURE BY LOCAL REGISTRARS.--\* \* \*

27 (B) \* \* \*

28 (2) AFTER THE ORIGINAL CERTIFICATE OF DEATH HAS BEEN  
29 TRANSMITTED TO THE DEPARTMENT, THE LOCAL REGISTRAR MAY ISSUE A  
30 COPY OF A CERTIFIED COPY OF THE ORIGINAL CERTIFICATE OF DEATH OR

1 PART THEREOF WHICH IS IN HIS POSSESSION [FOR NINETY (90) DAYS  
2 AFTER ISSUANCE OF THE ORIGINAL CERTIFICATE OF DEATH].

3 \* \* \*

4 Section ~~4~~ 5. Repeals are as follows: <--

5 (1) The General Assembly declares that the repeal under  
6 paragraph (2) is necessary to effectuate the addition of  
7 section 404 of the act.

8 (2) Section 2303.1-B of the act of April 9, 1929  
9 (P.L.177, No.175), known as The Administrative Code of 1929,  
10 is repealed.

11 Section ~~5~~ 6. This act shall take effect in 60 days. <--