

AMENDED IN SENATE APRIL 16, 2001

AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 247

Introduced by Senator Speier

February 15, 2001

An act to add Section 103526 to the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Speier. Birth certificates: certified copies: access.

Existing law prescribes the information to be included on a certificate of live birth, including specified medical and social information that is required to be kept confidential. Existing law requires a State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to any applicant a certified copy of the record of birth, except information that is designated confidential.

This bill would require the State Registrar, local registrar, or county recorder to obtain, record, and maintain the name and address of any applicant requesting a certified copy of a birth certificate, notwithstanding any other provision of law. By imposing new duties on local registrars and county recorders, this bill would create a state-mandated *local* program.

~~This bill would also require that applications for certified copies of birth certificates only be made in person or via the Internet, and would require an applicant to certify under penalty of perjury that his or her name and address as provided in the application is true and correct. By~~

~~expanding the definition of the crime of perjury, this bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 103526 is added to the Health and
- 2 Safety Code, to read:
- 3 103526. Notwithstanding any other provision of law, the
- 4 State Registrar, local registrar, or county recorder shall obtain,
- 5 record, and maintain the name and address of any applicant
- 6 requesting a certified copy of a birth certificate. ~~Applications for~~
- 7 ~~certified copies of birth certificates shall only be made in person~~
- 8 ~~or via the Internet. An applicant shall certify under penalty of~~



1 perjury that his or her name and address as provided in the
2 application are true and correct.

3 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
4 ~~Section 6 of Article XIII B of the California Constitution for~~
5 ~~certain costs that may be incurred by a local agency or school~~
6 ~~district because in that regard this act creates a new crime or~~
7 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
8 ~~for a crime or infraction, within the meaning of Section 17556 of~~
9 ~~the Government Code, or changes the definition of a crime within~~
10 ~~the meaning of Section 6 of Article XIII B of the California~~
11 ~~Constitution.~~

12 ~~However, notwithstanding Section 17610 of the Government~~
13 ~~Code, if the Commission on State Mandates determines that this~~
14 ~~act contains other costs mandated by the state, reimbursement to~~
15 ~~local agencies and school districts for those costs shall be made~~
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
17 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~
18 ~~claim for reimbursement does not exceed one million dollars~~
19 ~~(\$1,000,000), reimbursement shall be made from the State~~
20 ~~Mandates Claims Fund.~~

21 *SEC. 2. Notwithstanding Section 17610 of the Government*
22 *Code, if the Commission on State Mandates determines that this*
23 *act contains costs mandated by the state, reimbursement to local*
24 *agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code. If the statewide cost of the*
27 *claim for reimbursement does not exceed one million dollars*
28 *(\$1,000,000), reimbursement shall be made from the State*
29 *Mandates Claims Fund.*

