

2013 DRAFTING REQUEST

Bill

Received: **4/30/2013** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Jon Erpenbach (608) 266-6670** By/Representing: **Julie**
May Contact: Drafter: **mduchek**
Subject: **Health - vital statistics** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Recipients of certified copies of birth certificates

Instructions:

Redraft 2011 SB 412

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 6/4/2013	evinz 6/4/2013	jfrantze 6/4/2013	_____			
/1				_____	sbasford 6/4/2013	srose 6/4/2013	

FE Sent For:

↳ Not
Needed

<END>

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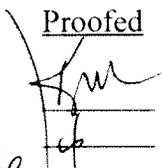
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/?	mduchek	1 rev 6/4/13					

FE Sent For:

<END>

Duchek, Michael

From: Laundrie, Julie
Sent: Thursday, May 02, 2013 4:28 PM
To: Duchek, Michael
Subject: RE: Birth certificate bill

I am just teasing you about the questions.

Yes to 1907 question

Identity theft victim from her own sister and the authorized rep is just the Senators preference.

Julie

Sent from my U.S. Cellular® Android-powered device

-----Original message-----

From: "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov>
To: "Laundrie, Julie" <Julie.Laundrie@legis.wisconsin.gov>
Sent: Thu, May 2, 2013 19:59:16 GMT+00:00
Subject: RE: Birth certificate bill

Yes I'm sorry for the confusing questions. Again I'm unclear how it's being applied but we need to describe the law as written. So I will just plan to make it so Section 2 references post-1907 as well (so it's the same in both sections), and to also make a corresponding change in s. 69.20 (2) (b). Does that sound OK?

Also, I'm not aware of the background behind the bill, but the changes, in case you want to confirm, would be to no longer allow: 1) an immediate family member (other than the parent) or 2) an authorized representative who is *not* an attorney to get a certified copy of a birth certificate. Is that your understanding?

I'm not sure under what provision Ancestry.com would be getting certified copies without being an authorized representative somehow...

-Mike

From: Laundrie, Julie
Sent: Thursday, May 02, 2013 11:25 AM
To: Duchek, Michael
Subject: RE: Birth certificate bill

Michael,

Your question is too long. I am dizzy☺

I don't think you need to worry about the pre-1907 stuff....I bet they have rules that discuss that or a policy or something. Draft however you feel appropriate on that.

On second question – yes want the standard to be the same in both instances.

Our only challenge to this came last year from companies like Ancestry.com who apparently for some unknown reason need certified copied of birth certificates and have some special contract deal with DHS vitals that they can have them. Our response to that was too bad so sad you don't need a certified copy.

Let me know if you have additional questions or if I did not answer what you needed.

Julie

Julie Landrie
Office of Senator Jon Erpenbach
608-266-6670 104 South
media contact cell 608-772-0110

From: Duchek, Michael
Sent: Wednesday, May 01, 2013 3:55 PM
To: Landrie, Julie
Subject: Birth certificate bill

Julie,

I received the request for a redraft of 2011 SB 412. I have a few questions for you:

1.) I noticed that on page 2, Section 2 of the bill, there is no reference to whether the birth certificates being described may be from before or after 1907, or both. Current law appears to treat issuing certified copies of vital records differently depending on whether they are from before or after 1907 (see Section 1 of the bill). The pre/post-1907 distinction appears to have something to do with the fact that filing of vital records was spotty and not mandatory before 1907, but nonetheless the statutes appear to treat them differently depending on whether they are pre- or post-1907. However, I am not sure whether how distinction is actually being applied as it appears that DHS does not make this distinction on its forms. So maybe this distinction isn't an issue for some reason for certified copies of records. Nonetheless, it would seem that, without this language in the created text in the bill, the bill is further limiting who may obtain a certified copy of a birth certificate beyond what is described in the analysis, because the bill would also restrict who may obtain pre-1907 vital records. I don't know if this came up last session when this was initially drafted or not, but I would just like to change the analysis to reflect this distinction. I could also change the created language in Section 2 that the restriction on obtaining certified copies of birth certificates only applies to post-1907 records, as is the case for current law. Do you have a preference?

Also, section 69.20 (2) (b) places additional restrictions on inspection and disclosures of information in certain birth certificates, but again I am not entirely clear how this provision is actually being applied. As with what I described above, I am not sure if this came up last session or not, but I thought I would ask if you want to amend this statute as well so that the standard is the same in both instances.

Please don't hesitate to contact me if you have any questions. Again, chapter 69 is a bit difficult to figure out and I'm not entirely sure how it is applied, and if it would be helpful, I would be happy to try to contact someone at DHS to try to get clarifications on some of these issues, but I wanted to contact you quickly in case you were expecting a quick redraft.

Thanks,

Mike Duchek

Legislative Attorney

Wisconsin Legislative Reference Bureau

(608) 266-0130



2011 SENATE BILL 412

PWF

Inserts

D-note

January 31, 2012 - Introduced by Senators ERPEBACH and GROTHMAN, cosponsored by Representatives SPANBAUER, TURNER and SINICKI. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

Reegen

1 AN ACT ~~to amend~~ 69.21 (1) (a) 2. a.; and **to create** 69.21 (1) (a) 2. am. of the
2 statutes; **relating to:** obtaining a certified copy of a birth certificate.

Analysis by the Legislative Reference Bureau

g/lms Analysis

Under current law, the state registrar and any local registrar may issue a certified copy of a birth certificate to any of the following:

1. The subject of the birth certificate (subject).
2. A member of the subject's immediate family.
3. The parent of a subject, unless the parent is a birth parent whose parental rights to the registrant have been terminated.
4. The subject's legal custodians or guardians.
5. A representative authorized by a permissible requester, including an attorney.
6. Any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right.

Under this bill, the state registrar and any local registrar may only issue a certified copy of a birth certificate to the subject of the birth certificate, the parent of the subject, the subject's legal custodians or guardians, or an attorney representing the subject, the subject's parent, or the subject's legal custodian or guardian.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓ **Ins Analysis**

Current law restricts the circumstances in which the state registrar or a local registrar may permit inspection of, or disclosure of information contained in, certain birth certificates for births that occurred after September 30, 1907, to requests for inspection by, or disclosure to, persons of interest specified under current law. Current law also provides that the state registrar or a local registrar may not issue a certified copy of a birth certificate for any birth that occurred after September 30, 1907, unless the requester is one of those specified persons of interest. Under current law, a person of interest can be any of the following:

1. The subject of the birth certificate (subject).
2. A member of the subject's immediate family.
3. The parent of a subject, unless the parent is a birth parent whose parental rights to the subject have been terminated.
4. The subject's legal custodians or guardians.
5. A representative authorized by a permissible requester, including an attorney.
6. Any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right.

Under this bill, for purposes of these provisions, persons of interest are limited to the following:

1. The subject of the birth certificate.
2. The parent of a subject, unless the parent is a birth parent whose parental rights to the registrant have been terminated.
3. The subject's legal custodians or guardians.
4. An attorney representing the subject, the parent of the subject, or the legal custodian or guardian of the subject.

As under current law, the bill also allows the state registrar or a local registrar to issue a certified copy of a birth certificate pursuant to a court order.

INSERT 2-1

✓

1 **SECTION 1.** 69.20 (2) (b) of the statutes is amended to read:

2 69.20 (2) (b) Except as provided under sub. (3), the state registrar and local
3 registrars may not permit inspection of or disclose information contained in any
4 record of a birth which occurred after September 30, 1907 if the mother of the subject
5 of the record was not married at any time from the conception to the birth of the
6 subject of the record, unless the inspection is by or the information is disclosed to -a

~~SENATE BILL 412~~

INS 2-1

1 SECTION 1. 69.21 (1) (a) 2. a. of the statutes is amended to read:

2 69.21 (1) (a) 2. a. A vital record that is not a birth certificate, if the event ~~which~~ ^{that}
3 is the subject of the vital record occurred after September 30, 1907, unless the ^{↑ strike ↑}
4 requester is a person with a direct and tangible interest in the record or unless the
5 registrar has received a court order directing issuance of the vital record.

6 SECTION 2. 69.21 (1) (a) 2. am. of the statutes is created to read:

7 69.21 (1) (a) 2. am. A birth certificate, ^{INS 2-7} unless the requester is the registrant;
8 the parent of the registrant, unless the parent is a birth parent whose parental rights
9 to the subject ^{registrant} have been terminated under ch. 48; the legal custodian or guardian of
10 the registrant; or an attorney representing the registrant, the parent of the
11 registrant, or the legal custodian or guardian of the registrant, or unless the registrar
12 has received a court order directing issuance of the birth certificate.

13 (END)

D-note

1 ~~person who has a direct and tangible interest in such record~~ the registrant; the
2 parent of the registrant, unless the parent is a birth parent whose parental rights
3 to the ~~subject~~ have been terminated under ch. 48; the legal custodian or guardian of
4 the registrant; or an attorney representing the registrant, the parent of the
5 registrant, or the legal custodian or guardian of the registrant.

History: 1985 a. 315; 1993 a. 27; 1995 a. 27 s. 9145 (1); 1997 a. 27, 191; 2001 a. 16; 2007 a. 20, 58; 2009 a. 28.

INSERT 2-7 ✓

6 if the birth occurred after September 30, 1907,

registrant

D-note

LRB-2283/1dn
MED:eev:

Date

Attn Julie:

Please review this bill and use it in lieu of 2013 LRB-2471/1.

Thank you.

MEI

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2283/1dn
MED:eev:jf

June 4, 2013

ATTN Julie:

Please review this bill and use it in lieu of 2013 LRB-2471/1.

Thank you.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

Rose, Stefanie

From: Laundrie, Julie
Sent: Tuesday, June 04, 2013 12:21 PM
To: LRB.Legal
Subject: Draft Review: LRB -2283/1 Topic: Recipients of certified copies of birth certificates

Please Jacket LRB -2283/1 for the SENATE.