_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VITAL RECORDS; REQUIRING THE COUNTY CLERK AND RECORDER TO CERTIFY REPORTS MADE TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; UPDATING DEMOGRAPHIC TERMINOLOGY; AMENDING SECTIONS 50-15-107, 50-15-109, 50-15-203, AND 50-15-404, MCA; AND REPEALING SECTION 50-15-402, MCA."

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

Section 1. Section 50-15-107, MCA, is amended to read:

"**50-15-107. Payment of fees to local registrars.** (1) The department may specify by rule a fee to be paid each local registrar for each complete birth, fetal death, or death certificate forwarded by the local registrar to the department or a monthly report stating the local registrar did not file certificates.

(2) The ~~department~~ county clerk and recorder shall annually certify to the county treasurer the number of births, fetal deaths, deaths, or monthly reports ~~received from the county with the names of the local registrars~~ forwarded to the department and the amount due ~~each~~ to the local registrar.

(3) (a) The county treasurer shall pay each local registrar out of the county general fund.

(b) If the local registrar, appointed pursuant to 50-15-104, is employed by the county, the payment under subsection (3)(a) must be made to the county office in which the local registrar is employed."

Section 2. Section 50-15-109, MCA, is amended to read:

"**50-15-109. Certificates.** (1) All certificates must include information required by the department.

~~(2) Local registrars shall forward original certificates to the department, file a duplicate copy with the county clerk and recorder, and, unless the certificate is filed electronically, retain a triplicate copy.~~

~~(3)~~ (2) Local registrars may not issue certified copies of certificates.

~~(4)~~ (3) Certificates filed within 1 year after the time prescribed by the department are prima facie evidence of the facts stated in the certificates. Data pertaining to the father of a child is prima facie evidence only if the alleged father is the husband of the mother. If the alleged father is not the husband of the mother, data pertaining to the alleged father is not evidence in any proceedings adverse to the alleged father's interests, heirs, next of kin, devisees, legatees, or other successors in interest."

Section 3. Section 50-15-203, MCA, is amended to read:

"**50-15-203. Child of unknown parentage.** (1) A person who assumes custody of a child of unknown parentage shall immediately file with the local registrar a written report ~~which shall constitute~~ that constitutes a birth certificate.

(2) The report ~~shall~~ must contain:

(a) the date and place of finding or assumption of custody;

(b) sex, ~~color or~~ race, ethnicity, and approximate age of the child;

(c) name and address of the person or institution with whom the child has been placed for care; and

(d) name given to the child by the finder or person who assumes custody.

(3) The place where the child was found or custody assumed ~~shall be~~ is the place of birth.

(4) The date of birth ~~shall~~ must be determined by approximation.

(5) If the child is identified and a regular birth certificate is found or obtained, the report ~~shall~~ must be sealed and may be opened only by court order."

Section 4. Section 50-15-404, MCA, is amended to read:

"**50-15-404. Preparation of certificate when death not medically attended.** ~~(1)~~ If the death or fetal death occurred without medical attendance or the physician or advanced practice registered nurse last in attendance failed to sign the death certificate, the ~~local registrar~~ coroner may complete the certificate on the basis of information received from persons having knowledge of the facts.

~~(2) If it appears the death or fetal death resulted from other than natural causes, the local registrar shall notify the coroner and the state medical examiner for investigation and certification.~~"

NEW SECTION. **Section 5. Repealer.** The following section of the Montana Code Annotated is repealed:

50-15-402. Copy to be forwarded to deceased's county of residence.

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