



DEVIN LEMAHIEU

STATE SENATOR

Testimony on SB 79

RE: Birth Certificate

April 12, 2017

Thank you Chairman Feyen and Members of the Senate Committee on Economic Development, Commerce, and Local Government for hearing testimony today on Senate Bill 79.

In response to a rule change by the federal passport agency and at the request of County Clerks, Representative Pronchinski and I drafted Senate Bill 79. The agency is now requiring passport applicants to furnish two copies of their birth certificate, one of which the agency will keep.

Many citizens only possess one certified copy of their birth certificate. This forces the applicant to purchase another "certified" copy from the Register of Deeds at an additional cost of \$20, which is on top of the \$110 passport fee.

Under current Wisconsin law, it is illegal for County Clerks and Clerks of Courts to make copies of birth certificates. This complicates the process because many County Clerks and Clerks of Courts act as passport processing centers for their county.

The amendment offered narrows the scope of the bill allowing Clerks and Clerks of Courts who "process passport applications" the ability to copy birth certificates for "FOR PASSPORT USE ONLY." The amendment was the result of communication between the Register of Deeds Association and the County Clerks Association.

Senate Bill 79 is a simple fix, designed to save citizens money and to streamline the passport application process.

This bill is supported by the Wisconsin Counties Association, Register of Deeds Association, Milwaukee County, Outagamie County Board of Supervisors, and County Clerks and Clerk of Courts from all over the state.

Thank you for your consideration on Senate Bill 79



TREIG E. PRONSCHINSKE

STATE REPRESENTATIVE • 92nd ASSEMBLY DISTRICT

Testimony on Senate Bill 79
Senate Committee on Economic Development, Commerce and Local Government
April 12, 2017

Mr. Chairman and members of the committee, thank you for the opportunity to provide testimony on Senate Bill 79.

Senator LeMahieu and I have brought this proposal forward to help passport applicants comply with new requirements put into place by the federal Passport Agency. The federal Passport Agency now requires a passport applicant to provide an original or certified copy as well as a photocopy of their birth certificate, one of which the agency will retain.

Current law in Wisconsin prohibits County Clerks and Clerks of Courts from making a copy of a birth certificate. In order to comply with the requirements, a passport applicant must pay for a "certified" copy from the Register of Deeds which has a fee of \$20. This is in addition to the \$110 passport fee.

This proposal, as amended, would allow for County Clerks and Clerks of Courts who process passport applications to legally copy a birth certificate which would then be marked with the words "FOR PASSPORT USE ONLY."

Thank you for your time and consideration of this proposal.

COUNTY CLERK

Brown County

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COUNTY CLERK

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TO: Senate Committee on Economic Development, Commerce and Local Government

FROM: Sandy Juno

DATE: April 12, 2017

RE: ***Senate Bill 79 Authorizing county clerks and clerks of courts to copy certified birth certificates***

I am here today to state my support for SB-79 amendment changes and the bill overall.

The Brown County Clerk's Office is a US Dept. of State Passport Acceptance Facility. We are one of approximately 58 county clerks and clerk of courts offices in Wisconsin that are Passport Acceptance Facilities. There are several benefits for citizens to utilize county services rather than the US Post Office. One specifically is the accessibility to vital records and court documents that are required to be submitted with the application.

Brown County processes over 3,400 applications annually. We are a full service provider and are staffed so that walk in service is available and it can be performed efficiently. County governments earn a passport acceptance agent fee that helps to increase our department's revenue and reduce the tax levy. Therefore, we encourage applicants to utilize our services.

Passport applicants pay an \$80 to \$110 fee to the US Dept. of State Passport Services and a \$25 Agent Acceptance fee paid to the acceptance facility. In addition, passport photos cost from \$10 to \$15; and birth certificates purchased in Wisconsin are \$20 for the first copy and \$3 for each additional copy. So, as you can see costs add up quickly. Many of our applicants come in as families with 4 or more applicants so these fees have a greater impact on their budgets.

The US Dept. of State requires applicants to provide 2 birth certificates with the application. They can be 2 certified copies or 1 certified copy and a photocopy. Most states do not prohibit people from making photo copies of vital records; however, in Wisconsin it is a felony do to so.

County Clerk's contacted Senator Ron Johnson's Office to work with the US Department of State to request a waiver from the 2 copies of birth certificates and this was denied.

Senator Johnson's Office suggested we act to change Wisconsin laws that would permit us to make photocopies of birth certificates so that we could comply with passport application requirements. Hence, SB 79 supports this.

As an acceptance agent we can make copies of out of state birth certificates and meeting the application requirement is easily completed. However, for people born in Wisconsin current law requires them to purchase a second certified copy if they only have one certified copy. That is an additional cost of \$20 each. Most applicants don't typically possess more than one certified copy and there usually isn't any reason why they would need to do so. So, spending additional money on a second birth certificate is frustrating for Wisconsin born applicants when family members born out of state birth certificates can be copied. We are confronted with questions as to why we can make copies of out of state birth certificates but require others to make additional purchases for Wisconsin birth certificates.

Therefore, SB-79 allows for county clerks and clerks of courts that are US Passport Acceptance Facilities to photocopy Wisconsin birth certificates and stamp copies "For Passport Use Only." SB 79 text was amended to the satisfaction of Register of Deeds and has unanimous support from county clerk and clerk of courts serving as acceptance agents. It makes birth certificate photocopying consistent with other states, reduces the financial burden on applicants to purchase a second birth certificate, and protects the security of vital records.

It is my hope that SB 79 can be quickly passed so that we can comply with providing the US Dept. of State Passport Services with the 2 copies of birth certificates required for all applicants without adding an undue financial burden to taxpayers.

Thank you for listening and I would be happy to answer any questions.



Sheboygan County
Department of County Clerk

Jon Dolson— County Clerk
508 New York Avenue – Administration Building 1st Floor
Sheboygan WI 53081-4126

April 12, 2017

Wisconsin State Senate
Committee on Economic Development, Commerce and Local Government

Good morning Chairman and Committee Members,

A new requirement was handed down from the U. S. State Department's passport agency to county clerks, and in some counties the clerks of court, who process passport applications, regarding the agency's need for an additional copy of a birth certificate to be included with a passport application. The passport agency will accept a second certified birth certificate, or a photocopy of a birth certificate. Wisconsin law does not allow county clerks, nor clerks of court, to photocopy birth certificates (a felony under SS 69.24(1)(a)).

To accommodate the passport agency's need, WI applicants therefore are strongly encouraged to purchase and provide a second certified birth certificate, or, they are told, their passport may be delayed. With current application processing times by the agency being 4 to 6 weeks, travel plans become tight if a delay is experienced. I feel that this is an unwarranted need, and that, more often than not, the applicant does not have a second certified birth certificate in their possession and would need to purchase one, increasing the financial burden that already exists when applying for a passport. In addition, having an actual certified birth certificate out there, out of one's control, sitting in someone's file is, in my opinion, an opportunity for fraud and/or identity theft.

In some areas of WI statutes, photocopying birth certificates is already allowed but, it states which "County Departments" are allowed to do so and county clerks and clerks of court are not included. To get around this, several county clerks claim they will now be making photocopies and stamping "for administrative purposes" across the copy. That is a felony. They are doing so to accommodate the passport agency and in order to avoid the alternative of having the applicant pay \$20, on top of the \$110 passport fee, for a second certified birth certificate, that the passport agency will keep. Would you want an actual certified birth certificate of your birth out there...somewhere? I would think not.

To alleviate this mess, a short and simple change in the statutes would be welcomed. Allowing county clerks and clerks of court to make a photocopy of a certified birth certificate, and require verbiage to the effect of "For Passport Application Purposes Only" to be stamped across the copy would allow for a more swift application process and avoid the temptation of felonious activity by clerks.

Thank you for your time. Please let me know if you have questions.



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MEMORANDUM

TO: Honorable Members of the Senate Committee on Economic Development,
Commerce and Local Government

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: April 12, 2017

SUBJECT: Support for Senate Bill 79: Copy of Certified Birth Certificates for Passport
Use

The Wisconsin Counties Association (WCA) supports Senate Bill 79 (SB 79), authorizing county clerks and clerks of court to copy certified birth certificates for certain purposes. WCA supports this legislation as it provides counties with flexibility when working with members of the public to provide documentation required for a passport application.

A birth certificate is a "vital record" which is a record of a life event (i.e. marriage, death, birth) recorded and maintained by both county government and the state. The original vital record is retained by a governmental authority and in most cases is made available to the public upon request. In Wisconsin, individuals may request a copy of a birth certificate either in person or via mail with the proper identification provided. To obtain a certified copy of a birth certificate, a \$20 fee is assessed. Additional copies of a birth certificate can be obtained for an additional \$3 each.

The U.S. Department of State, Bureau of Consular Affairs, now requires two copies of a birth certificate when applying for a passport, one of which they will retain for their records. SB 79 allows county clerks and clerks of court the authority to produce an "uncertified" birth certificate for passport use. Under Senate Amendment 1, the copy of the uncertified birth certificate must be marked, "for passport use only." This will ensure the copy cannot be used for purposes beyond a passport application.

Currently, under Wis. Stat. § 69.24 (1)(a) anyone who copies a vital record is subject to a Class I felony, which carries penalties up to \$10,000 and imprisonment of up to three and a half years. SB 79 will protect county clerks and clerks of court who provide an uncertified copy of a birth certificate for passport use from being noncompliant with state law.

WCA requests the committee support this common sense legislation that will provide counties with flexibility in the issuance of birth certificate copies.