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FISCAL IMPACT REPORT

SPONSOR: Payne DATE TYPED: 03/06/01 HB _____
 SHORT TITLE: Wallet-Size Birth Certificate Replicas SB 563/aSPAC
 ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	See Narrative			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	See Narrative		Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Department of Health (DOH)
 Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment makes a technical correction to specify the wallet-sized replica should be “certified.” The original bill analysis is not affected by this amendment.

Synopsis of Original Bill

Senate Bill 563 enacts a new section to the Motor Vehicle Code to allow the Motor Vehicles Offices of the Taxation and Revenue Department to issue a wallet-sized replica of a person’s birth certificate when a person presents a certified copy of a birth certificate issued by the Vital Statistics Bureau of the Department of Health. This bill also allows TRD to charge a reasonable fee for each wallet-sized replica of a birth certificate it produces and issues.

Significant Issues

According to the Department of Health, no part of the Vital Statistics Act, Sections 24-14-1 to 24-14-17 NMSA 1978 and 24-14-20 to 24-14-31 NMSA 1978 or any of the regulations promulgated by the Vital Records and Health Statistics unit authorizes any public agency to issue birth certificates. Currently, the legislative mandate of the Vital Records and Health Statistics is to establish and maintain a system to register, preserve and certify all birth and deaths in New Mexico and to analyze and publish the health information. The certified birth certificate was intended to enable the registrant to prove his/her birth facts and was not intended to be used for identification purposes.

FISCAL IMPLICATIONS

This bill allows TRD to charge a reasonable fee for each wallet-sized replica of a birth certificate that it produces and issues. It also appropriates the fees collected directly to the department effective July 1, 2001. The appropriation and revenue impact depends on the number of fees issued and amounts charged for the fees.

This bill provides for continuing appropriations to TRD for the fees collected as a result of this legislation. The LFC objects to including continuing appropriation language in the statutory provisions. Earmarking reduces the ability of the legislature to establish spending priorities.

ADMINISTRATIVE IMPLICATIONS

The DOH indicates the provisions of this bill could be accomplished with existing resources.

The TRD reports the following administrative impact:

Since the fees would approximate the cost of issuing them and appropriate amounts of resources could be purchased for the purpose of producing the certificates, no net increase in costs borne by the Motor Vehicle Division would probably result. However, depending on how many of the state's 1.8 million citizens request the replicas, the burden placed on MVD staff could be high with resulting inability to perform other tasks required by the Division. Moreover, it may not be possible to implement the program by July 1 due to the need to issue a request for proposals for equipment to do the copying and laminating.

OTHER SUBSTANTIVE ISSUES

The Department of Health reports the following:

New Mexico Vital Records has issued wallet sized certified copies in the past; however, they were discontinued in 1984 due the unacceptability of wallet sized documents by accepting agencies such as the Office of Inspector General, US Passport, Immigration and Naturalization, Federal Bureau of Investigations, Social Security Administration, and most Department of Motor Vehicles offices, as well as other law enforcement agencies. The validity of the wallet size document was challenged due to the inability to validate the certified raised seal and the inability to view security features on laminated document.

New Mexico Vital Records receives an average of 1500 copies of fraudulent or altered

New Mexico birth certificates annually from accepting agencies. These copies are submitted for New Mexico Vital Records to authenticate the validity of presented birth certificates.

The authenticity of a birth certificate can only be verified through the central birth registry located in the offices of Vital Records and Health Statistics. There is a high possibility that the Department of Motor Vehicles (DMV), inadvertently, will produce replicas of fraudulent documents, since DMV staff are not experts in the validation of birth certificates in New Mexico or birth certificates presented from other states or countries.

The Taxation and Revenue Department reports the following:

- 1) The idea behind the bill does have merit. However, since citizens would be required to acquire certified copies of their birth certificates from the Department of Health under the proposed measure, it would seem more efficient for the wallet-sized certificates to be issued by the Health Department than by MVD.
- 2) The bill would place unrelated work on an agency whose mission is to administer the Motor Vehicle Code.

JMG/njw:ar