

**HF2663 - 0 - Change of Sex on Original Birth Certificates**

Chief Author: **Athena Hollins**  
 Committee: **Health Finance and Policy**  
 Date Completed: **3/1/2022 11:40:38 AM**  
 Lead Agency: **Health Dept**  
 Other Agencies:  
     Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Health Dept</b>						
State Government Special Rev	-	-	75	7	7	
<b>State Total</b>						
State Government Special Rev	-	-	75	7	7	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>75</b>	<b>7</b>	<b>7</b>	
<b>Biennial Total</b>			<b>75</b>			<b>14</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Health Dept</b>					
State Government Special Rev	-	-	.35	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>.35</b>	<b>-</b>	<b>-</b>

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Carlos Guereca    **Date:** 3/1/2022 11:40:38 AM  
**Phone:** 651-284-6541    **Email:** carlos.guereca@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
<b>Health Dept</b>						
State Government Special Rev		-	-	75	7	7
<b>Total</b>		-	-	<b>75</b>	<b>7</b>	<b>7</b>
<b>Biennial Total</b>				<b>75</b>		<b>14</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Health Dept						
State Government Special Rev		-	-	75	7	7
<b>Total</b>		-	-	<b>75</b>	<b>7</b>	<b>7</b>
<b>Biennial Total</b>				<b>75</b>		<b>14</b>
<b>2 - Revenues, Transfers In*</b>						
Health Dept						
State Government Special Rev		-	-	-	-	-
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

**HF2663 - 0 - Change of Sex on Original Birth Certificates**

Chief Author: **Athena Hollins**  
 Committee: **Health Finance and Policy**  
 Date Completed: **3/1/2022 11:40:38 AM**  
 Agency: **Health Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024
State Government Special Rev	-	-	75	7	7
<b>Total</b>	-	-	<b>75</b>	<b>7</b>	<b>7</b>
<b>Biennial Total</b>			<b>75</b>		<b>14</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
State Government Special Rev	-	-	.35	-	-
<b>Total</b>	-	-	<b>.35</b>	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Carlos Guereca **Date:** 3/1/2022 11:40:27 AM  
**Phone:** 651-284-6541 **Email:** carlos.guereca@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
State Government Special Rev	-	-	75	7	7
<b>Total</b>	-	-	<b>75</b>	<b>7</b>	<b>7</b>
<b>Biennial Total</b>			<b>75</b>		<b>14</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
State Government Special Rev	-	-	75	7	7
<b>Total</b>	-	-	<b>75</b>	<b>7</b>	<b>7</b>
<b>Biennial Total</b>			<b>75</b>		<b>14</b>
<b>2 - Revenues, Transfers In*</b>					
State Government Special Rev	-	-	-	-	-
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-

**Bill Description**

The bill creates a new section in the Minnesota Vital Records Act authorizing the change or the removal of the sex indicator on original birth certificates and classifying the original birth certificate as confidential after the change or removal of the sex indicator. This bill allows for an attestation to support a request to change or remove the birth record sex indicator as compared to other amendment and replacement documentation criteria. It also allows a birth record to exist without a sex indicator.

**Technical Comment:**

The bill does not indicate an effective date, so the department assumes an effective date of August 1, 2022. System changes and other work necessary to implement this bill cannot be completed by August 1, 2022. An effective date of January 1, 2023 is the soonest the department could implement these changes.

**Assumptions**

To implement the bill, the department will need staff to create new forms, instructions, training and related materials, website updates and other vital records materials used for external audiences and for state and county staff. The department will require a Planner Principal State position 0.15 FTE in fiscal year 2023 and Health Program Representative Intermediate position 0.20 FTE in fiscal year 2023.

Birth records are securely stored in an electronic system called the Minnesota Registration and Certification (MR&C) System. Implementation of this bill will require changes to the replacement process in the MR&C System. Existing MR&C functionality will “seal” the original birth record and any previous version before replacement making them confidential. Existing MR&C functionality will also allow the replaced birth certificate to be issued. The department will modify the MR&C System to make those changes for an estimated one-time cost of \$27,000 in fiscal year 2023, with ongoing maintenance costs of \$5,400 in fiscal years 2024 and forward.

We are not certain of how many vital records replacement/amendments will be requested after enactment of the new statute. The cost to request such a change is \$40 per Minnesota Statutes, section 144.226. We assume that the number of potential requests would not result in a significant change in revenue.

**Expenditure and/or Revenue Formula**

Expenditure (Actual Dollars)	Amount	FY 2022	FY 2023	FY 2024	FY 2025
------------------------------	--------	---------	---------	---------	---------

<b>Salary &amp; Fringe:</b>		FTE	FTE	FTE	FTE
Health Program Rep Intermediate	91,694	0.00	0.20	0.00	0.00
Planner Principal State	109,994	0.00	0.15	0.00	0.00
	<b>FTE</b>	<b>0.00</b>	<b>0.35</b>	<b>0.00</b>	<b>0.00</b>
	<b>Subtotal</b>	<b>0</b>	<b>34,838</b>	<b>0</b>	<b>0</b>
<b>Information Technology:</b>					
Development (225 hours)		0	27,000	0	0
Ongoing MR&C maintenance		0		5,400	5,400
	<b>Subtotal</b>	<b>0</b>	<b>27,000</b>	<b>5,400</b>	<b>5,400</b>
<b>Other Operating Costs:</b>					
	<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grants, Aids &amp; Subsidies:</b>					
	<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Indirect (21.7% Eligible Costs)</b>	<b>Subtotal</b>	<b>0</b>	<b>13,419</b>	<b>1,172</b>	<b>1,172</b>
<b>Expenditure</b>	<b>Total</b>	<b>0</b>	<b>75,257</b>	<b>6,572</b>	<b>6,572</b>
<b>Fiscal Tracking (Dollars in Thousands)</b>		<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Health Improvement BACT 01</b>		<b>0</b>	<b>75</b>	<b>7</b>	<b>7</b>
Administration		0	69	7	7
Grants		0	0	0	0

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Brian Awsumb

**Phone:** 651-201-5235

**Date:** 3/1/2022 11:29:52 AM

**Email:** brian.awsumb@state.mn.us

**HF2663 - 0 - Change of Sex on Original Birth Certificates**

Chief Author: **Athena Hollins**  
 Committee: **Health Finance and Policy**  
 Date Completed: **3/1/2022 11:40:38 AM**  
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Alyssa Holterman Rosas    **Date:** 2/16/2022 9:55:10 AM  
**Phone:** 651-284-6439    **Email:** alyssa.holterman.rosas@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

HF2663-0 creates a new statutory provision authorizing the Minnesota State Commissioner of Health to change or remove the sex, if any, on an original birth certificate for a person whose birth is registered in Minnesota. This bill requires a person to submit forms or fees as determined by the commissioner and acceptable documentation to satisfy to the commissioner that granting the request will not harm the integrity and accuracy of vital records. This bill provides examples of acceptable documentation, which includes but is not limited to:

- A written statement from a provider of medical services that the requested change is appropriate in their medical opinion;
- A certified copy of a court order from a court of competent jurisdiction in this or another state granting the requested change; or
- A sworn statement provided by the person who is the subject of the birth certificate, or by the parent or guardian of the minor who is the subject of the birth certificate, that the request is not based upon an intent to defraud or mislead and is made in good faith and, if the subject is a minor, that the change is in the minor’s best interest.

This bill directs the court to issue an order granting a change of sex on an original birth certificate upon finding the request is not based upon an intent to defraud or mislead and is made in good faith and, if the subject of the birth certificate is a minor, that the change is in the minor’s best interest. This bill authorizes the Minnesota court to grant a request to change the sex on an original birth certificate for any person who is subject to the Minnesota court’s jurisdiction even when the original birth certificate was issued in a foreign state. This bill further directs the commissioner, upon receiving the necessary information and having made the requested change on the birth certificate, to provide a certified copy of the corrected birth certificate to the person requesting the change, and to designate the birth certificate as confidential.

**Assumptions**

Minn. Stat. § 144.218 currently authorizes the court to order the registration of a replacement birth certificate upon finding a birth certificate is incomplete, inaccurate, or false or if it is being issued pursuant to section 259.10, subdivision 2, and the commissioner must replace a birth certificate upon a court order of this state, another state, or the filing of a recognition of parentage with the state registrar. It is assumed this bill provides direct authority for the courts to issue orders to change the sex on a birth certificate when a request is made in good faith and without intent to defraud or mislead.

Since 2013, the Minnesota Judicial Branch has provided court users with court forms for seeking a court order directing the commissioner to change the sex listed on the original birth certificate and issue a replacement birth certificate. It is assumed this bill will not result in an increase in court filings and may actually decrease court filings because other forms of documentation will be authorized as acceptable documentation. It is assumed some people will provide other acceptable forms of documentation to the commissioner when seeking this change and not utilize the courts. For FY19, FY20, and FY21, the court issued an average of 30 orders granting a request to replace a birth certificate.

This bill authorizes the Minnesota court to grant a request to change the sex on an original birth certificate for any person who is subject to the Minnesota court's jurisdiction even when the original birth certificate was issued in a foreign state. This bill assumes other states will provide full faith and credit to a Minnesota court order that directs the foreign state to change the sex on a birth record filed in that foreign state.

### **Expenditure and/or Revenue Formula**

It is assumed this bill will have minimal impact on court filings.

The current base civil filing fee for submitting a request to change a birth certificate is \$285.00. Assuming all petitioners seeking this relief paid a filing fee, and assuming the average number of filings is 30 per fiscal year, approximately \$8,550 was submitted to the General Fund. It is unknown if the filing fee amount currently submitted to the General Fund will diminish if parties forgo the judicial process and submit birth certificate change requests directly to the Commissioner of Health.

### **Long-Term Fiscal Considerations**

### **Local Fiscal Impact**

### **References/Sources**

#### **Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Janet Marshall

**Phone:** 651-297-7579

**Date:** 2/16/2022 9:20:02 AM

**Email:** Janet.marshall@courts.state.mn.us