S T A T E O F N E W Y O R K

3383

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to fees charged for certain records; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 4174 of the public health law is REPEALED and a new subdivision 3 is added to read as follows:

3. FOR ANY SEARCH OF THE FILES AND RECORDS CONDUCTED FOR AUTHORIZED GENEALOGICAL OR RESEARCH PURPOSES, THE COMMISSIONER OR ANY PERSON AUTHORIZED BY HIM SHALL CHARGE A FEE FOR PERFORMING SUCH SEARCH. THE FEE SHALL BE DETERMINED AT THE RATE OF TWENTY DOLLARS AN HOUR FOR TIME ACTUALLY SPENT IN CONDUCTING SUCH SEARCH, TOGETHER WITH A FEE OF TWO DOLLARS FOR EACH UNCERTIFIED COPY OR ABSTRACT OF SUCH RECORD REQUESTED OR FOR A CERTIFICATION THAT A SEARCH DISCLOSES NO RECORD. IN THE CASE WHERE THE ACTUAL FULL DATE OF THE RECORD IS SPECIFIED, AND THE REQUEST IS MADE TO A LOCAL CLERK'S OFFICE, THE COST OF RETRIEVAL AND COPY OF THE RECORD SHALL BE FIVE DOLLARS. IN THE CASE WHERE THE ACTUAL FULL DATE OF THE RECORD PLUS THE STATE'S RECORD NUMBER IS SPECIFIED, AND THE REQUEST IS MADE TO THE STATE HEALTH DEPARTMENT, THE COST OF RETRIEVAL AND COPY OF THE RECORD SHALL BE TEN DOLLARS. IF NO RECORD IS FOUND IN THE AFOREMENTIONED TWO CASES, THE LOCAL CLERK OR STATE HEALTH DEPARTMENT IS ENTITLED TO CHARGE THE SAME FEE AS IF THE RECORD WERE FOUND. ALL RECORDS COPIED SHALL CONTINUE TO BE STAMPED "FOR GENEALOGICAL PURPOSES ONLY."

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00888-01-9