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BILL



ANALYSIS

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House Bill 4258 (as reported without amendment)
Sponsor: Representative Lisa Posthumus Lyons
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors, and Human Services

Date Completed: 5-5-11

RATIONALE

The State of Michigan's Vital Records Office, within the Department of Community Health (DCH), maintains records of births, deaths, and marriages that occur in Michigan and are filed with the State, going back as early as 1867. The State Registrar is appointed by the DCH Director to administer the system of vital statistics. Section 2882 of the Public Health Code requires the State Registrar or a local registrar, upon request and payment of a fee, to issue a certified copy of a live birth record (or an affidavit of parentage or record of stillbirth) to one of the following: the individual who is the subject of the record; a parent named in the record; an heir, a legal representative, or a legal guardian of the individual who is the subject of the record; or a court of competent jurisdiction. If the live birth record is 100 or more years old, a certified copy of it may be issued to any applicant. It has been suggested that some people would like to obtain specially designed heirloom birth certificates, for use as keepsakes in such memorabilia as baby albums or scrapbooks, and that the State Registrar, for a fee, should issue the heirloom certificates.

In addition, some people believe that the fee charged for an heirloom certificate should be more than the cost to provide the certificates, so the excess amount could provide revenue to the State's Children's Trust Fund. That Fund promotes the health, safety, and welfare of Michigan's children and families by funding local programs and services that help to prevent child abuse and neglect.

CONTENT

The bill would amend the Public Health Code to do the following:

- **Require the State Registrar to issue an heirloom birth certificate, upon request and payment of a fee.**
- **Require the Department of Community Health to promulgate rules establishing the fee and include an amount above the actual cost, for deposit into the Children's Trust Fund.**
- **Require the State Registrar to establish procedures allowing the purchase of a gift card or certificate that could be redeemed for an heirloom birth certificate.**
- **Require the DCH to market and promote heirloom birth certificates.**

An heirloom birth certificate would represent the birth of the individual named on the original birth record or certificate. The State Registrar could establish procedures for the administration of an heirloom birth certificate. He or she would have to establish procedures to allow the purchase of a gift card or certificate that an eligible person could redeem to purchase an heirloom birth certificate.

The DCH would have to promulgate rules establishing the amount of the fee for each separate design of an heirloom birth certificate. The DCH would have to establish each fee in an amount that was more than the estimated actual cost to the Department

for a similar design, not to exceed the estimated fair market value of a comparable artistic rendition. The State Registrar would have to transmit the portion exceeding preparation and administrative costs to the State Treasurer for deposit as a gift or donation into the Children's Trust Fund.

The DCH would have to design each heirloom birth certificate available for issue consistent with the form and content prescribed under Section 2811 of the Code, and so it was suitable for display. An heirloom birth certificate could bear the seal of the State and be signed by the Governor. (Under Section 2811, vital records and certificates must conform as nearly as possible to recognized national standardized forms, including the entry of Social Security numbers as required to comply with Federal law.)

An heirloom birth certificate would not be an official record of birth and it would not be the active birth certificate of the individual whose name appeared on the document.

An heirloom birth certificate would be in addition to the birth record copies and certificates issued under Section 2882 and would be subject to the limitations of that section.

The proposed section of the Code could be referred to as the "Pam Posthumus Law".

Proposed MCL 333.2882a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would provide a good way for parents, grandparents, and other relatives to obtain a keepsake of a child's birth for display in a frame or inclusion in a baby book or scrapbook. While certain people already may obtain certified copies of birth certificates, an heirloom birth certificate, possibly with a themed design, might be a more appropriate and attractive document to serve as a memento or souvenir. An heirloom birth certificate would not be an official birth record and could not be used as documentation that a person was born in Michigan.

The program the bill proposes would not result in increased costs to the Vital Records Office because the bill would require the DCH to establish fees that were more than the estimated actual cost to the Department. While the program would be new to Michigan, a number of other states already offer heirloom birth certificates.

Response: Perhaps the heirloom certificate program should be broader than what the bill proposes, since the State Registrar maintains records of marriages and deaths, as well as birth certificates. A funeral director who testified before the Senate Families, Seniors, and Human Services Committee on an identical Senate bill suggested issuing keepsake death certificates. He said that, in his professional experience, surviving family members would like to have keepsake death certificates for commemorative purposes, perhaps with various designs such as one representing military service.

Supporting Argument

The Michigan Children's Trust Fund was established in statute in 1982, but receives no State General Fund appropriations. The Fund is supported by check-offs on State income tax forms, revenue from Children's Trust Fund specialty license plates, and some Federal funding. It also receives money from private fund-raising efforts as well as gifts and contributions. The Fund reportedly has provided more than \$60 million toward children's advocacy efforts since its inception. Dedicating a portion of the revenue from fees for heirloom gift certificates would provide another revenue stream for the Fund and would be an appropriate use of money raised by the proposed program.

Supporting Argument

The late Pam Posthumus served as chairperson of the board of the Children's Trust Fund during her husband's tenure as Michigan's Lt. Governor. When she died in 2010, the Posthumus family asked those wishing to make memorial contributions to donate to the Children's Trust Fund. Raising additional revenue for the Fund from an heirloom birth certificate program, and naming the Public Health Code section creating the program after Pam Posthumus, would be a fitting way to honor her memory and her dedication to the work of the Children's Trust Fund in support of Michigan's children and families.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would establish a fee to cover the cost of issuing an heirloom birth certificate. The bill would require the fee to exceed the actual cost of creating the certificate and the excess revenue to be deposited in the Children's Trust Fund. The net fiscal impact would be an indeterminate increase in available revenue in the Children's Trust Fund.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.