

SENATE No. 1535

The Commonwealth of Massachusetts

SENATE, June 1, 1976.

The committee on Ways and Means, to whom was re-committed the Senate bill transferring the vital statistics division from the state secretary's office to the department of public health (Printed as House, No. 4088, changed), reports with an amendment, substituting a new draft entitled, "An act transferring the Division of Vital Statistics from the Office of the Secretary of State to the Department of Public Health" (Senate, No. 1535).

For the Committee,

JAMES A. KELLY, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT TRANSFERRING THE DIVISION OF VITAL STATISTICS FROM THE OFFICE OF THE SECRETARY OF STATE TO THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 SECTION 1. Section 10 of chapter 9 of the General Laws is
2 hereby repealed.

1 SECTION 2. Section 11 of chapter 9 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby amended by
3 adding the following sentence: — The secretary of the com-
4 monwealth shall permit the commissioner of public health to
5 use the Great Seal of the commonwealth for the purpose of
6 authenticating copies of birth, marriage and death records in
7 his department; and copies of such records when certified by
8 him and authenticated by said seal, shall be evidence like the
9 originals.

1 SECTION 3. Section 4 of chapter 17 of the General Laws, as
2 most recently amended by sections 1 and 2 of chapter 409 of
3 the acts of 1974, is hereby further amended by inserting, after
4 the first paragraph, the following paragraph: —

5 There shall also be in the department a registry of vital rec-
6 ords and statistics which may be located within such division
7 as the commissioner determines to be appropriate. The com-
8 missioner shall appoint a registrar, subject to the approval of
9 the public health council, who shall take charge of the regis-
10 try of vital records and statistics. The registrar shall be sub-
11 ject to chapter thirty-one and shall, under the supervision of
12 the commissioner, enforce all laws relative to the registry and
13 return of births, marriages and deaths, and may prosecute in
14 the name of the commonwealth any violations thereof.

1 SECTION 4. Section 2A of Chapter 46 of the General Laws, as
2 most recently amended by chapter 10 of the acts of 1965, is

3 hereby further amended by striking out, in the first sentence,
4 the words "office of the state secretary" and inserting in place
5 thereof the words: — department of public health.

1 SECTION 5. Section 3 of said chapter 46, as most recently
2 amended by section 2 of chapter 358 of the acts of 1968, is
3 hereby further amended by striking out, in the second para-
4 graph, the words "state secretary" and inserting in place there-
5 of the following words: — commissioner of public health.

1 SECTION 6. The first paragraph of section 3A of said chapter
2 46 as appearing in section 2 of chapter 84 of the acts of 1968,
3 is hereby amended by striking out, in the second sentence, the
4 words "state secretary" and inserting in place thereof the
5 words: — commissioner of public health.

1 SECTION 7. Section 3B of said chapter 46, as appearing in
2 chapter 288 of the acts of 1971, is hereby amended by striking
3 out the words "state secretary" and inserting in place thereof
4 the following words: — commissioner of public health.

1 SECTION 8. Section 9A of said chapter 46, as appearing in
2 section 4 of chapter 48 of the acts of 1960, is hereby amended
3 by striking out, in the first sentence, the words "secretary of
4 state" and inserting in place thereof the following words: —
5 commissioner of public health.

1 SECTION 9. Section 12 of said chapter 46, as most recently
2 amended by chapter 401 of the acts of 1972, is hereby further
3 amended by striking out, in the first sentence, the words "state
4 secretary" and inserting in place thereof the words: — com-
5 missioner of public health.

1 SECTION 10. The fifth paragraph of section 13 of said chap-
2 ter 46, as most recently amended by chapter 546 of the acts
3 of 1974, is hereby further amended by striking out, in the first
4 sentence, the words "state secretary" each time the words ap-
5 pear and inserting in place thereof the words: — commissioner
6 of public health.

1 SECTION 11. Section 16 of said chapter 46, as most recently
2 amended by section 2B of chapter 613 of the acts of 1958, is

3 hereby further amended by striking out, in the first, second
4 and fourth sentences, the words "state secretary" and insert-
5 ing in place thereof the words: — commissioner of public
6 health.

1 SECTION 12. Section 17 of said chapter 46, as most recently
2 amended by section 1 of chapter 21 of the acts of 1960, is
3 hereby further amended by striking out, in the first, second,
4 fourth and fifth sentences, the words "state secretary" and in-
5 serting in place thereof the words: — commissioner of public
6 health.

1 SECTION 13. Section 19 of said chapter 46, as most recently
2 amended by chapter 478 of the acts of 1969, is hereby further
3 amended by striking out the second, third and fourth sen-
4 tences, and inserting in place thereof the following three sen-
5 tences: — A certificate of such a record, signed by the town
6 clerk or assistant clerk, or a certificate of the copy of the rec-
7 ord relative to a birth, marriage or death required to be kept
8 in the department of public health, signed by the commis-
9 sioner of public health or the registrar of vital records and
10 statistics, shall be admissible as evidence of such record. Upon
11 request for an abbreviated record of a birth, marriage or
12 death, the clerk or assistant clerk, commissioner of public
13 health or registrar of vital records and statistics, shall make
14 an abstract of the record of the same without notation there-
15 on of the name of the parent or parents, except by request of
16 the applicant. Upon written request of the person to whom
17 the record relates or of either of his parents, the clerk or as-
18 sistant clerk, commissioner of public health or registrar of
19 vital records and statistics, shall issue a certified copy of a
20 birth record containing no reference to the color of said per-
21 son or his parents.

1 SECTION 14. Section 19A of said chapter 46, as appearing in
2 chapter 759 of the acts of 1969, is hereby amended by striking
3 out, in the first sentence, the words "secretary of state" and
4 inserting in place thereof the words: — commissioner of pub-
5 lic health.

1 SECTION 15. Section twenty-one of chapter forty-six of the

2 General Laws is hereby repealed.

1 SECTION 16. Section 26 of said chapter 46, as most recently
2 amended by section 2 of chapter 22 of the acts of 1963, is here-
3 by further amended by striking out, in the first sentence, the
4 words "state secretary" and inserting in place thereof the
5 words: — commissioner of public health.

1 SECTION 17. Section 2 of chapter 111 of the General Laws, as
2 most recently amended by section 18 of chapter 1168 of the
3 acts of 1973, is hereby further amended by striking out the
4 second paragraph and inserting in place thereof the following
5 paragraph: —

6 The commissioner shall prepare from the birth, marriage
7 and death records received by him under the provisions of
8 chapter forty-six, and from the divorce returns received by
9 him under the provisions of section forty-six of chapter two
10 hundred and eight, such statistical tables as he deems useful,
11 and shall make annual report thereof to the general court.
12 The commissioner may make further use of such records as
13 he deems useful for administrative and research purposes con-
14 nected with health programs and population studies. He shall,
15 as soon as is reasonably practicable, cause the birth, marriage
16 and death records to be bound with indexes thereto and shall
17 retain their custody. He shall prepare an alphabetical index
18 of such divorce returns showing the names of the parties, year
19 and number of the judgment and the county in which the di-
20 vorce occurred.

1 SECTION 18. Section 24B of said chapter 111, as appearing
2 in section 3 of chapter 358 of the acts of 1968, is hereby
3 amended by striking out, in the first sentence, the words
4 "shall certify to the state secretary as" and inserting in place
5 thereof the word: — deems.

1 SECTION 19. Said section 24B of said chapter 111, as so ap-
2 pearing, is hereby further amended by striking out, in the
3 second sentence, the words "state secretary" and inserting in
4 place thereof the word: — commissioner.

1 SECTION 20. The second paragraph of section 14 of chapter

2 207 of the General Laws, as most recently amended by section
3 3 of chapter 400 of the acts of 1975, is hereby further amended
4 by striking out, in the first sentence, the words "state secre-
5 tary" and inserting in place thereof the words: — commis-
6 sioner of public health.

1 SECTION 21. The second paragraph of said section 14 of said
2 chapter 207, as so amended, is hereby further amended by
3 striking out, in the second sentence, the words "state secre-
4 tary" and inserting in place thereof the words: — commis-
5 sioner of public health.

1 SECTION 22. Section 20 of said chapter 207, as most recently
2 amended by section 3 of chapter 561 of the acts of 1943, is
3 hereby further amended by striking out, in the first sentence,
4 the words "state secretary" and inserting in place thereof the
5 words: — commissioner of public health.

1 SECTION 23. Section 37 of said chapter 207, as appearing in
2 the Tercentenary Edition, is hereby amended by striking out
3 the words "state secretary" and inserting in place thereof the
4 words: — commissioner of public health.

1 SECTION 24. Section 46 of chapter 208 of the General Laws,
2 as most recently amended by section 42 of chapter 400 of the
3 acts of 1975, is hereby further amended by striking out the
4 words "state secretary" and inserting in place thereof the
5 words: — commissioner of public health for statistical pur-
6 poses.

1 SECTION 25. Section forty-seven of chapter two hundred and
2 eight of the General Laws is hereby repealed.

1 SECTION 26. The second paragraph of section 6A of chapter
2 210 of the General Laws, as amended by chapter 274 of the
3 acts of 1957, is hereby further amended by striking out the
4 words "state secretary" and inserting in place thereof the fol-
5 lowing words: — commissioner of public health.

1 SECTION 27. Section 14 of said chapter 210, as amended by
2 section 2 of chapter 342 of the acts of 1966, is hereby further
3 amended by striking out the words "state secretary" and in-

4 serting in place thereof the following words: — commissioner
5 of public health.

1 SECTION 28. Section 36 of chapter 262 of the General Laws
2 as most recently amended by chapter 497 of the acts of 1975,
3 is hereby further amended by striking out the third sentence
4 and inserting in place thereof the following sentence: — The
5 fee for the state secretary's certificate on copies or otherwise
6 shall be one dollar each.

1 SECTION 29. Chapter 262 of the General Laws is hereby fur-
2 ther amended by inserting after section 44, the following sec-
3 tion: —

4 *Section 44A.* The fee for a certified copy of a birth, mar-
5 riage or death record issued by the office of the commissioner
6 of public health shall be two dollars each; except that any per-
7 son whom the commissioner or registrar of vital records and
8 statistics considers to be entitled to exemption from said fees
9 shall receive such copies at reduced fee or no fee as the com-
10 missioner or registrar shall determine.

1 SECTION 30. The secretary of state shall transfer to the
2 commissioner of public health all the birth, marriage and
3 death records required to be filed in the office of the state sec-
4 retary since 1841 and henceforth the said commissioner shall
5 be the official custodian of such records and be responsible for
6 the preservation thereof as is provided for by law.

1 SECTION 31. All forms relative to births, deaths, marriages
2 and divorces prepared by the state secretary prior to the ef-
3 fective date of this act shall remain in effect as forms of the
4 commissioner of public health upon the effective date of this
5 act, until such time thereafter as the commissioner shall ex-
6 pressly replace or revise said forms.

1 SECTION 32. All officers and employees serving in positions
2 within the division of vital statistics in the office of the sec-
3 retary of state immediately prior to the effective date of this
4 act shall be transferred to comparable positions in the registry
5 of vital records and statistics in the department of public
6 health without impairment of seniority, retirement or other

7 employment rights, and without reduction in compensation.
8 Such employees so transferred shall not be involuntarily sep-
9 arated from said comparable positions except in accordance
10 with the provisions of sections forty-three, forty-five and
11 forty-six A of chapter thirty-one of the General Laws to the
12 same extent as if said positions were classified under said
13 chapter thirty-one.

1 SECTION 33. This act shall take effect on January first, nine-
2 teen hundred and seventy-seven.