

# HOUSE . . . . . No. 2055

By Mr. Calter of Kingston, petition of Thomas J. Calter relative to birth, marriage and death records. Public Health.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO FUND A SYSTEM OF ELECTRONIC VITAL RECORDS.

*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. Chapter 46 of the General Laws, as appearing in the  
2 2000 Official Edition, is hereby further amended by inserting, after  
3 section 30, the following section:—

4 Section 31. There is hereby created through fees collected by cus-  
5 todians under this section a fund to be known as the special state and  
6 local vital records and statistics fund. Any custodian who issues a  
7 certified copy of a vital record or a certified negative statement of a  
8 vital record, shall collect from the requester of the certified record or  
9 certified negative statement, in addition to any other fee, an addi-  
10 tional fee of two dollars for each such certified copy requested or  
11 certified negative statement requested; such additional fees shall be  
12 deposited in the state and local vital records and statistics fund. Fees  
13 collected pursuant to this section shall be used to improve to the  
14 greatest extent practicable all aspects of the statewide system of vital  
15 records and statistics. Such improvement is to include a statewide  
16 automated system of vital records with proceeds from the fund pro-  
17 viding such improvement services for both state and local custo-  
18 dians. Physical preservation of the records shall constitute an  
19 integral part of any system-wide improvement plan. The special  
20 state and local vital records and statistics fund is to provide for  
21 improvement of current services; the fund shall not supplant funding  
22 necessary for maintaining the daily operation of the current system  
23 of vital records and statistics.

24 Custodians shall on a quarterly basis make payments into the  
25 special state and local vital records and statistics fund of 95% of the

26 additional fees collected under this section; custodians may retain  
27 five per cent of funds collected for managing the collection of these  
28 fees. Fees deposited in the special state and local vital records and  
29 statistics fund in one fiscal year shall be available for expenditure in  
30 a subsequent fiscal year.

31 There will be a permanent, special vital records and statistics  
32 committee to oversee the overall improvement including preserva-  
33 tion and automation of the vital records and statistics system in the  
34 Commonwealth. The committee shall consist of seventeen members  
35 including the state registrar, who shall serve as chair, and the super-  
36 visor of public records or the archivist of the Commonwealth. The  
37 committee shall include two town clerks selected by the Massachu-  
38 setts Town Clerks' Association, at least one of whom shall be from a  
39 town with a hospital having a maternity unit; two city clerks or a city  
40 clerk and a registrar selected by the Massachusetts City Clerks' asso-  
41 ciation, at least one of whom shall be from a city with a hospital  
42 having a maternity unit; one member each selected by the New Eng-  
43 land Historic Genealogical Society, the Massachusetts Genealogical  
44 Society, the Massachusetts Newspaper Publishers Association, the  
45 Massachusetts Medical Society, the Massachusetts Hospital Associa-  
46 tion, the Massachusetts Public Health Association, and the Massa-  
47 chusetts Funeral Directors Association. The commissioner of public  
48 health shall appoint four additional members, including a lawyer  
49 specializing in and practicing family law and three members with  
50 expertise from each of the following areas:— medical research, epi-  
51 demiology, and electronic data collection and management. The state  
52 registrar and supervisor of public records or the archivist shall be  
53 standing members of the committee with no term limits. All other  
54 members shall serve for three-year terms, with initial terms stag-  
55 gered with four one-year, five two-year and five three-year terms.  
56 The reasonable travel expenses of members of the committee  
57 relating to their attendance at meetings of the committee shall be  
58 paid out of the special state and local vital records and statistics  
59 fund.

60 The special vital records and statistics committee shall meet at  
61 least quarterly and be required to develop an overall plan for the  
62 automation, improvement and preservation of the statewide vital  
63 records and statistics system throughout the Commonwealth, pro-  
64 vided that seven members in attendance shall constitute a quorum

65 for the purpose of conducting business. Such plan shall specify one,  
66 three, five and ten year goals and objectives for the automation,  
67 improvement and reservation of the system. All such plans for the  
68 automation of the system must provide specific plans for the preser-  
69 vation of the records so automated. The special vital records and sta-  
70 tistics committee shall be required to authorize all expenditures from  
71 the fund over the sum of \$1000. Routine administration of expendi-  
72 tures from this fund shall be directed by an executive subcommittee  
73 of the special vital records and statistics committee. The executive  
74 subcommittee shall be composed of the state registrar, supervisor of  
75 public records or the archivist of the Commonwealth, and two  
76 rotating members one of whom shall be a town clerk and one of  
77 whom shall be a city clerk or registrar selected by the special vital  
78 records and statistics committee to serve for a one-year term on the  
79 executive subcommittee.

80 All fees collected by the archives of the commonwealth under this  
81 section or designated by the special vital records and statistics  
82 committee for the activities at the archives shall be segregated and  
83 deposited into the archives trust fund (0511-1100) and be used  
84 specifically for the automation, preservation, and modernization of  
85 vital records administered by the archives.”.

1 SECTION 2. Chapter 207 of the General Laws, as appearing in  
2 the 2000 Official Edition, is hereby amended by adding the  
3 following language to Section 19:—

4 In addition to any other fee established by the community, the  
5 sum of ten dollars shall be charged and shall accrue to the benefit of  
6 the special state and local vital records and statistics fund, as estab-  
7 lished under Section 31 of Chapter 46.