

STATE BOARD OF HEALTH: Entitled to fee for transcription of  
"still birth" certificates. 13 U.S.C.A.  
101.

February 9, 1934.

2-17-34



Dr. Herman S. Gove  
State Board of Health  
Jefferson City, Missouri

My Dear Dr. Gove:

Several days ago you requested information as to whether or not the State Board of Health is entitled to compensation from the Federal Government for copies of "still birth" certificates.

We premise our remarks respecting this matter with the observation that this compensation is provided for under the Federal Law and that our opinion on this matter is not binding.

Without question the Federal Government has concerned itself respecting the accurate compilation and registration of vital statistics. They have in many instances directed the appropriate agencies to take steps to insure the recording of vital statistics. We find this requirement respecting the public health. 42 U.S.C.A. 30:

"To secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon General of the Public Health Service, after the annual conference required by section 29 of this title to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health Bureau on said forms, shall be compiled and published by the Public Health Service as a part of the health reports published by said service."

We therefore see that the Federal Government is actively concerned with a proper compilation of information respecting births and deaths. However, they have not been content to entirely leave the preservation of this information to the state and local authorities. We find that the census director is required to keep a detailed record of births and deaths. We refer to 13 U.S.C.A. 101 which reads as follows:

"There shall be a collection of the statistics of the births and deaths in registration areas annually, the data for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed 4 cents for each birth or death reported; or a minimum compensation of \$25 may be allowed, in the discretion of the director, in States or cities registering less than five hundred deaths or five hundred births during the preceding year."

Under the provisions of the foregoing section the census director is required to collect statistics of births and deaths in necessary detail, the compensation for the transcription of which shall not exceed four cents for each birth or death reported.

Having in mind that the intent and purpose of the foregoing provision is that complete information may be kept in respect to all births and deaths, it is our opinion that it is as necessary and important that the census director be supplied with a transcription of the certificate of still birth as with any other kind or type of certificate. It could not be said that the record was complete without this information and of course if the transcription is to be made the same compensation should be allowed for such certificate as is allowed for any other birth or death certificate.

We desire to call to your attention the matter of compensation allowed by this section. It is to be noted that the compensation shall be not to exceed four cents for each birth or death reported. This section as originally enacted calls for a compensation not to exceed two cents for each birth or death reported,

Dr. Herman B. Gove.

-3-

February 9, 1934.

however, the amendment calling for a compensation of four cents was made sometime ago. Being familiar with the amount of work necessary to supply these transactions it occurs to us that two cents is insufficient to meet the expense of your department in supplying this information, and while we do not believe that the State should make any profit in supplying these transcriptions we do believe that a charge should be made, not to exceed four cents per transcription, which would compensate the State for the expense of supplying these transcriptions. It is our opinion that as the statute provides the compensation up to four cents for each transcription that the State of Missouri should receive an amount sufficient to pay the cost of furnishing these transcriptions, which cost of course cannot exceed four cents.

Respectfully submitted,

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Assistant Attorney General.

APPROVED:

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ROY McKITTRICK  
Attorney General.

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