

shall be pro-rated on the same basis as classification aid was paid eligible schools for the years designated.

Sec. 3. Appropriation. The sum of \$20,000 is hereby appropriated out of the funds transferred from the income tax school fund to be distributed by the State Board of Education in making the adjustments as provided by Section 2 of this act.

Approved April 23, 1945.

CHAPTER 512—S. F. No. 294

An act relating to vital statistics and repealing Minnesota Statutes 1941, Sections 144.15, 144.16, 144.17, 144.18, 144.19, 144.20, 144.21, 144.22, 144.23, 144.24, 144.25, 144.26, 144.27, 144.28, and 144.49, Subdivisions 2 and 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Definitions. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this act, shall be given meanings ascribed to them.

Subd. 2. "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, and data incidental thereto.

Subd. 3. "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

Subd. 4. "Stillbirth" means a birth after 20 weeks of gestation which is not a live birth.

Subd. 5. "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

Subd. 6. "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

Sec. 2. Board shall establish division; install system; make rules. The state board of health shall:

Subdivision 1. Establish a division of vital statistics with suitable offices properly equipped for the preservation of its official records;

Subd. 2. Install a statewide system of vital statistics;

Subd. 3. Make and may amend necessary regulations, according to Minnesota Statutes 1941, Section 144.12, give instructions and prescribe and furnish at the expense of the state forms for collecting, transcribing, compiling and preserving vital statistics provided that the book of record for the local registrar shall be paid for by the city, village, or town comprising the registration district; and

Subd. 4. Enforce this act and the regulations made pursuant thereto.

Sec. 3. Regulations; effective date. The regulations of the board, upon the approval of the Attorney General, shall take effect 30 days after publication and filing with the Secretary of State.

Sec. 4. Primary registration districts. Each town, village and city shall, for the purposes of this act, constitute a primary registration district, provided the state registrar may establish registration districts comprised of one or more unorganized towns and appoint registrars for them, and with the consent of the respective town boards or municipal councils, combine two or more primary registration districts and appoint registrars for them.

Sec. 5. State registrar; compensation. The board shall appoint a qualified state registrar of vital statistics whose compensation shall be fixed under such provisions as may be provided by other provisions of the statutes.

Sec. 6. Supervision; enforcement; employees. The state registrar, under the supervision of the board, shall have charge of the division of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce this act and the regulations of the board and have supervisory power over local registrars. He shall submit to the board reports of the administration of this act. He may appoint and, at his pleasure, remove one or more employees of the board as deputy state registrars who shall render such aid as he may require of them.

Sec. 7. Local registrar; deputies; report; enforcement. The town and village clerk, and in cities the health officer, shall be the local registrar. A local registrar with the approval of the state registrar may appoint and remove deputies. All local registrars shall immediately report to the state registrar violations of this act or the regulations of the board, and under the supervision of the state registrar shall cause all the provisions of the act and regulations of the board to be enforced. Any local registrar who neglects or refuses to perform the duties imposed upon him by this act shall be superseded by another to be appointed by the state registrar in his place.

The board, upon the recommendation of the state registrar, may appoint and remove sub-registrars to receive certificates of death and issue burial permits in any designated territory. They shall be subject to the supervision of the state registrar.

Sec. 8. Board to provide assistance. The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed in conformance with the provisions of the state civil service law.

Sec. 9. Filing of birth certificate. Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents.

Provided that the birth certificate of an illegitimate child shall be filed by the attending physician, midwife, parent, or other, directly with the state registrar.

Sec. 10. Delayed or altered certificates. If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare, record and file the certificate. In such cases the board shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by such a supplementary report shall not be considered "delayed" or "altered."

Sec. 11. Contents of certificates. Subdivision 1. Whoever first assumes the custody of a child of unknown parentage shall immediately report to the local registrar who shall

immediately make and file a certificate stating: (a) the date and place of finding or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

Subd. 2. The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

Subd. 3. The report shall constitute the certificate of birth.

Subd. 4. If the child is identified and a regular certificate of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

Sec. 12. Certificate of death or stillbirth. A certificate of every death or stillbirth shall be filed before interment or in any case within five days after the occurrence is known with the local registrar of the district in which the death or stillbirth occurred or with a sub-registrar; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found, or a sub-registrar, within 24 hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Sec. 13. Death certificates. Subdivision 1. Time of filing. The funeral director or other person taking charge for preparation of a dead human body for interment or other disposal shall file with the local registrar of the district in which the death or stillbirth occurred or the body was found, or with a sub-registrar, a certificate of death or stillbirth before interment or in any case within five days after the occurrence.

Subd. 2. Statement as to autopsy; statement of physician. In preparing a certificate of death or stillbirth the person in charge of such preparation shall obtain and enter on the certificate the personal data required by the board and a statement as to whether or not an autopsy was performed on such body from the persons best qualified to supply them and which persons shall sign the certificate as the informants. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife, or other per-

son in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

Subd. 3. Procedure prior to burial. Thereupon the funeral director or person in charge for such preparation shall notify the appropriate local registrar if death occurred without medical attendance, or in case he is unable to secure such certification by the physician last in attendance. In such event the local registrar shall inform the local health officer and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, cremation, transportation or other disposition of the body. When there is no medical health officer for such registration district, the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

Sec. 14. Delayed certification. If the cause of death cannot be determined before interment or other disposition of the body, or in any case within five days, the certification or its cause may be filed after the prescribed period, but the attending physician or coroner shall give the local registrar of the district in which the death occurred, or the sub-registrar, written notice of the reason for the delay in order that a permit for the disposition of the body may be issued.

Sec. 15. Form and use of certificate. The form of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States Bureau of the Census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of Section 24.

Sec. 16. Prima facie evidence. Certificates filed within six months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

Sec. 17. Certificates furnished to public. Subdivision 1. Subject to the requirements of Sections 21, 23 and 24 the

state registrar, any clerk of district court, or any local registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.

Subd. 2. Copies of the contents of any certificate on file in the division of vital statistics or in the office of any clerk of district court or on file with any local registrar, or any part of any such certificate, certified by the state registrar, a clerk of the district court, or a local registrar, as the case may be, shall be considered for all purposes the same as the original, subject to the requirements of Sections 21, 23 and 24.

Sec. 18. **Fees.** Subdivision 1. The applicant shall pay a fee of \$1.00 for each certified copy of a birth or death record. Provided that a fee shall not be charged for any certified copy needed in connection with service in the armed forces or the Merchant Marine of the United States or in the presentation of claims to the United States Veterans Administration or the official veterans administration of any state or territory of the United States.

Subd. 2. When the salary of the officer issuing a certified copy under this act consists in whole or in part of fees authorized by law, such officer shall be paid the legal fee therefor by the governmental subdivision of which he is an officer, and the governing body thereof is authorized and directed to order such payment made from the general revenue funds thereof.

Sec. 19. **Deposit with state treasurer.** The state registrar shall keep an account of all fees received and turn the same over to the state treasurer according to law.

Sec. 20. **Delayed certificate; proof.** A birth certificate of a person born in this state or a death certificate of a person who died in this state may be filed or amended after the time herein prescribed upon submitting such proof as shall be required by the board.

Sec. 21. **Delayed or altered certificates.** Subdivision 1. Certificates accepted subsequent to six months after the time prescribed for filing and certificates which have been altered after being filed with the state registrar shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered."

Subd. 2. All alterations made on birth and death records shall be in red ink.

Subd. 3. A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate.

Subd. 4. Such evidence shall be preserved in such manner as the board may prescribe.

Sec. 22. **Before district court.** Subdivision 1. **Petition; hearing; evidence.** Any person born or residing in this state may also petition the district court of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitled him to such an order. The court shall fix the time and place of hearing the petition. At least ten days before the hearing, notice thereof shall be mailed to the county attorney of the county and to the state division of vital statistics and shall be published once in a newspaper of general circulation in the county. Proof of the mailing and publication shall be filed at the hearing. The oral testimony shall be transcribed and together with the other proofs shall be filed in the proceeding.

Subd. 2. **Court order.** If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, and that he resides in the county or was born there, the court shall make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and the names of his parents, and any other facts deemed relevant by the court.

Subd. 3. **Certified copy.** A certified copy of the order of the court may be filed in the office of the register of deeds of the county and shall be filed in the office of the state division of vital statistics.

Subd. 4. **Admissible as proof.** The order, the record thereof, and certified copies of the order or of the records shall be evidence of the truth of their contents and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in Section 16.

Sec. 23. **Probative value.** The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

Sec. 24. Access to records. Subdivision 1. **Open to inspection.** The birth and death records and files of the division of vital statistics, the local registrars and clerks of the district court are open to inspection, subject to the provisions of this act and regulations of the board; but it is unlawful for any officer or employee of the state or any local registrar or clerk of district court to disclose data contained in vital statistical records except as authorized by this act or by the board.

Subd. 2. **Procedure in case of illegitimacy.** Disclosure of illegitimacy of birth or of information for which it can be ascertained may be made only upon order of a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The birth and death records of the State Board of Health shall be opened to inspection by the Director of Social Welfare, and it shall not be necessary for said Director to obtain an order of the court in order to inspect records of illegitimate children or to secure certified copies thereof.

Subd. 3. **Rule as to right of inspection.** No state registrar or local registrar or clerk of the district court shall permit inspection of the records or issue a certified copy of a certificate or part thereof unless it is in compliance with the district court order, or he is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject to review by the board or a court under the limitations of this section.

Subd. 4. **Purposes of research.** The board may permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made.

Subd. 5. **Direction to local registrars.** Subject to the provisions of this section the board may direct local registrars to make a return upon the filing of birth, death, and stillbirth certificates with them of certain data shown thereon to federal, state, or municipal agencies. Payment by such agencies for such services may be made through the state registrar to local registrars as the board shall direct.

Sec. 25. Adoption. In cases of adoption the state registrar upon receipt of a certified copy of an order or decree of adoption shall prepare a supplementary certificate in the new name of the adopted person, and seal and file the original

certificate of birth with said certified copy attached thereto. Such sealed documents may be opened only upon order of the court or, if otherwise found necessary, by the state registrar. Upon the receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the file.

Sec. 26. Legitimation; proof. In cases of legitimation the state registrar upon receipt of proof thereof shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court or if the state registrar finds it necessary.

Sec. 27. Institutions. Persons in charge of institutions for care or correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this act relating to their inmates or patients under regulations of the board.

Sec. 28. Burial permit; removal of body from district. *When a death or stillbirth occurs or a dead body is found,* the body shall not be disposed of or permanently removed from the registration district until a permit has been issued by the local registrar of the place of death or a sub-registrar or, if necessary to avoid delay, by the state registrar.

The sexton or other person acting as such shall not permit the interment or cremation of a dead human body until a burial permit issued under the provisions of this act has been filed with him. He shall keep a record of all interments and cremations stating the name of deceased, place of death, date of burial or cremation, and name and address of the attending funeral director.

Sec. 29. Death outside the state; permit. When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state such permit shall be presented to the local registrar of the district where disposal is to be made who shall keep a record thereof and thereupon issue his permit for such disposal.

Sec. 30. Regulations mandatory. No permit under section 28 shall be issued until a certificate of death or stillbirth

as far as it can be completed under the circumstances of the case has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with.

Sec. 31. Duties of registrar.- Subdivision 1. Endorsement on certificate; record; transmit to clerk. The local registrar shall endorse on each certificate of birth or death filed with him the number of his district, the number of the certificate in consecutive numbers beginning with number one for the first birth or the first death of each calendar year, the date when filed with him, his post office address, and subscribe the same. He shall record such certificates in a suitable record book and, except in cities of the first class shall, forthwith transmit to the clerk of district court of the county in which such birth or death occurred all original certificates of births and deaths received by him.

Subd. 2. Fees. Each local registrar shall be paid the sum of 50 cents for each complete birth, death or stillbirth certificate transmitted by him to the clerk of district court. In case no birth, death or stillbirth was registered during any calendar month the local registrar shall so report to the clerk of district court and be paid the sum of 50 cents for the report, but no fee shall be paid for a "no report" card if a report of a birth or death for that month is received later. "No report" cards received by the clerk of district court shall be dated and signed, recorded by him in an appropriate record, and immediately transmitted to the state registrar.

Subd. 3. Auditor to pay clerk. Upon certification by the clerk of district court at the end of each calendar year, the fees of local registrars for the registration and transmittal of birth and death records and reports of no birth or death shall be paid by the county auditor of the proper county out of the general revenue fund of the county.

Subd. 4. In cities having 100,000 inhabitants. Local registrars of cities of 100,000 or more population shall transmit all birth, death and stillbirth certificates direct to the state registrar.

Subd. 5. Removal of local registrar; new appointment. Any local registrar who neglects or fails to discharge his duties as provided by this act may, after notice and opportunity to be heard, be removed from office by the state registrar, and thereupon the state registrar may appoint another for the unexpired part of his term. If any local registrar or clerk of district court fails to file or transmit birth, death or stillbirth certificates according to this act, the state regis-

trar shall obtain them by other means at the expense of the registration district or county concerned.

Sec. 32. Clerk of court. Subdivision 1. Notify parents; correct certificate. The clerk of district court, upon receipt of birth certificates from any local registrar, shall date and sign such certificate, shall immediately notify either parent of the child of the exact spelling of names certified to, date, age of parents, and date of birth, and compare the correctness of the certificate with the facts as stated. If found incorrect or incomplete, he shall correct such certificate in a manner acceptable to the state registrar.

Subd. 2. County birth record. Upon being satisfied that the certificate is correct, the clerk of district court shall prepare an exact duplicate of the original certificate and record in a suitable book, in form approved by the state registrar and furnished at the expense of the county, which shall be designated the county birth record, the following facts as they appear on each certificate:

1. Name of child;
2. Place of birth;
3. Date of birth;
4. Sex;
5. Color of child;
6. Name of father;
7. Color of father;
8. Age of father;
9. Maiden name of mother;
10. Age of mother;
11. Color of mother;
12. Birthplace of father;
13. Birthplace of mother;
14. Number of children of mother;
15. Single, twin or other of plural birth;
16. Date of filing;

which shall constitute a legal birth record, and a certified copy of facts contained in such record shall be evidence in any court to the extent of the original certificate. The clerk of district court shall index such record in a suitable manner at the expense of the county.

Sec. 33. Duties of clerk. The clerk of district court, upon receipt of death certificates from any local registrar, shall

date and sign such certificate, shall ascertain from available documents or from persons who know the correct spelling of name, date of birth, age, residence, and date of death, the correctness of such facts on the certificate. If found incomplete or in error, he shall correct the certificate in a manner acceptable to the state registrar. When the clerk of district court is satisfied with the spelling of name, date of birth, age, date of death, place of death, and place of residence are correct, he shall prepare an exact duplicate of the original certificate and record in a suitable book, in form approved by the state registrar, the following facts as they appear on the certificate:

1. Name of deceased, and name of spouse, if any;
2. Sex;
3. Color of deceased;
4. Conjugal condition;
5. Date of birth;
6. Date of death;
7. Birthplace of deceased;
8. Name of father;
9. Maiden name of mother;
10. Residence of deceased, town, village or city, and county;
11. Date of filing.

The clerk of district court shall index such record in a suitable manner at the expense of the county. Such record shall constitute a legal death record, and a certified copy of the facts contained in such record shall be evidence in any court to the extent of the original certificate.

The clerk of district court shall file and index all duplicate certificates prepared by him of births and deaths.

Sec. 34. Transmission. Subdivision 1. **Transmit to state registrar.** On or before the tenth day of each month the clerk of district court shall transmit to the state registrar all original birth and death certificates received by him for births and deaths which occurred during the previous month, and certify the number of birth and death certificates received from each local registrar. The clerk of district court shall, on or before the tenth of each month, prepare a certified transcript of birth and death certificates received by him for births and deaths occurring during the previous month on which the place of residence of the mother and that of the decedent is shown to be in another county of the state and

immediately transmit such certified transcript to the clerk of district court of the county shown on the original birth and death certificates to be the place of residence of the mother or the decedent except where a city of the first class shall be such residence.

Subd. 2. Cities of the first class; fees. Registrars of cities of the first class shall transmit to the clerks of district court of the counties in Minnesota stated to be the residence of the mother of a child or of a decedent, a transcript of such certificate. Such county stated to be the residence shall pay to the local registrar of a city of the first class a fee of 50 cents, payment to be made monthly.

Subd. 3. Clerk's fees. The county auditor, upon certification to him by the clerk of district court of the number of birth and death certificates and transcripts received during the preceding month, shall issue his warrant in the sum of \$1.00 to said clerk of district court for each certificate and transcript received, checked, recorded, and indexed, except those certificates on which the residence of the mother of a child or that of the decedent is shown to be in another county of the state, which sum shall be full compensation for all services rendered as provided herein.

Sec. 35. Violations and penalties. Subdivision 1. Any person who wilfully makes or alters any certificate or certified copy thereof provided for in this act, except in accordance with the provisions of this act, shall, upon conviction, be fined not more than \$1,000, or be imprisoned not exceeding six months or both fined and imprisoned.

Subd. 2. Any person who knowingly transports or accepts for transportation, interment or other disposition a dead body without an accompanying permit issued in accordance with the provisions of this act, shall, upon conviction, be fined not more than \$500.

Subd. 3. Except where a different penalty is provided in this section, any person who violates any of the provisions of this act, or regulations of the board, or neglects or refuses to perform any of the duties imposed upon him by this act or regulations of the board shall be guilty of a misdemeanor.

Sec. 36. Citation. This act may be cited on the "Uniform Vital Statistics Act".

Sec. 37. Repeals. Minnesota Statutes 1941, Sections 144.15, 144.16, 144.17, 144.18, 144.19, 144.20, 144.21, 144.22, 144.23, 144.24, 144.25, 144.26, 144.27, 144.28, and 144.49, subdivisions 2 and 3, are hereby repealed.

Sec. 38. **Effective date.** This act shall take effect January 1, 1946.

Approved April 23, 1945.

CHAPTER 513—S. F. No. 365

An act relating to the time within which certain actions may be commenced; and amending Minnesota Statutes 1941, Section 541.07.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Minnesota Statutes 1941, Section 541.07, is hereby amended to read as follows:

541.07. Two year limitations. The following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, hospitals, sanitariums, for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counter-claim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist, hospital or sanitarium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture to the state;

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding under the preemption or homestead laws, such limitations shall not begin to run until a patent has been issued for the land so damaged;

(4) Against a master for breach of an indenture of apprenticeship; the limitation, in such case, to run from the expiration of the term of service;

(5) *For the recovery of wages, overtime, damages, fees or penalties accruing under any federal or state law respecting*