

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1084

Introduced by

Judiciary Committee

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact sections 14-03-20.1 and 23-02.1-27 of the North
2 Dakota Century Code, relating to surname options on marriage applications and disclosure of
3 birth and death records; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 14-03-20.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-03-20.1. Surname options.**

- 8 1. Every person has the right to adopt any surname by which that person wishes to be
9 known by using that surname consistently and without intent to defraud.
- 10 2. A person's surname does not automatically change upon marriage. Neither party to
11 the marriage must change the party's surname. Parties to a marriage need not have
12 the same surname.
- 13 3. One party or both parties to a marriage may elect to change the surname by which
14 that party wishes to be known after the solemnization of the marriage by entering the
15 new surname in the space provided on the marriage license application. The entry on
16 the application must consist of one of the following surnames:
 - 17 a. The surname of the other spouse;
 - 18 b. Any former surname of either spouse;
 - 19 c. A name combining into a single surname all or a segment of the premarriage
20 surname or any former surname of either spouse; or
 - 21 d. A combination name separated by a hyphen or space, provided that each part of
22 the combination surname is the premarriage surname or former surname of
23 either spouse.

4. Use of the option under subsection 3 has the effect of providing a record of the surname change. The marriage certificate containing the new surname, if any, constitutes proof that the use of the new surname, or the retention of the former surname, is lawful.
5. Neither the use of nor the failure to use the option of selecting a new surname by means of a marriage license application, as provided in subsection 3, abrogates the right of either party to adopt a different surname through usage at a future date.
6. Compliance with the surname provisions of this section is sufficient to meet the satisfactory evidence requirements of section 39-06-07.1.

SECTION 2. AMENDMENT. Section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-27. Disclosure of records.

Birth, death, and fetal death records, filings, data, or other information related to birth, death, and fetal death records are confidential and may not be disclosed except as authorized under this chapter. The state registrar shall restrict access to all vital records to protect vital records from loss, mutilation, or destruction and to prevent disclosure of the information contained in these records except as authorized under this chapter.

1. A certified copy of a birth record may be issued to the individual named on the record if that individual is at least sixteen years old, to a parent named on the record, to an authorized representative, or by the order of a court of competent jurisdiction. If the individual named on a birth record is deceased, a certified copy of that record may also be issued to a relative. If the date of birth on any birth record is more than one hundred years old, that record is an open record and a certified copy may be issued to anyone, except that adoption records remain confidential.
2. A certified copy of a complete death record may be issued to a relative, an authorized representative, the child fatality review board, or a licensed physician for the purposes of researching family medical history, a funeral director reporting the facts of death, or by the order of a court of competent jurisdiction and may include the cause of death and the social security number. A certified copy of a the facts of death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a complete death record or to any licensed

- 1 attorney who requires the copy for a bona fide legal determination. A certified
2 ~~informational~~ copy of an informational death record may be issued to the general
3 public, but the copy may not contain the cause of death or the social security number.
- 4 3. A certified copy of a fetal death record may be issued to a parent named on the
5 record, an authorized representative, or by the order of a court of competent
6 jurisdiction. A person authorized to receive a certified copy of a fetal death record may
7 request the certified copy be issued in the form of a certification of birth resulting in
8 stillbirth.
- 9 4. A noncertified informational copy of a marriage record may be issued to the general
10 public.
- 11 5. Any individual authorized to receive a certified copy of any specific record may grant
12 another individual the same authority by completing a written authorization on a form
13 prescribed by the state department of health.
- 14 6. The state department of health may grant limited access to birth and death information
15 to divisions and programs of the state department of health, the department of
16 transportation, the protection and advocacy project, and to the department of human
17 services necessary for the purpose of completing ~~its~~their respective official duties.

18 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.