
VITAL STATISTICS

CHAPTER 296

S. B. No. 201—(Committee on Delayed Bills)

FURNISHING INFORMATION RELATING TO PATERNITY OF CHILDREN TO THE STATE REGISTRAR OF VITAL STATISTICS

An Act Specifying the Duties of the Clerks of the District Court and of the County Court with Increased Jurisdiction Relating to the Furnishing of Information to the State Registrar of Vital Statistics.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CLERKS OF DISTRICT COURTS AND OF COUNTY COURTS WITH INCREASED JURISDICTION TO FURNISH INFORMATION TO THE STATE REGISTRAR OF VITAL STATISTICS.] The clerk of the district court or the clerk of the county court with increased jurisdiction in which any decree of adoption is entered or in which any order, judgment, or decree is entered determining or relating to the paternity of any child born in the State of North Dakota shall notify the State Registrar of Vital Statistics of the entry of such order, judgment, or decree, and shall supply such information relating thereto as the State Registrar of Vital Statistics may require upon such forms as may be furnished by the State Registrar of Vital Statistics.

Approved March 14, 1941.

CHAPTER 297

S. B. No. 202—(Committee on Delayed Bills)

PROOF OF BIRTH

An Act Providing for Proof of Birth, the Correction of Birth Records, the Issuance by the State Registrar of Vital Statistics of a Certification of the Record of the Proof of Birth, Providing that All Records of State Registrar of Vital Statistics and of local registrars are Confidential, Providing a penalty when local registrars disclose confidential information; and Repealing Chapter 109 of the Session Laws for the Year 1939 and Declaring an Emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPLICATION FOR RECORDING DELAYED PROOF OF BIRTH.] An application may be made to the State Registrar of Vital Statis-

tics to have recorded in his office delayed proof of the birth of any person who was born in the State of North Dakota, or in that part of the territory of Dakota from which the State of North Dakota was formed. Such application may be made by any such person who wishes to establish a record of his birth, or by the parent, or legal guardian of such person.

§ 2. CONTENTS OF APPLICATION.] An application under this Act shall be in writing and shall state :

1. The name of the person of whose birth a record is to be made;
2. The time and place of birth of such person;
3. The sex and color or race of such person;
4. The name of the father and of the mother of such person, if known; and
5. Such other facts as the State Registrar of Vital Statistics may require.

If the person for the proof of the birth of whom such proceeding is brought has been legally adopted, a certified copy of the decree of adoption shall be filed with the application.

§ 3. CORRECTION OF ERRORS IN BIRTH RECORDS.] The State Registrar of Vital Statistics may make correction of any error in birth records and to that end may receive and file amended birth certificates or affidavits and other proof showing that former records are incorrect.

§ 4. ADDITION TO RECORD IN CASE OF ADOPTION OR DETERMINATION OF PATERNITY.] Whenever a certified copy of a decree of adoption or a report of adoption or of the determination of any court determining paternity in any case is filed in the office of the State Registrar of Vital Statistics, such Registrar shall make notation thereof on any record of birth on file in his office.

§ 5. PROOF TO BE FILED WITH APPLICATION.] The State Registrar of Vital Statistics may prescribe reasonable rules and regulations relating to the proof that may be submitted in support of an application to record delayed proof of birth or in support of an application for the correction of error in records of birth to the end that the records in the office of such Registrar may truthfully state the facts concerning the birth of any person born within this State, and may permit the return of documentary proof.

§ 6. PROCEDURE WHEN APPLICATION FILED.] Upon the filing of an application with the State Registrar of Vital Statistics for the recording of the proof of birth of any person, the Registrar shall hear and determine such application and the proofs submitted in connection therewith. For the purposes of this Act, the State Registrar of Vital Statistics, any deputy State Registrar of Vital Statis-

tics, and the Director of the Division of Vital Statistics may administer oaths to witnesses giving written or oral evidence. If the Registrar finds that the person described in the application was born at the time and place stated therein, such Registrar shall make a record showing that the application has been granted, that the person described in such application was born at the time and place shown in such proof, and such other facts as may be pertinent to such record.

§ 7. CERTIFICATES AND OTHER RECORDS ARE CONFIDENTIAL.] All certificates, applications, affidavits, proofs or other records filed with the State Registrar of Vital Statistics relative to births shall be deemed confidential and shall not be open to inspection by any person except the person whose birth has been recorded if such person is an adult, and if such person is a minor, by the legal parents or general guardian thereof. In other cases, access to such records or certified copies thereof may be obtained only upon an order of the district court, and such court shall issue such order only when it has been shown to the satisfaction of the court that the information contained in the original records on file in the office of the State Registrar of Vital Statistics is material and necessary to litigation pending in any court and that the ends of justice will be best served by the production of such original records. This section shall not preclude the State Registrar of Vital Statistics from furnishing such records or reports from such records to the Federal Government or any department or agency thereof when such records are required for statistical purposes or from permitting the inspection of such records when in the opinion of such Registrar such inspection will facilitate the correction of the records in his office. Information obtained from such records may be furnished without charge to any State department upon the order of the Attorney General made upon the written application of the executive head of the department showing the name of the individual relative to whom such information is required and stating that such information is required in the proper administration of the work of such department. Any information so furnished to any department shall be deemed confidential.

§ 8. REGISTRAR'S CERTIFICATE OF RECORD OF BIRTH; FEE FOR AND EFFECT OF.] The State Registrar of Vital Statistics, upon the payment of a fee of fifty cents, shall issue to any person entitled thereto a Registrar's certificate of the record relating to the proof of a birth. Such certificate shall be issued under the hand and seal of such Registrar and shall be prima facie evidence of the facts therein stated and shall be accepted as such proof in any court or before any commission, bureau, board, or agency in this State. Such certificate shall be based on the facts as shown in the records of the State Registrar of Vital Statistics on the date of the issuance of such certificate.

§ 9. FORM OF CERTIFICATE OF RECORD OF BIRTH.] The

Registrar's certificate of record of birth shall be dated, signed, and sealed by the Registrar of Vital Statistics or by a deputy State Registrar of Vital Statistics, and shall be in substantially the following form:

The State Registrar of Vital Statistics for the State of North Dakota does hereby certify that according to the records in his office, _____, was born at _____, in the county of _____, within the State of North Dakota, on the _____ day of _____, in the year of _____.

Such certificate may also set forth the sex and color or race of the person described therein and may also state the names of the persons who sustain to him the legal relationship of father and mother at the time the certificate is issued and such other facts as the Registrar shall deem pertinent. If the person described in the certificate has been legally adopted prior to the issuance of such certificate, the certificate shall state the names of the persons who have so adopted him as his legal parents.

§ 10. CERTIFICATE OF PROOF OF BIRTH ONLY INFORMATION REGISTRAR TO ISSUE.] No information other than the certificate of proof of birth described in this Act shall be issued by the State Registrar of Vital Statistics except upon the request of the person in relation to the birth of whom the information is requested. Upon the request of the person described therein, or if such person is a minor upon the request of his legal parents or general guardian, the Registrar may furnish a certified copy of the birth certificate provided for by statute.

§ 11. LOCAL REGISTRAR'S RECORDS CONFIDENTIAL; PENALTY.] A local registrar shall not permit the inspection of any records made by him and shall not disclose any information obtained by him as local registrar to any person except the State Registrar of Vital Statistics, or officers or employees of the State Department of Vital Statistics. Any local registrar violating the provisions of this section shall be guilty of a misdemeanor.

§ 12. RETROACTIVE EFFECT.] The procedure specified in this Act relating to the filing of delayed proof of birth shall apply to all persons heretofore or hereafter born.

§ 13. ACT SUPPLEMENTARY.] This Act is supplementary to Sections 446 to 457, both inclusive, of the 1913 Compiled Laws of the State of North Dakota and other laws relating to the recording of births.

§ 14. REPEAL.] That Chapter 109 of the Session Laws for the year 1939 is hereby repealed.

§ 15. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after May 1, 1941.

Approved March 17, 1941.

WATER CONSERVATION

CHAPTER 298

H. B. No. 166—(Committee on Drainage and Irrigation by Request)

IRRIGATION DISTRICTS

An Act to Amend and Re-enact Sections 8247a1, 8247a2, 8247a3, 8247a4, 8247a5, 8247a10, 8247a16, 8247a17, 8247a47, 8247a57 and 8247a60 of the Supplement to the Compiled Laws of 1925 as amended and re-enacted by Sections 1, 2, 3, 5, 6, 11, 21, 22, 30, 35, and 37 of Chapter 253 of the Session Laws of North Dakota for 1939 relating to Irrigation Districts, their Functions, Powers and Duties.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 8247a1 of the Supplement to the Compiled Laws of 1925 as amended and re-enacted by Section 1 of Chapter 253 of the Session Laws of North Dakota for 1939, is hereby amended and re-enacted so as to read as follows:

§ 8247a1. Whenever a majority of the electors within an area containing 80 acres or more of land, susceptible of irrigation, desire to provide for the irrigation of such land, they may propose the organization of an irrigation district under the provisions of this Act, and when so organized the district shall have the powers conferred, or that may be conferred, by law upon irrigation districts; provided, that no district shall, when so organized, contain less than five electors as the term elector is herein defined, and provided further, that where irrigation works, ditches, or canals have been constructed before the passage of this act of sufficient capacity to irrigate the lands thereunder, for which lands the water taken in such canals or ditches is appropriated, such canals or ditches and franchises under which same are maintained and operated, and the lands irrigated by such canals or ditches, shall be exempt from the operation of this act unless such irrigation district is created to acquire and own such irrigation works, canals, ditches, water rights and franchises. The term "elector" as used in this act shall include any entryman of government land or person owning not less than