

1989 Assembly Bill 452

Date of enactment: **April 11, 1990**
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1989 WISCONSIN ACT 194

AN ACT *to renumber* 69.02 (2); and *to create* 69.02 (2) (b) and 69.035 of the statutes, **relating to:** tribal vital records and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: This bill was prepared by the advisory committee on tribal courts which was created by the legislative council to advise the American Indian study committee and make recommendations concerning the recognition of tribal court proceedings and actions of tribal legislatures in Wisconsin circuit courts.

Current law contains a number of provisions regarding: 1) acceptance and registration of vital records submitted by local units of government to the state registrar of vital statistics in the department of health and social services (DHSS); and 2) correction, copying, disclosure or other handling of vital records, by the state registrar, either pursuant to, or without, court order.

This bill creates new s. 69.035 (1), which requires the state registrar to accept and register valid vital records submitted by tribal courts, consistent with the manner in which vital records submitted by local units of government are handled. The vital records submitted by tribal courts must pertain to tribally related events. The new subsection also requires the state registrar to take specified action with respect to a tribally related vital record if so ordered by a tribal court in this state.

New s. 69.035 (2) to (4) sets forth the circumstances under which the state registrar must handle, in a specified manner, vital records submitted by a tribal court or court orders issued by a tribal court pertaining to tribal vital records.

The bill directs, in new s. 69.02 (2) (b), DHSS to promulgate administrative rules which establish procedures regarding the contents of and acceptance and registration of tribally related vital records submitted to the state registrar by tribal courts and procedures for responding to court orders issued by tribal courts regarding tribally related vital records.

SECTION 1. 69.02 (2) of the statutes is renumbered 69.02 (2) (a).

SECTION 2. 69.02 (2) (b) of the statutes is created to read:

69.02 (2) (b) The department shall promulgate administrative rules which establish procedures regarding the contents of and acceptance and registration of tribally related vital records submitted to the state registrar by tribal courts and procedures for responding to court orders issued by tribal courts regarding tribally related vital records, as required under s. 69.035.

SECTION 3. 69.035 of the statutes is created to read:

69.035 Treatment by state registrar of tribal vital records and tribal court orders. (1) The state registrar shall accept and register valid vital records submitted by tribal courts, consistent with the manner in which vital records submitted by local registrars or city registrars are handled, and shall recognize and honor orders from tribal courts in this state relating to vital records which pertain to tribally related events.

(2) Wherever this subchapter provides for acceptance and registration by the state registrar of vital records submitted by local registrars, city registrars or clerks of circuit courts, the state registrar shall also accept and register, in a like manner, comparable vital records pertaining to tribally related events submitted by the court of any federally recognized Indian tribe or band in this state.

(3) Wherever this subchapter provides for correction or delayed registration, without court order, of vital records submitted by local registrars or city registrars, the state registrar shall also correct or register, in a like manner, comparable vital records pertaining to tribally

– 2 –

related events submitted by any federally recognized Indian tribe or band in this state.

(4) Wherever this subchapter provides for correction, delayed registration, copying or determination of the validity of, or disclosure of information from, vital records, pursuant to an order of a court, circuit court or court of competent jurisdiction, the state registrar shall, in a like manner, correct, register, copy, determine the validity of, or disclose information from, comparable

1989 Assembly Bill 452

vital records pertaining to tribally related events, pursuant to an order of the court of any federally recognized Indian tribe or band in this state. In order for the state registrar to provide access to an original birth certificate or any accompanying documents in an adoption case, the tribal court which orders access to such records or documents shall be the court with jurisdiction over the adoption.