

26:8-49

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 26:8-49 (Birth certificates--Indians)

LAWS OF: 1991 CHAPTER: 359

Bill No: A999

Sponsor(s): Watson

Date Introduced: Pre-filed

Committee: Assembly: Health & Human Services

Senate: State Government

Amended during passage: No

Date of Passage: Assembly: March 1, 1990

Senate: December 12, 1991

Date of Approval: January 9, 1992

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/dgw

1 AN ACT concerning birth and fetal death certificates of certain
2 American Indians and amending R.S.26:8-49.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. R.S.26:8-49 is amended to read as follows:
7 26:8-49. Corrections to birth and fetal death certificates shall
8 be signed by the person who made the original report or by either
9 of the parents of the child or by any other person having personal
10 knowledge of the matters sought to be corrected which other
11 person shall state such matters on his oath.

12 Corrections may also be signed by any person whose birth
13 report is in error provided substantiating documentary proof,
14 satisfactory to the State registrar or any local registrar, is
15 submitted therewith and noted by said State registrar or local
16 registrar upon the written request for correction. In the case of
17 a correction to the birth record of a member of one of the three
18 New Jersey tribes of American Indians, the Powhatan-Renape
19 Nation, the Ramapough Mountain Indians, or the
20 Nanticoke-Lenni-Lenape Indians, the substantiating documentary
21 proof may include, but shall not be limited to, an affidavit,
22 satisfactory to the State registrar or any local registrar and
23 signed by the chief of the tribe that according to tribal records
24 the person whose certificate is to be amended is a member of the
25 tribe of the chief whose signature appears on the affidavit.

26 (cf: P.L.1965, c.78, s.66)

27 2. This act shall take effect immediately.

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HEALTH

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32 Permits use of tribal records for correcting birth certificates of
33 certain American Indians.

EXPLANATION—Matter enclosed in bold-faced bracket [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ASSEMBLY, No. 999

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman WATSON

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STATEMENT

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32 This bill permits corrections to birth certificates and fetal
33 death certificates of certain American Indians to be made on the
34 basis of an affidavit signed by the tribal chief stating that the
35 person in question is a member of the tribe according to tribal
36 records. American Indians are frequently issued birth
37 certificates indicating an incorrect race, and often encounter
38 difficulties in obtaining evidence satisfactory to the State

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1 registrar of vital statistics or to local registrars to support their
2 claims that their birth certificates should be amended. This bill
3 would specifically allow a chief of one of the three New Jersey
4 tribes, the Powhatan-Renape Nation, the Ramapough Mountain
5 Indians, and the Nanticoke-Lenni-Lenape Indians, to submit
6 affidavits concerning tribal records which could be used as proof
7 of membership in the chief's tribe. However, the State registrar
8 and the local registrar would retain the authority to not accept
9 such affidavits as proofs in those instances where they have
10 reason to suspect the authenticity of such proofs.

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HEALTH

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16 certain American Indians.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 999

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Health and Human Services Committee favorably reports Assembly Bill No. 999.

This bill permits corrections to birth certificates and fetal death certificates of certain American Indians to be made on the basis of an affidavit signed by the tribal chief stating that the person in question is a member of the tribe according to tribal records. American Indians are frequently issued birth certificates indicating an incorrect race, and often encounter difficulties in obtaining evidence satisfactory to the State registrar of vital statistics or to local registrars to support their claims that their birth certificates should be amended. This bill would specifically allow a chief of one of the three New Jersey tribes, the Powhatan-Renape Nation, the Ramapough Mountain Indians, and the Nanticoke-Lenni-Lenape Indians, to submit affidavits concerning tribal records which could be used as proof of membership in the chief's tribe. However, the State registrar and the local registrar would retain the authority to not accept such affidavits as proofs in those instances where they have reason to suspect the authenticity of such proofs.

This bill was prefiled for introduction in the 1990-1991 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 999

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991

The Senate State Government and Federal and Interstate Relations Committee reports favorably Assembly Bill No. 999.

American Indians are sometimes issued incorrect birth certificates and encounter difficulties in obtaining evidence satisfactory to the State registrar of vital statistics or to local registrars to support their claims that their birth certificates should be amended. This bill permits corrections to the birth certificates of certain New Jersey tribes of American Indians (the Powhatan-Renape Nation, the Ramapough Mountain Indians, and the Nanticoke-Lenni-Lenape Indians) to be made on the basis of an affidavit signed by the tribal chief stating that the person in question is a member of the tribe according to tribal records. The affidavit must be satisfactory to the State registrar or any local registrar.