

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2198

2007 SENATE NATURAL RESOURCES

SB 2198

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2198

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: # 1871

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee brought the committee to order.

Attendance was taken indicating all members of the committee were present.

**Senator Lyson** opened the hearing on SB 2198 relating to the use of social security numbers on game and fish licenses and permits.

**Senator Joel Heitkamp** of District 26, prime sponsor of SB 2198 introduced the bill stating it can about as the result of constituents raising concerns of having their social security numbers on North Dakota Game and Fish licenses. There is another bill in the HB 1195 that is similar and perhaps better than SB 2198. This issue has been before the committee before and is not sure this vehicle is the right one to take care of the concerns. He further stated that although he is the prime sponsor of the bill he would suggest either withdrawing the bill or ask the committee to just kill the bill. Again the goal is to make people comfortable with their social security being protected from identification theft or misuse.

**Senator Constance Triplett** asked about HB 1195 that specially removes the line that says the social security number is confidential which they are by federal law, so why is it be removed and should we not be reinforcing that thought.

**Senator Heitkamp** stated the reason it is crossed out is because it is being changed from an identification card issue by the Department of Transportation and therefore do not have to provide confidentiality for a number that you did not give out. No provision in the statute is needed because the social security number is not being given out.

**Senator Ben Tollefson** commented that the House bill does say "or other Identification", so would be all encompassing.

**Senator Heitkamp** responded that the committee will get the chance to work the bill. The people who where are concerned with the issue of social security number came forward and stated they prefer the house bill and asked that he step down with SB 2198. This is not a game and fish problem, but is from the federal level trying to tract down those who are not paying child support or owe for some other things.

**Senator Triplett** asked if the intend of the house bill is for other numbers other than social security numbers to be used for identification.

**Senator Heitkamp** answered that some kind of identifying numbers will have to be used and if that means social security numbers then they will be used but the intent of the house bill is that those numbers will not be shared.

**Senator Lyson** stated that whether the senate or house bill is passed, the social security numbers is kept by the North Dakota Game and Fish Department for the purpose of the earlier stated reasons.

**Senator Layton Freborg** stated the house bill requires any identification from the department of transportation and no one else.

**Senator Heitkamp** said that the same burden is still on the North Dakota Game and Fish Department. If the numbers on the top of a drivers license is used as identification, will that meet the federal requirement?

**Senator Freborg** asked if the bill is passed will social security numbers still have to be used.

**Senator Heitkamp** confirmed this and repeated that it was those who have the concerns and initiated the bill prefer the house bill. SB 2198 can be kept alive and later have both bills in a conference committee, that is the choice of the committee.

**Senator Lyson** commented that the North Dakota Game and Fish Department will have to keep the social security numbers in a secure place, so that access by the federal agency can be made for child support purposes.

**Senator Tollefson** commented that in case the house bill is not passed, SB 2198 should be kept alive.

**Senator Heitkamp** agreed to that.

**Senator Freborg** said there is not a need to have both bills, but the committee can amend the house bill if it comes to the committee and then can go to a conference committee.

**Senator Heitkamp** said that SB 2198 needs to be kept alive until action is completed with the house bill.

**Senator Lyson** asked for testimony in opposition of SB 2198, hearing none, asked for testimony in a neutral position.

**Mike Schwindt**, Director of the Child Support Enforcement Division for the Department of Human Services testified in a neutral position of SB 2198 on behalf of James Fleming Deputy Director and General Counsel of the Child Support Enforcement Division of the Department of Human Services (See attachment #1). He further stated that in talking with the North Dakota Game and Fish Department will change the license application so that when the social security number is entered, the copy kept by the merchant will be blocked for security and will be effective in 2008. The original copy will stay with the applicant.

**Roger Rostvet**, Deputy Director of the North Dakota Game and Fish Department testified in a neutral position on SB 2198 stating the department has complied with state law requiring social security numbers and had a lot of complaints from people concerned with identity theft. The department has taken measures so that social security numbers are protected whether it is the telephone or internet application as well as the printed copy not having the numbers. All social security numbers are retained by the department but are not printed on any licenses. The only area of concern is those licenses that are sold over the counter by the local venders.

**Senator Lyson** closed the hearing on SB 2198.

Action will not be taken on SB 2198 until the following week.

Written testimony in support of SB 2198 from Foster Hager representing the Cass County

Wildlife Club was distributed to the committee members (See attachment #2).

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2198

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: # 3216

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the committee work on SB 2198.

All members of the committee were present.

**Senator Lyson** reminded the committee that SB 2198 refers to the use of Social Security numbers on hunting licenses and they reserved action on the bill because there was a similar bill in the house. The house bill has similar language as the bill in the South Dakota legislature and has stood up in their court system. The house bill has been passed out of the house.

**Senator Joel Heitkamp** confirmed that SB 2198 was held over to wait for the action on the similar house bill. That bill will use the last four digits of Social Security numbers on North Dakota Game and Fish Department licenses. He further added he is comfortable with the dismissal of SB 2198.

**Senator Heitkamp** made a motion for Do Not Pass of SB 2198.

**Senator Layton Freborg** second the motion.

A roll call vote for a Do Not Pass of SB 2198 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Freborg** will carry SB 2198.



**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2007 4:10 p.m.

**Module No: SR-27-2607**  
**Carrier: Freborg**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2198: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Eleventh order on the calendar.**

2007 TESTIMONY

SB 2198

**Testimony**  
**Senate Bill 2198 – Department Of Human Services**  
**Senate Natural Resources Committee**  
**Senator Stanley Lyson, Chairman**  
**January 25, 2007**

Chairman Lyson, members of the Senate Natural Resources Committee, I am James Fleming, Deputy Director and General Counsel of the Child Support Enforcement Division of the Department of Human Services. I am here to testify in support of Senate Bill 2198.

A person's social security number is a powerful piece of information. In the wrong hands, it can lead to identity theft and fraud. In the hands of our program, with proper security in place to maintain the confidentiality of the information, it can lead to the immediate identification of a person who owes unpaid child support. As our license suspension process and our existing match process with the Game and Fish Department become more automated, more and more child support is collected from obligors who want to avoid license suspension or reapply for a license that has already been withheld. We would like to take this opportunity to thank the Game and Fish Department and its game wardens for their help in enforcing child support obligations.

The federal government requires that the State have procedures in place to withhold or suspend the licenses of obligors who owe past-due child support. 42 U.S.C. § 666(a)(16). To support these procedures, the federal government has mandated that the State adopt:

Procedures requiring that the social security number of--

- (A) any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application;
- (B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment be placed in the records relating to the matter; and
- (C) any individual who has died be placed in the records relating to the death and be recorded on the death certificate.

For purposes of subparagraph (A), if a State allows the use of a number other than the social security number to be used on the face of the document while the social security number is kept on file at the agency, the State shall so advise any applicants.

42 U.S.C. § 666(a)(13). N.D.C.C. § 20.1-03-05 was enacted to comply with this requirement.

Many applicants for recreational licenses are legitimately concerned with identity theft and would prefer not to provide a social security number. However, other states have received letters from the federal government warning that they could be in jeopardy of losing federal funds for the Temporary Assistance to Needy Families and Child Support Enforcement programs if those states did not have laws requiring that a social security number be provided on recreational license applications.

The ideal way of limiting disclosure of social security numbers is also the ideal way of preventing delinquent obligors from getting a hunting or fishing license: require that all applications be submitted to the Game and Fish Department over its secure Website. However, paper

applications are still widely used. We recognize the risk of identity theft that arises in the way the information on paper applications is handled today, and want to cooperate as much as possible in making an applicant's social security number more secure.

For the committee's information, a related bill, House Bill 1195, has been introduced and is the subject of a hearing today by the House Natural Resources Committee. Unlike the bill before you, House Bill 1195 would require the use of a driver's license number instead of a social security number. We have been in ongoing discussions with the sponsor of HB 1195 to ensure compliance with the federal requirement. A copy of this bill is attached to my testimony.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions the committee may have.

Sixtieth  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1195

Introduced by

Representatives Klemin, Porter, Wolf

Senators Kilzer, Klein, O'Connell

1 A BILL for an Act to amend and reenact section 20.1-03-35 of the North Dakota Century Code,  
2 relating to use of identification numbers on game and fish licenses and permits.

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

4 **SECTION 1. AMENDMENT.** Section 20.1-03-35 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **20.1-03-35. ~~Social security number to be furnished~~ Use of identification numbers.**

7 The ~~social security~~ driver's license or other identification number from an identification card  
8 issued by the department of transportation of an applicant for any license or permit issued  
9 under this chapter must be recorded on the application unless the applicant is a foreign national  
10 to whom no ~~social security~~ driver's license or other department of transportation identification  
11 number has been issued. ~~A social security number recorded under this section is confidential.~~

Cass County  
**WILDLIFE CLUB**

Box 336  
Casselton, ND 58012



**TESTIMONY OF FOSTER HAGER**  
**CASS COUNTY WILDLIFE CLUB**  
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE  
ON

**SB2198**

JANUARY 25, 2007

Mr. Chairman and Members of the Committee:

The Cass County Wildlife Club supports this bill.

PLEASE PASS SB 2198.

