

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1092

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10/2/03
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1092

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1092

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 01-13-03

Tape Number	Side A	Side B	Meter #
1	X		847-3218
Committee Clerk Signature <i>Judith Hammer (prepared by BL)</i>			

Minutes: **CHAIR KEISER:** Opened hearing on HB 1092

MARY KAE KELSCH (Asst. Att. Gen): Discussed the three classes of records (open, confidential, and "exempt," which are neither public nor confidential. Bill also includes measures concerning information of clients of the UND School of Law, as well as other open records issues.

REP. FROSETH: Would the other bill concerning SSN on hunting and fishing licenses be necessary if the matter is covered in this bill?

M.K. KELSCH: Not sure if they are exactly the same.

REP. NOTTESTAD: SSN are part of the medicare program, in addition to other medical programs. What implications would this bill have on these areas?

M.K. KELSCH: Was a concern, which is why the section was added about employee benefits.

It is unclear about what changes will have to be made.

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House Industry, Business and Labor Committee

Bill/Resolution Number 1092

Hearing Date 1-13-03

REP. FROSETH: In order to really make SSN truly confidential, doesn't the Federal gov't have to discontinue use of SSN?

M.K. KELSCH: Even though the Feds won't do it, this will at least do something to help our citizen.

ATTORNEY GENERAL STENJHEM: Re-emphasized the importance of this bill. This bill goes farther from the previous bill allowing a new ID number on drivers license. Emphasized all records in ND are open unless exempted by Legislature.

CHAIR KEISER: Is there a concern with the Class C felony for disseminating that information?

AG STENJHEM: General classification of penalties for people who release confidential information. One exemption is for County Recorders because the old records on microfiche have SSN. Asked bill to be held until they can come back with what they can do. SSN on hunting licences is mandate from Federal gov't because people who are behind on child support are not allowed to be issued licenses and it is a tracking mechanism.

REP. KLEIN: Another bill requires that meetings that are "closed" be taped and be kept for X number of years. Will that have an impact on the smaller agencies?

AG STENJHEM: There will be an expense.

JACK McDONALD (NDNA, NDBA): (see testimony)

CHAIR KEISER: Closed hearing on HB 1092

(End at 3218)

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1092

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/20/03

Tape Number	Side A	Side B	Meter #
1	x		2.2-5.0
2	x		22.0-end
2		x	0.0-10.7
2		x	27.5-36.9
Committee Clerk Signature <i>Judith Hammer</i>			

Minutes: **CHAIR KEISER** called for committee work on HB 1092.

REP. RUBY: Reported that the Attorney General's office is completing the amendment draft and it will be ready for committee review and action this afternoon.

Concluded.

Minutes: **CHAIR KEISER** called for committee work on HB 1092.

MARY KAY KELSCH (Attorney General's Office) appeared to present the amendments drafted by the AG's office. (See attached testimony). County Recorders have expressed concern about this bill, primarily because redacting Social Security numbers from their files would require labor intensive measures by staff and onerous demands of their fiscal budgets to compensate employees or temporaries. Compliance date would take effect on August 1, 2003.

REP. FROSETH: What liability would a County Recorder face for missing a redaction?

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House Industry, Business and Labor Committee

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Hearing Date 1/20/03

KELSCH: They would have to "knowingly" release a document with a SS# to be held liable for a criminal or civil offense.

Further discussion clarified issues and questions regarding SS#'s on bank loans and whether County Recorders might redact the SS#'s on a case by case basis as records were requested by the public and issued by the County Recorder's Office.

EDWARD ERICKSON (Attorney General's Office) was present to elaborate on the intent of this legislation. He stated that HB 1185 is designed to work within the same parameters as HB 1092.

REP. FROSETH requested that the record note that a County Recorder would not be held responsible if SS#'s were inadvertently released.

Further discussion centered on just how banks and mortgages, Division of Vital Statistics records, genealogical and family research, background checks etc. would be required to alter their practices in order for County Recorders to comply with this legislation. Also clarified were those conditions under which Fire Departments, Emergency Response Teams, Law Enforcement Agencies and Workers Comp can release confidential information.

ERICKSON will draft language to be included in the proposed amendment, adding a 4th subsection to Section 1 and revision to Subsection 3 of section 11.

Committee work resumed prior to the afternoon hearing sessions.

CHAIR KEISER called for continuing committee work on HB 1092.

REP. RUBY explained the nuances of Section 11, subs. 3. **REP. KASPER** withdrew any objections he had pertaining to the previous version of the amendment. Clarifications were

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discussed respective to release of the names of minor children, next of kin notifications, and what information is generally released to the press and media. **REP. JOHNSON** moved to accept the amendment. **REP. RUBY** seconded. A voice vote carried the motion.

REP NOTTESTAD moved for a **Do Pass as Amended**.

REP. RUBY seconded the motion. The motion passed.

The roll call vote results: 13-0-1.

REP RUBY will carry this bill on the floor.

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