

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1092

Page 1, line 1, replace "two" with "a new section to chapter 11-18, a new subsection to section 23-02.1-28, and three"

Page 1, line 2, after "to" insert "redaction of social security numbers by the county recorder," and replace "and" with ", the confidentiality of"

Page 1, line 3, after "law" insert ", and the confidentiality of records of fire departments and rural fire protection districts"

Page 1, line 4, after the first comma insert "section 23-02.1-27, subsection 6 of section 41-09-73,"

Page 1, after line 9, insert:

**"SECTION 1.** A new section to chapter 11-18 of the North Dakota Century Code is created and enacted as follows:

**Filing or recording documents with recorder - Social security numbers.**

1. A document that includes a social security number may not be filed or recorded with the recorder unless a law requires the social security number to be in the document in order to be filed or recorded. A document that is required to contain a social security number may be recorded in the real estate records with the social security number redacted.
2. Notwithstanding any other provision of law, when a copy of a document that includes a social security number is requested, the recorder is not required to redact the social security number unless the document was filed or recorded with the recorder after the effective date of this Act.
3. A document that must include a social security number under chapters 14-03 and 23-02.1 may be processed and recorded under those chapters; however, the social security number is confidential and must be redacted before a copy or certified copy may be provided to the public."

Page 1, after line 22, insert:

**"SECTION 4. AMENDMENT.** Section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

**23-02.1-27. Disclosure of records.** The state registrar, and local registrars, may supervise and regulate physical access to vital records to protect vital records from loss, mutilation, or destruction and to prevent improper disclosure of records that are confidential. Information relating to the birth or fetal death of a child to a woman who was not married to the child's father when the child was conceived or born may be disclosed only to the child's guardian, to the ~~person~~ individual to whom the record relates if that ~~person~~ individual is at least eighteen years old, to the parent of the child, or upon order of a court of competent jurisdiction. Information in vital records indicating cause of death may not be disclosed except to a relative or personal representative of the deceased, to the attorney or the agent of a relative or personal representative of the deceased, to the child fatality review panel, or upon order of a court of competent jurisdiction. An individual's social security number contained in vital records may not be

disclosed except to the individual to whom it pertains, that individual's lawful agent or guardian, or by order of a court. Only a certified copy of a certificate or record may be provided to the public.

**SECTION 5.** A new subsection to section 23-02.1-28 of the North Dakota Century Code is created and enacted as follows:

A certified copy may not disclose an individual's social security number unless the copy is being provided to the individual to whom it pertains, that individual's lawful agent or guardian, or by order of a court.

**SECTION 6. AMENDMENT.** Subsection 6 of section 41-09-73 of the North Dakota Century Code is amended and reenacted as follows:

6. ~~Effective January 1, 2002, any~~ Any social security number or federal tax identification number submitted under subdivision e of subsection 1 is not a public record and may not be disclosed as part of any search under section 41-09-94 or 41-09-96 or as part of a copy of the record. A debtor's social security number or federal tax identification number may be filed only in the filing office with the central indexing system and may not be recorded in the real property records."

Page 2, line 25, replace "person" with "individual" and after "assigned" insert ", that individual's lawful agent or guardian, or by order of a court"

Page 2, after line 31, insert:

**"SECTION 11.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

**Records of fire departments and rural fire protection districts confidential.**

1.
  - a. An investigation record of a fire department or a rural fire protection district is confidential until the investigation:
    - (1) Is closed and not referred for further criminal investigation or prosecution; or
    - (2) The criminal investigation is no longer active under section 44-04-18.7.
  - b. This subsection does not restrict the release of the name and identifiable biographical information of a child under section 12.1-35-03.
2. Standard operating procedures written for emergency response, prefire action plans, plans of a building, pipeline, electrical system, or any other infrastructure plan in the hands of a fire department or rural fire protection district are exempt from section 44-04-18.
3. Individually identifiable health information obtained by a fire department or rural fire protection district in the course of an investigation is confidential."

Renumber accordingly