

**FIRST ENGROSSMENT  
with Senate Amendments**Fifty-eighth  
Legislative Assembly  
of North Dakota**ENGROSSED HOUSE BILL NO. 1092**

Introduced by

Industry, Business and Labor Committee

(At the request of the Attorney General)

1 A BILL for an Act to create and enact a new section to chapter 11-18, a new subsection to  
2 section 23-02.1-28, and three new sections to chapter 44-04 of the North Dakota Century  
3 Code, relating to redaction of social security numbers by the county recorder, the confidentiality  
4 of social security numbers, the confidentiality of client files at the University of North Dakota  
5 school of law, and the confidentiality of records of fire department and rural fire protection  
6 districts; to amend and reenact section 20.1-03-35, subsection 8 of section 23-02.1-19, section  
7 23-02.1-27, subsection 6 of section 41-09-73, section 43-50-04, subsection 2 of section  
8 44-04-18.1, subsection 6 of section 44-04-20, and subsection 1 of section 44-04-21.1 of the  
9 North Dakota Century Code, relating to confidentiality of social security numbers, notice of  
10 emergency or special meetings, and release of certain information received by the attorney  
11 general when preparing open records and meetings opinions; to provide for application; to  
12 provide an effective date; and to declare an emergency.

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

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

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

- 17 1. A document that includes a social security number may not be filed or recorded  
18 with the recorder unless a law requires the social security number to be in the  
19 document in order to be filed or recorded. A document that is required to contain a  
20 social security number may be recorded in the real estate records with the social  
21 security number redacted.
- 22 2. Notwithstanding any other provision of law, when a copy of a document that  
23 includes a social security number is requested, the recorder is not required to

1           redact the social security number unless the document was filed or recorded with  
2           the recorder after the effective date of this Act.

3           3. A document that must include a social security number under chapters 14-03 and  
4           23-02.1 may be processed and recorded under those chapters; however, the  
5           social security number is confidential and must be redacted before a copy or  
6           certified copy may be provided to the public.

7           **SECTION 2. AMENDMENT.** Section 20.1-03-35 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **20.1-03-35. Social security number to be furnished.** The social security number of  
10 an applicant for any license or permit issued under this chapter must be recorded on the  
11 application unless the applicant is a foreign national to whom no social security number has  
12 been issued. A social security number recorded under this section is ~~exempt from section~~  
13 ~~44-04-18 and section 6 of article XI of the Constitution of North Dakota~~ confidential.

14           **SECTION 3. AMENDMENT.** Subsection 8 of section 23-02.1-19 of the North Dakota  
15 Century Code is amended and reenacted as follows:

16           8. Each death certificate must include the social security number of the decedent, if  
17 the information is available. A social security number included on a death  
18 certificate is ~~exempt from section 44-04-18 and section 6 of article XI of the~~  
19 ~~Constitution of North Dakota~~ confidential.

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

22           **23-02.1-27. Disclosure of records.** The state registrar, and local registrars, may  
23 supervise and regulate physical access to vital records to protect vital records from loss,  
24 mutilation, or destruction and to prevent improper disclosure of records that are confidential.  
25 Information relating to the birth or fetal death of a child to a woman who was not married to the  
26 child's father when the child was conceived or born may be disclosed only to the child's  
27 guardian, to the ~~person~~ individual to whom the record relates if that ~~person~~ individual is at least  
28 eighteen years old, to the parent of the child, or upon order of a court of competent jurisdiction.  
29 Information in vital records indicating cause of death may not be disclosed except to a relative  
30 or personal representative of the deceased, to the attorney or the agent of a relative or  
31 personal representative of the deceased, to the child fatality review panel, or upon order of a

1 court of competent jurisdiction. An individual's social security number contained in vital records  
2 may not be disclosed except to the individual to whom it pertains, that individual's lawful agent  
3 or guardian, or by order of a court. Only a certified copy of a certificate or record may be  
4 provided to the public.

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

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

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

12 6. ~~Effective January 1, 2002, any~~ Any social security number or federal tax  
13 identification number submitted under subdivision e of subsection 1 is not a public  
14 record and may not be disclosed as part of any search under section 41-09-94 or  
15 41-09-96 or as part of a copy of the record. A debtor's social security number or  
16 federal tax identification number may be filed only in the filing office with the central  
17 indexing system and may not be recorded in the real property records.

18 **SECTION 7. AMENDMENT.** Section 43-50-04 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **43-50-04. Social security number ~~not public record~~ - Confidential.** A social  
21 security number provided under this chapter is ~~exempt from section 44-04-18 and section 6 of~~  
22 ~~article XI of the Constitution of North Dakota~~ confidential.

23 **SECTION 8. AMENDMENT.** Subsection 2 of section 44-04-18.1 of the North Dakota  
24 Century Code is amended and reenacted as follows:

25 2. Except as otherwise specifically provided by law, personal information regarding a  
26 public employee contained in an employee's personnel record or given to the state  
27 or a political subdivision by the employee in the course of employment is exempt.  
28 As used in this section, "personal information" means a person's home address;  
29 home telephone number; photograph; medical information; motor vehicle  
30 operator's identification number; ~~social security number~~; payroll deduction  
31 information; the name, address, telephone number, and date of birth, ~~and social~~

1           ~~security number of any dependent or emergency contact; any credit, debit, or~~  
2           ~~electronic fund transfer card number; and any account number at a bank or other~~  
3           ~~financial institution.~~

4           **SECTION 9.** A new section to chapter 44-04 of the North Dakota Century Code is  
5 created and enacted as follows:

6           **Social security numbers - Confidential.**

7           1. Social security numbers in the possession of a public entity are confidential.  
8           However, social security numbers may be released as authorized in this section or  
9           by other state or federal law.

10          2. A social security number may be released:

11           a. For purposes of participation in retirement or other employment benefits  
12           programs; or

13           b. As authorized by the individual to whom the social security number is  
14           assigned, that individual's lawful agent or guardian, or by order of a court.

15          **SECTION 10.** A new section to chapter 44-04 of the North Dakota Century Code is  
16 created and enacted as follows:

17          **Client files at the university of North Dakota school of law - Confidential.**

18 Information in the files of private clients receiving legal services through the clinical education  
19 program of the university of North Dakota school of law is confidential unless the information  
20 has been requested and is properly obtainable through applicable discovery rules.

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

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

24          1. a. An investigation record of a fire department or a rural fire protection district is  
25           confidential until the investigation:

26           (1) Is closed and not referred for further criminal investigation or  
27           prosecution; or

28           (2) The criminal investigation is no longer active under section 44-04-18.7.

29          b. This subsection does not restrict the release of the name and identifiable  
30           biographical information of a child under section 12.1-35-03.

1           2. Standard operating procedures written for emergency response, prefire action  
2           plans, plans of a building, pipeline, electrical system, or any other infrastructure  
3           plan in the hands of a fire department or rural fire protection district are exempt  
4           from section 44-04-18.

5           3. Individually identifiable health information obtained by a fire department or rural fire  
6           protection district is confidential.

7           **SECTION 12. AMENDMENT.** Subsection 6 of section 44-04-20 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9           6. In the event of emergency or special meetings of a governing body, the person  
10          calling such a meeting shall also notify the public entity's official newspaper, if any,  
11          and any representatives of the news media which have requested to be so notified  
12          of such special or emergency meetings, of the time, place, date, and topics to be  
13          considered at the same time as such governing body's members are notified.  
14          Topics that may be considered at an emergency or special meeting are limited to  
15          those included in the notice ~~to the media.~~

16          **SECTION 13. AMENDMENT.** Subsection 1 of section 44-04-21.1 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18          1. Any interested person may request an attorney general's opinion to review a  
19          written denial of a request for records under section 44-04-18, a denial of access  
20          to a meeting under section 44-04-19, or other alleged violation of section 44-04-18,  
21          44-04-19, 44-04-19.2, 44-04-20, or 44-04-21 by any public entity other than the  
22          legislative assembly or any committee thereof. A request made under this section  
23          must be made within thirty days of the alleged violation. In preparing an opinion  
24          under this section, the attorney general has discretion to obtain and review a  
25          recording made under section 44-04-19.2. The attorney general may request and  
26          obtain information claimed to be exempt or confidential for the purpose of  
27          determining whether the information is exempt or confidential. Any such  
28          information may not be released by the attorney general and may be returned to  
29          the provider of the information. The attorney general shall issue to the public entity  
30          involved an opinion on the alleged violation unless the request is withdrawn by the  
31          person requesting the opinion or a civil action has been filed involving the possible

1 violation. If the request pertains to a public entity as defined in subdivision c of  
2 subsection 12 of section 44-04-17.1, the opinion must be issued to the public entity  
3 providing the public funds. In any opinion issued under this section, the attorney  
4 general shall base the opinion on the facts given by the public entity.

5 **SECTION 14. APPLICATION - NOTICE TO PUBLIC.** Section 9 of this Act does not  
6 apply to recorders until December 1, 2003. From the effective date of this Act until November  
7 30, 2003, each recorder shall provide written notice of the relevant terms of this Act to any  
8 individual filing or recording a document if the document contains a social security or federal tax  
9 identification number. The notice must also state that a document containing a social security  
10 and federal tax identification number may not be filed or recorded after November 30, 2003.

11 **SECTION 15. EFFECTIVE DATE.** Sections 1 and 6 of this Act become effective on  
12 December 1, 2003.

13 **SECTION 16. EMERGENCY.** This Act is declared to be an emergency measure.