

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1195

2007 HOUSE NATURAL RESOURCES

HB 1195

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1195

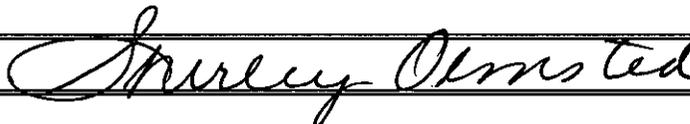
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1870

Committee Clerk Signature



Minutes:

**Chairman Porter** opened the hearing on HB 1195.

**Representative Larry Klemin** presented HB 1195. The hunting and fishing license currently requires the license holder to record their social security number. He passed out a copy of the application for a 2006-2007 ND resident license for fishing, hunting, and a furbearer certificate. See document marked at Item #1. These licenses are sold at several places including online, from Game and Fish, by telephone, and from many local businesses. These are all secure with the exception of those purchased through the local businesses. The problem is that the majority of the licenses sold in paper form simply are not secure. There is the potential for identify theft. The dilemma that we have is that in the 1990's a federal law was passed requiring the social security number on certain types of licenses, including this license. As part of the state program for child support and in order to receive federal funds for this, the state is required to comply with this. Millions and millions of dollars are stolen each year as a result of identify theft. They originally thought they could allow the driver's license number to be used in place of the social security number. The federal law that proposed this mandate relating to child support does have some language which would allow some exceptions. He thinks there is some room for interpretation as to how to do this. In order to get a driver's license, you must

produce your social security license for the Department of Transportation. The Department of Transportation would then have to keep your social security number confidential. They had hoped the Social Services could then get the number from DOT rather than Game and Fish. He has since talked to Social Services Office and Attorney General's Office and they have conferred with Game and Fish. They have come up with another possible solution which is the amendment attached. It keeps the existing law that we have but would add some language at the end. This language states that the paper book would have the social security number on the original copy but would not appear on the duplicate copy, making the book copy more secure. This would not take place until January 2008 so that the 2007 books already printed by Game and Fish would not have to be reprinted. The original with the social security number on it would be given back to the applicant. It seems like a simple solution to this dilemma and will keep us in compliance with the federal laws in place.

**Representative Damschen** asked that if the only place the social security number would be present is on the original license.

**Representative Klemin** said that is correct. The Game and Fish currently does a sort on the social security number, but in the future they would sort on the name and birthday to get that same information.

**Representative Hanson** asked what would be the difference between this bill and the senate bill.

**Representative Klemin** said the difference would be the amendment and the senate bill actually provides the exact opposite of this bill.

**Representative DeKrey** asked if Game and Fish was required to collect the social security numbers for Social Services. If so, the copy going back to them would not have this information on it, and how would they get this information.

**Representative Klemin** said that was because they didn't have to sort on the social security number. They could get this information from the name and birth date. The Game and Fish will have this information if they have received a license before. Having the social security number available puts a lot of people at risk that do not pay child support.

**Representative Meyer** asked what would be the cost to convert these forms.

**Representative Klemin** said there would be no additional cost because it will not start until January 2008 when the new books would be printed anyway.

**Representative Drovdal** asked if there had been any cases where the social security number has been taken from the license.

**Representative Klemin** said he didn't specifically know of any cases however there are a lot of situations in North Dakota where a person has had their identity stolen. We are not sure how they got the information.

**Representative Charging** said that the Attorney General's Office has been trying to education people about not giving out this information. Is there a law where they can accept the driver's license number instead?

**Representative Klemin** said there is mandated federal law requiring the social security number to be on these types of licenses. We are looking for a way to do that and still meet the mandated federal law and protect the identity of our citizens.

**Representative Nottestad** asked how this bill would handle those sold on the internet or by telephone.

**Representative Klemin** said it would not affect them at all. It only relates to those sold on paper. They still have to provide this information, but Game and Fish is required by law to keep this information confidential. The problem is what is left behind on the paper copy. This is not secure.

**Representative Damschen** asked if Game and Fish were considered a public servant and required to keep this information confidential.

**Representative Klemin** said yes.

**Senator O'Connell** came forward in support. He has received a number of telephone calls asking to get this changed. He feels that this would help with identify theft and protect our citizens.

**Mr. Quentin Wangler** came forward in HB 1195. He asked Representative Klemin to introduce this bill. The purpose of the bill is to protect people from potential identify theft. He made reference to how easy it is for identify theft to happen and how difficult it is to get it stopped. It takes years to get your record back. He told of some observations he had made around the state. He travels the state weekly and has found some places where they couldn't even find the book in the building. This shows how easy it would be to get that information. The current law is very vague as to how these books are handled and whether the store actually requires the social security number. There is no set time when these books have to be turned in. Currently these books go to the county auditor and they may not get to Game and Fish for quite some time. Game and Fish saves these books for two years. The perfect bill would be to go to the federal government for an exemption but this would take years. He asked Game and Fish if they received the book without the social security number would they prosecute. They indicated they would not. One store location in Ellendale still had 5 months of completed books lying in their store. This bill is a compromise and I encourage a do pass.

**Representative Hanson** asked if all licenses should be over the internet or over the phone.

**Mr. Wangler** said he buys his over the internet but small towns need the books and people need to have access to buy at the local level.

**Representative Meyer** asked about the process when these books are full. How long do they have to turn these books in? Do they have to be hand delivered to the auditor or can they be mailed to the auditors?

**Mr. Wangler** deferred this question to the Game and Fish. His concern is for identity theft. He questioned how the Game and Fish could even track this person when the person was done hunting and the books were still not turned in. How could they track this person if they were behind on child support?

**Representative Charging** said the one thing they could do is a resolution through this committee. She thought this bill was a bit crafty.

**Mr. Wangler** said he thought they were creating a way to keep the federal government and him happy.

**Mr. Jim Fleming**, Deputy Director and General Counsel of the Child Support Enforcement Division of the Department of Human Services, came forward in support of HB 1195. See attached written testimony marked as Item #2. He said the electronic applications would be the best, but they are trying to make a compromise and still meet the federal mandates. The state would have tremendous fines if they did not comply. This is a solution that reduces misuse of this social security number. Their computer communicates with Game and Fish Department on a daily basis. As these people apply for the license and Game and Fish has their social security marked as being on the list from Social Services, they will not be granted a license. If all licenses were issued electronically, this would eliminate the problem. We are dealing with paper licenses today. If a person applies for a paper license, that number is not compared to the list at Game and Fish. There is no data input by Game and Fish when these paper licenses are returned to their department. His department does not rely on Game and Fish to get the social security number. If these people are on their list, they already have their

social security number in their data base. They realize that the information is being collected and is not being used by Game and Fish. The federal mandate says we have to have this on the application. Whether or not you use it is not what the feds are looking at. When the feds ask if we are recording that information on the application, we need to be able to look them in the eye and say yes to that question. If the person leaves with his copy of the application and that is the only place that information is recorded, yes, it is a little crafty. We are trying to support a compromise that will significantly reduce the possibility of identity theft. We would be comfortable if you passed the bill as amended. There would be some very big fines if we can't guarantee federal compliance on this. The senate bill is SB 2198 and was heard this morning. It is my understanding that they are willing to hold their bill and let this committee take the lead on what they feel should be done with this bill.

**Representative Drovdal** said he was still confused about the social security number and the driver's license number. He said he knows that when you apply for a driver's license, you must show you social security number, but that number does not appear on your driver's license. Now we are saying that with the amendment the person applying for the license will leave with the only copy that contains the social security number. The copy going into the state doesn't have it. Now that is just the opposite of what we have done in the driver's license. I don't see why one complies and the other doesn't.

**Mr. Fleming** said that it is a different approach to the same mandate. The mandate is whether you are getting the social security number on the application. In both of those cases, the answer is yes. With the driver's license, you are getting the license from the agency yourself. In the case of the recreational licenses that are only on the paper application, this is in the hands of a third party and that is why there is a different approach.

**Representative Keiser** asked if this amended bill had been run past the regional office.

Have they approved it?

**Mr. Fleming** indicated that they had not.

**Representative Keiser** asked why not.

**Mr. Fleming** said that at this time they are willing to stand by the amendment and if that becomes law and say that we are still collecting that on the applications. We felt it would have the potential of undermining our compromise if we were to bring this to the federal government's attention. We are not sure that it would not change the requirements on the way the paper applications are handled today.

**Representative Keiser** said that when we are talking about numbers with lots of zeroes and we are talking about the big dog that does win the battle. I think it is irresponsible that you have not run this up the flag pole and have them respond.

**Mr. Fleming** said they are not trying to be irresponsible.

**Representative Charging** asked what the other states doing.

**Mr. Fleming** said other states are requiring it on their applications. There are states that are now starting to get exemptions. Recently South Dakota tried to go with the last 4 digits of the social security number and it was granted. To get the exemption, you would have to show what kind of match substitute you would put in place for these documents. We would have to confess that we are not using the paper copies now. We could have compliance issues with the vendor's not turning in the books on time. If it is the wish of this committee that we should run this past the feds, then we would honor that request.

**Representative Charging** said that she agrees with Representative Keiser. We need to be sure that we are doing the right thing. If I were a dead beat Mom, all I would have to know is I fill out a paper application at the bait shop and I am good to hunt and fish.

**Mr. Fleming** said we definitely do not call them dead beats, because most pay on time. You are absolutely right and we hope there is not a front page story about this tomorrow.

Electronic filing would be great, but it does have the ripple affect on the way people are getting their applications. We are trying to be sensitive to that. If the committee decides they want us to contact the feds about the bill, please let us know.

**Representative Keiser** said that part of the public record of today will be that the question was asked.

**Mr. Fleming** said he would want to go on record as saying they feel that they are in compliance with this and we do not feel that we do not need to go before the feds. They are willing to say that they feel that they are in compliance with the amended bill. He will not guarantee an outcome. At the end of every session, they update the feds on all laws passed and we answer the questions. When they ask if we are requiring the social security number to be on the application, they will answer yes to that question. They are willing to give that answer to the feds and hope that is an acceptable answer.

**Mr. Parrell Grossman**, Director of Consumer Protection and Antitrust Division of the Office of the Attorney General gave testimony. See attached written testimony marked as Item #3.

**Chairman Porter** asked for any opposition to HB 1195.

**John Valempter** opposed this bill. He feels that it is identity theft when he cannot use his own social security number. He feels that the only way he can identify himself is by his social security number.

**Foster Hager** from the Cass County Wildlife Club who oppose this bill. They are not against moving the social security number, but what do we do with the 12 and 13 year old and the only identification they have is their social security number. An amendment to this would be to allow them to use their hunter safety education number.

**Mr. Dennis Daniel** said a suggestion would be that any vendor who sells licenses has to be computerized and hooked up to the Game and Fish. This would eliminate 90% of the problems. He too is concerned about identify theft.

The hearing on HB 1195 was closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1195

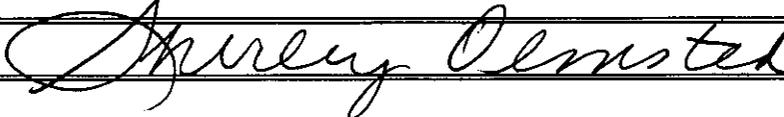
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1981 (HB 1195 at 13:54)

Committee Clerk Signature



Minutes:

**Chairman Porter** opened the discussion on HB 1195.

**Representative DeKrey** made a motion to move the Klemin amendment.

**Representative Hanson** seconded the motion.

**Representative Meyer** asked if they were planning on getting an opinion on this.

**Representative Keiser** said that he did not think that they would need one because it puts the default clause in the bill. If the feds rule that this is acceptable then it reverts to the old law.

**Chairman Porter** took a voice vote. Let the record show that the motion carried.

**Representative DeKrey** made a motion for a do pass as amended.

**Representative Hofstad** seconded the motion.

**Representative Keiser** said he knew there had been a lot of discussion but this bill still does not work. The language says the duplicate copy and the duplicate copy means a duplicate copy. You are going to have to prescribe that they do a two-part form one of which does not transfer through but what someone is going to go and fill it out and then go to a copy machine and make a duplicate copy and they are not going to take that social security number. This language that exists in the bill is not going to work.

**Representative DeKrey** said he did not agree. The books are already printed so when you go buy a license from a vendor and your local store, they are a two-piece deal. When the guy fills it out the only thing is they put a little cross stanch under the social security number so that when they tear it off and hand you your copy on their copy your social security number is not showing.

**Representative Keiser** said that is ok but it is not then a duplicate copy. I am just telling you what the language in the bill is as amended. It should say a duplicate copy with the exception of the social security number.

**Representative Hanson** said he thought not having the social security number on there means everything has to be done by telephone or the internet.

**Representative Charging** said she thought it was wrong. I don't know how we can make it work.

**Representative Keiser** said you really need language that says rather than duplicate copy but that the social security number does not transfer through.

**Chairman Porter** said the language on page 1 only talks about the number only being on the original application which is the piece in the hunting license book that is torn out and given to the individual buying that license or certificate which it is at the time. Then further it should say that the original paper application must be returned to the applicant after the application is completed and a duplicate application has been retained by the person accepting the application.

**Representative Keiser** said that is the problem. You just said it better than I did.

**Chairman Porter** said he did not think that the committee would have any problem changing the language at point to say what you are trying to say.

**Representative Keiser** said the copy without the social security number will be retained by the person accepting the completed application.

**Chairman Porter** said if we said that half of the application is completed and the copy without a social security number must be retained by the person accepting the application.

**Representative Keiser** said there may be a better way to say it but that is the intent.

**Chairman Porter** asked the intern if he had that.

**Representative Keiser** said that Representative Charging had raised a good point when she said if you say it that way you are then in violation of the federal statute. In other words, what you are doing is in violation of the federal statute and what they tried to do was word it in a way that they would not be in violation.

**Representative DeKrey** said he still goes back to his statement that three attorneys sat down with the Game and Fish and came up with this wording.

**Chairman Porter** said that maybe we just need to be very strong with our intent to the North Dakota Game and Fish that on the yellow copy they put some x's across the portion of it where the social security number appears on the original so that it does not transfer through to the copy.

**Representative Keiser** said it can technically be done but the word duplicate means duplicate.

**Chairman Porter** said we have an amended bill before us with a do pass as amended.

**Representative Hanson** asked about the effective date.

**Representative Nottestad** said the effective date would not be until they specify as January 1, 2008.

**Chairman Porter** said that was the first part of the amendment.

**Representative DeKrey** said it still is not going to solve the problem for the people who do not want to give their social security number out. It will protect their identity, but it will not solve the part about the social security number.

**Chairman Porter** said it will help.

**Representative Meyer** asked if there was more than one amendment.

**Chairman Porter** said no.

**Representative Charging** said she agrees with Representative DeKrey and what we have before us is one solution. Is there anything we can do in committee to help game and fish find a long term fix? This is a short term fix.

**Representative Hanson** asked if we could have Jeff Nelson make some telephone calls to some of the states around us and find out what they are doing. Maybe they have come up with a solution to the problem.

**Chairman Porter** said that Representative Klemin did some of that checking with South Dakota, which was a state that applied for a wavier on the child support thing so there are some things that can be done.

**Representative Meyer** said that before we pass this out I think we have a lot of problems with the drafting of the whole bill. The game and fish will have the burden to have these books remade, especially when we do something as simple as getting a waiver.

**Representative DeKrey** said he thought the waiver was a long process.

**Chairman Porter** said that the technology is out there and it is truly an easy system to use and all it takes is an internet connection. Many of the stores already have that. I don't know that we need to create a program to get it out there because it is already getting out there. This will eventually become a non-issue.

**Chairman Porter** asked the clerk to call the roll on a **do pass as amended**. Let the record show that there were 4 yes, 9 no, with 1 absent. The motion failed.

**Representative Keiser** said that his big concern that when we first got into the arena of social security numbers on the hunting of license, the department of human services came in and said in no uncertain circumstances if we do not do this we will be in violation. Now we have an attorney that comes to me during the conversation and says we just don't want be blamed. They are kind of bending the rule. There is no question that they are circumventing the law in my opinion. They are playing a little game with wording. They may be following the letter but they are not following the intent of the law and that concerns me.

**Representative Damschen** said that he understood the reason for this was that they want the social security number for tracking the child support.

**Representative Keiser** said they were using the driver's license for access but when it was initially passed the rational was that they were going to collect the numbers.

**Representative DeKrey** said that we were going to take away their hunting privileges and then the feds came right behind making that mandatory for us to get our federal payments so in the next session we passed it.

**Chairman Porter** said that was correct. He asked if anyone wanted to do anymore work on

**Representative DeKrey** made a motion for a **do not pass**. There was a second by Representative Hofstad.

**Chairman Porter** asked the clerk to call the roll on a do not pass. Let the record show that there were 9 yes and 4 no with one absent. The motion prevailed.

**Representative Charging** will carry this bill to the floor.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1195

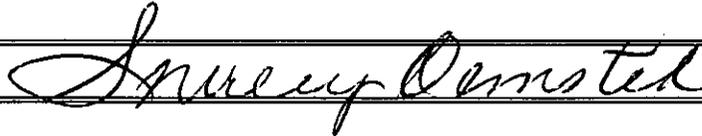
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3156

Committee Clerk Signature



Minutes:

**Chairman Porter** asked the committee to reconsider their actions on HB 1195.

**Representative DeKrey** made a motion to reconsider the action on HB 1195.

**Representative Keiser** seconded the motion.

**Chairman Porter** asked for discussion. Hearing none, a voice vote was taken and the motion prevailed.

**Mr. Jim Fleming**, Deputy Director and General Counsel of the Child Support Enforcement Division of the ND Department of Human Service came forward regarding HB 1195. As you might recall, this bill was introduced by Representative Klemin with other cosponsors to resolve the issue of paper licenses purchased, not from the Game and Fish Department directly, but from a third party vendor which is as with all hunting licenses mandated by the federal government to receive the social security number. This engrossed bill is back before you which proposes to capture the social security number on the original copy of the application and would walk out the door with the hunter. One other alternative that we had discussed with Representative Klemin when he sponsored the bill was the possibility of getting an exemption from the Federal Government that would allow for certain licenses to capture only the last 4 digits of the social security number. There is one type of license that really is an

issue here. It is the license that they call resident or non-resident fishing hunting or fur bearer's certificate. That is the only license that is the issue here. Those are the licenses that you get from the vendor and they go back to vendor and sit behind the counter or at the county auditor's office. This is the one license we are talking about here. The department is willing to seek an exemption from the federal government capturing only the last 4 digits instead of the nine. If that is a direction this committee is interested in pursuing, we have prepared amendments that would amend the engrossed bill to do three things. The first is to authorize the capture of the last 4 digits in lieu of all 9 digits. The second thing it would do is direct the department to seek that federal exemption and the third would be to make the first section the authority to capture the last four contingent effective when we certify to you that the federal government has granted us the exemption. South Dakota got an exemption for the use of a similar 4 digits plus date of birth so we are prepared to distribute that amendment.

**Representative DeKrey** asked if some of that language should include that if that exemption is forthcoming it has to be coordinated with the Game and Fish Department because they may already have the booklets printed up for next year when the exemption comes.

**Mr. Nelson** said you will see from the amendments that it continues the discussion with Game and Fish about being effective with the year 2008. The 2007 booklets are already printed. If this is passed, the Game and Fish would know to print the books with just the last 4 digits of the social security numbers are captured.

**Chairman Porter** asked Mr. Nelson to pass out the amendment.

**Mr. Nelson** said in terms of the fiscal affect, by applying only for the certificate, they do not anticipate a fiscal effect from Game and Fish for reprinting the application or from the Department seeking the exemption. It would not require our computer program to be reprogrammed so the fiscal effect on these amendments would be none.

**Representative Keiser** made a motion to accept the amendments.

**Representative DeKrey** seconded the motion.

**Chairman Porter** asked for discussion.

**Representative Hanson** said you might buy this license in April. How is that going to hold up or go to the Health Department to deny the license? The law is to deny the license if he is behind in child support. What if this is not turned in until December? He still has the license.

**Chairman Porter** said that is currently the case now and it changes nothing. I know that the big ticket items that Game and Fish and the Department really cross check are the lotteries. The chances of catching this individual during the season are very slim but it is a federal requirement.

**Representative Meyer** said she still thinks this is a poor bill. I don't see where we have had any problems with it and she does not know of any one case of identify theft that has ever been reported from a hunting and fishing license.

**Representative Charging** said she did some research on this as a carrier of the do not pass and there is a threat of a seventy five million dollar fine if we get caught in a gray area. There is no present day cost but there is the looming threat of seventy five million dollars. In two years from now there will be a cost to develop this book including printing, and Game and Fish may have come up with a better solution in two years and we are not that far away from the technology.

**Representative Keiser** said he was going to support the amendment and wanted to thank the department for their reconsideration of this engrossed bill. It is not a good solution but it is the best solution. It does one of two things. One is to protect the identify based on the social security number. Two is to meet the federal guidelines and to do that openly. We do not want to put ourselves in a position where they discover that we are circumventing the law and then

have them do an audit on the entire operations and find a bunch of other things that might not be correct. This is upfront and is taking all the reasonable approaches and I support it. He said the Game and Fish have the printing costs every year when the books are printed.

**Chairman Porter** asked for any further discussion.

**Representative Keiser** made a motion for a **do pass as amended on engrossed HB 1195**.

**Representative DeKrey** seconded the motion.

**Chairman Porter** asked for discussion. Hearing none, the clerk took the roll on a **do pass as amended on engrossed HB 1195**. Let the record show 10 yes, 3 no, with 1 absent.

**Representative Clark** will carry the bill to the floor.

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/13/2007

Amendment to:           Engrossed  
                                  HB 1195

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill requires DHS to seek a federal exemption authorizing the use of the last 4 digits of a person's SSN, instead of all 9 digits, on applications for fishing, hunting, or fur-bearer certificates. If the exemption is granted, the bill applies to paper applications completed on or after 1-1-08.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The cost to the Game and Fish Department for the re-printing of forms is anticipated to be minimal. There is no impact to the Department of Human Services since the bill only becomes effective if a federal exemption is obtained.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Brenda M. Weisz	<b>Agency:</b>	DHS
<b>Phone Number:</b>	328-2397	<b>Date Prepared:</b>	02/13/2007

# FISCAL NOTE

Requested by Legislative Council

02/01/2007

Amendment to: HB 1195

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amended bill changes the effective date to be January 1, 2008 for applications to be printed on paper so that the applicant's SSN is recorded only on the original application.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No affect.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Kim Molesworth	<b>Agency:</b>	Game and Fish Dept.
<b>Phone Number:</b>	701-328-6605	<b>Date Prepared:</b>	02/01/2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1195

Page 1, line 6, remove the overstrike over "~~Social security number to be furnished~~" and remove "Use of identification numbers"

Page 1, line 7, remove the overstrike over "~~social security~~", remove "driver's license or other identification", and remove "from an identification card"

Page 1, line 8, remove "issued by the department of transportation"

Page 1, line 10, remove the overstrike over "~~social security~~" and remove "driver's license or other department of transportation identification"

Page 1, line 11, remove the overstrike over "~~A social security number recorded under this section is confidential.~~" and insert immediately thereafter "Beginning on January 1, 2008, any application that is printed in paper form must be printed in a manner so that the applicant's social security number is recorded only on the original application. Unless otherwise required by federal law, the original paper application must be returned to the applicant after the application is completed and a duplicate application has been retained by the person accepting the application."

Re-number accordingly

Date: 1-25-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1195

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken to amend

Motion Made By DeKrey Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter			Rep. Hanson		
Vice-Chairman - Rep Damschen			Rep. Hunsakor		
Rep. Charging			Rep. Kelsh		
Rep. Clark			Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal					
Rep. Hofstad					
Rep. Keiser					
Rep. Nottestad					

*voice vote*

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1-25-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1195

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amended

Motion Made By DeKrey Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson		✓
Vice-Chairman - Rep Damschen		✓	Rep. Hunskor		✓
Rep. Charging		✓	Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer		✓
Rep. DeKrey	✓		Rep. Solberg		
Rep. Drovdal		✓			
Rep. Hofstad		✓			
Rep. Keiser		✓			
Rep. Nottestad		✓			

Total Yes 4 No 9

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*- Motion fails -*

Date: 1-25  
 Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1195

House Natural Resources

Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By DeKrey Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter		✓	Rep. Hanson	✓	
Vice-Chairman - Rep Damschen		✓	Rep. Hunsakor	✓	
Rep. Charging	✓		Rep. Kelsh		✓
Rep. Clark	✓		Rep. Meyer	✓	
Rep. DeKrey		✓	Rep. Solberg		
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad	✓				

Total Yes 9 No 4

Absent 1

Floor Assignment Charging

If the vote is on an amendment, briefly indicate intent:

Do not pass previous

*Handwritten notes:*  
 on amendment  
 read in  
 1/1

House Bill - 11<sup>th</sup> Order

Mr. Speaker and members of the assembly,

House Bill # 1195

House Concurrent Resolution (HCR) # \_\_\_\_\_

Introduced by:

Rep K Levin  
Porter  
Wolf  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Senator Kilzer  
Klein  
O'Connell  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or

Committee Name \_\_\_\_\_

- 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.

Fiscal Note prepared by \_\_\_\_\_ on \_\_\_\_\_  
(Who prepared the Fiscal Note) (Date)

shows \_\_\_\_\_

Your Natural Resources Committee recommends  
(Committee Name)

Do Pass

Do Not Pass

On House Bill # 1195  
(Bill Number)

By a vote of 9 Yeas, 4 Nays, and 1 Absent and  
not voting

Mr Speaker

REPORT OF STANDING COMMITTEE

HB 1195: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1195 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "~~Social security number to be furnished~~" and remove "Use of identification numbers"

Page 1, line 7, remove the overstrike over "~~social security~~", remove "driver's license or other identification", and remove "from an identification card"

Page 1, line 8, remove "issued by the department of transportation"

Page 1, line 10, remove the overstrike over "~~social security~~" and remove "driver's license or other department of transportation identification"

Page 1, line 11, remove the overstrike over "~~A social security number recorded under this section is confidential.~~" and insert immediately thereafter "Beginning on January 1, 2008, any application that is printed in paper form must be printed in a manner so that the applicant's social security number is recorded only on the original application. Unless otherwise required by federal law, the original paper application must be returned to the applicant after the application is completed and a duplicate application has been retained by the person accepting the application."

Renumber accordingly



PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1195

Page 1, line 2, after "permits" insert "; to provide an agency directive; and to provide a contingent effective date"

Page 1, line 10, after "form" insert "for a resident or nonresident fishing, hunting, or furbearer certificate"

Page 1, line 11, after the first "the" insert "last four digits of the", replace "is" with "are", remove "only", remove "original", and after "application" insert "and the first five digits of the applicant's social security number are not recorded on the application"

Page 1, remove lines 12 through 14

Page 1, after line 14, insert:

**"SECTION 2.** The department of human services shall seek a federal exemption authorizing the state to require the recording of the last four digits of the applicant's social security number, in lieu of all nine digits of an applicant's social security number, on applications in paper form for a resident or nonresident fishing, hunting, or furbearer certificate issued under chapter 20.1-03 of the North Dakota Century Code.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the department of human services certifies to the game and fish department and the legislative council that the United States department of health and human services has granted the exemption requested in Section 2 of this Act."

Re-number accordingly

February 8, 2007

**House Amendments to Engrossed HB 1195 (70235.0301) - Natural Resources  
Committee 02/09/2007**

Page 1, line 2, after "permits" insert "; to provide an agency directive; and to provide a contingent effective date"

Page 1, line 10, after "form" insert "for a resident or nonresident fishing, hunting, or fur-bearer certificate"

Page 1, line 11, after "that" insert "only", after the first "the" insert "last four digits of the", replace "is" with "are", remove "only", remove "original", after "application" insert ", and the first five digits of the applicant's social security number are not recorded on the application", and after the underscored period insert:

**"SECTION 2. AGENCY DIRECTIVE.** The department of human services shall seek a federal exemption authorizing the state to require the recording of the last four digits of the applicant's social security number on applications in paper form for a resident or nonresident fishing, hunting, or fur-bearer certificate issued under chapter 20.1-03.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the department of human services certifies to the game and fish department and the legislative council that the United States department of health and human services has granted the exemption requested in section 2 of this Act."

Page 1, remove lines 12 through 14

Renumber accordingly



Date: 2-8-07  
 Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1195

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amend

Motion Made By Keiser Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter	✓		Rep. Hanson	✓	
Vice-Chairman - Rep Damschen	✓		Rep. Hunsakor	✓	
Rep. Charging		✓	Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer		✓
Rep. DeKrey	✓		Rep. Solberg		
Rep. Drovdal	✓				
Rep. Hofstad	✓				
Rep. Keiser	✓				
Rep. Nottestad		✓			

Total Yes 10 No 3

Absent \_\_\_\_\_

Floor Assignment Clark

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1195, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1195 was placed on the Sixth order on the calendar.**

Page 1, line 2, after "permits" insert "; to provide an agency directive; and to provide a contingent effective date"

Page 1, line 10, after "form" insert "for a resident or nonresident fishing, hunting, or fur-bearer certificate"

Page 1, line 11, after "that" insert "only", after the first "the" insert "last four digits of the", replace "is" with "are", remove "only", remove "original", after "application" insert ", and the first five digits of the applicant's social security number are not recorded on the application", and after the underscored period insert:

**"SECTION 2. AGENCY DIRECTIVE.** The department of human services shall seek a federal exemption authorizing the state to require the recording of the last four digits of the applicant's social security number on applications in paper form for a resident or nonresident fishing, hunting, or fur-bearer certificate issued under chapter 20.1-03.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the department of human services certifies to the game and fish department and the legislative council that the United States department of health and human services has granted the exemption requested in section 2 of this Act."

Page 1, remove lines 12 through 14

Renumber accordingly

2007 SENATE NATURAL RESOURCES

HB 1195

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1195

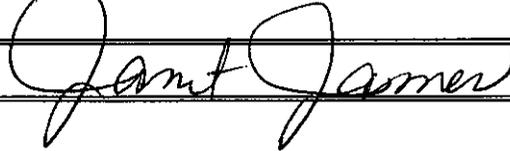
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: # 4187, 4190, 4195

Committee Clerk Signature



Minutes:

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee opened the hearing on HB 1195 relating to use of identification numbers on game and fish licenses and permits.

All members of the committee were in and out of the hearing due to testifying in other committees.

**Representative Lawrence Klemin** from District 47 cosponsor of HB 1195 introduced the bill stating the bill would require social security number (SS#) to be placed on hunting and fishing licenses. He presented a copy of a license form and an amendment (see attachment #1). He stated that federal law requires SS# on applications for child support enforcement and the state plan includes recreational licenses. HB 1195 requires that the SS# be furnished on these applications. This is not a problem if the licenses are obtained online, on the internet or by telephone because they do a cross check with the Department of Services and a license is not issued if an applicant is behind in child support payments. Unfortunately most fishing licenses are not done through local agents on paper books through the county auditor. These agents might be bars, bait shops, gas stations using the paper forms consisting of valuable information ideal for identity thief. This is a growing problem in North Dakota as well as the

nation although a lot of things have been done to curb this problem. Yet this information is left unsecured at many of these agents therefore a method to comply with federal regulations while protecting this information is important. As a result is to have the department of Health Services seek a federal exemption to have only the last four digits on these hunting and fishing applications beginning January, 2008. This date is because the 2007 books are already printed. Section 3 of HB 1195 explains the contingent effective date upon the issuance of the exemption. South Dakota and Montana has been granted this exemption. The amendment is a technical amendment of Line 19 saying the bill is effective on the day of exemption being granted.

**Senator David O'Connell** from District 6 cosponsor of HB 1195 testified in support (see attachment # 2).

**James Fleming**, Deputy Director of the Child Support Enforcement Division of the Department of Human Services testified in support of HB 1195 (see attachment #3).

**Senator Tollefson** inquired if the last four digits would work.

**James Fleming** confirmed it would work combined with the other information on the application form.

**Senator Joel Heitkamp** asked if the federal requirement has been effective in capturing any of these people behind in their child support payments.

**James Fleming** responded they have caught them when they have applied for a lottery license and some have been caught a field. But the greatest success is the deterrent value.

**Quenten Wangler** testified in support of HB 1195 stating this is the third session he has tried to get this bill introduced. He wanted to make the committee aware that 60-70% of all hunting and fishing licenses are purchased as paper documents at small vendors and when they finally get to the North Dakota Game and Fish Department, they are not entered into any data base

so are therefore ineffective in tracking violators behind in their child support payments. One other point is that North Dakota Game and Fish Department would not prosecute anyone if they decided not to include their SS# on license applications. The state's attorney also agreed they would not prosecute.

**Paul Schadewald** of the North Dakota Game and Fish Department testified in support of HB 1195 stating the department has no problem implementing the bill requirements although it is not a North Dakota Game and Fish Department issue. The paper applications are gradually disappearing as more vendors are using electronic system so not as many of the books will be sitting around.

**Senator Triplett** asked what the department does to educate the license vendors to keep the records safe.

**Paul Schadewald** stated the department works with the county auditors and the vendors by giving them information although it is difficult due to the high turnover of employees and those handling the license application books.

**Senator Tollefson** asked for testimony in opposition to HB 1195 and hearing none asked for neutral testimony.

**David Munsch** testified that HB 1195 is a good bill although late as SS# are already out there. It is not only SS# but also lots of other information is available to almost everyone out there.

**Senator Tollefson** closed the hearing on HB 1195.

#### **# 4190**

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened committee work on HB 1195.

**Senator Heitkamp** made a motion to adopt the amendment 0401.

**Senator Constance Triplett** second the motion.

**Senator Triplett** explained the amendment as being technical amendment where a contingent effective date after the request for exemption is granted.

Roll call vote #1 for adoption of amendment .0401 was taken by voice vote indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Ben Tollefson** made a motion for a Do Pass as Amended of HB 1195.

**Senator Triplett** second the motion.

Roll call vote #2 for a Do Pass as Amended of HB 1195 was taken indicating 7 Yeas, 0 Nays and 0 absent or not voting.

**Senator Ben Tollefson** will carry HB 1195.

**# 4195**

**Senator Stanley Lyson** presented to the committee copies of testimony written by **Parrell D. Grossman**, director of the Consumer Protection & Antitrust Division of the Office of Attorney General (see attachment # 1).

70235.0401  
Title.

Prepared by the Legislative Council staff for  
Representative Klemin  
February 27, 2007

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1195

Page 1, line 19, replace "This" with "Section 1 of this"

Renumber accordingly

Date: 3-01

Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1195

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken M. Amendment

Motion Made By Heitkamp Seconded By Triplett

Senators	Yes	No	Senators	Yes	No
Sen. Stanley Lyson, Chairman			Sen. Joel Heitkamp		
Sen. Ben Tollefson, ViceChairman			Sen. Jim Pomeroy		
Sen. Layton Freborg			Sen. Constance Triplett		
Sen. Herbert Urlacher					

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-01

Roll Call Vote #: 2

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1195

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Tollefson Seconded By Triplet

Senators	Yes	No	Senators	Yes	No
Sen. Stanley Lyson, Chairman	✓		Sen. Joel Heitkamp	✓	
Sen. Ben Tollefson, ViceChairman	✓		Sen. Jim Pomeroy	✓	
Sen. Layton Freborg	✓		Sen. Constance Triplett	✓	
Sen. Herbert Urlacher	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Tollefson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 2, 2007 8:30 a.m.

**Module No: SR-30-4279**  
**Carrier: Tollefson**  
**Insert LC: 70235.0402 Title: .0500**

**REPORT OF STANDING COMMITTEE**

**HB 1195, as reengrossed: Natural Resources Committee (Sen. Lyson, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1195  
was placed on the Sixth order on the calendar.

Page 1, line 19, replace "This" with "Section 1 of this"

Renumber accordingly

2007 TESTIMONY

HB 1195

Item #1

READ BEFORE SIGNING.

\$1.00 No 737961

2006-2007 NORTH DAKOTA RESIDENT FISHING, HUNTING, AND FURBEARER CERTIFICATE

ND Game & Fish Department 100 N. Bismarck Expressway Bismarck, ND 58501 701-328-6300

\*Migratory Bird Harvest Information Program (HIP) Verification Number To register call 1-888-634-4798

This copy to be retained by selling agency for files of the Game and Fish Department

Name grid (Last Name, First Name, Middle Initial)

Street Address grid

City and State grid

Zip grid

Social Security No.

(AREA CODE) PHONE NUMBER

BIRTHDATE grid (mo., day, yr.)

HEIGHT (Pt., in.), WEIGHT, EYE COLOR, HAIR COLOR

I certify that I am a bona fide resident and have actually resided in or maintained my residence in North Dakota for the past six (6) months and agree to comply with all laws and regulations relating to fishing and hunting. I certify that I am either exempt or have met the requirements of the North Dakota Hunter safety laws.

The applicant described above is hereby licensed to fish, hunt or trap in North Dakota under the provisions and conditions of the 2006-2007 North Dakota Game and Fish Laws and regulations. This certificate is prerequisite to securing any Fishing, Hunting, or Furbearer license.

Hunter Education Cert. No. Issuing State Your Signature

Dated at N.D. this day of 20

By Order of: GAME AND FISH DIRECTOR

(NON-TRANSFERABLE)

All Stamps Must Be Signed In Ink By The Licensee

Issuing Agent

Failure to close gates is a misdemeanor (NDCC 20.1-01-23)

The North Dakota Game and Fish Department does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

HUNTER EDUCATION REQUIREMENT. Persons born after 1961 must complete a certified Hunter Education course, and present the certificate earned to the license vendor to purchase a hunting license. Certificates from other states or Canada are valid. Exemptions: Persons who hunt only on land they own or operate; persons under 12 years of age (those under 12 may hunt if they have the appropriate license and are accompanied by parent or guardian). \*Required before hunting ducks, geese, swans, mergansers, coots, cranes, snipe, doves, and woodcock.

*Item #2*

**Testimony  
House Bill 1195 – Department Of Human Services  
House Natural Resources Committee  
Representative Todd Porter, Chairman  
January 25, 2007**

Chairman Porter, members of the House 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 on House Bill 1195.

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) (emphasis added). N.D.C.C. § 20.1-03-05 was enacted to comply with this requirement.

It has been suggested that the use of the word "document" in the law above refers to the application for a license, and therefore suggests that the State may use a number other than a social security number on the application. However, in warning letters to other states that have considered legislation to require use of a driver's license number instead of a social security number, the federal government has interpreted the term "document" to refer to the license that is being applied for, and not to the application for the license.

The warning letters to other states from the federal government have indicated that the states 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.

We have been in ongoing discussions with the sponsor of the bill, and an amendment has been drafted to address many of our concerns regarding federal compliance. From a child support enforcement perspective, the amendment is not our preferred approach. 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, Senate Bill 2198, has been introduced and is the subject of a hearing today by the Senate Natural Resources Committee. Unlike the bill before you, Senate Bill 2198 would continue the existing requirement that a social security number be provided on an application for a recreational license, but prohibits the number from appearing on any copy of the application. 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

**SENATE BILL NO. 2198**

Introduced by

Senators Heitkamp, Freborg, Lyson

Representatives DeKrey, Hanson, Wall

1 A BILL for an Act to amend and reenact section 20.1-03-35 of the North Dakota Century Code,  
2 relating to the use of social security 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 - Confidential.** The social  
7 security number of an applicant for ~~any~~ a license or permit issued under this chapter must be  
8 recorded on the original application that is returned to the department unless the applicant is a  
9 foreign national to whom no social security number has been issued. The social security  
10 number may not appear on the copy of the application retained by the applicant. A social  
11 security number recorded under this section is confidential.

*Item #3*

HOUSE NATURAL RESOURCES COMMITTEE  
REPRESENTATIVE TODD K. PORTER, CHAIRMAN  
JANUARY 25, 2007

TESTIMONY BY  
PARRELL D. GROSSMAN  
DIRECTOR, CONSUMER PROTECTION AND ANTITRUST DIVISION  
OFFICE OF ATTORNEY GENERAL  
IN SUPPORT OF  
HOUSE BILL NO. 1195

Mr. Chairman and members of the House Natural Resources Committee. I am Parrell Grossman, Director of the Attorney General's Consumer Protection and Antitrust Division. I appear on the Attorney General's behalf in support of House Bill 1195, with Representative Klemin's proposed amendments on behalf of the sponsors of the legislation.

The Attorney General's Consumer Protection Division has received many complaints from Game and Fish licensees (consumers) that are very concerned about the exposure and/or potential disclosure of their social security numbers that are retained by vendors in hard copy form in a book of carbon license applications. The application copies containing social security numbers simply are too accessible to individuals that should not have access to this information.

Identity theft prevention and deterrence is a high priority for the Attorney General. The Attorney General's Consumer Protection Division acts as a clearinghouse for ID theft complaints in North Dakota, approving Affidavits of Identity Theft and assisting ID theft victims. This matter is a high priority for the Attorney General. In addition to assisting ID theft victims, the office conducts approximately 50 identity theft consumer education presentations each year. The Attorney General always advises consumers to vigorously protect their social security numbers, because the social security number is the key that unlocks a consumer's personal, confidential, and financial identity. Unauthorized release of the social security number exposes a consumer to potential ID theft.

According to the FTC there are approximately 10 million identity theft (ID theft) victims each year. According to the Privacy Rights Clearinghouse, in 2006, the number of U.S. victims of identity fraud was 8.9 million, the total fraud amount was \$56.6 billion, the average fraud amount per victim was \$6,383, and the average victim resolution time was 40 hours.

When consumers' confidential personal and financial information is compromised or stolen, they are very vulnerable to ID theft. All of you are aware of the very serious consequences of ID theft to victims. I won't address in detail the entire "parade of horrors" involving the loss of employment opportunities, the sudden inability to obtain a mortgage to purchase a dream home, or the humiliation of having your check or credit

card declined in a checkout line with a cart full of holiday presents for your kids. However, ID theft victims do experience these consequences. The Attorney General has worked with one North Dakota victim that was prohibited by federal authorities from purchasing any firearms, including hunting guns, because an ID thief committed crimes in his name, that are now associated with the victim's social security number. ID theft victims may spend as much as a hundred hours or more trying to correct the problems, rehabilitate their damaged creditworthiness, and get their lives back in order.

During the 2003 legislative session the Attorney General promoted legislation that would make social security numbers confidential in a number of different circumstances. This problem was overlooked at that time. This legislation has now prompted state officials to resolve this problem in a manner that precludes disclosure of the social security numbers to the vendors, and such information will no longer be retained in the possession of the vendors.

Representatives of the Attorney General's Office, the Game and Fish Department, and the State Child Support Enforcement Unit recently met to find an acceptable solution. We are pleased to report that, with the cooperation of the Game and Fish Department who has agreed to implement changes in its forms and procedures, licensees' social security numbers will no longer be provided to the vendors. This legislation will ensure the revised procedures are codified in state law.

The Attorney General respectfully asks the House Natural Resources Committee to give House Bill 1195, with Representative Klemin's proposed amendments, a "Do Pass" recommendation.

Thank you for your time and consideration. I would be pleased to try and answer any questions.

g:\cpat\parrell\legislation 2007\hb 1195 house testimony.doc

## HB 1195 Summary

Senator David P. O'Connell

The bill requires DHS to seek a federal exemption authorizing the use of the last 4 digits of a person's SSN, instead of all 9 digits, on applications for fishing, hunting, or fur-bearer certificates.

If the exemption is granted, the bill applies to paper applications completed on or after 1-1-08.

The cost to the Game and Fish Department for the re-printing of forms is anticipated to be minimal.

There is no impact to the Department of Human Services since the bill only becomes effective if a federal exemption is obtained.

Similar legislation regarding social security numbers on hunting licenses

Alabama introduced legislation in 2006, SB 40, that doesn't require hunters to display social security number on hunting licenses. The bill passed on 3/30/06.

Pennsylvania introduced a concurrent resolution, H.R. 429, urging Congress and the United States to reconsider laws requiring the display of social security numbers on hunting licenses.

**Testimony**  
**House Bill 1195 – Department Of Human Services**  
**Senate Natural Resources Committee**  
**Senator Stanley Lyson, Chairman**  
**March 1, 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 Reengrossed House Bill 1195.

Federal law currently requires that social security numbers be recorded on any application for a recreational license. In our testimony to the committee regarding Senate Bill 2198 earlier this legislative session, we acknowledged the risk of identity theft that arises in the way the information on paper applications is handled today, and expressed a willingness to cooperate as much as possible in making an applicant's social security number more secure.

Until recently, we had no reason to believe that the federal government would grant an exemption to this requirement. When the mandate was first imposed many years ago, some states requested an exemption to use alternatives to an applicant's social security number and each state's request was rejected. However, South Dakota was recently granted an exemption to use only the last four digits of a person's social security number. Following South Dakota's success, Montana requested and received the same exemption just a few weeks ago. House Bill 1195 would require the Department to request a similar exemption.

For the request to be approved, the State needs to show that the exemption is as narrow as possible to maintain the current effectiveness

and efficiency of our information exchange with the Game and Fish Department. To meet this requirement, the bill is limited to paper applications that are not immediately returned to the Game and Fish Department for matching with our program. The automated matches we currently have for applications that are submitted electronically or applications for lottery-issued licenses that are received directly by the Game and Fish Department are not affected by the bill.

We appreciate the caution of the House in not jeopardizing the State's continued receipt of federal funds for the Temporary Assistance to Needy Families and Child Support Enforcement programs by delaying the effective date of the bill until a federal exemption is granted.

Exemptions are given for three years and may be extended upon request. If an exemption is later revoked, or if an extension is denied, the State will have until three months after the next session of the Legislature to restore the requirement of providing all nine digits of the applicant's social security number.

Mr. Chairman, as narrowly drafted and with the contingent effective date, there is little risk of losing federal funds if the bill is enacted. The Department supports this bill, and I would be happy to answer any questions the committee may have.

Attachment #1



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Wayne Stenehjem  
ATTORNEY GENERAL

**MEMORANDUM**

**TO:** Chairman Lyson and Members of the Senate Natural Resources Committee

**FROM:** Parrell D. Grossman, Director  
Consumer Protection & Antitrust Division  
Office of Attorney General

**RE:** Engrossed House Bill No. 1195

**DATE:** March 1, 2007

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The Attorney General supports this legislation. I am attending a Supreme Court hearing this morning involving one of the lawyers in my division and I regret I cannot appear personally on this legislation. However, I respectfully submit my written testimony for your consideration. Thank you.

SENATE NATURAL RESOURCES COMMITTEE  
SENATOR STANLEY LYSON, CHAIRMAN  
MARCH 1, 2007

TESTIMONY BY  
PARRELL D. GROSSMAN  
DIRECTOR, CONSUMER PROTECTION AND ANTITRUST DIVISION  
OFFICE OF ATTORNEY GENERAL  
IN SUPPORT OF  
ENGROSSED HOUSE BILL NO. 1195

Mr. Chairman and members of the Senate Natural Resources Committee. I am Parrell Grossman, Director of the Attorney General's Consumer Protection and Antitrust Division. I appear on the Attorney General's behalf in support of Engrossed House Bill 1195.

The Attorney General's Consumer Protection Division has received many complaints from Game and Fish licensees (consumers) that are very concerned about the exposure and/or potential disclosure of their social security numbers that are retained by vendors in hard copy form in a book of carbon license applications. The application copies containing social security numbers simply are too accessible to individuals that should not have access to this information.

Identity theft prevention and deterrence is a high priority for the Attorney General. The Attorney General's Consumer Protection Division acts as a clearinghouse for ID theft complaints in North Dakota, approving Affidavits of Identity Theft and assisting ID theft victims. This matter is a high priority for the Attorney General. In addition to assisting ID theft victims, the office conducts approximately 50 identity theft consumer education presentations each year. The Attorney General always advises consumers to vigorously protect their social security numbers, because the social security number is the key that unlocks a consumer's personal, confidential, and financial identity. Unauthorized release of the social security number exposes a consumer to potential ID theft.

According to the FTC there are approximately 10 million identity theft (ID theft) victims each year. According to the Privacy Rights Clearinghouse, in 2006, the number of U.S. victims of identity fraud was 8.9 million, the total fraud amount was \$56.6 billion, the average fraud amount per victim was \$6,383, and the average victim resolution time was 40 hours.

When consumers' confidential personal and financial information is compromised or stolen, they are very vulnerable to ID theft. All of you are aware of the very serious consequences of ID theft to victims. I won't address in detail the entire "parade of horrors" involving the loss of employment opportunities, the sudden inability to obtain a mortgage to purchase a dream home, or the humiliation of having your check or credit card declined in a checkout line with a cart full of holiday presents for your kids.

However, ID theft victims do experience these consequences. The Attorney General has worked with one North Dakota victim that was prohibited by federal authorities from purchasing any firearms, including hunting guns, because an ID thief committed crimes in his name, that are now associated with the victim's social security number. ID theft victims may spend as much as a hundred hours or more trying to correct the problems, rehabilitate their damaged creditworthiness, and get their lives back in order.

During the 2003 legislative session the Attorney General promoted legislation that would make social security numbers confidential in a number of different circumstances. This problem was overlooked at that time. This legislation will require state officials to resolve this problem in a manner that precludes disclosure of a license applicant's complete social security number.

The Attorney General respectfully asks the Senate Natural Resources Committee to give Engrossed House Bill 1195 a "Do Pass" recommendation.

Thank you for your time and consideration.

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