

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.