2021 HOUSE TRANSPORTATION

HB 1406

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1406
1/29/2021

A bill relating to an application for an operator's license.

9:00 **Chairman Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Obtaining a driver's license without a Social Security Number.
- Federal requirements for Social Security numbers to qualify for Federal Programs.

Representative Simons introduction. Testimony # 4223. Proposed amendment #4224.

Terry Kemmet, Tappen, ND. Supportive. Oral.

Brad Schaffer, Director of Driver License, ND Department of Transportation. Oppositional testimony # 4122.

Jim Fleming, Director of the Child Support Division for ND Department of Human Services. Oppositional testimonies # 4178 and 4179.

9:40 **Chairman Ruby** closed the hearing.

Jeanette Cook, Committee Clerk

owns every man, woman and child in America. The **U.N.** claims to hold all of the land of America in Fee Simple.

The good news is we don't have to fulfill "our" fictitious obligations. You can discharge a fictitious obligation with another's fictitious obligation.

32. "Whoever…discloses, uses, or compels the disclosure of the social security number in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under Title 18 or imprisoned for not more than five years, or both."
Title 42 U.S. Code section 408(a)(8)

33. **DISCLOSURE OF SOCIAL SECURITY NUMBER:**
"It shall be unlawful for any Federal, State, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number."
Title 5 U.S. CODE section 552(a)

21.0924.01001
Title.

Prepared by the Legislative Council staff for
Representative Simons
January 22, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1406

Page 1, line 16, overstrike "a social security card and"

Renumber accordingly

HOUSE TRANSPORTATION COMMITTEE
January 29, 2021 - 9:00 a.m. - Room 327E

North Dakota Department of Transportation
Brad Schaffer, Director of Driver License

HB 1406

Good morning Chairman Ruby and members of the committee. I am Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (NDDOT).

I am here today on behalf of the NDDOT in opposition of House Bill 1406, a bill that removes the requirement of an applicant's social security number (SSN) on the operator's application.

The Federal Motor Carrier Safety Administartion (FMCSA) and the Code of Federal Regulations (CFR) 383.153 requires the SSN be provided on the application for any applicant applying for a Commercial Learner's Permit or Commercial Driver's License.

In addition, the Real ID Act requires the applicant to provide physical proof of their SSN that contains their full SSN in order to be scanned to the database to remain in compliance.

All applicants SSN's are verified with the Social Security Online Verification (SSOLV) to ensure credentials are issued to the correct individuals. In the event of suspected fraud, applications may be used as evidence and the provided social security number may be used in the investigation.

This concludes my testimony. Thank You

Testimony
House Bill 1406 - Department of Human Services
House Transportation Committee
Representative Dan Ruby, Chairman

January 29, 2021

Chairman Ruby and members of the Transportation Committee, I am Jim Fleming, Director of the Child Support Division of the Department of Human Services (Department). Due to the impact House Bill 1406 would have on the state's Child Support and Temporary Assistance for Needy Families (TANF) programs, I ask for a "do not pass" recommendation on House Bill 1406.

Knowing a parent's social security number is very important to locating a parent who owes child support and his or her assets, and in taking child support enforcement actions without risk of mistaken identity. In recognition of this, as a condition of participating in the Child Support and TANF programs, federal law since 1996 has required states to have a number of laws to ensure effectiveness of the Child Support program, including use of a parent's social security number:

> In order to satisfy section 654(20)(A) of this title, each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part: …
>
> **(13) Recording of social security numbers in certain family matters**
> 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.

42 United States Code Section 666.

The fiscal note on this Bill reflects the very real impact this Bill would have on the services the State offers to low-income families. If this Bill is passed, the federal government will disallow North Dakota's state child support plan, rendering North Dakota ineligible for federal funds. Because having an approved child support plan is a condition of receiving TANF block grant funds, TANF funds are also at risk.

Mr. Chairman and members of the Committee, many of us instinctively resist being told what to do by the federal government. But in this case, the State has a long history of carefully safeguarding social security numbers and using them carefully to help support North Dakota's families. We would ask for a "Do Not Pass" recommendation on House Bill 1406. This concludes my testimony, and I would be happy to answer any questions you may have.

ADMINISTRATION FOR CHILDREN & FAMILIES
Office of Child Support Enforcement | 330 C Street, S.W., 5th Floor
Washington, DC 20201 | www.acf.hhs.gov/css

January 26, 2021

James Fleming, Director
Child Support Enforcement Program
North Dakota Department of Human Services
P. O. Box 7190
Bismarck, ND 58507

Dear Mr. Fleming:

The Office of Child Support Enforcement has learned that North Dakota's Legislature plans to introduce legislation to eliminate the state mandate that an applicant include a Social Security Number (SSN) on the application for an operator's license (driver's license).

Section 466(a)(13) of the Social Security Act requires all states to have in effect and use laws and procedures requiring that the SSN of any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application.

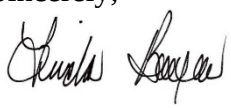
Since the inception of the Child Support Enforcement Program, certain laws and procedures have measurably increased the efficiency and effectiveness of some states' programs. To improve the nationwide child support effort, Congress required states to implement the particular laws and procedures responsible for the success of those state programs. The state plan provision at section 454(20) of the Act requires states to have in effect and use the laws and procedures specified in section 466 of the Act to improve the effectiveness of child support enforcement programs.

A state must also have an approved state IV-D plan in order to receive federal funding under title IV-D pursuit to section 455(a)(1)(A) of the Act. As stated in OCSE-AT-97-05, dated April 28, 1997, a state plan disapproval would result in immediate suspension of all federal payments for the state's child support program. For federal fiscal year (FFY) 2017, the federal share of expenditures for North Dakota's IV-D program, including incentive payments, was $13,105,712.

In addition, section 402(a)(2) of the Act provides that the chief executive officer of a state must certify that the state will operate a child support program under an approved IV-D plan as a condition for eligibility for a Temporary Assistance for Needy Families (TANF) block grant under title IV-A of the Act. Therefore, North Dakota should know that TANF funds might also be at risk. For FFY 2017, the TANF block grant to North Dakota was $26,312,690.

If you require additional clarification, please contact OCSE Regional Program Manager Diane Degenhart at diane.degenhart@acf.hhs.gov.

Sincerely,



Linda Boyer
Acting Commissioner

cc: Yvette Riddick, Director, OCSE Division of Policy and Training
Melissa Johnson, Director, OCSE Division of Regional Operations
Diane Degenhart, OCSE Regional Program Manager, Region 8

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1406
2/4/2021

A bill relating to an application for an operator's license.

10:52 AM **Chairman Ruby** opened meeting.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Form-L676 in leiu of Social Security number / Guidance on SS numbers.
- Possible affidavit instead of SS number. / Child support compliance.

Chairman Ruby read information from Department of Transportation.

Representative Weisz moved the amendment. 21.0924.01002
Representative Paulson seconded.
Voice Vote. Carried.

Representative Christensen moved a Do Pass as amended.
Representative Paulson seconded.

Roll Call Vote

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	Y
Representative Cole Christensen	Y
Representative LaurieBeth Hager	Y

Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	N
Representative Terry B. Jones	N
Representative Emily O'Brien	Y
Representative Mark S. Owens	N
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	N

Motion carried. 10-4-0 **Representative Christensen** carrier.

11:12 **Chairman Ruby** adjourned.

Jeanette Cook, Committee Clerk

DA 2/4/21
1 of 1

21.0924.01002
Title.02000

Adopted by the Transportation Committee

February 4, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1406

Page 1, line 9, remove the overstrike over "~~social~~"

Page 1, line 10, remove the overstrike over "~~security number~~"

Page 1, line 10, remove the overstrike over "~~unless the applicant is a nonimmigrant who is not eligible for a social~~"

Page 1, line 11, remove the overstrike over "~~security number~~" and insert immediately thereafter "or the applicant provides an affidavit stating the applicant was not assigned a social security number"

Page 1, line 11, remove the overstrike over the first comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1406: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1406 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~social~~"

Page 1, line 10, remove the overstrike over "~~security number~~"

Page 1, line 10, remove the overstrike over "~~unless the applicant is a nonimmigrant who is not eligible for a social~~"

Page 1, line 11, remove the overstrike over "~~security number~~" and insert immediately thereafter "or the applicant provides an affidavit stating the applicant was not assigned a social security number"

Page 1, line 11, remove the overstrike over the first comma

Renumber accordingly

2021 SENATE TRANSPORTATION

HB 1406

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1406
3/4/2021

A BILL for an Act to amend and reenact section 39-06-07 of the North Dakota Century Code, relating to an application for an operator's license.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:31]

Discussion Topics:

- REAL ID
- Social Security numbers
- Religious objections to social security numbers
- Federal requirements for driver's licenses

Brad Schaffer [9:32], Driver's License Director for the NDDOT, offers neutral oral testimony and submits testimony #7299.

James C. Fleming [9:41], Division Director for the Child Support Division of the Department of Human Services, offers neutral oral testimony and submits testimony #7375.

Brad Schaffer [9:52], Driver's License Director for the NDDOT, answers questions from the committee.

Chair Clemens adjourns the public hearing. [9:56]

Chair Clemens opens committee work on HB 1406. [10:26]

Senator D. Larsen [10:26] motions DO PASS.
Senator Conley [10:27] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	N
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 5-1-0. [10:27]
Senator D. Larsen will carry.

Clair Clemens adjourns the meeting. [10:27]

Sheldon Wolf, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1406, as engrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1406 was placed on the Fourteenth order on the calendar.

#7299

SENATE TRANSPORTATION COMMITTEE
March 4, 2021 - 9:30 a.m. - Room Fort Totten

North Dakota Department of Transportation
Brad Schaffer, Director of Driver License

HB 1406

Good morning Chairman Clemens and members of the committee. I am Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (NDDOT).

I am here today on behalf of the NDDOT to provide neutral testimony on House Bill 1406, a bill that allows an applicant to provide an affidavit stating the applicant does not have a social security number.

As the bill stands today, allowing this option of accepting an affidavit does not have a significant impact on our operations. If the applicant selects this option, a state-issued drivers license or identification card will be issued. A commercial driver license or REAL ID will not be issued.

The Federal Motor Carrier Safety Administration (FMCSA) and the Code of Federal Regulations (CFR) 383.153 requires the SSN be provided on the application for any applicant applying for a Commercial Learner's Permit or Commercial Driver's License.

In addition, the Real ID Act requires the applicant to provide physical proof of their SSN to remain in compliance.

This concludes my testimony. Thank You

#7375

Testimony
Engrossed House Bill 1406 - Department of Human Services
Senate Transportation Committee
Senator David Clemens, Chairman

March 4, 2021

Chairman Clemens and members of the Transportation Committee, I am Jim Fleming, Director of the Child Support Division of the Department of Human Services (Department). I am here today on behalf of the Department to provide neutral testimony on Engrossed House Bill 1406.

Knowing a parent's social security number is very important to locating a parent who owes child support and his or her assets, and in taking child support enforcement actions without risk of mistaken identity. In recognition of this, as a condition of participating in the Child Support and TANF programs, federal law since 1996 has required states to have a number of laws to ensure effectiveness of the Child Support program, including use of a parent's social security number:

> In order to satisfy section 654(20)(A) of this title, each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part: …
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> **(13) Recording of social security numbers in certain family matters**
> Procedures requiring that the social security number of--
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> **(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.

42 United States Code Section 666.

The federal Office of Child Support Enforcement has offered states the following guidance on complying with this mandate:

> We interpret the statutory language in section 466(a)(13) of the Act to require that States have procedures which require an individual to furnish any social security number that he or she may have. Section 466(a)(13) of the Act does not require that an individual have a social security number as a condition of receiving a license, etc. We would advise States to require persons who wish to apply for a license who do not have social security numbers to submit a sworn affidavit, under penalty of perjury, along with their application stating that they do not have a social security number.

Engrossed House Bill 1406 authorizes the affidavit option for applicants who do not have a social security number. The federal Office of Child Support Enforcement has confirmed to the Department that the current bill, if enacted, would satisfy federal law.

Mr. Chairman and members of the Committee, this concludes my testimony, and I would be happy to answer any questions you may have.