

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2183/P1dn

.....

1. Attached is a preliminary draft for your review. You have requested a repeal of the provisions created in 1997 Acts 191 and 237 requiring a person to disclose his or her social security number (SSN). Please note that, under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), each state must require a person's SSN to be recorded on any application for a professional, driver's, occupational, recreational or marriage license, on any records relating to a judgment of divorce, support order or paternity determination and on every death certificate. A state that fails to enact these requirements risks losing federal funding for child and spousal support enforcement. Wisconsin passed 1997 Act 191 to comply with the PRWORA. If enacted, this draft would jeopardize Wisconsin's receipt of federal funds.

2. The following statutes contained SSN requirements before 1997 Acts 191 and 237 became effective. Please review these statutes and let me know if you intend to treat them in this draft: ss. 73.03 (38), 101.87 (1), 103.35 (3m) (a), 214.245 (1), 343.14 (2) (b), 565.30 (5m), 767.085 (1) (a) and 769.311 (1), stats.

3. I did not repeal the SSN language in the following statutes, even though these statutes were treated in 1997 Act 191. None of these statutes requires a person to provide a SSN; rather they regard disclosure of a SSN between agencies, authorities or entities. Please review these statutes and let me know if you intend to repeal them in this draft: ss. 69.20 (3) (f), 49.853 (3) (a), (b), and (4) (a), 69.17, 343.14 (2j) (b), 563.28 (2) and 563.285 (2) (a), stats.

4. This draft repeals SSN requirements that specifically apply to a person involved in a divorce, paternity or child support proceeding. The various agencies that enforce support orders may have difficulty tracking support payments without using a person's SSN. In addition, it is unclear how the department of workforce development will be able to maintain the statewide support lien docket under s. 49.854 (2) (b), stats., without using a person's SSN. Please let me know if you desire any changes to these provisions.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us