

ALASKA STATE LEGISLATURE
SENATE RESOURCES COMMITTEE

January 24, 2001
3:35 p.m.

MEMBERS PRESENT

Senator John Torgerson, Chair
Senator Drue Pearce, Vice Chair
Senator Rick Halford
Senator Pete Kelly
Senator Robin Taylor
Senator Kim Elton
Senator Georgiana Lincoln

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 49

"An Act eliminating a requirement that a social security number be provided by an applicant for a hunting or sport fishing license or tag and for certain hunting permits; and providing for an effective date."

MOVED CSSB 49(RES)OUT OF COMMITTEE

SENATE BILL NO. 19

"An Act repealing the termination date of changes made by ch. 87, SLA 1997 and ch. 132, SLA 1998 regarding child support enforcement and related programs; repealing the nonseverability provision of ch. 132, SLA 1998; repealing certain requirements for applicants for hunting and sport fishing licenses or tags, and for certain hunting permits, to provide social security numbers for child support enforcement purposes; and providing for an effective date."

MOVED CSSB 19(RES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

SB 49 - No previous action to record.

SB 19 - No previous action to record.

WITNESS REGISTER

Mr. Darwin Peterson
Aide to Senator Torgerson
State Capitol Bldg.
Juneau AK 99811

POSITION STATEMENT: Commented on SB 49.

Mr. Kevin Brooks, Director
Administrative Services
Department of Fish & Game
PO Box 25526
Juneau, AK 99802-5226

POSITION STATEMENT: Supported SB 49.

Mr. Eric Weathers
P.O. Box 1791
Cordova AK 99574

POSITION STATEMENT: Supported SB 49.

Ms. Denny Kay Weathers
P.O. Box 1791
Cordova AK 99574

POSITION STATEMENT: Supported SB 49.

Mr. Dean Curran
P.O. Box 42
Cordova AK 99574

POSITION STATEMENT: Supported SB 49.

Ms. Barbara Miklos, Director
Child Support Enforcement Division
Department of Revenue
550 W 7th Ave. Ste. 500
Anchorage AK 99501-3566

POSITION STATEMENT: Supported CSSB 19.

ACTION NARRATIVE

TAPE 01-3, SIDE A

Number 001
#SB49

SB 49-NO SOC SEC. # REQ'D ON HUNT/FISH LICENSE

CHAIRMAN TORGERSON called the Senate Resources Committee meeting to order at 3:35 p.m. and announced SB 49 to be up for consideration.

MR. DARWIN PETERSON, aide to Senator Torgerson, sponsor of SB 49, explained that it repeals the requirement for social security numbers on hunting and fishing licenses in Alaska, which was mandated when the 20th Legislature enacted HB 344 to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. One of the Act's requirements was the collection of social security numbers on recreational license applications. The Department of Fish and Game (ADF&G) has been required to provide these social security numbers to the Child Support Enforcement Division (CSED) in Alaska or any other state.

MR. PETERSON said, "Effective October 1, 2000 the State of Alaska was granted a three-year exemption from requiring social security numbers on hunting and fishing license applications. SB 49 was introduced in response to this federal exemption. Since it's imposition, the people of the State of Alaska have been resentful of this federal requirement as an invasion of privacy." SB 49 has an immediate effective date.

SENATOR TAYLOR moved to adopt CSSB 49, 22-LS0390\C Lauterbach 1/19/01. There were no objections and it was so ordered.

MR. PETERSON explained that the main difference is that the original bill repealed three sections of statute (requiring ADF&G to collect social security numbers on hunting and fishing license applications). Language on lines 10 - 12 on page 1 of the CS also deletes a requirement that the commissioner request those social security numbers on the applications. It is a conforming amendment.

Number 369

MR. KEVIN BROOKS, Director, Administrative Services, ADF&G, supported SB 49. He pointed out that ADF&G has already issued a half million licenses and would just send a letter to their vendors letting them know it's no longer a requirement when the bill passes. He said that the Internet license transactions were very successful, but were built around the social security number, so they would need to work on that. His goal is to find a way for individuals to easily renew licenses over the Internet since it's apparent that the need for these services will continue to grow.

MR. BROOKS wanted to know whether committee members would object to leaving the social security number on the form as an optional field. Currently social security numbers are used as primary identifiers in the database. Using a different combination of name and number, such as drivers' licenses, wouldn't work as well since everyone doesn't have a driver's license. He'd like to find a way

to use the social security number in their database while emphasizing improved customer service in Internet operations.

Number 556

CHAIRMAN TORGERSON said that, in his opinion, having the social security data field on the license was acceptable as long as it was clearly optional information. To reduce arguments between licensee and issuer over whether or not all data fields on the license are required, he suggested placards be placed on counters wherever licenses are sold. The placards should make it clear that listing social security numbers is optional.

MR. BROOKS agreed with that.

SENATOR LINCOLN wanted to know if Mr. Brooks was talking about social security numbers being optional for future years or for this year until new licenses are made.

MR. BROOKS said that it's a foregone conclusion for the current year because 2001 licenses were already out. This discussion is about future years. He went on to say that they might come up with a different solution. He was just trying to explore options.

SENATOR LINCOLN said that she would object to having it as an option because it isn't easy to make sure everyone would realize that it's optional. She and Senator Taylor had heard that stealing identities was done by using individuals' social security numbers. She said that if it isn't a requirement she could see no reason to put it in as an option. Although the number would be useful to the department, it would only be useful for those that supplied their number so she'd rather eliminate that data field.

MR. BROOKS replied that the only purpose for using the social security number is to make it easier for those people who wanted to purchase or renew licenses over the Internet. He has to balance the security of personal data against the trouble of entering it each time a license is issued or reissued.

SENATOR TAYLOR asked him to explain the transition period.

MR. BROOKS said that the number would be optional in the current year, but that the department wanted to keep its options open in future years. He favors the social security number being boldly and clearly identified as optional.

SENATOR TAYLOR said if this law passes, he doesn't believe that it would be discretionary for the commissioner to ask for social

security numbers. He agrees with Senator Lincoln, that after this current year transition period, the social security data field should be eliminated.

Number 811

SENATOR TAYLOR also wanted to know how you could swear under oath on a computer.

CHAIRMAN TORGERSON said that part would be removed.

SENATOR ELTON said he understands that if it isn't optional to ask for social security numbers, then the current service of licensing over the Internet would be jeopardized.

MR. BROOKS said that a unique identifier was needed so individuals didn't have to reenter their personal information every year.

Number 938

SENATOR ELTON asked why an individual's name and birth date wouldn't work instead of the name and social security number.

MR. BROOKS said that they were running various combinations in an effort to find a suitable alternative for names and social security numbers. The last name and last four digits of the social security number might be a good alternative.

MR. ERIC WEATHERS, Cordova resident, said that several years ago he rescinded his social security number and now is unable to get a driver's license, a hunting license, or a sport fishing license. This doesn't mean that he no longer hunts or fishes. It just means that he no longer pays for licenses. He'd like drivers' licenses and commercial fishing licenses to be included in this bill as well.

Number 1005

MS. DENNY KAY WEATHERS, Cordova resident, testified that she didn't have a social security number either and that she supported SB 49. She requested that it be amended to include non-commercial drivers' licenses, commercial fishing permits and crew licenses. Ms. Weathers went on to say that when she went to renew her driver's license she found that an October 21, 1998 State of Alaska memorandum said HB 344 makes a social security number mandatory for renewal. Although she has been a licensed driver since she was a teenager, she is now unable to get a drivers license. She noted that an alien on a non-work status can get an Alaska driver's

license but she cannot. She closed by saying that she supports Senator Lincoln's suggestion to remove the social security data field from license forms.

MR. DEAN CURRAN supported SB 49. He doesn't want his social security number on his hunting and fishing license. He said that a federal identification number for social security purposes has no business appearing on any State of Alaska documents. He would like to have the social security field removed from all state documents. This is particularly important now that individual identities are being stolen more frequently by using social security numbers.

Number 1193

CHAIRMAN TORGERSON asked Mr. Brooks to comment on his proposed amendment on page 1, line 12. As Senator Taylor pointed out, an authorized officer currently swears in fishing license applicants when a license is purchased.

MR. BROOKS said that his department supported removing the "swear in" requirement on licenses. When an individual fills in personal information on license forms, they are attesting to the correctness of that information. The Department of Law does review this information and false information is prosecutable. As a practical matter, issuing stations, such as Carrs and Fred Meyers, have not been requiring sworn statements and it's a housekeeping matter to remove the item from the statute.

Number 1278

SENATOR PEARCE suggested removing the small print saying, "I hereby subscribe and swear that the information provided is true." Then ADF&G could no longer ask that question and would lose the ability to prosecute if the information is incorrect.

MR. BROOKS thought she raised a legitimate point.

CHAIRMAN TORGERSON suggested deleting "before an officer authorized to administer oaths in the state," on line 13 and leaving, "Each applicant shall be subscribed and sworn to by the applicant." This would leave the disclaimer on the bottom.

SENATOR TAYLOR said that, in essence, is what has been done. Contract offices or businesses have agents or employees selling licenses. That agent gives the applicant a license application to fill out. In signing the application, the applicant is testifying to the correctness of the information. The language requiring sworn testimony before an authorized officer means a notary public. He

agreed with Senator Pearce that this is somewhat arcane.

SENATOR TAYLOR went on to say that he thought there was a subtle distinction between a false swearing and giving false information on an application. He thought Chairman Torgerson's suggestion was good, but that it's important to be able to prosecute for false information on an application. He thought the attorneys should look carefully at the wording, but that he would be happy to go along with the chairman's recommendation.

Number 1595

CHAIRMAN TORGERSON said it was clear that license applicants weren't being sworn before an authorized officer of the state. He then asked if someone would offer the amendment.

SENATOR TAYLOR moved that the words on line 13 be removed. There were no objections and it was so ordered.

SENATOR ELTON said that the sense of the committee is that Mr. Brooks will check with attorneys on language and bring it before the next committee of referral.

SENATOR TAYLOR moved to pass CSSB 49 (RES) from committee with individual recommendations. There were no objections and it was so ordered.

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Number 1617

#SB19

SB 19-CHILD SUPPORT ENFORCEMENT/SOC SEC. #

CHAIRMAN TORGERSON announced SB 19 to be up for consideration.

SENATOR TAYLOR moved to adopt CSSB 19 22-GS1002/C Lauterbach. There were no objections and it was so ordered.

MS. BARBARA MIKLOS, Director, Child Support Enforcement Division (CSED), supported CSSB 19.

SENATOR TAYLOR asked if the federal government granted a waiver on getting information.

MS. MIKLOS answered that the only waiver the state got was for hunting and fishing licenses. She said CSED is required to get social security numbers on applications from various documents like a driver's license. She spoke with the director of the Division of

Motor Vehicles (DMV), Mary Marshburn, who didn't understand that the federal government's position was only for child support and not for any other requirements DMV may have. If you don't have a social security card, you may still get a driver's license. As far as DMV is concerned, the number only needs to be on the application and if you don't have a card, then you can just present an affidavit saying you don't have a social security number. She said she would work with Ms. Marshburn to get this issue resolved quickly.

SENATOR TAYLOR commented that in light of testimony on the last bill there is "someone out there who was arrested for driving illegally and his wife doesn't have a driver's license either - all because of this glitch."

MS. MIKLOS said that Ms. Marshburn informed her that there may be other requirements not related to child support that she needs to research.

SENATOR PEARCE asked if the social security number needs to be on the application only and not on the actual driver's license.

MS. MIKLOS indicated that was correct.

SENATOR TAYLOR moved to pass CSSB 19(RES) from committee with individual recommendations. There were no objections and it was so ordered.

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CHAIRMAN TORGERSON adjourned the meeting at 4:10 p.m.