

**ALASKA STATE LEGISLATURE
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE**

March 13, 2003
3:03 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Carl Gatto, Vice Chair
Representative Cheryll Heinze
Representative Paul Seaton
Representative Kelly Wolf
Representative Sharon Cissna
Representative Mary Kapsner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 146

"An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; and providing for an effective date."

- MOVED CSHB 146(HES) OUT OF COMMITTEE

HOUSE BILL NO. 166

"An Act relating to adoptions that include a subsidy payment by the state; eliminating annual review of the subsidy paid by the state after adoption of a hard-to-place child has occurred; and providing for an effective date."

- MOVED HB 166 OUT OF COMMITTEE

HOUSE BILL NO. 167

"An Act relating to grants for alcoholism and drug abuse programs; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

BILL: HB 146

SHORT TITLE:CHILD SUPPORT/SOCIAL SECURITY NUMBERS

SPONSOR(S): REPRESENTATIVE(S) MCGUIRE

Jrn-Date	Jrn-Page		Action
03/04/03	0377	(H)	READ THE FIRST TIME - REFERRALS
03/04/03	0377	(H)	HES
03/13/03		(H)	HES AT 3:00 PM CAPITOL 106

BILL: HB 166

SHORT TITLE:ELIMINATE REVIEW OF ADOPTION SUBSIDIES

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
03/05/03	0438	(H)	READ THE FIRST TIME - REFERRALS
03/05/03	0438	(H)	HES, FIN
03/05/03	0438	(H)	FN1: (HSS)
03/05/03	0438	(H)	GOVERNOR'S TRANSMITTAL LETTER
03/13/03		(H)	HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE LESIL MCGUIRE

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 146.

MARY McDOWELL, Commissioner

Commercial Fisheries Entry Commission (CFEC)

Alaska Department of Fish & Game (ADF&G)

Juneau, Alaska

POSITION STATEMENT: Discussed the history of AS 16.05 in relation to CSHB 146, Version H.

JOANNE GIBBENS, Program Administrator

Division of Family & Youth Services

Department of Health & Social Services

Juneau, Alaska

POSITION STATEMENT: Presented HB 166.

ACTION NARRATIVE

TAPE 03-25, SIDE A

Number 0001

CHAIR PEGGY WILSON called the House Health, Education and Social Services Standing Committee meeting to order at 3:03 p.m. Representatives Wilson, Gatto, Wolf, Seaton, and Cissna were present at the call to order. Representatives Heinze and Kapsner arrived as the meeting was in progress.

HB 146-CHILD SUPPORT/SOCIAL SECURITY NUMBERS

CHAIR WILSON announced that the first order of business would be HOUSE BILL NO. 146, "An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; and providing for an effective date."

CHAIR WILSON informed the committee that there is a proposed committee substitute (CS) [labeled 23-LS0705\H, Lauterbach, 3/13/03]. She said if there were no objections, the proposed CS would be before the committee. [No objections were stated.]

Number 0155

REPRESENTATIVE LESIL McGUIRE, Alaska State Legislature, sponsor, informed the committee that HB 146 eliminates a policy enacted by the legislature some years ago. She noted the importance of doing this in a timely manner due to the large amount of federal funding in danger of being lost [by the child support enforcement program and related programs] if this measure isn't passed.

REPRESENTATIVE McGUIRE said the only substantive portion in which one could argue there is a policy change is in the proposed CS. The original legislation from years ago failed to allow for nonresident people working in Alaska to be included, which she believed to be an oversight. Representative McGuire noted that she has been working with the Limited Entry Commission and others. She also noted that United Fishermen of Alaska (UFA) endorses this legislation. She offered her belief that everyone believes it is good to protect Alaska's children and to obtain the resources to which the children are entitled.

REPRESENTATIVE McGUIRE acknowledged the controversy surrounding [the use of social security numbers for identification]. Although she didn't disagree that social security numbers began as a means to a program and now have become a personal identification number, she encouraged the committee to look beyond such arguments. Today, social security numbers are used

as personal identification numbers and for tracking purposes. She emphasized the importance of the child support enforcement program to be able to find parents that aren't paying the debts necessary to support their children. Having employers report social security numbers so that the child support enforcement program can directly track the wages of earnings of these individuals is the most effective way to accomplish [support of children], she suggested.

REPRESENTATIVE MCGUIRE referred to the sponsor statement in the committee packet and said HB 146 relates to federal money obtained through a block grant under the federal Temporary Assistance to Needy Families (TANF) program. In 1996 the federal welfare reform legislation was enacted and the policy began at the federal level to reduce dependence on welfare programs. The federal Act imposed numerous requirements for state child enforcement programs. Thus financial participation in Alaska's child support enforcement program and the Alaska Temporary Assistance Program (ATAP) depends upon compliance with these federal requirements. In 1997 and 1998, [state] laws enacted to meet those federal requirements included a repealer of July 1, 2003. Without action this legislative session, therefore, this policy will disappear and much will be lost.

Number 0490

REPRESENTATIVE GATTO highlighted that this would cover residents and nonresidents alike. He felt it would be clearer if the word "resident" was replaced with the word "nonresident" on page 1, line 7 of Version H. Therefore, on page 1, line 7, the sentence would refer to nonresidents. He also suggested changing line 9 such that it would specify that the resident applying for a resident commercial fishing license would provide the person's social security number in addition to the proof of residence.

REPRESENTATIVE MCGUIRE responded that she didn't disagree that subsection (b) is bifurcated. However, she noted a possible constitutional concern: the need to take care when distinguishing between residents and nonresidents in law because there are all types of issues that come into play, such as equal protection and the commerce clause. Therefore, she wanted to be clear that there is no distinction between a resident and nonresident but rather that an individual applying for a commercial fishing license must provide a social security number. Representative McGuire said she'd be uncomfortable changing that, although she noted her willingness to have the bill held in order to speak with the drafter. However, she

emphasized that she believes it's clear that the first sentence in subsection (b) applies to all people who apply for a commercial fishing license, while the second portion applies to residents only.

REPRESENTATIVE GATTO said he sees this legislation from the point of view of the person who would be affected, rather than the drafter. Therefore, he prefers language so clear that a third-grade student could understand it. He noted that he is uncomfortable [with the language as is].

Number 0692

REPRESENTATIVE McGUIRE opined that inserting "nonresident" on line 7 would be problematic because residents also need to be included. She mentioned the notion outlined in lines 7-8 and indicated it would be reiterated in the second [sentence of subsection (b)]; she opined that this would be superfluous.

CHAIR WILSON echoed Representative McGuire's statements regarding the use of "nonresident" in that it may raise a flag. She said she believes [the existing language] is best.

Number 0780

REPRESENTATIVE GATTO suggested there are various types of residencies in this state: someone can be a permanent fund dividend resident, a voting resident, and a fish and game resident, for example. "My concern is we would also like to add another line, maybe, identifying for the purposes of fishing licenses," he said. Representative Gatto reiterated his discomfort and desire for changes.

REPRESENTATIVE McGUIRE explained that when one looks at a resident versus a nonresident, care must be taken to look to a benefit that both equally receive. She explained:

In this particular instance, what we're saying is that if you apply for a commercial fishing license, then you're going to be required to provide the person's social security numbers. So it's the action and it's the benefit that you're receiving that we were referring to as opposed to setting out being a resident or nonresident you somehow have a higher or lesser burden.

Number 0882

MARY McDOWELL, Commissioner, Commercial Fisheries Entry Commission (CFEC), Alaska Department of Fish & Game (ADF&G), suggested this could probably be clarified by reviewing the origin of the language [in Version H]. She noted that AS 16.05 discusses the licensing of commercial fishermen. In 1997, the legislature was looking for a place to insert language clarifying that those who apply for all types of commercial fishing licenses shall provide their social security numbers. The drafter opted to place the aforementioned in [AS 16.054.80(b)], which was originally meant to provide ADF&G and [CFEC] the ability to ask someone about residency for the purpose of obtaining the cheaper resident license.

MS. McDOWELL said the additional requirement to provide the social security number was inserted by the drafter in this section that only spoke to residents; this was a drafting error because the legislative history clearly shows that the legislature wanted all applicants for commercial fishing licenses to provide a social security number. Referring to [Version H, subsection (b)], she mentioned retaining the ability that anyone applying for a fishing license shall provide proof of residency in order to receive the resident rate, while additionally specifying that all applicants shall provide a social security number for a fishing license.

REPRESENTATIVE GATTO said he sees mistakes and thus expressed the need for more time to pen an amendment.

MS. McDOWELL explained that HB 146 [Version 23-LS0705\D] took all the sections inserted in 1997 and rolled them forward. However, it was realized that the original drafting was in error. Rather than roll forward mistakenly drafted language, the proposal is to fix it as it is rolled forward.

Number 1123

REPRESENTATIVE GATTO stressed that HB 146 was originally legislation to remove a sunset date. However, Version H is more than the removal of a sunset date and requires people to act or produce something. He reiterated the desire to clean it up so it's better written. He asked if there is some deadline that has to be met.

CHAIR WILSON informed the committee that there is a backlog of legislation for this committee. She announced that Representative Gatto could formulate an amendment while the

committee moved on to the next piece of legislation; otherwise, she would follow the wish of the committee. Chair Wilson noted that several departments have been involved with the proposed CS and thus she said she felt fairly comfortable with it.

REPRESENTATIVE GATTO advised the chair that he would attempt to formulate an amendment.

CHAIR WILSON temporarily suspended the hearing on HB 146.

HB 166-ELIMINATE REVIEW OF ADOPTION SUBSIDIES

Number 1222

CHAIR WILSON announced that the next order of business would be HOUSE BILL NO. 166, "An Act relating to adoptions that include a subsidy payment by the state; eliminating annual review of the subsidy paid by the state after adoption of a hard-to-place child has occurred; and providing for an effective date."

Number 1232

JOANNE GIBBENS, Program Administrator, Division of Family & Youth Services (DFYS), Department of Health & Social Services (DHSS), explained that current statute requires an annual review of all adoption and guardianship subsidies in order to determine the continuing need for a subsidy and to review the amount. Originally designed as a cost-saving measure, it hasn't proven to be one. Therefore, DHSS has proposed eliminating the requirement for an annual review. She noted that committee packets should include a fiscal note reflecting the savings gained by eliminating this annual review.

MS. GIBBENS pointed out that this doesn't mean adoptive parents or guardians lose the right to have their subsidies reviewed. Federal law requires that no subsidy amount may be decreased without the concurrence of the parents. Furthermore, there is an allowance that gives every adoptive parent or guardian the ability to request a review of the subsidy amount at any time. Ms. Gibbens related that the department anticipates there will be a more immediate response to requests from adoptive parents or guardians to have their subsidy amounts reviewed.

CHAIR WILSON surmised that elimination of this annual review in no way takes away the due process for anyone.

MS. GIBBENS replied that is correct.

Number 1370

REPRESENTATIVE CISSNA asked if other types of oversight or checking-in exist for adoptive parents.

MS. GIBBENS answered that [the department] is developing post-adoptive services to assist adoptive parents in their adjustment. With some federal dollars, the [department] should be able to provide more [post-adoptive] services in the coming year. Once a family adopts a child, the family has no responsibility in terms of the state and is viewed as any other parent.

REPRESENTATIVE CISSNA noted that adoptions aren't necessarily permanent, although that is the desire. She asked whether [the annual review] has any value in that way.

MS. GIBBENS replied that she didn't think so. She explained that sometimes, once an adopted child has reached adolescence, the child demonstrates a new need for additional mental health care or other items covered in the subsidy. In those cases, the adoptive parents contact the division and request assistance to provide additional services; thus the subsidy is reviewed [and there is a determination with regard to the request].

Number 1502

REPRESENTATIVE SEATON moved to report HB 166 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 166 was reported from the House Health, Education and Social Services Standing Committee.

HB 146-CHILD SUPPORT/SOCIAL SECURITY NUMBERS

Number 1557

CHAIR WILSON returned attention to HOUSE BILL NO. 146, "An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; and providing for an effective date."

REPRESENTATIVE SEATON asked if the bill would make social security numbers available to the public.

MARY McDOWELL, Commissioner, Commercial Fisheries Entry Commission (CFEC), Alaska Department of Fish & Game (ADF&G), replied that the bill doesn't change the current situation; CFEC has always asked for social security numbers on permit applications, and upon request, those numbers are made available to the Child Support Enforcement Division (CSED) so it can garnish part of a fish ticket. In further response, she said this information absolutely wouldn't be accessible on the Internet.

Number 1686

REPRESENTATIVE WOLF referred to the "Child Support Enforcement 2003 'Sunset' Summary" in the committee packet and asked if CSED was in favor of waiving federal requirements for social security numbers on fishing and hunting licenses.

MS. McDOWELL said CSED could best answered that question; she added that sport fishing and hunting licenses were treated differently than this sort of licensing.

REPRESENTATIVE GATTO offered Amendment 1, which read [original punctuation provided]:

Line 7(b) A person applying for a non-resident
Line 9 after shall insert "provide the person's
S/S# and
Line 10 strike [that the department requires by
regulation]
insert [as required by regulation.]
Line 13 strike [a]
insert "the"

REPRESENTATIVE GATTO explained that if reference was made to a nonresident, then, similarly, reference should be made to a resident. Conversely, if reference was made to a resident, then a correlative reference should be made to a nonresident. In this way, 100 percent of the people would be covered. He said inserting "nonresident" in 7(b) identifies the group of people involved with the regulation pertaining to commercial fishing licenses and social security numbers.

CHAIR WILSON commented that the reference pertained to everyone, not just nonresidents.

REPRESENTATIVE GATTO concurred, and said that was why, in line 9, he inserted "social security number" - to make it clear that

each line could stand on its own. He said each line deals entirely with the regulation; he suggested that the amendment simplifies rather than complicates the bill's language.

REPRESENTATIVE GATTO continued that in line 10, it was more straightforward to say, "as required by regulation" rather than "that the department requires by regulation." He said making this more general does not restrict it to any one department.

REPRESENTATIVE GATTO concluded his explanation by saying that in line 13, the specific social security number that is wanted is the one provided by the applicant, rather than "a" social security number; therefore, he suggested striking "a" and inserting "the." He said Amendment 1 does not change the intent of the bill, but clarifies the language so it is somewhat easier to understand than the previously [provided] language.

CHAIR WILSON objected for purposes of discussion. She noted that John Mallonee from CSED and Diane Wendlandt from the Department of Law were on teleconference to answer questions.

Number 1890

REPRESENTATIVE KAPSNER asked, in reference to line 7, whether the intent was to add or to delete language.

REPRESENTATIVE GATTO replied that the word "resident" was already deleted, and he was not changing that deletion. He said adding "nonresident" would distinguish it from the following line, which speaks to residents. In this way, each line would stand on its own merit. If amended line 7(b) would read, "A person applying for a nonresident commercial fishing license under this section shall provide the person's social security number."

REPRESENTATIVE CISSNA said she values the expertise of Legislative Legal and Research Services, and prefers not to amend the language.

CHAIR WILSON said she agreed.

REPRESENTATIVE WOLF indicated that he does not want to second-guess Legislative Legal and Research Services. In reference to line 7, he said defining "nonresident" had the potential to open up a "can of worms."

REPRESENTATIVE GATTO suggested that changing the language in line 13 to "the" would offer further clarification.

Number 2055

A roll call vote was taken. Representative Gatto voted in favor of Amendment 1. Representatives Wolf, Heinze, Seaton, Cissna, Kapsner, and Wilson voted against it. Therefore, Amendment 1 failed by a vote of 1-6.

REPRESENTATIVE KAPSNER moved to report CSHB 146, Version 23-LS0705\H, Lauterbach, 3/13/03, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 146(HES) was reported from the House Health, Education and Social Services Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at approximately 3:56 p.m.