

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON SENATE BILL 374

Call to Order: By **CHAIRMAN DON HARGROVE**, on April 23, 1997, at 2:56 p.m., in Room 331.

ROLL CALL

Members Present:

Sen. Don Hargrove (R)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)
Rep. William E. Boharski (R)
Rep. Daniel W. McGee (R)
Rep. Diana E. Wyatt (D)

Members Excused: None

Members Absent: None

Staff Present: John MacMaster, Legislative Services Division
Jodi Jones, Committee Secretary

HEARING ON SB 374

SENATOR HARGROVE said they are going to consider the part concerning the restrictions on social security numbers for commercial driver licenses.

John MacMaster, Legislative Services Division, said the bill amended section 61-5-107 and that when a person applies for a motor vehicle license, they have to give their social security number. He discussed the prior Free Conference Committee on page 11, sub-section (3). **(EXHIBIT 1)**

REP. BILL BOHARSKI asked if they are talking about the reference copy of the bill. **John MacMaster** said in a Free Conference Committee they have the whole bill in front of them and it can be changed anyway the committee likes. What they need to do is vote for the former Free Conference Committee report and put in the new language in sub-section (3).

SENATOR HARGROVE said they need to adopt the Free Conference Committee report #2 which will then become Free Conference Committee report #3 which will have the amendments included.

Motion:

SENATOR DARYL TOEWS MOVED TO ADOPT THE FREE CONFERENCE COMMITTEE REPORT #2 WITH THE AMENDMENTS TO BE CALLED FREE CONFERENCE COMMITTEE REPORT #3.

Discussion:

SENATOR MIGNON WATERMAN said the reason they are applying this exception is because commercial drivers are required to give their social security number so they don't get multiple licenses in other states. She asked how long has the Department of Transportation been collecting these social security numbers and sending them to this national registry. **Marvin Dye, Department of Transportation**, said he was not sure, but he thought it has been since the early 1990's.

REP. BOHARSKI asked the language that requires these licenses to have a social security number on them, where is that in the code. **Brenda Nordlund, Department of Justice**, said it is a requirement under federal law, Title 49, section 31303. She said they collect the social security numbers for CDL's as a matter of policy and practice to comply with the federal law.

REP. BOHARSKI asked if the Department of Transportation collects social security numbers in Montana without the statutory requirement. **Brenda Nordlund** said the Department of Justice issues commercial drivers licenses and they are collecting the information in accordance to their program requirements in order to issue a commercial drivers license under the federal law.

REP. BOHARSKI asked if there is anything in Montana statute that requires a commercial drivers license to have the driver's social security number on it. **Brenda Nordland** said there is nothing in Montana statute that requires that.

REP. BOHARSKI said as this bill sits before them in the reference copy, they do not have to deal with the social security issues and this motion is not necessary. The issue of confidentiality of drivers license social security numbers is not an issue in this copy of the bill. He said the Governor will sign the reference copy of this bill and so will the House. The only ones that have to pass it is the Senate.

John MacMaster said as originally introduced in the Senate, the bill did amend this section that is before them. When the bill got over to the House, the Judiciary Committee decided they did not want that amendment in the bill. If they take out that amendment there is no other change in that section. But to put the requirement of the social security number back in the bill and to require it to be confidential except in certain instances, then they would have to adopt the prior report with this change. That report will then have all of these things in it.

SENATOR WATERMAN said it was her understanding that the House bill had stripped out new hirer, trial by jury, social security, and the financial database. This bill would not meet the federal requirements and how could the Governor sign such a bill.

SENATOR HARGROVE said the motion before them does meet the federal requirements. He drew a diagram on the board and explained it.

REP. WYATT said give her a title and she will vote for it and the department will execute rules in such a way that they hope it manages to meet the federal level. A bill that is a title and leaves the department open to create rules and regulations is not something she is willing to vote for.

Vote:

MOTION TO ADOPT THE FREE CONFERENCE COMMITTEE REPORT #2 WITH THE PROPOSED AMENDMENTS TO BE CALLED FREE CONFERENCE COMMITTEE REPORT #3 PASSED 5-1 WITH REP. BOHARSKI voting no.

ADJOURNMENT

Adjournment: 3:19 p.m.



SEN. DON HARGROVE, Chairman



JODI JONES, Secretary

DH/jj