

SB

165

BILL NO: SB 165

DATE: March 17, 1987

TITLE: An Act relating to release of certain permanent fund dividend and drivers' license information to the United States Selective Service System

CONTACT: Bill Brown 465-4335

DEPARTMENT OF PUBLIC SAFETY

Section 1 of this bill is the only portion which will affect the Department of Public Safety. It requires the department to release data to the Selective Service, and requires the department to add a statement on driver license applications.

The department does not object to releasing the data to the Selective Service, however, is opposed to the last sentence of Section 1, which requires the statement on the application. The requirement to print the statement on a driver's license application, and make it meaningful would require revamping of the present driver licensing process, making it more time consuming, which we object to. Also, Federal Government recognized the importance of the SSN as an identifier and passed a law in 1976, authorizing the use of the SSN by a state in four situations. One of those was the administration of a driver's license law. In 1986, Congress passed a law concerning licensing of commercial vehicle operators. Part of that law requires an information system to identify commercial operators. At this time the federal DOT is proposing to use the SSN, along with name, DOB, etc., as identifiers in that system. Thus, the wording of the last sentence in Section 1 may make Alaska law conflict with federal law.

The department does not support this bill, however, would change to a neutral position if the last sentence of Section 1 were deleted.

William R. Nix
WILLIAM R. NIX
Acting Commissioner

RECEIVED
MAR 21 1987

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 165
Publish Date: _____

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to release of certain permanent fund dividend and ...

BRU: Motor Vehicles

Sponsor: Duncan

Components: _____

Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact.

JNR
3/19/87

Prepared by: Bill Brown
Division: Motor Vehicles

Phone: 465-4335
Date: 3-19-87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 3/19/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 165

Publish Date: _____

REQUEST _____

Revision Date: _____

Title: Release of PFD information to
the Selective Service System

Sponsor: Duncan

Requestor: State Affairs

Agency Affected: Revenue

BRU: Permanent Fund Dividend

Components: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Prepared By: Ervin B. Jones

Division: Administrative Services

Phone: 465-2313

Date: 3/23/87

Approved by Commissioner: [Signature]

Agency: Revenue

Date: 3/27/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

page ____ of ____



Selective Service System

510 Sixth Street
Juneau, AK 99801-1092
April 6, 1987

Senator Mitchell Abood, Chairman
Senate State Affairs Committee
P. O. Box V
Juneau, AK 99801

Dear Senator Abood

Subject: SB 165 - Release of Information from Permanent Fund
Dividend and Drivers' License Information
of 18-to-25-Year-Old Males to the United States
Selective Service System

Enclosed is a brief summary concerning the purpose, use and benefits which will be derived from passage of Senate Bill 165.

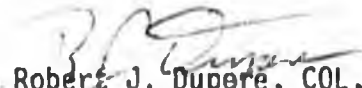
For those who may wish to dig deeper into the Selective Service Program, the following are enclosed:

1. News Release February 11, 1987 -- reference additional efforts of States to assist in the Selective Service registration program.
2. News Release March 1987 -- reference Federal Student Aid, Job Training Benefits and Federal Employment.
3. News Release - Last Opportunity for Men Turning 26 to Register.
4. INS Language -- reference alien registration.
5. Selective Service System Today.
6. State Selective Service Laws -- Outline of steps other States have taken to encourage registration.

Also enclosed are Attorneys General opinions which outline the need for legislation if the State is going to cooperate with the Selective Service Agency in this report:

1. Opinion dated June 30, 1983
2. Opinion dated July 16, 1986

Sincerely


Robert J. Dupore, COL, Retired
State Director Selective Service

cc: Senator Jim Duncan

SENATE BILL 165

The information to be released to Selective Service will be used to match the file of those residents of Alaska who have a statutory responsibility to register with Selective Service -- all males between the ages of 18 - 25 years of age (born after June 1, 1960).

If these names do not appear on the Selective Service list of registrants, they will be sent a letter informing them of their suspected violation and giving them an opportunity to register or explain why they do not have to register. If a young man does not respond to this letter, he is sent two more. Thereafter, his name is forwarded to the Department of Justice for possible prosecution.

In addition, while in a delinquent status, the 18 through 25 year olds who have not registered are denied the following Federal benefits:

1. Student financial aid under Title IV.
2. Participation under the Joint Training Partnership Act.
3. Appointment in an executive agency of the Federal government.

If the individual slips through the cracks without registering, upon reaching 26 years of age he is permanently denied the above benefits.

While Selective Service has a continuing program of advertising on the statutory requirement of registration, we know from our experience in Alaska that many in the rural area will not get the word, or may not be readily accessible to a post office; or, as in the case of many youths, may put it off, forget, and think it is too late to comply.

Thus, supplying this data to Selective Service from the permanent fund recipients or drivers' licenses will help get to these Alaskans information which will not only contribute to our national security interest but also to life-long Federal benefits.

Selective Service System

NATIONAL HEADQUARTERS • 1023 31st STREET • WASHINGTON, DC 20545

70213-000082

CAPT H.W. WALLS
SELECTIVE SERVICE SYSTEM
BLDG. 7, RM 160 TREASURE ISLAND
SAN FRANCISCO, CA 94130-5052

MEMO TO ASSIGNMENT EDITORS

February 11, 1987

The formal signing of House Bill 542 will take place in the Carvel State Office Building, 820 French St., Wilmington, Del., on Feb. 26, 1987, at 11:00 a.m. Governor Michael N. Castle, Rep. Roger P. Roy (R-20th District), primary sponsor of the legislation, and Selective Service System Acting Director Wilfred L. Ebel will attend the ceremony.

House Bill 542 makes registration with Selective Service (for those men required to so register) a pre-condition for state employment, or for any program supported by the General Fund to provide educational assistance to residents of Delaware or any other state.

This legislation is modeled after federal legislation. The intent of both federal and state legislation is two-fold. It increases public awareness of the registration requirement and it ensures that recipients of taxpayers' funds are in compliance with the law. Delaware joins nine other states with similar legislation.

Men are required to register with Selective Service within 30 days of their 18th birthday. Failure to register may lead to conviction as a felon and as such, may be punishable by a fine of up to \$250,000 or up to five years imprisonment, or a combination of both.

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For further information, contact:

Dallas Winslow
(302) 654-6428

*D. Info copy/sample
to RFC's
of APPS use
AW*

NEWS RELEASE

FEDERAL STUDENT AID, JOB TRAINING BENEFITS AND FEDERAL EMPLOYMENT

Three measures enacted by Congress link Selective Service registration to eligibility for certain federal benefits. The legislative intent was to increase public awareness of the registration requirement and to ensure that recipients of Federal funds were in compliance with the law. The student aid and job training benefits have become known as the "Solomon Amendments" after Rep. Gerald Solomon (R-NY), who introduced the bills.

Public Law 97-252, signed on September 8, 1982, provides that persons required to register with Selective Service be in compliance before receiving student financial aid under Title IV of the Higher Education Act. Included are the popular Pell Grants and Guaranteed Student Loans. Applicants are asked to sign a statement of compliance which is part of the application form for financial aid.

An agreement between the Department of Education and the Selective Service System signed in January 1986 provides for computer matching of Pell Grant applicants and recipients with Selective Service's registrant file. The names of suspected nonregistrants are furnished to the Department of Education which flags the records of those students and will not issue them grants until they prove they are in compliance with the law.

On October 13, 1982, Public Law 97-300 amended the Job Training Partnership Act (JTPA) to impose similar requirements on applicants for job training. The basic provisions of this amendment also require registration as a condition of eligibility. However, because of differences in the two programs, the method of implementing the JTPA is different from that for Title IV student aid.

Job training benefits do not involve any payment of money to the applicant — the agency furnishing the training receives the funds. Therefore, only the training agency can be held financially liable if the applicant does not meet all the eligibility requirements.

To protect the training agencies, most procedures require applicants of registration age to furnish written proof or verbal verification of their registration from Selective Service rather than simply signing a statement of compliance.

Selective Service and the Department of Labor are attempting to assist applicants in obtaining the proof they need to apply for job training benefits. Men not yet registered can fill out registration forms at most job training centers as part of the application process. Men who have misplaced the proof of registration (Selective Service Acknowledgement Letter) may obtain a duplicate by contacting Selective Service, either by mail or by calling, toll free, 1-800-621-5388. This service is available to anyone who is in need of verification of registration.

FACT SHEET

On November 8, 1985, President Reagan signed Public Law 99-145 which is commonly known as the Thurmond Amendment to the Defense Authorization Bill. Offered by Senator Strom Thurmond (R-SC), this law denies appointment to federal jobs to men who have not registered with Selective Service. This law not only applies to men seeking permanent employment, but also to young men seeking temporary summer employment with a federal agency, or department, or the U.S. Postal Service.

The intent of his legislation is twofold. First, it is intended to increase public awareness of the registration requirement. And, second, it ensures that recipients of federal funds (federal paychecks) are in compliance with the law.

The Office of Personnel Management administers the provisions of these regulations.

Selective Service System

NATIONAL HEADQUARTERS • 1023 31st STREET • WASHINGTON, DC 20435

FOR IMMEDIATE RELEASE

LAST OPPORTUNITY FOR MEN TURNING 26 TO REGISTER

The Selective Service System reaches an important milestone in the registration of young men on January 1, 1986.

Beginning on this date, men who were required in 1980 to register with Selective Service will be turning 26. Selective Service does not have the authority to accept registrations of men after they turn 26. Men who failed to register will have permanently forfeited their right to certain Federal student aid and job training benefits as well as Federal employment. Additionally, registration with Selective Service is a requirement in some states for various employment opportunities, such as law enforcement agencies and permission to practice law.

Men born in 1960 who have registered, will reach age 26 in 1986 and, under present law, will no longer be eligible for selection for induction. Over 15 million men, age 18 through 25, have registered with Selective Service since President Carter initiated registration in 1980.

Many of the men who are nonregistrants may be unaware of the requirement or do not understand the importance of the obligation to register. Some have served in the military but failed to register either before entering the Armed Forces or after leaving active duty. Others may have been incarcerated at the time of their 18th birthday and not realized they were required to register if released from custody prior to age 26.

Men age 18 to 25 who have not yet registered should register promptly to avoid prosecution and/or loss of benefits. Registration takes only five minutes at any post office. Failure to register is a felony, punishable by a fine of up to \$250,000 and/or up to 5 years imprisonment.

1-800-621-5388
Verification of Registration

For further information, contact:
Joan Lamb
Assistant Director for Public Affairs
(202) 724-0790

NEWS RELEASE

INS LANGUAGE

Males 18 through 25 years of age who are planning on applying for legalization under the Immigration Reform Act must register with the Selective Service System, if they have not already done so.

The Selective Service System is an independent agency of the federal government responsible for supplying untrained manpower to the armed forces in time of emergency. By law, every male citizen of the United States, and every other male person residing in the United States—including alien parolees and refugees, and aliens illegally residing in this country—who is 18 through 25 years of age must register. A man who does not comply with Selective Service law may be denied legal alien status.

Although there is no draft now, peacetime registration develops a list of names and addresses of men who might be called upon if a return to the draft is authorized...but peacetime registration does not imply that a return to the draft is imminent.

The registration process is a simple one. All a young man need do is fill out a simple form at any U.S. post office. The form will ask for his name, address, date of birth, social security number and telephone number. Registration forms will be accepted without social security number and/or telephone number if these are unavailable or non-existent.

Within 90 days the young man will receive an acknowledgement letter from Selective Service showing his assigned Selective Service Registration Number. This acknowledgement form will verify that the individual is registered, and may be used as documentation in the legalization procedure.

A man who does not register with Selective Service also risks prosecution as a felon with a fine of up to \$250,000 and a jail sentence of up to five years, or a combination of both. In addition, non-registrants forfeit eligibility for certain federal benefits including student financial aid, job training and employment opportunities.

For further information about Selective Service registration, contact your local INS office or call the Registration Information Office toll free on 1-800-621-5388, or write to Selective Service System, National Headquarter, Washington, D.C. 20435.

SELECTIVE SERVICE SYSTEM TODAY

It couldn't be done. In a "deep standby" status, Selective Service could not supply inductees to the Department of Defense in enough time to allow men to be properly trained before they were needed to support the regular armed forces, the Guard, and the Reserves. The country was in jeopardy — the men were in jeopardy.

In 1980, President Carter requested a revitalization of the Selective Service System and called for a return to peacetime registration.

Today the results of that revitalization are:

1. A system that is fair, just and equitable, and able to respond in a timely fashion to the Department of Defense;
2. Board members who are trained and representative of the public they serve;
3. An organized Alternative Service for conscientious objectors; and
4. A 99 percent compliance rate among the nation's draft-eligible population, or those men between the ages of 20-25.

Peacetime registration is merely that. It would take an act of Congress to return to the draft. The Military Selective Service Act states that male U.S. citizens and male aliens between the ages of 18 and 26 residing in the U.S. must register with Selective Service within 30 days of their 18th birthday. This law applies to men born on or after January 1, 1960.

Registration is a simple process, a man goes to any area post office (embassy or consular office for those residing outside the U.S.), and fills out a form that asks for his name, address, Social Security Number, telephone number and date of birth.

Since there are no inductions, there is no need to classify. However, classifications have been simplified and exist on paper should the need arise. The system has few causes for deferments and exemptions — thus all share in the duty of defending their country.

Selective Service registration is a requirement for several federal benefits including student financial aid under Title IV of the Higher Education Act (the Guaranteed Student Loan and Pell Grant programs, among others), job training benefits provided under the Job Training Partnership Act, and federal employment.

Following the federal lead, many states have passed legislation linking Selective Service registration to state financial student aid. Illinois was the first state to enact such legislation and was soon followed by Tennessee, Mississippi and Massachusetts. Other states enacting similar legislation now include Louisiana, North Carolina, Florida, Georgia and, most recently, Ohio.

Some of these states have taken the federal legislation a step further. In Tennessee, a man must be registered with Selective Service to attend state-funded colleges and universities. In Ohio, a man must be registered if he wants to be eligible for the reduced resident tuition rate.

The trend is apparent. In addition to the requirements listed above, some states require registration for jobs in law enforcement agencies, or for permission to practice law. Segments of the private sector have also followed the federal and state lead.

Failure to register is a felony, and the penalty can be up to \$250,000 in fines, five years in prison, or both.

The revitalization of Selective Service has been a success. Young men today are readily accepting their responsibility. Since registration was reinstated in 1980, more than 16 million young men have registered with Selective Service.

President Reagan has stated, "if a young man is enjoying all the rights and privileges associated with living in this great country of ours, he should also willingly assume the obligations of membership in that society." Registration is meant to insure peace. Registration is quick, it's easy, and it's the law.

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STATE SELECTIVE SERVICE LAWS

States	Deny State Financial Aid	Deny Entry To All State Schools	Require Out Of State Tuition Fee	Deny Civil Service Employment	Other
Florida	X				
Georgia	X				
Illinois	X				
Louisiana		X		X	
Massachusetts	X				
Mississippi	X				
North Carolina					X ¹
Ohio	X		X		
Tennessee		X			
Delaware	X			X	

1. SSS registration made a condition for two minor veterans' dependents financial aid programs.

MEMORANDUM

State of Alaska

TO: Charles Hosack, Deputy Director
Division of Motor Vehicles
Department of Public Safety

DATE: June 30, 1983

FILE NO.

TELEPHONE NO: 269-5581

FROM: *CB*
Joseph Balfe
Assistant Attorney General
Department of Public Safety

SUBJECT: Driver Record
Information

With reference to your memo dated June 28, 1983, concerning the release of records under AS 28.15.151(c), a careful reading of the entire section shows a legislative intent to protect and keep confidential records maintained by the Department under this section, but, for two exceptions.

First, such records are available to the individual driver or his designee inasmuch as they compose an abstract of the driver's record or the original copy of the computer printed record of the driver's record.

The other exception is upon request from a municipality, state or federal administrative or judicial agency for the abstract of the driving record of a driver (emphasis added.)

It is my opinion that AS 28.15.151(c) must be read to restrict the release of such records to abstracts of driving records only, and such requests must be made for named individuals and not for a particular class.

cc: Commissioner Robert J. Sundberg ✓
Robert Rowan
Bill Brown

xc: Charlie Smith, HSPA

GD - 7/07/83

RECEIVED
JUL 07 1983

HIGHWAY SAFETY

DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER'S OFFICE

Juneau, Alaska

JUL 05 1983

MEMORANDUM

State of Alaska

TO All Directors
Department of Public Safety

DATE January 27, 1983

FILE NO.

TELEPHONE NO. 465-4322

R.S.B.
FROM Robert J. Sundberg
Commissioner
Department of Public Safety

SUBJECT: 6 AAC 95.900
Public Information

Regulations regarding the availability of State records for public usage were recently promulgated. Incorporated within those regulations are certain requirements that relate to having requests in writing on forms provided [6 AAC 95.040(a)], logged [6 AAC 95.060(a)], and response made [6 AAC 95.070 et. al.].

Since the State has not provided, nor does it appear that it plans to, general forms to meet the requirements, this department has developed the necessary forms to comply.

These forms have been prepared to meet the requirements.

1. Request for Public Information - Form (12-010)
2. Public Information Request Log - Form (12-012)
3. Public Information Non-Compliance Notification - Form (12-011)

This regulation also stipulates in 6 AAC 95.040(b) and 6 AAC 95.060(b), that information routinely provided need not require formal application or logging.

This office is not in a position to determine what areas or the respective quantity of requests received by divisions, councils, boards, or commissions, that would require the formal process to be implemented. Therefore, a minimum amount of each of the three types of forms are being provided. For the most part, they are reproducible through photocopy process, with only one (Form 12-011) being two (2) sided. Also provided is the full text of 6 AAC 95.

You will be left to your own devices in developing compliance procedures and distribution of the form, in quantity necessary, and copies of the related Administrative Code area to the various effected segments under your management control, as well as ensuring compliance.

From this vantage point, it appears that there will not be a need for large quantities of any of the forms, but, if that is not the case, please notify this office and production quantities will be provided.

Attachments: a/s

(1) "beaches" means the area affected by wave action directly from the sea;

(2) "marine coastal water" means water adjacent to shorelines which contains a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds and estuaries, and the living resources which are dependent on these bodies of water;

(3) "council" means the Alaska Coastal Policy Council;

(4) "district" means a coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means a district coastal management program;

(6) "islands" means bodies of land surrounded by water on all sides; interior portions of major islands may be excluded from the coastal area if uses of these islands do not cause direct and significant impacts on coastal waters;

(7) "saltwater wetlands" has the same meaning as that contained in 6 AAC 80.900(19);

(8) "transitional and intertidal areas" means areas subject to periodic or occasional inundation by tides, including coastal floodplains, storm surge areas, tsunami and hurricane zones, and washover channels;

(9) "feasible and prudent" has the same meaning as in 6 AAC 80.900;

(10) "including" has the same meaning as in 6 AAC 80.900; and

(11) "significant amendment" has the meaning provided in 6 AAC 80.900(23). (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71; am 9/9/81, Reg. 79)

Authority: AS 44.19.160
AS 46.40.010(c)(2)
AS 46.40.040
AS 46.40.060
AS 46.40.070

PART 7.
GOVERNOR

CHAPTER 95.
PUBLIC INFORMATION .

Section

- 10. Policy on disclosure of agency records
- 20. Request for records
- 30. Where requests for agency records may be filed
- 40. Form of request
- 50. Requests which do not reasonably describe records sought
- 60. Initial action upon receipt of a request
- 70. Response to request; time limits
- 80. Deletion of nondisclosable information
- 90. Denials of requests
- 100. Appeal from denial; manner of making
- 110. Appeal determinations; time allowed; by whom made
- 120. Contents of determination denying appeal
- 130. Copies and fees
- 140. Conversion of information
- 150. Disclosure to litigants or their agents
- 900. Definitions

6 AAC 95.010. POLICY ON DISCLOSURE OF AGENCY RECORDS. (a) It is the policy of the executive branch of government to disclose agency records and to provide copies of those records in an expeditious manner. It is the purpose of this chapter to ensure that requests for disclosure are handled in a timely, reasonable, and responsive manner, without infringing on the rights of any person or other entity, and without impairing the functioning of any agency.

(b) All agency records are disclosable to the public unless nondisclosure is authorized by a valid Alaska or federal statute or regulation, or by a privilege, exemption, or principle recognized by the courts, or by an agency protective order authorized by law.

(c) All disclosable records must be made available for inspection upon request, regardless of whether any justification or need for those records has been shown.

(d) This chapter prescribes procedures for disclosure, denial, reconsideration, and appeal

regarding agency records. It does not purport to prescribe substantive standards of what information and records are disclosable or nondisclosable. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.020. REQUEST FOR RECORDS.

(a) Every request to an agency for records is governed by this chapter. However, if a different procedure is prescribed by a state statute or a federal statute or regulation with respect to particular records, that procedure must be followed.

(b) Every request to an agency for records prepared by the agency for routine public distribution free of charge (such as pamphlets, copies of speeches, press releases, educational materials, blank forms, and applications) must be honored and the information supplied in reasonable quantities free of charge. No individual determination under 6 AAC 95.070 - 6 AAC 95.090 is necessary in such cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are disclosable. Copies must be furnished with reasonable promptness in response to the request.

(c) Records which are readily available for public inspection (such as unrestricted state archives, library books, books still in print, statutes, case law reporters, magazines, journals, published regulations, treatises) are not subject to the procedures of this chapter. (Eff. 10/4/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.030. WHERE REQUESTS FOR AGENCY RECORDS MAY BE FILED. Requests for agency records may be filed at the

nearest office of the appropriate agency. (Eff. 10/4/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16,
and 24, Alaska Const.

Editor's Note: Addresses of principal agency offices are listed in the Directory of State Officials, compiled by the Legislative Affairs Agency semiannually.

6 AAC 95.040. FORM OF REQUEST. (a)

Except as noted in (b) of this section, a request for an agency record must be in writing. It must describe the record in a manner sufficient to allow its identification and location by the agency. Request forms must be kept available, but no request may be denied because it is not on such a form. If a request includes a stamped, addressed postcard, the agency shall promptly use it to give a dated acknowledgement of receipt of the request.

(b) An informal request may be made verbally, in person, or by telephone. An informal request must be granted or denied within five working days after the office responsible for maintaining the requested records receives the request, excluding the request day and including the following five working days. If the request is not granted within that time, it is considered denied. The decision to deny an informal request is within the sole discretion of the agency. A requestor's only remedy is to make a request in accordance with (a) of this section and, if the written request is then denied, to pursue appeal steps set out in 6 AAC 95.100 - 6 AAC 95.120. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.050. REQUESTS WHICH DO NOT REASONABLY DESCRIBE RECORDS SOUGHT. (a) If the agency determines, within reasonable time after receiving a request, that the description of the records sought by the request is not sufficient to allow the agency to identify and locate the requested records, the agency shall promptly notify the requestor that the request cannot be further processed until

additional information is furnished. Time limits set out in this chapter do not begin to run until a sufficient description of the records is received in the office responsible for maintaining the records.

(b) The agency shall make every reasonable effort to assist in the identification and description of records sought, and to assist the requestor in formulating the request. If records are described in general terms (for example, all records concerning the environment), the agency shall attempt to communicate with the requestor with a view toward both speeding the response to the request and lessening the administrative burden of processing a broad request. These attempts may not be used as a means to discourage requests but rather as a means to help identify with more specificity the records actually sought. (Eff. 10/8/82, Reg. S4)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.060. INITIAL ACTION UPON RECEIPT OF A REQUEST. (a) Except as provided in (b) of this section, the agency receiving a request shall maintain a log of each written request it receives, whether at the central office, a regional office, or the specific office responsible for maintaining the requested record. This log must include the date the request was received by that office, whether notice of receipt was sent to the requestor under 6 AAC 95.040(a), and the date additional information, if required, was requested under 6 AAC 95.050(a). The receiving office will promptly forward the request to the office responsible for maintaining the requested records.

(b) A log entry need not be made for requests for information which is routinely disclosed. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.070. RESPONSE TO REQUEST: TIME LIMITS. (a) Except as otherwise provided in this section, as soon as practicable, but

not later than the 10th working day after the date the office responsible for maintaining the requested records receives the written request, that office shall

(1) furnish all requested records that are disclosable; and

(2) indicate to the requestor which of the requested records are nondisclosable and the authority supporting nondisclosure.

(b) There will be excluded from the period of 10 working days (or any extension of that period) any time which elapses between the time that a requestor is sent notice that processing his request will generate chargeable fees and the time that the requestor makes suitable arrangements for payment of those charges under 6 AAC 95.130.

(c) The agency may extend the basic 10-working-day period established under (a) of this section for a period not to exceed 10 additional working days (except as provided in (d) of this section) by sending written notice to the requestor within the basic 10-working-day period. This notice must state the reasons for the extension and the date by which the office expects to be able to furnish the requested records or issue a determination that they are not disclosable. The notice must include a statement that the extension is not interposed for purposes of delay. The basic 10-day period may be extended only when one or more of the following circumstances require the extension:

(1) there is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office responsible for maintaining the records;

(2) there is a need to search for, collect, and examine a voluminous amount of separate and distinct records which are sought in a single request;

(3) there is a need for consultation with an officer or employee who is absent on approved leave;

(4) the basic response period comes during a seasonal peak-service period when compliance with the basic 10-day requirement would

substantially impair the functioning of the agency or office responsible for maintaining the records; or

(5) there is a need to consult with legal counsel to insure that protected interests of private or government persons or entities are not infringed.

(d) If the scope of the search or copying task is such that it will, within the 10-day period and any authorized extension under (c) of this section, substantially impair the functioning of the agency or its office responsible for maintaining the requested records, the agency head may request approval of an additional extension from the attorney general. Following the request for approval of an additional extension, the attorney general shall promptly give the requestor and the agency an opportunity to be heard and render a speedy decision. The attorney general may grant the approval only in extraordinary circumstances and only for the minimum period determined by the attorney general to be required to complete the search or copying without substantial impairment of the agency or office function.

e) An agency shall give a written response granting or denying a written request within the prescribed time limit. However, if a response is not received by a requestor within a reasonable time after the expiration of the time limit, the requestor may consider the request denied and pursue an appeal. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16, and 24, Alaska Const.

6 AAC 95.080. DELETION OF NONDISCLOSABLE INFORMATION. If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed. If the disclosable portions cannot reasonably be segregated from nondisclosable portions in a manner which will allow meaningful information to be disclosed, the records shall

not be disclosed. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16 and 24, Alaska Const.

6 AAC 95.090. DENIALS OF REQUESTS.

(a) A request may be denied only for the following reasons:

(1) the record is not known to exist;

(2) the record is not in the agency's possession;

(3) the record has been destroyed in accordance with applicable record-retention schedules;

(4) a valid Alaska or federal statute or regulation, or a privilege, exemption, or principle recognized by the courts, or an agency protective order authorized by law authorizes nondisclosure of the record;

(5) the record is believed to exist in the agency's possession but, has not yet been located, in which case the agency shall proceed under (g) of this section.

(b) The only Alaska regulations which authorize nondisclosure under (a)(4) of this section are regulations which are

(1) authorized by a statute which specifically empowers an agency to exempt records from disclosure by regulation, policy, or decision; or

(2) authorized by a general statutory grant of rulemaking power and consistent with a privilege, exemption, or principle of nondisclosure recognized by the courts.

(c) Requests may be denied by the agency head or by those agency officers or employees occupying positions to which denial authority has been delegated by the agency head.

(d) An initial determination to deny a written request must be in writing, must state the reason for the denial, and must be dated and signed by the person making the determination.

(e) A denial of a written request, in whole or

in part, must state that the requestor may appeal the denial by complying with the procedures in 6 AAC 95.100. A copy of 6 AAC 95.100 must be enclosed with the denial.

(f) A denial of a written request is considered to be issued at the time the denial is either delivered to the U.S. Postal Service for mailing or is hand-delivered to the requestor by an agent of the agency other than a post office employee.

(g) When a written request is denied because the record has not yet been located (although it is believed to exist in the agency's possession), the office responsible for maintaining the record shall continue to search until it is located or it appears that the record does not exist or is not in the agency's possession, and shall periodically inform the requestor of the office's progress. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.100. APPEAL FROM DENIAL: MANNER OF MAKING. (a) A requestor whose written request has been denied, in whole or in part, whether by the agency head or a subordinate, may ask for reconsideration of that denial by addressing a written appeal to the agency head.

(b) An appeal must be mailed or hand-delivered to the agency head within 30 days after the denial is issued.

(c) An appeal must contain a reference to the date of the denial and the name and address of the person responsible for the denial. The appeal must also indicate what records to which access was denied are still sought and are the subject of the appeal. If the requestor has received no response within a reasonable time after the expiration of the time limit prescribed in 6 AAC 97.070, the appeal must so state, must identify the records sought, and must state the agency to which the request was directed and the date of the request.

(d) The 30 days within which an appeal must be filed begin to run upon the issuance of the denial or the expiration of the time period

within which the agency should have responded. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16
and 24, Alaska Const.

6 AAC 95.110. APPEAL DETERMINATIONS: TIME ALLOWED; BY WHOM MADE. (a) As soon as practicable, but not later than the 10th working day after the date the agency head receives an appeal, the agency head or his or her designee shall issue a written determination stating which of the records that are the subject of the appeal will be disclosed and which will not be disclosed.

(b) The agency head may delegate authority and duties under (a) of this section to any full time employee of the agency not involved in the denial and not subordinate to the person responsible for the denial. The delegate may not subdelegate his or her authority or duties to another person. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16
and 24, Alaska Const.

6 AAC 95.120. CONTENTS OF DETERMINATION DENYING APPEAL. A determination denying an appeal under 6 AAC 95.110(c) must be in writing, must state the law, regulation, or court decision which is the basis for the denial, and must state briefly the reason for the denial. A denial must further state that the requestor may obtain judicial review of the denial by commencing an action in superior court. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16
and 24, Alaska Const.

6 AAC 95.130. COPIES AND FEES. (a) The office responsible for maintaining the records sought shall provide copies of records only at the request of the requestor and at the requestor's expense. The agency shall prescribe in writing the standard unit charges for copies. The charge for copies may not exceed the cost to the

agency. Payments for copies must be received before making the copies, except in the case of a request from an employee or agent of a news organization.

(b) Copying charges of \$5 or less may be waived where the cost to the agency of contacting the requestor to arrange payment exceeds the copying charges.

(c) Searches must be conducted as a public service, free of charge. However, if one or more requests by a single requestor or agent of a requestor within a calendar month require more than 10 person-hours to complete search and copying tasks, the agency head may ask the commissioner of administration for authority to require the requestor to pay costs for the period in excess of 10 hours. The costs may not exceed the unit cost of salary and benefits for the searching and copying employee. Except in the case of news organizations, authorized search costs must be paid before the records are disclosed, and the agency may require payment in advance of the search. If requests from a news organization or its agents require more than 10 person-hours to complete, the commissioner may grant authority to require payment of search costs by the news organization only when requests are unreasonable or in bad faith, or require extraordinary expenditure of state resources.

(d) Agencies or offices with a primary function of performing records searches and which have customarily charged a fee for searches, including the Bureau of Vital Statistics, the District Recorder, and the Division of Banking, Securities, and Corporations, may continue to do so in accordance with written standard search charges. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.140. CONVERSION OF INFORMATION. (a) It is the responsibility of the requestor to translate, transcribe, decode, or otherwise convert information in records into a form useable by the requestor. The agency shall make available records to assist in this conversion if those records are disclosable.

(b) Nothing in this chapter requires an agency to organize, coordinate, collate, modify, create, interpret, or program records requested. Only a literal or verbatim record need be provided. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.150. DISCLOSURE TO LITIGANTS OR THEIR AGENTS. If the requestor or the requestor's principal is in litigation with an agency in a judicial or administrative forum, disclosure of any agency's records relevant to that litigation or reasonably likely to lead to the discovery of relevant evidence is governed by the rules or orders in that forum and not by this chapter. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110

AS 09.25.120

AS 44.17.030

Art. III, secs. 1, 16,
and 24, Alaska Const.

6 AAC 95.900. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(1) "agency" means an executive-branch department, board, commission, or authority;

(2) "agency head" means the principal executive officer of an executive-branch department, board, commission, or authority;

(3) "news organization" has the same meaning as in AS 09.25.220(4);

(4) "record" means any existing document, paper, memorandum, book, letter, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, or other item of any other material, regardless of physical form or characteristic, developed or received under law or in connection with the transaction of official business by an agency and preserved as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the agency or because of the informational value in them; it also includes staff manuals and instructions to staff that directly or indirectly affect the public;

(5) "request" means a request for the disclosure of records;

(6) "requestor" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other entity whatsoever which has submitted a request to an agency;

(7) "working day" means every day except Saturday, Sunday, or a legal holiday. (Eff. 10/8/82, Reg. 84)

Authority: AS 09.25.110
AS 09.25.120
AS 44.17.030
Art. III, secs. 1, 16,
and 24, Alaska Const.



STATE OF ALASKA
DEPARTMENT OF PUBLIC SAFETY

REQUEST FOR PUBLIC INFORMATION

READ

UNDER STATE REGULATIONS, YOU AS A INDIVIDUAL, PUBLIC OR PRIVATE CORPORATION, POLITICAL SUBDIVISION, GOVERNMENT AGENCY, MUNICIPALITY, INDUSTRY, PARTNERSHIP, ASSOCIATION, FIRM, TRUST, ESTATE, OR ANY OTHER ENTITY WHATSOEVER HAVE THE RIGHT TO SUBMIT A REQUEST TO THIS STATE AGENCY FOR PUBLIC INFORMATION.

THIS STATE AGENCY'S RECORDS MUST BE DISCLOSED TO THE REQUESTER IN A TIMELY MANNER PROVIDED THE REQUESTED RECORDS ARE NOT:

1. COVERED UNDER A VALID ALASKA OR FEDERAL STATUTE OR REGULATION, OR BY PRIVILEGE, EXEMPTION, OR PRINCIPLE RECOGNIZED BY THE COURTS, OR BY AN AGENCY PROTECTIVE ORDER AUTHORIZED BY LAW.
2. INFRINGING ON THE RIGHTS OF ANY OTHER PERSON OR ENTITY.
3. IMPAIRING THE FUNCTIONS OF ANY AGENCY.

YOUR REQUEST MUST REASONABLY DESCRIBE THE RECORDS SOUGHT AND MUST BE FILED AT THE NEAREST APPROPRIATE AGENCY OFFICE.

COPIES OF THE RECORDS ARE PROVIDED AT THE REQUESTERS EXPENSE.

FILL IN

NAME _____

ADDRESS _____

PHONE # _____

I AM REQUESTING THE FOLLOWING PUBLIC INFORMATION

SIGNATURE _____

DATE _____

RECEIVED BY _____ DATE _____

AUTHORITY BASED ON
6 AAC 95

STATE OF ALASKA

DEPARTMENT OF REVENUE

BILL SHEFFIELD, GOVERNOR

STATE OFFICE BUILDING
POUCH SA
JUNEAU, ALASKA 99811


July 16, 1986

Raymond Coxe
Section Chief
Selective Service System
Alaska State Headquarters
Pouch L
Juneau, AK 99811

Dear Mr. Coxe:

Enclosed is the Attorney General's response to our request for an opinion on disclosure of information from the Permanent Fund Dividend file to the Selective Service System. As you can see, the Department of Law has opined that we may not release PFD information to the Selective Service System. We will therefore be unable to honor your request.

Sincerely,


Ervin Jones, Director
Administrative Services

EJ:ms

Enclosure

cc: Dick Roundtree, Director
Department of Military Affairs

MEMORANDUM

State of Alaska

TO: Richard Monkman
Deputy Commissioner
Department of Revenue

DATE: June 16, 1986

FILE NO.: 663-86-0502

THRU:

TELEPHONE NO.: 465-3600

Harold M. Brown
Attorney General

SUBJECT: Release of PFD
Application Information

FROM:

By: *[Signature]*
Jeffrey W. Bush
Assistant Attorney General

You have sent us two opinion requests regarding the disclosure of PFD application information. The first request, dated May 9, 1986, asks if the information may be released to the Selective Service System; the second request, dated June 6, 1986, asks the same question with respect to the Veterans' Administration. Attached are copies of these requests.

With respect to the Selective Service System, this question was specifically answered by Diane Colvin in an informal opinion on September 14, 1984. I have also attached a copy of this memorandum. This memo addresses the general approach with respect to PFD disclosures -- that disclosure to federal agencies is not permitted unless specifically authorized under AS 43.05.230.

I will close our opinion request file at this time.

JWB/11b

Attachments

cc to
devel
- Ervin
- Sally Smith
original back
to me

RECEIVED
ALASKA DEPARTMENT OF REVENUE

JUN 16 1986

OFFICE OF THE COMMISSIONER

MEMORANDUM

State of Alaska

TO Bruce Botelho
Acting Commissioner
Department of Revenue

DATE September 14, 1984

FILE NO 366-050-85

TELEPHONE NO 465-3600

FROM Norman C. Gorsuch
Attorney General

SUBJECT Release of PFD
application
information

By: Diane T. Colvin
Assistant Attorney General

DTC

You requested advice on three situations in which you have been asked to or wish to release PFD application information. These are:

1. Release of complete PFD applicant information to the Internal Revenue Service for tax collection purposes.
2. Release of selected PFD applicant information to the Selective Service System.
3. Publication of the names of PFD recipients whose warrants have been returned to the department and cancelled.

In our opinion, you may release the information shown on the PFD application to the Internal Revenue Service (IRS), but may not release the information requested by the Selective Service System (SS). We also conclude that you may publish the names of PFD recipients whose warrants have been cancelled. The reasons for these conclusions are set forth below.

First, in regard to the IRS, you have been asked to supply certain information shown on the PFD application, such as phone numbers and names of employers, for use in tax collection. This would be in addition to the information you are already required to report to the IRS regarding PFD's: the amount of payment and the name, address and social security number of each recipient. You state that since most of the information the IRS has requested is not data-captured, the only practical way to respond would be to provide the IRS with microfilm copies of the applications.

AS 43.05.230 makes confidential information set out or disclosed in a report or return made under Title 43. AS 43.23, the chapter establishing the permanent fund dividend program, does not deal with confidentiality, but the department has

Bruce Botelho, Acting Commissioner
Department of Revenue
366-050-85

September 14, 1984
Page 2

traditionally treated an application filed under AS 43.23 as a report or return and consequently as confidential. This position is supportable, we believe, since no exception to the confidentiality provisions is made for PFD applications, either under AS 43.05.230 or AS 43.23.

AS 43.05.230 does not prevent exchange of returns and reports between the state and the IRS for tax purposes. This is expressly authorized by AS 43.05.230(c). This exception provides adequate authority, in our opinion, for the department to release copies of PFD applications to the IRS for the purpose of tax collection. Since the applications themselves are treated as reports and returns and, as a consequence, held confidential, it follows that they may be released under subsection (c) for legitimate tax collection purposes. Further, since their confidentiality will be preserved by the IRS, no applicant's privacy interest will be jeopardized.

The SS has asked for more limited information than the IRS: names, addresses, dates of birth, and social security numbers for males born in 1964, 1965 and 1966. This information would, obviously, not be used by the SS for tax purposes, but rather in ensuring that all males subject to the Selective Service Act comply with registration requirements. Thus, subsection (c) discussed above, would not apply, nor would any of the other exceptions found in sec. 230. See AS 43.05.230(a)(1) -- 43.05.230(a)(4), 43.05.230(d), and 43.05.230(e).

AS 09.25.100 also makes confidential information in the possession of the Department of Revenue. The exceptions made in this section, for production required in official investigations and court proceedings, do not apply to the SS request.

Since no exceptions to the confidentiality provisions apply, the only information that could be supplied to the SS is the information you supply to the court system under AS 09.20.050(b), names and mailing addresses of adult PFD applicants. This information, when released to the court system, becomes part of the public record and thereby loses the confidentiality conferred upon it by AS 43.05.230. See 1984 Inf. Op. Att'y Gen. (July 12; 366-627-84). Thus, you may supply this same information to the SS, since the reason it seeks the information constitutes a legitimate public purpose. Id.

We recognize that this information may not be useful to the SS, since it needs a more selective list, adult males born in certain years. We do not believe, however, that you can provide dates of birth and other specific information to the SS, since

Bruce Botelho, Acting Commissioner
Department of Revenue
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September 14, 1984
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this information is not now subject to disclosure and remains, therefore, confidential.

Finally, you wish to publish names of PFD applicants whose PFD warrants were returned to the department and cancelled. These are individuals who applied for a dividend and were found eligible, but whose warrants were returned to the department as undeliverable at the address supplied to the department by the applicant. You now wish to publish the names of these persons in an attempt to locate them. For those who are located through this process, you will re-issue the warrants. For those whom you are unable to locate, you hope, following this public notice, to close the file and thus reduce the liability outstanding for payment of permanent fund dividends.

For those applicants whose names and addresses have already been supplied to the court system, there is no problem, as indicated above, with publishing applicant names and addresses, since this information is already a matter of public record. For those that have not been supplied to the court, and thereby remain confidential, there may be some question about the authority to publish. In our opinion, you may proceed with publication. There are a number of reasons supporting this conclusion.

First, the department has the statutory duty under AS 43.23 to distribute permanent fund dividend checks to eligible individuals. Publication of applicant names would be for the express purpose of fulfilling this statutory obligation. Further, it is in the public interest to reduce the potential liability now outstanding, by locating as many individuals as possible and redistributing those checks, and then closing the files, after the notice by publication, on those individuals not contacted. The public interest in locating eligible individuals and in reducing state liability probably outweighs any privacy interest that may be involved. See Falcon v. A.P.O.C., 570 P.2d 469 (Alaska 1977).

Second, the information disclosed by publication will be minimal. Therefore, it can be argued that no violation of AS 43.05.230 will occur. None of the confidential content of the application itself will be revealed. See Opinion of Justices, 303 A.2d 752 (N.H. 1973).

It may also be argued that any privacy claim that these dividend recipients possess has been waived by their failure to provide the department with information on their location. See Strveker's Bay Apartments, Inc. v. Walsh, 323 N.Y.S.2d 563 (1971). 15 AAC 23.625(c), applicable to 1983 and subsequent

Bruce Botelho, Acting Commissioner
Department of Revenue
266-050-85

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years, places an affirmative duty on each applicant to provide the department with a current address at the time of application and with any change in address prior to payment.

Finally, we look by way of analogy to AS 43.05.230(e), which authorizes the department to publish lists of names of delinquent taxpayers for purposes of tax collection. While the dividend payment is obviously not a tax, it is in the nature of a tax credit, and the administration of the program, assigned to the Department of Revenue, bears similarities to the administration of the various taxes the department is charged with collecting. It is obvious from subsection (e) that the legislature did not intend that the department be hindered in tax collection by the confidentiality provisions. In the same manner, we do not believe the legislature intended to prevent the department from distributing dividends to eligible applicants by not excepting PFD applications from the confidentiality provisions.

We note that AS 43.05.230(e) authorizes the department to publish names and "other relevant information which in the opinion of the department may assist in the collection of delinquent taxes". We believe "other relevant information", such as last known address, may be included in your PFD publication list. You should, however, first make a determination that the information will actually assist in the location of the PFD applicant. If you are not reasonably certain that additional information of this nature will be of assistance, we recommend that you limit the list to names only.

We hope the above information is adequate for dealing with the three situations now pending. Please contact us, if you wish further assistance.

DTC:cct