

HB

311

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: April 14, 2000

FURTHER REFERRALS:

Date of Committee Action: 4/15/00

The FINANCE Committee considered:

HB 311

HOUSE BILL NO. 311

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

"An Act eliminating a requirement that a social security number be provided by an applicant for a hunting or sport fishing license or tag."

recommends it be replaced with the following committee substitute CS HB 311 (Jud) [] the same title [x] a new title

[] additional referral to _____ Committee
[] attached amendme. l(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____

[x] fiscal note(s) REV 4-10-00

[] zero fiscal note(s) _____

[] zero fiscal note(s) _____

Table with columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Rows include names like Therriault, Mulder, Bunde, Austerman, Moses, Davis, Williams, Phillips, and Foster.

CHAIR'S SIGNATURE

Handwritten signatures of the chair and another official.

FISCAL NOTE

Bill Version: HB 311

(H) Publish Date: 4/10/00

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

| | | |
|---|----------------|---|
| Revision Date/Time (Note if correction) | Dept. Affected | Revenue |
| Title <u>No Social Security Number Required</u> | BRU | <u>Child Support Enforcement Division</u> |
| <u>on Hunting and Fishing Licenses</u> | Component | <u>Child Support Enforcement Division</u> |
| Sponsor <u>Representative Coghill</u> | | |
| Requester <u>House Resources</u> | Component No. | <u>111</u> |

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|---------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| CHANGE IN REVENUES | (77,000.0) | (77,000.0) | (77,000.0) | (77,000.0) | (77,000.0) | (77,000.0) |
|---------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

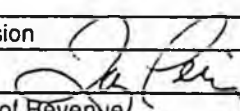
Estimate of any current year (FY2000) cost: _____

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

According to federal law, Alaska will lose all of its federal funding for the child support division and public assistance (IV-A) programs if we do not have a law requiring that Social Security numbers be provided on applications for recreational hunting and fishing licenses. The federal funding lost will be over \$14 million a year for child support and \$63 million a year for public assistance.

| | |
|---|----------------------------------|
| Prepared by: <u>Barbara Miklos</u> | Phone <u>269-6800</u> |
| Division <u>Child Support Enforcement Division</u> | Date/Time <u>4/7/00 - 3 p.m.</u> |
| Approved by: <u>Commissioner Wilson Condon</u>  | Date <u>04/07/2000</u> |
| Agency <u>Department of Revenue</u> | |

COMMITTEE COPY PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

AB 311 -

Denny Kay Weathers

Testimony by: Denny Kay Weathers
For: House Bill 311
In: House Judiciary

Mr. Chairman:

HB 311 is a great piece of legislation. I only request that it be amended to include Non-commercial driver's licenses, Commercial fishing permits & crew licenses. Contrary to what some Legislators say...there is no federal law requiring the State to obtain SSN for the above rights, benefits or privileges.

Remember that SCS CSRB 344(FIN) am S that passed in 1998 (cover copy inclosed) was made under duress from the federal government which would lead me to believe that the legislators were opposed to it from the beginning and were blackmailed into passing it.

Inclosed with my written testimony please find a copy of the CPS Report for Congress, chronology of developments affecting use of the social security number which was mailed from Washington, D.C. on April 18, 1994 as verification of my following statements:

1935 Enactment of social security act. My note: this was a federal act NOT a State act.

1971 The social security administration issues a task force report on issues raised by nonprogram SSN use. The task force report proposes that SSN take a "cautious and conservative" position toward SSN use and do nothing to promote the use of the SSN as an identifier.

1974 Congress enacts the Privacy Act of 1974, Pub. L. 93-579 which limits governmental use of the SSN. The federal government and State and local governments are prohibited from withholding a right, benefit or privilege from a person simply because the individual refuses to furnish his or her SSN, except under certain circumstances, such as when required by federal law, or under certain grandfathered systems of records...My note: there is no federal law or grandfather clause requiring a SSN for non-commercial State driver's licenses or any of the State fishing and hunting licenses, tags or permits.

1976 section 1211(b) of the same Act, Pub. L. 94-453, authorizes States to use the SSN in the administration of any tax, general public assistance, driver's license or motor vehicle registration law...My note: the federal government did not require the use it only authorized the State the right to use SSN's if the State wanted to.

1986 section 12006 of the Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570, gives the Secretary of Transportation authority to require that a State includes a driver's SSN on commercial vehicle licenses. 49 U.S.C. App. ss2705. My note: here it does require the State to get a SSN.

Summary: The State is only required by federal law to get an SSN for those persons receiving federal benefits (public assistance, federal child support, food stamps, SSI, AFDC, WIC, unemployment programs), blood donors or a commercial vehicle license within the State other than that there is no requirement. Please note that Michigan the 26th State admitted to the union and New Mexico the 47th state to be admitted to the union do not require a SSN for identification and they have not lost their federal monies. Be advised that the People of Montana at present are working on an initiative to repeal there State SSN laws as well as a law suit against the State.

The reason that the federal government can not make a federal law that requires the State to collect a SSN for everyone is because the Constitution of the united states of America will not allow it, remember Article X. The powers not delegated to the united states by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Please pass HB 911 and quit selling us out to the federal government.

Dwight Wadsworth
Third Judicial District
c/o PO Box 1791
Cordova, Alaska
No. 1791

CRS Report for Congress

The Social Security Number: Chronology of Federal Developments Affecting Its Use

Kathleen S. Swendiman
Legislative Attorney
American Law Division

November 21, 1991



CRS-6

Chronology of Developments Affecting Use of the Social Security Number¹⁰

- 1935 -- Enactment of the Social Security Act, with authority for development of appropriate record keeping and identification scheme. Section 807(b) of Pub. L. 74-271.
- 1937 -- By June 30, 1937, approximately 30 million applications for Social Security Numbers are processed.
- 1943 -- Executive Order 9397, issued by President Roosevelt, authorizes the use of the SSN as a Federal Government identifier. 3 C.F.R. (1943-1948 Comp.) 283-284 (1943).
- 1961 -- The Civil Service Commission adopts the SSN as the official employee identification number.
- Pub. L. 87-397 adds Section 6109 to the Internal Revenue Code, which authorizes the use of identifying numbers for tax purposes. 26 U.S.C. § 6109.
- 1962 -- The Internal Revenue Service adopts the SSN as the official taxpayer identification number.
- 1964 -- Treasury Department, via internal policy, requires buyers of series H savings bonds to provide their SSNs.
- 1966 -- The Veterans Administration begins to use the SSN as the hospital admissions number and for patient recordkeeping.
- 1967 -- The Department of Defense, via a Secretary of Defense memorandum, adopts the SSN as the service number for all military personnel.
- 1970 -- The Treasury Department issues regulations under Section 101 of the Bank Records and Foreign Transactions Act, Pub. L. 91-508, requiring all banks, savings and loan associations, credit unions and brokers/ dealers in securities to obtain the SSNs of all their customers. 12 U.S.C. § 1829b(c) and § 1730d. Also under Section 101, financial institutions are required to file a report with the IRS, including the SSN of the customer, of each deposit, withdrawal, exchange of currency or other payment or transfer

¹⁰ The principle Federal laws not covered in this chronology are those related to computer matching programs which use the SSN to cross match data from two or more Federal programs. For example, see 7 U.S.C. § 2025(e), which authorizes computer matching between food stamp recipients and Supplemental Security Income recipients for verification of income information. See generally, 5 U.S.C. § 552a(a)(8), (o), (p) (1988).

CRS-7

involving more than \$10,000. 12 U.S.C. § 1829(e); see also 26 U.S.C. § 6050I(b).

- 1971 -- The Social Security Administration issues a task force report on issues raised by nonprogram SSN use. The task force report proposes that SSA take a "cautious and conservative" position toward SSN use and do nothing to promote the use of the SSN as an identifier.
- 1972 -- The Secretary of HEW (now HHS) is required, pursuant to Section 137 of the Social Security Amendments of 1972, Pub. L. 92-603, to issue SSNs to all aliens permitted to work in the United States, as well as to all recipients of benefits paid for by Federal funds. 42 U.S.C. §§ 405(c)(2)(B)(i)(I) and (II). The Secretary is authorized to issue SSNs to children below school age at the request of parents and guardians and to children of school age at their time of enrollment. 42 U.S.C. § 405(c)(2)(B)(iv) and (v). This section also requires the Secretary to obtain evidence establishing age, citizenship, or alien status of applicants of SSNs. 42 U.S.C. § 405(c)(2)(B)(ii).
- Section 130(a) of Pub. L. 92-603 also adds subsection (g) to Section 208 of the Social Security Act, setting forth penalties for furnishing false information to obtain a SSN and for deceptive practices involving SSNs. 42 U.S.C. § 408(g).
- 1973 -- Buyers of series E savings bonds are required by the Treasury Department to provide their SSN's.
- 1974 -- Congress enacts the Privacy Act of 1974, Pub. L. 93-579 which limits governmental use of the SSN. The Federal Government and State and local governments are prohibited from withholding a right, benefit or privilege from a person simply because the individual refuses to furnish his or her SSN, except under certain circumstances, such as when required by Federal law, or under certain grandfathered systems of records maintained by a governmental entity prior to 1975. 5 U.S.C. § 552a.
- 1975 -- Under Section 101(c)(5)(C) of the Social Services Amendments of 1974, Pub. L. 93-647, disclosure of an individual's SSN becomes a condition of eligibility for AFDC benefits. 42 U.S.C. § 602(a)(25) and § 654.
- 1976 -- Section 1211(a) of the Tax Reform Act of 1976, Pub. L. 94-455, makes misuse of the SSN for any purpose a violation of the Social Security Act. 42 U.S.C. § 408(g).

Section 1211(b) of the same Act, Pub. L. 94-455, authorizes States to use the SSN in the administration of any tax, general public

CRS-8

assistance, driver's license or motor vehicle registration law and to require individuals affected by such laws to furnish their SSNs to the States. 42 U.S.C. § 405(c)(2)(C)(i). In addition, States are permitted to use the SSN for responding to requests for information from any agency operating pursuant to the Aid to Families with Dependent Children program and the Child Support and Establishment of Paternity program. 42 U.S.C. § 405(c)(2)(C)(iii).

Section 1211(c) of the same Act, Pub. L. 94-455, amends Section 6109 of the Internal Revenue Code to provide that the SSN be used as the tax identification number for all tax purposes. While the Treasury Department had been using the SSN as the tax identification number by regulation since 1962, this law codifies that requirement. 26 U.S.C. 6109(d).

1977 -- Section 4 of the Food Stamp Act of 1977, Pub. L. 96-58, authorizes the Secretary of the Department of Agriculture to require that the SSN of all household members be disclosed as a condition of eligibility for participation in the food stamp program. 7 U.S.C. § 2025(e).

1981 -- Section 803b of the Omnibus Reconciliation Act of 1981, Pub. L. 97-35, requires the disclosure of the SSNs of all adult members in the household of children applying for the school lunch program. 42 U.S.C. § 1758(d).

Under Section 916 of the Department of Defense Authorization Act, 1982, Pub. L. 97-86, the Director of Selective Service is authorized to require Selective Service registrants to submit SSNs when registering for the draft and requires the Secretary of HHS to furnish to the Director of Selective Service the names, dates of birth, addresses and SSNs of individuals required to register for the purpose of enforcement of the Military Selective Service Act. 50 U.S.C. App. §§ 453(f) and 462.

Section 4 of The Omnibus Reconciliation Act of 1981 - Social Security Benefits Act, Pub. L. 97-123, amends the Social Security Act to add alteration and forgery of a social security card to the list of prohibited acts and increases the penalties for such acts under Section 208 of the Social Security Act. 42 U.S.C. § 408.

Section 6 of the same law, Pub. L. 97-123, requires any Federal, State or local government agency to furnish the name and SSN of prisoners convicted of a felony to the Secretary of HHS, upon written request, in order to enforce suspension of disability benefits to certain imprisoned felons. 42 U.S.C. § 423.

1982 -- Section 4 of the Debt Collection Act of 1982, Pub. L. 97-365, requires all applicants for loans under any Federal loan program

to furnish their SSNs to the agency supplying the loan. 26 U.S.C. § 6103 note.

1983 -- Section 345 of the Social Security Amendments of 1983, Pub. L. 98-21, requires that the Secretary of HHS issue a social security card at the same time as an SSN is issued, and requires that new and replacement social security cards be made of banknote paper and (to the maximum extent practicable) not be subject to counterfeiting. 42 U.S.C. § 405(c)(2)(F).

1984 -- Section 146(a) of the Deficit Reduction Act of 1984, Pub. L. 98-369, amends Section 6050I of the Internal Revenue Code to require that persons engaged in a trade or business file a report (including SSNs) with the IRS for cash transactions over \$10,000. 26 U.S.C. § 6050I(a).

Section 422(b) of the same law, Pub. L. 98-369, amends Section 215 of the Internal Revenue Code to authorize the Secretary of HHS to prescribe regulations requiring a spouse paying alimony to furnish the Internal Revenue Service with the taxpayer identification number (i.e., SSN) of the spouse receiving alimony payments. 26 U.S.C. § 215.

Section 2651(a) of the same law, Pub. L. 98-369, requires that States have in effect an income and eligibility verification system meeting Federal standards for certain programs, and that SSNs be required as a condition for eligibility for benefits under such programs, which include the following: AFDC, Medicaid, Unemployment Compensation, Food Stamps, and SSI. 42 U.S.C. § 1320b-7(a)(1).

1986 -- Section 407(a) of the Higher Education Amendments of 1986, Pub. L. 99-498, requires student loan applicants to submit their SSN as a condition for eligibility. 20 U.S.C. § 1091(a)(4).

Section 1524 of the Tax Reform Act of 1986, Pub. L. 99-514, requires that any dependent age five or older listed on a tax return be identified by a SSN. 26 U.S.C. 6109(e).

Section 12006 of the Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570, gives the Secretary of Transportation authority to require that States include a driver's SSN on commercial vehicle licenses. 49 U.S.C. App. §2705.

... Under Section 101(e) of the Immigration Control and Reform Act of 1986, Pub. L. 99-603, the Secretary of HHS is required to undertake a study of the feasibility and costs of establishing a SSN validation system for employment eligibility verification of

CRS-10

aliens under 8 U.S.C. § 1324a, and of the privacy concerns that would be raised by the establishment of such a system.

1988 -- Section 165 of the Housing and Community Development Act of 1987, Pub. L. 100-242, authorizes the Secretary of the Department of Housing and Community Development to require disclosure of a person's SSN as a condition of eligibility for any HUD program. 42 U.S.C. § 3543(a).

Section 125 of the Family Support Act of 1988, Pub. L. 100-485, requires each State, in issuing birth certificates, to obtain the SSNs of the parents, unless the State determines that there is good cause for not furnishing such number. The SSNs are not to be recorded on the birth certificate but are to be used for child support enforcement activities. 42 U.S.C. § 405(r)(7).

Section 704(a) of the same law, Pub. L. 100-485, requires that any dependent age two and older listed on a tax return be identified by a SSN. 26 U.S.C. § 6109(e).

Section 8008 of the Technical and Miscellaneous Revenue Act of 1988, Pub. L. 100-647, authorizes any State and any authorized blood donation facility to require blood donors to furnish their SSN for purposes of identification. 42 U.S.C. § 405(c)(2)(D)(i) and § 1320b-11(c).

Section 7088 of Pub. L. 100-690, the Anti-Drug Abuse Act of 1988, deleted the \$5,000 and \$25,000 upper limits on fines that can be imposed for violations of Section 208 of the Social Security Act. The general limit of \$250,000 for felonies in Title 18 of the United States Code now applies to violations under the Social Security Act. 42 U.S.C. § 408(a).

1989 -- Section 202(b)(2)(A) of the Child Nutrition and WIC Reauthorization Act of 1989, Pub. 101-147, amends the National School Lunch Act to specify that the member of the household who executes the application for the school lunch program must furnish only the SSN of the parent or guardian who is the primary wage earner responsible for the care of the child for whom the application is made. Only if verification of the application data is necessary may the Secretary require the SSNs of all adult household members. 42 U.S.C. § 1758(d).

Section 2008 of Pub. L. 101-239, the Omnibus Budget Reconciliation Act of 1989, requires that the National Student Loan Data System, set up by the Secretary of the Department of Education, include, among other things, the names and SSNs of student loan borrowers. 20 U.S.C. § 1092(b).

1/10/2000

HB 311

My name is Tom Carpenter, I am a commercial fisherman and owner of Whiskey Ridge Trading Co. - a sporting goods store in Cordova. I am a vendor of State fish & game licenses and tags. Each year half or more of residents/non residents that purchase licenses are very frustrated and angry they are required to divulge their Social Security number, I would also say 10% even refuse this hunting/fishing illegally having no license. This is solely a tracking # for the US Government. This State ought to stand up for itself for once. How this

State been insulted enough
by the Federal takeover of
our FISH & Game resources.
Please do not cave to Federal
Funding, lets stand on our
own feet. Please pass
house Bill 311.

Tom Coyne 4/10/2000.

From his testimony, the so called
Blocked Social Security # is still
legible on the Department
copy.

I support HB 311 Social
Security #'s are for social
security purposes only.

Eric Westhus Jr

4-10-00

Box 1584 Cordova
Alaska

~~I~~

I support HB 311 in that the press security # should be used on any state ID

Dagmar Davis

Dear Dora:

Issue HB-311

I want to go on record as supporting this bill. I don't want my social security number on my hunting & fishing license. The social security number is a Federal identification number for my social security benefits. There is no reason for it to be on any State of Alaska documents. Please get it off the Hunting and Fishing license. Also put in an amendment to remove it from the Permanent Fund, Drivers License and my Commercial Entry Permits.

With all the write ups of people stealing other peoples identity and opening bank accounts, you are giving a dishonest person all the information they need to steal from honest people.

Thank You for listening to my comments.
Resident 48 yrs of Cordova, Alaska

Sincerely,

Dean Curran



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families2201 Sixth Avenue, Suite 600
Seattle, WA 98121-1827

Barbara Miklos, Director
Child Support Enforcement Division
550 West 7th, 4th Floor
Anchorage, AK 99501-3556

Dear Ms. Miklos:

This is in response to your request for clarification of:

- The consequences if a State fails to enact laws or otherwise conform to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, and
 - Nationwide information on state compliance with PRWORA.
1. In order for a State to receive Federal funding for the operation of its child support enforcement program, it must have an approved State IV-D plan which meets the requirements of section 454 of the Social Security Act (the Act). One of those requirements, specified at section 454(20)(A), is that the State must have in effect all of the laws required by section 466.

PRWORA made numerous changes to sections 454 and 466 of the Act. When a State fails to comply with all statutory requisites, its plan is subject to disapproval by the Office of Child Support Enforcement (OCSE). In accordance with sections 452(a)(3) and 455(a)(1)(A) of the Act, there would then be no authority to expend Federal funds under Title IV-D of the Act for the operation of the State's child support enforcement program.

Therefore, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. Alaska received approximately \$12.4 million in Title IV-D funding for the administration of its child support program in FY 1997, and over \$3.2 million in Title IV-D performance related child support incentives.


Page 2 - Barbara Miklos

In addition, in order to be eligible for a block grant for Temporary Assistance to Needy Families (TANF), section 402(a)(2) of the Act requires a State to certify that it will operate a child support enforcement program under the State plan approved under part D. Therefore, TANF funding would also be jeopardized if the State failed to enact the required child support legislation on a timely basis. Alaska's Federal funding for IV-A for FY 1997 was approximately \$63 million.

2. Data on state compliance with PRWORA changes frequently. We are therefore unable to provide you with an accurate and up to date listing of which states have fully complied with its provisions. Most states have either passed legislation that has been found complete, or is under review. Alaska is in the category of states which did not pass enabling legislation in 1997, but which have expressed an intent to do so and are working with its Regional Office to develop such legislation. Only one state, Idaho, has failed to enact enabling legislation and has stated it is unwilling to do so. Attached is a "notice of intent" to disapprove Idaho's state plan, with the resulting loss of Federal funding. If proposed legislation is not enacted in Alaska, our office would begin the process of issuing a similar notice of intent to disapprove.

Please contact Michael Furtado at (206) 615-2552, ext. 3045 if you have any further questions.

Sincerely,


Stephen S. Hennigson
Regional Administrator

Attachment: Idaho Notice of Intent to Disapprove

Dec-18-97 02:03P ACF-OCSE

202-401-3444

P.02



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

December 18, 1997

Linda Caballero, Director
Department of Health and Welfare
P.O. Box 83720-10th Floor
Boise, Idaho 83720-0036

Dear Ms. Caballero:

In accordance with sections 452(a)(3), 454(20) and 455(a) of the Social Security Act (the Act), and 45 CFR 301.10 and 301.13, this constitutes formal notice of my intent, subject to an opportunity for hearing, to disapprove Idaho's State IV-D plan. The basis for my intent to disapprove is Idaho's failure to enact the following mandated legislation, in whole or in part, required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193:

- ▶ Idaho has failed to enact laws or procedures providing for income withholding in accordance with the requirements at sections 466(a)(1) and (b)(1) of the Act, as amended by section 314 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures providing for the collection and use of social security numbers in accordance with the requirements at section 466(a)(13) of the Act, as amended by Section 317 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures providing for the use of expedited procedures, in accordance with the requirements regarding: a change in payee at section 466(c)(1)(E) of the Act; income withholding at section 466(c)(1)(F) of the Act; an increase in monthly payments to include arrearages at section 466(c)(1)(H) of the Act; and, procedures under which each party to any paternity or child support proceeding is required (subject to privacy safeguards) to update, as appropriate, certain information on location and identity of the party at section 466(c)(2)(A)(i) of the Act, as amended by section 325 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures with respect to work requirements, in accordance with requirements at section 466(a)(15) of the Act, as amended by section 365 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures requiring the State to provide full faith and credit to liens arising in another State, in accordance with requirements at section 466(a)(4), as amended by section 368 of P.L. 104-193.

Dec-18-97 02:04P ACF-OCSE

202-401-3444

P.03

Ms. Caballero -- Page 2

As provided in program instructions issued in OCSE-AT-97-05, prior to issuance of a final determination to disapprove your State plan, you have the option to request a hearing under procedures at 45 CFR Part 213. Election of a hearing prior to the final decision to approve or disapprove the State IV-D plan will constitute a waiver of reconsideration hearing rights contained in 45 CFR 301.14.

You have 60 days from the date of this letter to request a formal hearing regarding the matters at issue in the proposed disapproval. Requests for a hearing should be sent to the Assistant Secretary for Children and Families. If Idaho requests such pre-decision review, a Notice of Hearing will be issued setting forth the time and place of the hearing and the issues which will be considered therein. This notice will be published in the Federal Register.

Should the Department of Health and Human Services conclude following the hearing that Idaho does not have an approved State plan, you will be notified that further Federal payments under title IV-D of the Act will not be made until a State IV-D plan is submitted and approved. The effective date for the withholding of Federal funds shall not be earlier than the date of my decision and shall not be later than the first day of the next calendar quarter following such decision.

Should Idaho decline the opportunity for a hearing at this time, a determination will be made whether the IV-D plan must be disapproved for failure to conform with the requirements of section 454 of the Act. If you are dissatisfied with my decision, you may request reconsideration of the decision pursuant to regulations at 45 CFR 301.14. Federal funding, however, will be suspended and may not be stayed pending reconsideration. If I subsequently determine that my original decision was incorrect, restitution of funds withheld or otherwise denied will immediately be certified in a lump sum.

I urge you to take the necessary steps to enact the legislation required by P.L. 104-193 and confirm your compliance with the Regional Office. Although Idaho is completely and independently responsible for preparation, submission, and content of its State IV-D plan, technical assistance may be obtained from our Regional Office.

In addition, section 402(a)(2) of the Act (as amended by PRWORA) provides that the chief executive officer of a State must certify that it will operate a child support enforcement program under an approved IV-D plan as a condition for eligibility for a TANF block grant under title IV-A of the Act. Therefore, Idaho should be aware that TANF funds may also be at risk.

JAN-15-98 THU 02:56 PM HH

FAX NO. 12088152575

P. 08

Dec-18-97 02:04P ACF-OCSE

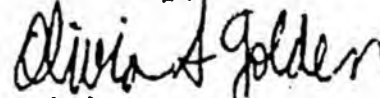
202-401-3444

P.04

Ms. Caballero -- Page 3

Should you have any questions in regard to this Notice, please contact your ACF Regional Administrator, Mr. Steve Henigson at (206) 615-2547.

Sincerely,



Olivia A. Golden
Assistant Secretary
for Children and Families

Enclosure: OCSE-AT-97-05

cc: Stephen S. Henigson
ACF Regional Administrator
Seattle Regional Office

Anchorage Daily News

50 CENTS
VOL. LIV, NO. 32

ANCHORAGE, ALASKA, MONDAY, MARCH 22, 1999

STATE EDITION
© 1999 Anchorage Daily News

Social Security number requirement angers hunters, fishermen

The Associated Press

FAIRBANKS — A federal regulation that has forced the state to collect Social Security numbers from people buying Alaska hunting and fishing licenses has merchants grumbling and some customers seeing red.

State officials are using the information as a way to track down parents who are behind on child support payments. It's a practice that began Jan. 1 and one that Alaska officials were required to start or face losing \$70 million in federal welfare aid.

But that hasn't eased the anger the rule

sparks at license counters.

"We've had some real unhappy campers because of it," said Darrell Henry at Sentry Hardware in Fairbanks. "One guy said, 'I'll see you in court.'"

John Evns at Down Under Guns in Fairbanks has encountered the same response when he asks for a customer's Social Security number.

"Many people are unhappy about it, but we can't sell it if they don't have it," he said.

Still, most customers don't complain, said Orson Johnson, sporting goods manager at

Sentry Hardware.

"We have had a number of people who don't like it but put it down anyway," he said.

Kristin Wright of the Alaska Department of Fish and Game said she tells people who complain that it's the federal government's requirement, not the state's.

Wright said her office has fielded several dozen calls from angry people. Most of the calls came from the Interior.

Requiring Social Security numbers for hunting and fishing licenses is merely another

way to get delinquent parents to pay child support, said Byron Walther, a spokesman for the Alaska Child Support Enforcement Division. Delinquent parents already face the possibility of losing their driver's license.

"Our goal here is to encourage these folks to make their payments," Walther said.

Last year the state sold more than 428,000 sportfishing licenses and more than 100,000 hunting licenses, although more than half the sportfishing licenses were purchased by Out-aiders.

MINUTES OF STATE GAME COMMISSION MEETING

April 8, 1999
State Capitol, Room 307
Santa Fe, New Mexico

Agenda Item No. 1... Meeting Called To Order

Meeting was called to order at 9:15 am.

*See page 3
Agenda Item No. 8*

Agenda Item No. 2...Roll Call - Jerry Maracchini

Secretary Maracchini calls roll of Commissioners

- Bill Brininstool - Present
- Gail Cramer - Present
- George Ortega - Present
- Steve Padilla - Present
- Steve Emery - Present
- Bud Hettinga - Present
- Steve Doerr - Present

Chairman Brininstool - Introduces Commissioner Emery and states that he is representing District 5 and that Commissioner Padilla has been re-appointed.

Jerry Maracchini - States for the audience that there is a new procedure for audience participation. When a member of the public wishes to speak on a particular agenda item they will need to fill out one of the participation cards that will be located on the table with the extra copies of the agenda. These cards then need to be presented to the recording secretary prior to the agenda item being presented.

Commissioner Hettinga - Asks if we will allow many members of one organization to speak or if we will require that they get together and present their comments all at one time.

Jerry Maracchini - States that if there is a large group of people who wish to speak on the same agenda item then it would be preferable if they all get together and have one person do the presenting for them. These cards also allow for those individuals who do not wish to get up and speak in public to present their comments in writing to the Commission.

Agenda Item No. 3...Closed Executive Session

MOTION: Commissioner Doerr makes a motion to go into closed executive session to discuss - director's performance with respect to personnel assignments, department organization and areas of emphasis and the legal implications of the Uniform Licensing Act relating to Outfitter's and the Rock Lake Hatchery delinquent lease. Commissioner Hettinga seconds.

VOTE: Roll call vote taken - all present voted in the affirmative. Motion passes unanimously.

Agenda Item No. 4...Approval of Minutes - January 6, 1999.

MOTION: Commissioner Doerr makes a motion to approve the minutes of the January 6, 1999 meeting

as presented. Commissioner Cramer seconds.

VOTE: Roll call vote taken - 6 of the 7 present voted in the affirmative. Commissioner Emery who was not present at the meeting chose not to vote. Motion carried.

Agenda Item No. 5...Consent Agenda

- Budget Report - Pat Block
- Auction of Department Vehicles and Equipment

Commissioner Hettinga - States he would like to have the budget report faxed or mailed to the commission so that they have time to review and then if there are no questions, they can just vote on it right away.

MOTION: Commissioner Hettinga makes a motion to approve the Consent Agenda. Commissioner Cramer seconds.

VOTE: Roll call vote taken - all present voted in the affirmative. Motion passes unanimously.

Agenda Item No. 6...1998-1999 Oryx Hunter Accommodations

Jerry Maracchini - Explains that back in January the Commission gave the Director the authority to negotiate with White Sands Missile Range to try and come up with a reasonable method of accommodating the oryx hunters who were successful in drawing a license but whose hunts were cancelled. We have done so and we had to come up with some type of intermediate plans to handle the hunters and we came up with the spring hunts. We realize that when we came up with the spring hunts that these are far different than those that the hunters originally applied for. So in order to be as accommodating as possible on the once-in-a-lifetime hunts, we are presenting an opportunity for those hunters who participated but were not successful or for those hunters who could not participate another opportunity to hunt this fall (1999-2000).

MOTION: Commissioner Hettinga makes a motion to approve Agenda Item #6 as proposed. Commissioner Doerr seconds.

Commissioner Cramer - Commends the Department with the way they have handled these hunts and feels that we have gone above and beyond what needed to be done.

Steve Henry - Thanks Commissioner Cramer for the comment. He acknowledges that Commissioner Hettinga should get some of the credit. We have had about 180 hunters and about 4 have not killed an oryx. We will probably have about 30 +/- that have chosen not to hunt. There are four or five more hunts still to be held. We feel that these hunts have been successful and according to the missile range they are getting a bigger selection of trophy oryx taken than there has ever been.

Commissioner Cramer - Asks if what the commission is voting on and that it may involve 30 - 40 people.

Steve Henry - More than likely. There may still be a different understanding among the hunters.

Bob Atwood - Just wanted to say thanks and feels that the people who did not get to participate be allowed to hunt next year.

Oscar Simpson - Offers his gratitude. His concern is that only the people who were not given the opportunity to hunt be allowed. He did not want to see the elimination of the once-in-a-lifetime hunts.

Stan Lundy - Would like the opportunity to go on his oryx hunt that he was not able to go on. He is concerned with the take it or leave it attitude that the letter he received portrayed.

Jerry Maracchini - We still do not have a guarantee that the hunts published for this year will even be

held.

Commissioner Hettinga - States he is optimistic about the hunting at WSMR.

Commissioner Ortega - Thanks Jerry for the job he did on one of the more controversial individuals from here in Santa Fe.

VOTE: Roll call vote taken - all present voted in the affirmative. Motion passes unanimously.

Agenda Item No. 7... Removal of "Once in a lifetime" restriction for 1998-1999 oryx hunters.

MOTION: Commissioner Hettinga makes a motion to remove Item No.7 from the agenda. Commissioner Ortega seconds.

VOTE: Roll call vote taken - all present voted in the affirmative. Motion passes unanimously.

Agenda Item No. 8...Social Security Number Requirements Discussion

Larry Bell - States that this was brought up because of some questions brought up by the public and commissioners. There are a variety of concerns and we just want to have a little discussion. Back in 1998 and maybe even in 1997 the Commission had concerns relating to the use of prisoner's inputting the application information. We were just about to have a solution for this and then the Parental Responsibility Act came along. As with other laws there are exceptions and this PRA has some of these exceptions and because of these we now need to collect this information on our applications.

MOTION: Commissioner Hettinga makes a motion to require the NM Department of Game and Fish to NOT collect SS# on applications or licenses in any form. Commissioner Doerr seconds.

Commissioner Hettinga - There are no safe guards and we have a lot of public outcry not to require this information. There are no safe guards on any of our information because we are a public agency and therefore anyone can come to our office and request this information. The NM Driver's licenses do not require SS#'s. Feels that if it is required then we should have a court order to direct us to collect this information.

Larry Bell - Just to make something a little more clear, if someone came into the office with a public inspection request, and since we can only collect a SS# for a specific purpose and only make it mandatory for a specific purpose. Then on any public records request that we receive where that number may be contained the SS# would have to be redacted from this request. As a matter of fact even before the SS# request we have always had requests from outfitters and such for information and we have taken the SS#'s off. As for driver's license the SS# does not show up on the license but it is asked for as part of the application and then that application is then retained in their files.

Alvin Garcia - Larry is correct in that SS#'s are redacted from any document requested through public records act. This advice from the Attorney General's office for all state agencies is that these numbers be taken off any public records. The State Human Services Department is tied to the enforcement of this act. There are federal monies tied to this act. The adoption of this motion may force his office to withdraw as counsel for the State Game Commission.

Commissioner Padilla - Mentioned the importance of this act and he opposed it because of the fact that it is not funded and does not reimburse the Department for loss of revenue.

Commissioner Hettinga - Feels that we should enforce the child enforcement act, but there are other ways to do this. The Department has lists and Human Services should provide a list of those in violation and the Department can then check their records and start the revocation. States that Alvin's version of how public records are given out is not how it happens, maybe it should but it does not always happen the correct way.

Alvin Garcia - The lists are required by Human Services Department. Lists that contain these SS#'s are checked against lists of those not in compliance. This is all done by data disks.

Chairman Brininstool - Feels that federal money would be lost and feels that we are hurting ourselves.

Oscar Simpson - Does not like the SS# requirement and if we have some sort of protocol to assure that the SS#'s were not given out then maybe more people would support this action. He would like for the Department to explore some way for the in the future of not having to use SS#'s.

Commissioner Hettinga - States that the Health and Human Services asks for names. Feels that there are ways to go about this and he feels that the Department would find a way without having to hold the license buyer's hostage.

Larry Bell - We get from Human Services a datadisk and on this disk is a list of SS# of those not in compliance and we then match it to what records we have. We would be more than happy to work with Human Services to find out if they would accept some other method. They are not only dealing with Game and Fish but all other agencies as well and that he cannot speak for them, but he will work with them.

VOTE: Roll call vote taken and Commissioner's Hettinga, Ortega, Emery and Padilla voted in the affirmative. Commissioner's Doerr, Cramer, and Brininstool voted in the negative. Motion carries with a 4 to 3 in the affirmative.

Larry Bell - Informs the commission that since we already have our licenses printed and distributed that we will try to conform to the wishes of the Commission.

Representative Begay - Introduces himself and states that he represents legislative district 4 which covers great deal of the Navajo Nation Reservation. He is from the NW portion of the state. A couple of years ago a bill was introduced regarding amphibians and reptiles. He introduced a bill this year and he received some support. Has done some research and has found that other states have restrictions on removing native species from their states and during the research he has discovered that New Mexico does not have similar restrictions and he would like to see some set in place. There are native amphibians and reptiles that are very important to his heritage. He would like the Department of Game and Fish to take a look at this and see what they can do to help.

Commissioner Hettinga - Asks Rep. Begay to get the Department a copy of the bill and the analysis and he would like to see this on the next agenda.

Rep. Begay - Yes, he would get us all of these copies and is willing to come for the next meeting if needed.

Commissioner Doerr - As he understands it, the Department does not have jurisdiction over these and asks if this bill allows for more personnel and funding.

Commissioner Padilla - Agrees with Commissioner Hettinga and with this on the next agenda he would like to see a copy of Representative Porter's bill. We need to analyze both bills together and see what the differences are.

Jerry Maracchini - States that he would like to answer Commissioner Doerr's question with regard to personnel and money. When we first analyzed the bill we are always cautious about additional personnel and money and the bill was modified as Rep. Begay mentioned to be a little bit more regulatory friendly to the commission. In other words it would have given the commission the authority to regulate only those species that it felt necessary instead of a blanket for all species. Feels that the next step would be for the Department to analyze and come up with legislation that it feels the Commission could support. The Commission was never afforded the opportunity to look at what the implications would be in regards to manpower and money

Commissioner Hettinga - Feels that we should investigate the TWW/OCS money and see how it could help with this.

Jerry Maracchini - States that if it ever happens yes it would go to help this.

Agenda Item No. 9...Deer Management Long-Range and Action Plan Update

Barry Hale - Gives the background on this subject and explains how we have gotten to where we currently are. We have updated the Long-Range Deer Management Plan and we have created a Deer Management Action Study.

We have identified the areas where we would like to

Criteria for Selecting Locations:

- Study location must have deer
- Study location has historic information on deer populations
- Land status should be primarily public, with cooperation from administering land management agency
- No depredation complaints about deer in the area
- Predator management must be an option

We have selected two areas: Unit 23 Burro Mountains and Unit 51 west of El Rito in the Carson National Forest. We have begun the planning effort for these areas.

For both areas:

- Deer - trap and collar (90), monitor (mortalities) and survey (mark/recapture and sightability).
- Predator - survey (scent stations, howl counts, etc), removal (ground/aerial), and monitor of removal.
- Areas - Two - Burro Mountains in Unit 23 and El Rito Area of Unit 51.
- Cost - average of \$400,000 per year.

We have some ground work that still needs to be laid before we can get the bulk of the work started. We need to hire the deer manager, complete the project plan, prepare FY2001 budget request and allocate FY 2000 budget for project.

We are looking to start the bulk of the work in FY2000 and we plan to: test predator survey techniques, initiate predator surveys, initiate deer sightability

Commissioner Hettinga - Asks if we were specifically asked not to institute one of these areas, Unit 51. He requests that we use an alternate area. He would also like for it all to be started at one time (law enforcement, habitat, etc).

Commissioner Padilla - Asks what the opposition to Unit 51.

Commissioner Hettinga - Feels that it is hard to get the law enforcement needed up there to enforce the poaching. It is hard to get in the middle of the Carson forest and the Gila country to get law enforcement out there all the time. We need to get it started where it will at least have a chance to work.

Commissioner Padilla - States that Utah has a program called dedicated hunter program. He asks if anyone knows what this is.

Commissioner Doerr - We also talked about trying to get in addition to these two areas we are going to try and improve the habitat in other areas of the state at the same time we are monitoring these two areas.

Santiago Gonzales - We have some preliminary plans to begin habitat work with Sikes Act money. We have started on the predator removal at this time because we thought it was the most controversial portion. We have not ignored the habitat request, but we just wanted to present this portion to see if we are on the correct track.

Commissioner Hettinga - Feels that Santiago Gonzales knows that if we just focus on predator removal

HOUSE BILL NO. 311

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES COGHILL, Ogan, Foster, Kohring, Sanders, Harris

Introduced: 1/24/00

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

**1 "An Act eliminating a requirement that a social security number be provided by
2 an applicant for a hunting or sport fishing license or tag."**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 16.05.330(e) is repealed.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 416

REPRESENTATIVE JOHN COGHILL

HB 311 Social Security Numbers & Recreational Licenses SPONSOR STATEMENT

A requirement to provide your social security number before obtaining a recreational hunting and fishing license was a recent federal mandate accepted by the legislature under the Smart Start legislation of 1998.

The reasoning for imposing the social security requirement for a casual license was to track people for child support enforcement agencies nationwide. While an integrated national system such as this may be efficient it is a double-edged sword. First, the requirement is an instrument for the abuse of privacy. Secondly the federal government tempts us to erode our constitutional responsibilities and rights through mandates that are accepted when taking federal funds.

Lets remember that our social security started in 1935 as a means of tracking earnings and benefit qualification for those workers who had jobs under this system. The social security number was never intended to be use for general identification purposes. Most importantly our social security number was not intended for invasion of anyone's privacy.

"The right to be left alone – the most comprehensive of rights, and the right most valued by free people."

Justice Louise Brandeis, *Olmstead v. U.S.* (1928)

"The right of the people to privacy is recognized and shall not be infringed."

Alaska State Constitution. Article 1, Section 22.

The privacy issue here is that information being gathered by vendors issuing licenses all over Alaska is available for purchase by anyone. The information of about 600,000 licensees can be purchased for \$350. While the social security number is purged from the database, the information provided on the application is collected by a vendor which is less secure.

The states' rights issue was created by a Supreme Court challenge by South Dakota of the federal mandate of legal drinking age requirement to receive federal highway funds. While the Court determined that the Tenth Amendment prevented the federal government from requiring states to impose a mandatory seatbelt law, the federal government did have the authority to withhold federal highway funds from a state that did not enforce a mandatory seatbelt law.

Since this decision, states have been surrendering individual and states' rights in return for federal dollars. We must ask our selves how much our individual and states' rights are worth.

Two states currently do not require a social security number for a fishing or hunting license: New Mexico and Michigan. Neither state has been sanctioned by the federal government and neither state has lost a single federal dollar. They chose to stand and say, federal government you have gone to far and have not been suffered at the heavy hand of the federal government.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 23, 1999

SUBJECT: Social Security Numbers on Hunting and Fishing Licenses (Work Order No. 21-LS0740)

TO: Representative Scott Ogan

FROM: Terri Lauterbach
Legislative Counsel 

You have asked whether federal law requires social security numbers to be on applications for hunting and fishing licenses and, if so, whether the state could eliminate the related requirement that is currently in state law and forgo federal funds.

Federal law requires social security numbers to be on applications for "recreational licenses" but does not define that term. See copy of 42 U.S.C. 666(a)(13), enclosed. I have not located any attempt to define "recreational license" in federal regulations. In my opinion, the inclusion of hunting and fishing licenses is a reasonable interpretation of "recreational license."

This requirement is part of Congress' effort to improve child support enforcement and, thereby, to reduce use of governmental welfare payments to support a family that should be getting private child support but isn't. It is thought that social security numbers might be useful to locate a person who is delinquent on child support payments. Therefore, Congress requires the recording of social security numbers on many types of documents, including recreational licenses, as part of what a state must do in order to obtain federal funds for child support enforcement. In turn, having a child support enforcement program that meets federal requirements is part of what a state must do in order to get federal TANF/ATAP funds.

7. The state may choose to be out of compliance with 42 U.S.C. 666(a)(13). Such an action would jeopardize not only the federal funds received for child support enforcement efforts but also federal funds received as block grant money for the TANF/ATAP program under AS 47.27. The Department of Revenue and the Department of Health and Social Services could provide more information about these amounts and/or the likelihood of federal sanctions, or you could authorize me to contact them on your behalf in regard to these matters.

Please let me know if I can be of further assistance.

TML:jdr
99-146:jdr
Enclosure