

HB

48

ALASKA STATE HOUSE OF REPRESENTATIVES

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State Capitol
Room 416**

REPRESENTATIVE JOHN COGHILL

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. My efforts in getting HB 311 passed through the House last year proved there was much concern among Alaskans about protecting the privacy of their social security numbers. Unfortunately, the end of session prevented its passage in the Senate.

The Alaska Child Support Enforcement Division took note of this and recently won a waiver from the federal requirement for three years. In approving the waiver the federal Office of Child Support Enforcement recognized that the Alaska Permanent Fund Dividend databases is a more appropriate way to track parents who have delinquent child support payments.

The catch is that the social security number must still be placed on the application because the state law mandating that requirement doesn't expire until June 30, 2001. My effort in introducing this legislation is to repeal the social security requirement so as to protect the privacy of Alaskan's social security numbers in relation to recreational licenses immediately.

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REPRESENTATIVE JOHN COGHILL

HB 48 Social Security Number of Recreational Licenses SECTIONAL

Sec. 1: Repeals a portion of AS 16.05.360(a) that requires the form or application for a hunting or sport fishing license to contain sufficient information to supply the applicant's social security number.

Sec. 2: This repeals AS 16.05.330(e) which requires a person applying for a license or tag for hunting or sport fishing to provide their social security number on the application and requires the Department of Fish & Game to report provide that social security number to CSED if requested.

Repeals AS 16.05.346(d) which requires a person applying for a permit under the section of statutes that deal with licensing of sport fishing and hunting to provide the person's social security number on the permit application. It also requires the department to provide the social security number to the child support enforcement agency if information is requested by the agency.

It also repeals AS 16.05.360(b), which requires the department to provide the social security number to CSED upon request.

Sec. 3: Provides for an immediate effective date.

Three mentions of social security number in Title 16.05:

Sec. 16.05.330. Licenses, tags, and subsistence permits.

(e) A natural person applying for a license or tag for hunting or sport fishing shall provide the person's social security number on the license application. Upon request, the department shall provide the social security number to the child support enforcement agency created in AS 25.27.010 , or the child support agency of another state, for child support purposes authorized by law.

Sec. 16.05.346. Permit applications.

(d) A person applying for a permit under this section shall provide the person's social security number on the permit application. Upon request, the department shall provide the social security number to the child support enforcement agency created in AS 25.27.010 , or the child support agency of another state, for child support purposes authorized by law.

Sec. 16.05.360. Commissioner charged with license issuance.

(b) Upon request, the department shall provide a social security number provided by an applicant under (a) of this section to the child support enforcement agency created in AS 25.27.010 , or the child support agency of another state, for child support purposes authorized by law.

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REPRESENTATIVE JOHN COGHILL

PRESS RELEASE: *For more information contact Representative John Coghill at 465-3719.*

SOCIAL SECURITY BILL SCHEDULED FOR HEARING

JUNEAU – HB 48, a bill introduced by Representative John Coghill (R-North Pole) that eliminates the requirement that applicants for a hunting or sport fishing license provide their social security numbers, passed out of Resources Committee Wednesday.

The 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. "My efforts in getting HB 311 passed through the House last year proved there was much concern among Alaskans about protecting the privacy of their social security numbers" said Coghill. "Unfortunately, the end of session prevented its passage in the Senate."

A waiver from this federal requirement was recently obtained by the Alaska Child Support Enforcement Division. The federal Office of Child Support Enforcement recognized that our Alaska Permanent Fund Dividend databases is a more appropriate way to track parents who have delinquent child support payments.

Even with the waiver, a social security number must still be placed on the application because the state law mandating that requirement doesn't expire until June 30, 2001. Coghill's effort in introducing this legislation is to change the law and protect the privacy of Alaskan's social security numbers in relation to recreational licenses immediately.

The legislation now will be referred to the House Judiciary Committee.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB48(RES)
(H) Publish Date: 1/26/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: Eliminating requirement to provide SSN for BRU: Admin. and Support
sport licenses and tags Component: Administrative Services
Sponsor: Representative Coghill
Requester: House Resources Component Number: 479

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill removes the statutory requirement for the collection of Social Security numbers for the issuance of hunting and sport fishing licenses.

Prepared by: Kevin Brooks Phone 465-5999
Division: Administration Date/Time 1/19/01 12:00 AM
Approved by: Gordy Williams for Commissioner Frank Rue Date 01/22/2001
Agency: Department of Fish and Game

For distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 2
 Bill Version: CSHB 48(RES)
 (H) Publish Date: 01/26/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title: No Social Security Number Required BRU: Child Support Enforcement
on Hunting/Fishing Licenses Component: Child Support Enforcement
 Sponsor: Representative Coghill
 Requester: House Resources Component Number: 111

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
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CHANGE IN REVENUES ()						
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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 (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact to the Child Support Enforcement Division from this legislation.

State law requires that applicants for sport hunting and fishing licenses provide their Social Security number on the application. However, Alaska has been granted a waiver from the federal law that prompted the state requirement. That federal waiver was granted in December 2000, retroactive to October 2000. The waiver runs for three years, at which time the state (through the Child Support Enforcement Division) may request a continuation of the waiver.

This legislation would repeal the state requirement for Social Security numbers on sport hunting and fishing license applications, with an immediate effective date.

Prepared by: Barbara Miklos, Director Phone 269-6800
 Division: Child Support Enforcement Division Date/Time Jan. 20, 2001, 1 p.m.
 Approved by: Larry Persily, Deputy Commissioner Date Jan. 20, 2001
 Agency: Department of Revenue

For distribution information, call the Governor's Legislative Office

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DEPARTMENT OF HEALTH & HUMAN SERVICES

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

Ms. Barbara J. Miklos
Director
State of Alaska, Department of Revenue
Child Support Enforcement Division
550 W. 7th Ave., Suite 310
Anchorage, AK 99501-6699

Dear Ms. Miklos:

This is in response to your letter to Mr. Steve Henigson, Regional Administrator, regarding Alaska's request for an exemption from the provision regarding collection of Social Security Numbers on recreational license applications found in section 466(a)(13) of the Social Security Act (Act), as amended by section 5536 of the Balanced Budget Act of 1997 (P.L. 105-33).

Alaska has demonstrated in accordance with section 466(d) of the Act, 45 CFR 302.70(d)(2) and OCSE-AT-97-02, that compliance with the requirement would not increase the efficiency and effectiveness of the State's Child Support Enforcement program. We are granting your request for exemption from the requirement of section 466(a)(13), which requires collection of social security numbers on recreational license applications, based on Alaska's operation of a similar existing procedure through the Permanent Fund Dividend program.

This exemption is granted for a three-year period effective October 1, 2000. The exemption may be terminated upon a change in circumstance in the State. If the State cannot demonstrate that the changed circumstances continue to warrant an exemption in accordance with this the aforementioned requirements, the exemption will be revoked. Alaska would then be required to implement the requirement in section 466(a)(13) of the Act.

RECEIVED

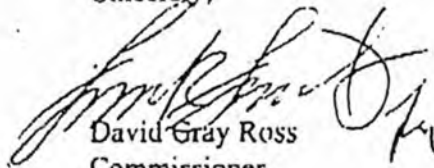
DEC 21 2000

ASST. DIRECTOR

Page 2 - Ms. Miklos

The State must apply for an extension of this exemption 90 days before the end of the exemption period. If an extension is not granted or the exemption is revoked, the State must enact the appropriate laws and procedures to implement the mandatory practice by the beginning of the fourth month after the end of the first regular, special, budget, or other session of the State legislature which ends after the date the exemption is revoked or an exemption is denied. If no legislation is necessary, Alaska must establish and be using the appropriate procedures by the beginning of the fourth month after the date the exemption is revoked.

Sincerely,



David Gray Ross
Commissioner,
Office of Child Support Enforcement

CC: Mr. Steve Henigson
Regional Administrator
Region X

STATE MOVES TO PROTECT PRIVACY OF SPORT LICENSE HOLDERS Child support agency obtains federal waiver from Social Security numbers

The Alaska Child Support Enforcement Division has won a waiver from the federal requirement to collect Social Security numbers on sport hunting and fishing license applications.

Federal law allows waivers for those states that can prove they have an adequate alternative for locating parents who fall behind in their child support payments. The federal Office of Child Support Enforcement accepted the state's position that the Permanent Fund Dividend application database provides better access to Social Security numbers than collecting the information from sport hunting and fishing license applicants.

Congress in 1997 voted to require states to collect Social Security numbers on recreational licenses as a tool to help locate parents who are delinquent in their child support payments. The requirement was part of the welfare reform package aimed at reducing dependence on government-funded public assistance by increasing child support collections.

"Some Alaskans expressed concern about protecting the privacy of their Social Security number from the private vendors that sell sport licenses," said Barbara Miklos, director of the Alaska Child Support Enforcement Division. "In addition to those concerns, the requirement was just not an efficient way to go about our job since we can get better information from the Permanent Fund dividend database."

The Alaska Legislature adopted the federal rule in 1998, requiring sport license applicants to provide their Social Security number. The Legislature adopted the federal requirement rather than lose almost \$80 million a year in federal funding for Alaska's child support enforcement and public assistance programs.

The state law expires June 30, 2001, after which license applicants no longer will be required to provide the number. "The federal waiver is the first step in answering Alaskans' concerns," Miklos said. "The final step will come when the state law changes."

Responding to the public's privacy concerns, the child support agency worked hard the past six months to obtain the federal waiver. Several legislators also questioned whether the state could protect the privacy of Social Security numbers on license applications.

"We understand people are uneasy about providing their Social Security number, and we knew it wasn't necessary to take that risk in Alaska since we already have the numbers from Permanent Fund dividend applications," Miklos said.

"This does not mean we're pulling back on our collection efforts," Miklos said. The agency collected a record \$85 million in Fiscal 2000, and is headed to another new record this year.

Many of Alaska's child support collection tools will expire on June 30, 2001 under a "sunset" provision in the state's child support laws. The agency will seek legislative approval this session to remove the expiration date, except for the sport license requirement that will be allowed to end.

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For more information, call Barbara Miklos in Anchorage, 269-6800.

This is a press release issued by the Child Support Enforcement Division on January 4th. Barbara Miklos is the Director of the State of Alaska Child Support Enforcement Division.

Section 466(a)(13) of the Social Security Act (42 U.S.C. 666(a)(13))

(13) Recording of social security numbers in certain family

matters. - Procedures requiring that the social security number of -

(A) any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application;

(B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment be placed in the records relating to the matter; and

(C) any individual who has died be placed in the records relating to the death and be recorded on the death certificate.

For purposes of subparagraph (A), if a State allows the use of a number other than the social security number to be used on the face of the document while the social security number is kept on file at the agency, the State shall so advise any applicants.

“(3) Information received or transmitted pursuant to this section shall be subject to the safeguard provisions contained in section 454(26).”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “or to seek to enforce orders providing child custody or visitation rights”; and

(B) in paragraph (2)—

(i) by inserting “or to serve as the initiating court in an action to seek an order” after “issue an order”; and

(ii) by striking “or to issue an order against a resident parent for child custody or visitation rights”.

(b) **USE OF THE FEDERAL PARENT LOCATOR SERVICE.**—Section 463 (42 U.S.C. 663) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “any State which is able and willing to do so,” and inserting “every State”; and

(ii) by striking “such State” and inserting “each State”; and

(B) in paragraph (2), by inserting “or visitation” after “custody”;

(2) in subsection (b)(2), by inserting “or visitation” after “custody”;

(3) in subsection (d)—

(A) in paragraph (1), by inserting “or visitation” after “custody”; and

(B) in subparagraphs (A) and (B) of paragraph (2), by inserting “or visitation” after “custody” each place it appears;

(4) in subsection (f)(2), by inserting “or visitation” after “custody”; and

(5) by striking “noncustodial” each place it appears.

SEC. 5535. ACCESS TO REGISTRY DATA FOR RESEARCH PURPOSES.

(a) **IN GENERAL.**—Section 453(j)(5) (42 U.S.C. 653(j)(5)) is amended by inserting “data in each component of the Federal Parent Locator Service maintained under this section and to” before “information”.

(b) **CONFORMING AMENDMENTS.**—Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (j)(3)(B), by striking “registries” and inserting “components”; and

(2) in subsection (k)(2), by striking “subsection (j)(3)” and inserting “section 453A(g)(2)”.

SEC. 5536. COLLECTION AND USE OF SOCIAL SECURITY NUMBERS FOR USE IN CHILD SUPPORT ENFORCEMENT.

Section 466(a)(13) (42 U.S.C. 666(a)(13)) is amended—

(1) in subparagraph (A)—

(A) by striking “commercial”; and

(B) by inserting “recreational license,” after “occupational license,”; and

(2) in the matter following subparagraph (C), by inserting “to be used on the face of the document while the social security number is kept on file at the agency” after “other than the social security number”.

[Code of Federal Regulations]
[Title 45, Volume 2, Parts 200 to 499]
[Revised as of October 1, 2000]
From the U.S. Government Printing Office via GPO Access
[CITE: 45CFR302.70]

[Page 230-232]

TITLE 45--PUBLIC WELFARE

CHAPTER III--OFFICE OF CHILD SUPPORT ENFORCEMENT
(CHILD SUPPORT ENFORCEMENT)

PART 302--STATE PLAN REQUIREMENTS--Table of Contents

Sec. 302.70 Required State laws.

(a) Required Laws. The State plan shall provide that, in accordance with sections 454(20) and 466 of the Act and part 303 of this chapter, the State has in effect laws providing for, and has implemented procedures to improve, program effectiveness:

(1) Procedures for carrying out a program of withholding under which new or existing support orders are subject to the State law governing withholding so that a portion of the noncustodial parent's wages may be withheld, in accordance with the requirements set forth in Sec. 303.100 of this chapter;

(2) Expedited processes to establish paternity and to establish and enforce child support orders having the same force and effect as those established through full judicial process, in accordance with the requirements set forth in Sec. 303.101 of this chapter;

(3) Procedures for obtaining overdue support from State income tax refunds on behalf of individuals receiving IV-D services, in accordance with the requirements set forth in Sec. 303.102 of this chapter;

(4) Procedures for the imposition of liens against the real and personal property of noncustodial parents who owe overdue support, in accordance with the requirements set forth in Sec. 303.103 of this chapter;

(5)(i) Procedures for the establishment of paternity for any child at least to the child's 18th birthday, including any child for whom paternity has not yet been established and any child for whom a paternity action was previously dismissed under a statute of limitations of less than 18 years; and

(ii) Effective November 1, 1989, procedures under which the State is required (except in cases where the individual involved has been found under Secs. 232.40 through 232.49 of this title or 42 CFR 433.147 to have good cause for refusing to cooperate or if, in accordance with Sec. 303.5(b) of this chapter the IV-D agency has determined that it would not be in the best interest of the child to establish paternity in a case involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending) to require the child and all other parties in a contested paternity case to submit to genetic tests upon the request of any such party, in accordance with Sec. 303.5 (d) and (e) of this chapter.

(iii) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and putative father can sign a voluntary acknowledgment of paternity, the mother and the putative father must be given notice, orally or through video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity, and ensure that due process safeguards are afforded. Such procedures must include:

(A) A hospital-based program in accordance with Sec. 303.5(g) for the voluntary acknowledgment of paternity during the period immediately before or after the birth of a child to an unmarried mother, and a

requirement that all public and private birthing hospitals participate in the hospital-based program defined in Sec. 303.5(g)(2); and

(B) A process for voluntary acknowledgment of paternity in hospitals, State birth record agencies, and in other entities designated by the State and participating in the State's voluntary paternity establishment program; and

(C) A requirement that the procedures governing hospital-based programs and State birth record agencies

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must also apply to other entities designated by the State and participating in the State's voluntary paternity establishment program, including the use of the same notice provisions, the same materials, the same evaluation methods, and the same training for the personnel of these other entities providing voluntary paternity establishment services.

(iv) Procedures under which the voluntary acknowledgment of paternity creates a rebuttable or, at the option of the State, conclusive presumption of paternity, and under which such voluntary acknowledgment is admissible as evidence of paternity;

(v) Procedures which provide that any objection to genetic testing results must be made in writing within a specified number of days before any hearing at which such results may be introduced into evidence; and if no objection is made, a written report of the test results is admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy;

(vi) Procedures which create a rebuttable or, at the option of the State, conclusive presumption of paternity upon genetic testing results indicating a threshold probability of the alleged father being the father of the child;

(vii) Procedures under which a voluntary acknowledgment must be recognized as a basis for seeking a support order without requiring any further proceedings to establish paternity; and

(viii) Procedures requiring a default order to be entered in a paternity case upon a showing that process was served on the defendant in accordance with State law, that the defendant failed to respond to service in accordance with State procedures, and any additional showing required by State law.

(6) Procedures which require that a noncustodial parent give security, post a bond, or give some other guarantee to secure payment of support, in accordance with the procedures set forth in Sec. 303.104 of this chapter;

(7) Procedures for making information regarding the amount of overdue support owed by a noncustodial parent available to consumer reporting agencies, in accordance with Sec. 303.105 of this chapter;

(8) Procedures under which all child support orders which are issued or modified in the State will include provision for withholding from wages, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing an application for services under Sec. 302.33 of this part, in accordance with Sec. 303.100(i) of this chapter;

(9) Procedures which require that any payment or installment of support under any child support order, whether ordered through the State judicial system or through the expedited processes required by paragraph (a)(2) of this section, is (on and after the date it is due):

(i) A judgment by operation of law, with the full force, effect, and attributes of a judgment of the State, including the ability to be enforced;

(ii) Entitled as a judgment to full faith and credit in such State and in any other State; and

(iii) Not subject to retroactive modification by such State or by any other State, except as provided in Sec. 303.106(b).

(10) Procedures for the review and adjustment of child support orders:

(i) Effective on October 13, 1990 until October 12, 1993, in accordance with the requirements of Sec. 303.8 (a) and (b) of this chapter; and

(ii) Effective October 13, 1993, or an earlier date the State may select, in accordance with the requirements of Sec. 303.8 (a) and (c) through (f) of this chapter.

(11) Procedures under which the State must give full faith and credit to a determination of paternity made by any other State, whether established through voluntary acknowledgment or through administrative or judicial processes.

(b) A State need not apply a procedure required under paragraphs (a) (3), (4), (6) and (7) of this section in an individual case if the State determines that it is not appropriate using guidelines generally available to the public which take into account the payment record of the noncustodial parent, the availability of other remedies, and other relevant considerations. The guidelines may not determine a majority of cases in which no other remedy is being used to be inappropriate.

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(c) State laws enacted under this section must give States sufficient authority to comply with the requirements of Secs. 303.100 through 303.105 of this chapter.

(d)(1) Exemption. A State may apply for an exemption from any of the requirements of section 466 of the Act by the submittal of a request for exemption to the appropriate Regional Office.

(2) Basis for granting exemption. The Secretary will grant a State, or political subdivision in the case of section 466(a)(2) of the Act, an exemption from any of the requirements of paragraph (a) of this section for a period not to exceed three years if the State demonstrates that compliance would not increase the effectiveness and efficiency of its Child Support Enforcement program. Demonstration of the program's efficiency and effectiveness must be shown by actual, or, if actual is not available, estimated data pertaining to caseloads, processing times, administrative costs, and average support collections or such other actual or estimated data as the Office may request. The State must demonstrate to the satisfaction of the Secretary that the program's effectiveness would not improve by using these procedures. Disapproval of a request for exemption is not subject to appeal.

(3) Review of exemption. The exemption is subject to continuing review by the Secretary and may be terminated upon a change in circumstances or reduced effectiveness in the State or political subdivision, if the State cannot demonstrate that the changed circumstances continue to warrant an exemption in accordance with this section.

(4) Request for extension. The State must request an extension of the exemption by submitting current data in accordance with paragraph (d)(2) of this section 90 days prior to the end of the exemption period granted under paragraph (d)(2) of this section.

(5) When an exemption is revoked or an extension is denied. If the Secretary revokes an exemption or does not grant an extension of an exemption, the State must enact the appropriate laws and procedures to implement the mandatory practice by the beginning of the fourth month after the end of the first regular, special, budget or other session of the State's legislature which ends after the date the exemption is revoked or the extension is denied. If no State law is necessary, the State must establish and be using the procedure by the beginning of the fourth month after the date the exemption is revoked.

(Approved by the Office of Management and Budget under control number 0960-0385)

[50 FR 19649, May 9, 1985, as amended at 51 FR 37731, Oct. 24, 1986; 54 FR 15764, Apr. 19, 1989; 56 FR 8004, Feb. 26, 1991; 56 FR 22354, May 15, 1991; 57 FR 30681, July 10, 1992; 57 FR 61581, Dec. 28, 1992; 59 FR

r 66249, Dec. 23, 1994; 64 FR 6249, Feb. 9, 1999; 64 FR 11809, Mar. 10,
1999]

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Welcome to the Alaska Child Support Enforcement Division online
Press Releases

ALASKA IN THE NEWS

January 08, 2001

Release 01005

STATE PROTECTS PRIVACY OF SPORT LICENSE HOLDERS

Child Support Agency Obtains Waiver from Social Security Number Requirement

The State of Alaska has received a waiver from the federal requirement to collect Social Security numbers on sport hunting and fishing license applications as a means of locating parents who fall behind in child support payments, Gov. Tony Knowles announced today. The federal Office of Child Support Enforcement accepted the state's position that the Permanent Fund Dividend application database provides better access to the needed information than collecting it from sport hunting and fishing license applications.

"Some Alaskans expressed concern about protecting the privacy of their Social Security number from private vendors that sell sport licenses," Knowles said. "The number is unnecessary since better information is available from the Permanent Fund Dividend database. The requirement is set to expire later this year, but the federal waiver is an immediate step to address the public's concern for privacy."

Congress in 1997 voted to require states to collect Social Security numbers on recreational licenses as a tool to help locate parents who are delinquent in their child support payments. The requirement was part of the welfare reform package aimed at reducing dependence on government-funded public assistance by increasing child support collections.

The Alaska Legislature adopted the federal rule in 1998 rather than lose almost \$80 million a year in federal funding for Alaska's child support enforcement and public assistance programs. Several legislators questioned whether the state could protect the privacy of Social Security numbers on license applications. Responding to the privacy concerns, the child support agency worked hard to obtain the federal waiver.

"We understand people are uneasy about providing their Social Security number, and we knew it wasn't necessary to take that risk in Alaska since we already have the information from Permanent Fund dividend applications," said Barbara Miklos, director of Alaska's Child Support Enforcement Division. "This doesn't mean we're pulling back on our collection efforts. The agency collected a record \$85 million in Fiscal 2000, and is headed to another new record this year."

Many of Alaska's child support collection tools will expire on June 30, 2001 under a "sunset" provision in the state's child support laws. The agency will seek legislative approval this session to remove the expiration date, but the sport license requirement will be allowed to end.

Contact:

Barbara Miklos in Anchorage at 907-269-6800.

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January 30,2001

Orlando B. Bell
Box 1609
Petersburg, Alaska 99833

JAN 31 2001

House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Representatives Mr. Coghill, Kohring,

We are a family owned and operated business in Southeast Alaska. We have lived and worked in Alaska for three generations. The Commercial Fisheries Entry Commission has denied us, in writing, a halibut gear card for my son based on his lack of a social security number.

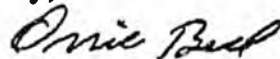
Enclosed is a copy of their correspondence to us.

We are a Christian family of home schooled kids, living and working in the wilderness, wishing to maintain our privacy.

We obtained a copy of your bill No. 48 and hope you can see some purpose to include Alaska's commercial fishermen as well as sport fishermen.

Thank you for your consideration.

Sincerely,



Orlando B. Bell

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

TONY KNOWLES, GOVERNOR

8800 GLACIER HWY, #109
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(907) 789-6150 Licensing Calls
(907) 763-6160 Other Business
(907) 789-5170 FAX
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INTERNET: www.cfec.state.ak.us

January 25, 2001

JAN 31 2001

Orlando Bell
Box 260
Petersburg, Ak 99833

Dear Mr. Bell:

On January 19, 2001, the Entry Commission received your permit renewal application along with the fee of \$100.00. I have placed the \$100.00 on hold in our office. As stated in the letter sent on March 17, 2000, before we can issue you any future permits we need additional information.

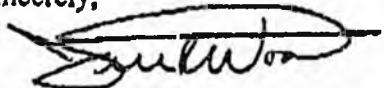
Our records indicate we do not have a social security number on file for you. In reference to the telephone conversation on January 19, 2001, you informed our office that you do not have a social security number. Unfortunately, it is an Alaska State and Federal requirement, as stated below, that CFEC obtain and use a person's social security number for licensing purposes.

AS 16.05.430(b) states "A person applying for a resident commercial license under this section shall provide the person's social security number and proof of residence that the department requires by regulation."

Once we receive this information, I will process your application promptly. You may fax this to me at (907) 790-7056.

If you have any questions, please call me at (907) 790-6956.

Sincerely,



Jill Wood
CFEC Clerk III

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FISH AND GAME CODE

§ 16.05.480

amendment, effective "commissioner" in

1, substituted "un-subsections (a) and

added the next-to-section (d). Resources Committee, see 1971 House

may appoint point qualified tions, issue li-r AS 16.05.440 959; am § 8 ch 7; am E.O. No. 190)

amendment, effective "commissioner." 30, deleted "and to renewal forms for AS 16.43" from

of licenses (a) A person licenses under laried employ- of 16 percent of An agent shall er all license he authorized ounting of the nthly remit- proper state- ple for defalca- collected by an puire a bond in adequate, con- ; of money col-

section shall y the last day which the fees grant an ex- if the agent

would impose an gent; for the period, ; authorized to

due from the urrent period,

as a penalty it fees within section. The percent of the e assessed for

each month or portion of a month that the fees are delinquent. § 5 art III ch 94 SLA 1959; aka § 9 ch 31 SLA 1963; am § 1 ch 8 SLA 1977; am §§ 5, 6 ch 106 SLA 1977; am E.O. No. 73 § 11 (1989); am §§ 4, 6 ch 21 SLA 1990)

Effect of amendments. — The 1989 amendment, effective March 11, 1989, deleted "of revenue" following "commissioner" in the first sentences in subsections (a) and (b) and deleted "and authorized" following "appointed" in the first sentence in subsection (c).

The 1990 amendment, effective April 21, 1990, added subsections (c) and (d) and repealed former subsection (b) concerning collection and remittance of fees to the Commercial Fisheries Entry Com-

Sec. 16.05.475. Registration of fishing vessels. (a) A person may not employ a fishing vessel in the water of this state unless it is registered under the laws of the state. Vessels registered under the laws of another state, and persons residing in another state, are not excused from this provision.

(b) The term "employ", as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.82 (Administrative Procedure Act). The definition may include any activities involving the use or navigation of fishing vessels.

(c) The term "registered under the laws of the state", as used in this section, shall be defined by the Board of Fisheries through the adoption of regulations under AS 44.82 (Administrative Procedure Act). The definition may include any existing requirements regarding registration, licenses, permits, and similar matters imposed by law or regulation together with modifications of them and with any additional requirements the board finds necessary to maximize the authority of the state to apply and enforce fisheries regulations under 16 U.S.C. 1801-1882 (Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331).

(d) In this section "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type which is normally used for

- (1) fishing, or
(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing. (7 ch 106 SLA 1977)

NOTES TO DECISIONS

Cited in State v. Barroff, 877 P.2d 1246 (Alaska 1984); State v. P. Uranof, 877 P.2d 1256 (Alaska 1984).

Sec. 16.05.480. Commercial fishing license; disclosure for child support purposes. (a) A person engaged in commercial fishing shall obtain a commercial fishing license. The fee for the license is \$100 for residents, and \$90 for nonresidents. Except for those which are also entry or interim-use per-

mits, all commercial fishing licenses are nontransferable. The commercial fishing license shall be retained in the possession of the licensee, readily accessible for inspection at all times. No more than one fee may be charged annually against a person. For the purposes of this section, "commercial fishing license" includes entry permits and interim-use permits issued under AS 16.43 and crewmember fishing licenses.

(b) A person applying for a resident commercial license under this section shall provide the person's social security number and the proof of residence that the department requires by regulation.

(c) [Repealed, § 12 ch 129 SLA 1978.]

(d) Upon request, the department shall provide a social security number provided under (a) of this section to the child support enforcement agency created in AS 26.27.010, or the child support agency of another state, for child support purposes authorized under law. (§ 6 art III ch 94 SLA 1959; am § 19 ch 131 SLA 1960; am § 1 ch 93 SLA 1966; am § 2 ch 42 SLA 1968; am § 8 ch 106 SLA 1977; am §§ 1, 2, 12 ch 129 SLA 1978; am § 1 ch 79 SLA 1982; am §§ 17, 18 ch 87 SLA 1997)

Delayed amendment. — Under § 148(c), ch. 87, SLA 1997, effective July 1, 1997, subsection (d) is repealed and subsection (b) is amended to read: "A person applying for a resident commercial license under this section shall provide the proof of residence that the department requires by regulation."

Effect of amendments. — The 1997 amendment, effective July 1, 1997, inserted "the person's social security number and" near the middle of subsection (b) and added subsection (d).

Editor's notes. — Sixty percent of the fees collected under this section is deposited in the fishermen's fund, AS 23.35.060. For opinions of the Attorney General regarding constitutional limits on altering the amount of a license fee upon which a dedicated fund is based, see annotations following art. IX, § 7 in the Alaska Constitution pamphlet.

Opinions of attorney general. — Discrimination against aliens and nonresidents in issuance of fishing licenses. See 1989 Op. Atty Gen. No. 18.

Employees of shore-based floating canneries are not required to have a commercial fishing license, but employees of floating canneries are required to have a commercial fishing license. February 22, 1984 Op. Atty Gen.

NOTES TO DECISIONS

Constitutionality of fee differential. — The issue of the constitutionality of the fee differential for resident and nonresident licenses does not implicate the Commerce Clause of the United States Constitution. Carlson v. State, Com. Fisheries Entry Comm'n, 919 P.2d 1337 (Alaska 1996), cert. denied, — U.S. —, 117 S. Ct. 789, 136 L. Ed. 2d 730 (1996).

The constitutionality of the fee differential for resident and nonresident licenses under the Privileges and Immunities Clause of the United States Constitution turns on whether there is a sufficient relationship between the higher fees charged nonresidents and the state's interest in imposing on nonresidents their share of the costs for managing the state's commercial fisheries; the disparate fees charged to nonresidents are not unconstitutional if the differential does not exceed the contribution made by residents, because the differential will be justified as imposing on nonresidents their share of the costs of commercial fisheries. Carlson v. State, Com. Fisheries Entry Comm'n, 919 P.2d 1337 (Alaska 1996), cert. denied, — U.S. —, 117 S. Ct. 789, 136 L. Ed. 2d 730 (1996).

Constitutionality of former provisions. — See Anderson v. Mullaney, 13 Alaska 332, 181 F.2d 123 (9th Cir. 1951), aff'd, 342

SENTRY HARDWARE

250 3rd Street
Fairbanks, Alaska 99701

JAN 31 2001

Representative John Coghill, Jr.
District 32

Dear Member of the Interior Delegation:

As a license vendor in Fairbanks, we sell nearly 4,000 licenses a year. Since the press release from the Governor's office regarding the State of Alaska not needing to use a Social Security number on hunting and fishing licenses because of the Permanent Fund records, we have been overwhelmed with requests by the licensees to no longer list their Social Security numbers on their license.

We are required to list their Social Security number because it is the law. You can change that by a new law such as House Bill 48 to eliminate the requirement that the Social Security number be provided in order to purchase a license.

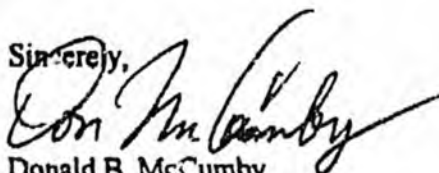
I would ask that you and all of the Fairbanks delegation take steps to get this legislation passed as soon as possible.

We, the license dealers, are the "bad guys" in the eyes of all of the license buyers as we uphold the current law.

Please Help Us Out! "Now"

Thank you for your consideration.

Sincerely,


Donald B. McCumby

P.S. Thanks for you bill and the timely manner it was presented