

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 29, 1982

SUBJECT: Constitutionality of committee amendment
 (CSHB 876)

TO: Representative Albert P. Adams
 Chairman, House Finance Committee

FROM: Diane T. Colvin 
 Legislative Counsel

You have asked us to prepared committee substitutes for HB 872 and HB 876. We have prepared the committee substitutes according to your instructions, with minor changes for technical reasons. We must advise you, however, that the amendment you propose to HB 876 is probably unconstitutional, and, if history is a guide, will almost certainly be vetoed or will not be implemented by the governor. If not implemented, it is our opinion that the legislature would almost certainly lose in court if it chose to challenge the governor's action.

The problem with the proposed amendment is one of separation of powers. The amendment gives the Legislative Budget and Audit Committee veto power over expenditures to be made from the Federal Budget Impact Fund created by the bill. The distribution of the money in the fund, however, is an executive function. By not allowing any money to issue from the fund without the approval of the Budget and Audit Committee, the amendment would attempt to authorize the committee to exercise a non-legislative power; i.e., the disbursal of money appropriated.

The separation of powers problem with legislation of this type has been addressed in detail by this office in at least two previous opinions. (See, memorandum of June 10, 1974 by Frances A. Ulmer and memorandum of August 5, 1975 by Stuart C. Hall).

Representative Albert P. Adams
Page 2
March 29, 1982

Even if the proposed amendment could be defended on separation of powers grounds (we do not believe it can be), the proposal would still suffer from a delegation of powers problem. That is, if it could be argued that this was in fact a legislative power and not therefore in violation of the separation of powers doctrine, then that power cannot be delegated by the legislature as a whole to a committee of a few. It would constitute an unconstitutional delegation of powers to 10 members of the legislature.

The legislature has lost at least twice in court on this issue. The adverse superior court decisions are Egan v. Special Legislative Oil-Development Impact Review Committee, C.A. No. 74-236 and Kelley v. Hammond, C.A. No. 77-4. We would be happy to discuss these cases with you in more detail if you wish.

We hope this information will be useful to you in considering the CS for HB 876. Please contact us if you wish further information.

DTC:ljb

THIS



BILL



RESOLUTION

has been prepared by the staff of the Legal Services Division of the Legislative Affairs Agency in response to the request and at the direction of the sponsor. The staff has attempted to place it in proper legal and clerical form subject to any special limitations or instructions of the sponsor. Requests for bills and resolutions are kept confidential by the staff and any announcement of intent to have a document drafted or introduced is the prerogative and responsibility of the sponsoring member. The agency or its staff may not endorse or comment on policy matters involved in a bill or resolution. The substance and merits of a bill or resolution are the responsibility of the sponsor.

Delivered to sponsor:

3-29-82

Original sponsor: Finance Committee

Funding Information

General Fund	\$20,000,000
Other Funds	-0-
	<u>\$20,000,000</u>

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 872 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the federal
7 budget impact fund; and providing for an effective
8 date."

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

10 * Section 1. The sum of \$20,000,000 is appropriated from the general fund
11 to the federal budget impact fund.

12 * Sec. 2. The unexpended and unobligated portion of the appropriation
13 made by this Act lapses into the general fund June 30, 1983.

14 * Sec. 3. This Act takes effect on the effective date of a written agree-
15 ment between the governor and a majority of the membership of the Legislative
16 Budget and Audit Committee regarding expenditures to be made from the federal
17 budget impact fund for the continuation of programs affected by reduced
18 federal appropriations.

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Other Funds	-0-
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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 872 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

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CARNEY AMENDMENT

Funding Information

General Fund \$20,000,000
Other Funds -0-
\$20,000,000

Introduced: 2/16/82
Referred: Finance

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE BILL NO. 872

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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12 * Sec. 2. The unexpended and unobligated portion of the appropriation
13 made by this Act lapses into the general fund June 30, 1983.

14 * ~~Sec. 3. This Act takes effect on the effective date of an Act providing~~
15 ~~for a federal budget impact fund.~~

16 * Sec. 3. This Act takes effect on the effective date of a
17 written agreement between the governor and a majority of the
18 membership of the legislative budget and audit committee
19 regarding the allocation of grants from the federal budget
20 impact fund to state and other agencies for the continuation
21 of programs affected by reductions in federal appropriations
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HB 872
new sec 3

CARNEY AMENDMENT TO THE PROPOSED APPROPRIATION BILL

Change the effective date on the appropriation bill to read:

"This Act takes effect on the effective date of a written agreement between the governor and a majority of the membership of the legislative budget and audit committee regarding the allocation of grants to state and other agencies for the continuation of programs affected by reductions in federal appropriations."

from the federal budget impact fund

1 consultation with the commissioners of affected departments of the executive
2 branch, shall authorize expenditures from the federal budget impact fund for
3 grants to state and other agencies for programs affected by reduced federal
4 appropriations.

5 * Sec. 4. FUND PROCEDURES. State departments shall submit their requests
6 for state financing of programs under this Act to the governor. Non-state
7 agencies and organizations shall submit their requests for state financing of
8 programs under this Act to the Department of Community and Regional Affairs.
9 The Department of Community and Regional Affairs shall compile a list of
10 non-state agencies and organizations that conduct programs that are federally
11 funded and subject to termination or curtailment due to reduced federal
12 appropriations. The Department of Community and Regional Affairs shall
13 submit this list to the governor, along with any other information he
14 requests, for his use in approving expenditures from the federal budget
15 impact fund.

16 * Sec. 5. REPORTS. (a) The governor shall submit proposed expenditures
17 from the federal budget impact fund to the Legislative Budget and Audit
18 Committee and the chairmen of the senate and house finance committees for
19 review.

20 (b) Forty-five days shall elapse before commencement of expenditures
21 from the fund unless the Legislative Budget and Audit Committee recommends by
22 a majority vote that the expenditures be made earlier.

23 (c) If the Legislative Budget and Audit Committee recommends within the
24 45-day period that the expenditures not be made, the governor shall ~~again~~
25 ~~review the expenditures and if he determines to authorize the expenditures,~~
26 ~~he shall provide the Legislative Budget and Audit Committee and the chairmen~~
27 ~~of the senate and house finance committees with a statement of his reasons~~
28 ~~before the expenditures are made.~~ submit the proposed expenditures in the form of a
29 * Sec. 6. This Act terminates June 30, 1983, session of the thirteenth legislature
convening in January 1983.

Funding Information

General Fund \$20,000,000
Other Funds -0-
\$20,000,000

Introduced: 2/16/82
Referred: Finance

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

HOUSE BILL NO. 872

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act making a special appropriation to the federal
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* Sec. 3. This Act takes effect on the effective date of an Act providing
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COMMITTEE REPORT

HOUSE

FURTHER:

Date: 1-13-82

Mr. Speaker:

The Committee on FINANCE has had HB 876

"An Act providing for a federal budget impact fund; and providing for an effective date."

under consideration and (~~a majority of the committee~~) (~~the committee~~) reports it back with the following recommendations:

- [] do pass [] do not pass
- [] do pass with attached amendments(s)
- [X] replace with CS for HB 876 (SA) [X] same title [] new title
- and recommends do pass
- [] AND attaches a "Letter of Intent" [] New Fiscal Note
- [] reports it back without recommendation
- [] referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Hansen

W. Smith

J. J. [unclear]

Jack Fuller

[unclear]

[unclear]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[unclear]

David [unclear] do not pass

No Rec. Montoya

[unclear]

[unclear]

[unclear]

[unclear]
CHAIRMAN

Original sponsor: Finance Committee

Offered: 3/10/82
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 876 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a federal budget impact fund; and
7 providing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that substantial
10 reductions in federal funding for various programs in the state are proposed
11 for federal fiscal years 1982 and 1983. There exists considerable uncertainty
12 as to the amount and the effect of these reductions in the state because
13 regular appropriation bills for a number of federal programs have not yet
14 been enacted and are subject to a continuing resolution that ends March 31,
15 1982. As a result, it is unlikely that definite information on the total
16 amount of budget reductions for the purpose of assessing the effects on
17 federally funded programs in the state will be available before the end of
18 the Second Session of the Twelfth Legislature. Action will be necessary,
19 therefore, after adjournment of the twelfth legislative session in order to
20 properly address the adverse impact of federal budget reductions on citizens
21 of the state. A federal budget impact fund is established to allow such
22 action to be taken after the legislature adjourns.

23 * Sec. 2. FEDERAL BUDGET IMPACT FUND. There is established in the Office
24 of the Governor a federal budget impact fund. The Department of Revenue is
25 the custodian of the fund. The amount of the fund may not exceed \$20,000,000.
26 From legislative appropriations to the fund, the governor shall make grants
27 to state and other agencies for the continuation of programs affected by
28 reductions in federal appropriations for federal fiscal years 1982 and 1983.

29 * Sec. 3. USE OF FUND. The governor, based on criteria he develops in

1 consultation with the commissioners of affected departments of the executive
2 branch, shall authorize expenditures from the federal budget impact fund for
3 grants to state and other agencies for programs affected by reduced federal
4 appropriations.

5 * Sec. 4. FUND PROCEDURES. State departments shall submit their requests
6 for state financing of programs under this Act to the governor. Non-state
7 agencies and organizations shall submit their requests for state financing of
8 programs under this Act to the Department of Community and Regional Affairs.
9 The Department of Community and Regional Affairs shall compile a list of
10 non-state agencies and organizations that conduct programs that are federally
11 funded and subject to termination or curtailment due to reduced federal
12 appropriations. The Department of Community and Regional Affairs shall
13 submit this list to the governor, along with any other information he
14 requests, for his use in approving expenditures from the federal budget
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17 from the federal budget impact fund to the Legislative Budget and Audit
18 Committee and the chairmen of the senate and house finance committees for
19 review.

20 (b) Forty-five days shall elapse before commencement of expenditures
21 from the fund unless the Legislative Budget and Audit Committee recommends by
22 a majority vote that the expenditures be made earlier.

23 (c) If the Legislative Budget and Audit Committee recommends within the
24 45-day period that the expenditures not be made, the governor shall again
25 review the expenditures and if he determines to authorize the expenditures,
26 he shall provide the Legislative Budget and Audit Committee and the chairmen
27 of the senate and house finance committees with a statement of his reasons
28 before the expenditures are made.

29 * Sec. 6. This Act terminates June 30, 1983.

1 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).
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COMMITTEE REPORT

HOUSE

FURTHER:

(11)

3/10/82

Date: 3/26/82

Mr. Speaker:

The Committee on FINANCE has had HB 876

"An Act providing for a federal budget impact fund; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 876 (Finance) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Arthur H. Adams

Harold

R. B. Whitworth

Harold

Charles L. Lacey

Garth J. Jolly

Montgomery

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Sam Carter no rec

David P. Kelly no rec

Arthur H. Adams
CHAIRMAN

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 29, 1982

SUBJECT: Constitutionality of committee amendment
 (CSHB 876)

TO: Representative Albert P. Adams
 Chairman, House Finance Committee

FROM: Diane T. Colvin 
 Legislative Counsel

You have asked us to prepared committee substitutes for HB 872 and HB 876. We have prepared the committee substitutes according to your instructions, with minor changes for technical reasons. We must advise you, however, that the amendment you propose to HB 876 is probably unconstitutional, and, if history is a guide, will almost certainly be vetoed or will not be implemented by the governor. If not implemented, it is our opinion that the legislature would almost certainly lose in court if it chose to challenge the governor's action.

The problem with the proposed amendment is one of separation of powers. The amendment gives the Legislative Budget and Audit Committee veto power over expenditures to be made from the Federal Budget Impact Fund created by the bill. The distribution of the money in the fund, however, is an executive function. By not allowing any money to issue from the fund without the approval of the Budget and Audit Committee, the amendment would attempt to authorize the committee to exercise a non-legislative power; i.e., the disbursal of money appropriated.

The separation of powers problem with legislation of this type has been addressed in detail by this office in at least two previous opinions. (See, memorandum of June 10, 1974 by Frances A. Ulmer and memorandum of August 5, 1975 by Stuart C. Hall).

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Page 2
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The legislature has lost at least twice in court on this issue. The adverse superior court decisions are Egan v. Special Legislative Oil-Development Impact Review Committee, C.A. No. 74-236 and Kelley v. Hammond, C.A. No. 77-4. We would be happy to discuss these cases with you in more detail if you wish.

We hope this information will be useful to you in considering the CS for HB 876. Please contact us if you wish further information.

DTC:ljb

THIS BILL RESOLUTION

has been prepared by the staff of the Legal Services Division of the Legislative Affairs Agency in response to the request and at the direction of the sponsor. The staff has attempted to place it in proper legal and clerical form subject to any special limitations or instructions of the sponsor. Requests for bills and resolutions are kept confidential by the staff and any announcement of intent to have a document drafted or introduced is the prerogative and responsibility of the sponsoring member. The agency or its staff may not endorse or comment on policy matters involved in a bill or resolution. The substance and merits of a bill or resolution are the responsibility of the sponsor.

Delivered to sponsor: _____

3-29-82.

Original sponsor: Finance Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 876 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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22 a majority vote that the expenditures be made earlier and executes a written
23 agreement with the governor regarding the expenditures to be made.

24 (c) If the Legislative Budget and Audit Committee recommends within the
25 45-day period that the expenditures not be made, the governor may not
26 authorize the proposed expenditures. Expenditures proposed but not made
27 under this subsection may be submitted to the Thirteenth Legislature, First
28 Session as supplemental appropriation requests.

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2 070(c).

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Original sponsor: Finance Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

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Original sponsor: Finance Committee

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BY THE FINANCE COMMITTEE

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4 TWELFTH LEGISLATURE - SECOND SESSION

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28 Session as supplemental appropriation requests.

29 * Sec. 6. This Act terminates June 30, 1983.

1 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).
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Original sponsor: Finance Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 876 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a federal budget impact fund; and
7 providing for an effective date."

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* Sec. 7. This Act takes effect immediately in accordance with AS GI.10.-
070(c).

Introduced: 2/16/82
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE BILL NO. 876

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

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Original sponsor: Finance Committee

Offered: 3/10/82
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 876 (State Affairs)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - SECOND SESSION

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requested supplemental appropriation to the first

29 * Sec. 6. This Act terminates June 30, 1983, session of the thirteenth legislature
convening in January 1983.



CENTRAL COUNCIL

Tlingit and Haida Indian Tribes of Alaska
One Sealaska Plaza - Suite 200
Juneau, Alaska 99801

March 25, 1982

Honorable Albert P. Adams
Chairman, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Chairman Adams:

This letter is to support the Committee Substitute for House Bill 876, the Federal Budget Impact Fund, and to comment on one implementation concern.

The concern we have is that because of Federal and State cutbacks in operational funding within State government for both overall budget and targeted programmatic cutting purposes, there will be a State agency scramble for the monies allocated to the fund. This is to be expected and is not necessarily a negative process.

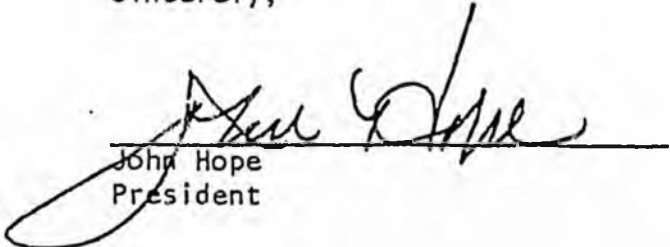
However, the mechanisms proposed to collect State and non-State requests seem to give State agencies both a head start in terms of paperwork--they simply submit their requests to the Governor while non-State entities go through the Department of Community and Regional Affairs (which would probably need some gear-up time to develop forms, etc.)--and in terms of access since State agencies go to the Governor, non-State through DCRA.

Since the demand for these dollars is expected to exceed the appropriation, it is likely that some non-State entities may find Mother Hubbard's Federal Impact cupboard empty because of the more direct access available to State "mice."

We do not have a "proposed solution" to our "proposed problem," and only ask that these concerns be made a part of your legislative history of this bill.

Again, we support the legislation, we know it is needed, we wish the fund were larger, and we applaud the sponsors for their efforts in this difficult area.

Sincerely,



John Hope
President

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 29, 1982

SUBJECT: Constitutionality of committee amendment
 (CSHB 876)

TO: Representative Albert P. Adams
 Chairman, House Finance Committee

FROM: Diane T. Colvin *DC*
 Legislative Counsel

You have asked us to prepared committee substitutes for HB 872 and HB 876. We have prepared the committee substitutes according to your instructions, with minor changes for technical reasons. We must advise you, however, that the amendment you propose to HB 876 is probably unconstitutional, and, if history is a guide, will almost certainly be vetoed or will not be implemented by the governor. If not implemented, it is our opinion that the legislature would almost certainly lose in court if it chose to challenge the governor's action.

The problem with the proposed amendment is one of separation of powers. The amendment gives the Legislative Budget and Audit Committee veto power over expenditures to be made from the Federal Budget Impact Fund created by the bill. The distribution of the money in the fund, however, is an executive function. By not allowing any money to issue from the fund without the approval of the Budget and Audit Committee, the amendment would attempt to authorize the committee to exercise a non-legislative power; i.e., the disbursal of money appropriated.

The separation of powers problem with legislation of this type has been addressed in detail by this office in at least two previous opinions. (See, memorandum of June 10, 1974 by Frances A. Ulmer and memorandum of August 5, 1975 by Stuart C. Hall).

Representative Albert P. Adams
Page 2
March 29, 1982

Even if the proposed amendment could be defended on separation of powers grounds (we do not believe it can be), the proposal would still suffer from a delegation of powers problem. That is, if it could be argued that this was in fact a legislative power and not therefore in violation of the separation of powers doctrine, then that power cannot be delegated by the legislature as a whole to a committee of a few. It would constitute an unconstitutional delegation of powers to 10 members of the legislature.

The legislature has lost at least twice in court on this issue. The adverse superior court decisions are Egan v. Special Legislative Oil-Development Impact Review Committee, C.A. No. 74-236 and Kelley v. Hammond, C.A. No. 77-4. We would be happy to discuss these cases with you in more detail if you wish.

We hope this information will be useful to you in considering the CS for HB 876. Please contact us if you wish further information.

DTC:ljb

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF MANAGEMENT & BUDGET

March 25, 1982

JAY S. HAMMOND, GOVERNOR

*POUCH H-09
JUNEAU, ALASKA 99811*

*PHONE: 465-3331
(JT-3-#4)*

DOCUMENT NO. 114-82


Chairman Al Adams
House Finance Committee
Pouch V
Juneau, AK 99811

Dear Chairman Adams:

As your committee considers House Bill No. 876, providing for a federal budget impact fund, it may be helpful to have the latest estimates we have developed concerning FY 83 federal revenues in the Department of Health and Social Services. In the attached listing the estimates for SFY 83 are based on the President's budget proposals. For that reason, they represent the most conservative estimate of federal funding available. At this time however, the President's budget figures are the only hard numbers that have been developed.

Please note that, except for Emergency Medical Services, the programs that have received no federal funding since FY 81 have been deleted. Thus, total federal revenues for FY 81 are understated by some amount and should not be used for comparison purposes.

Sincerely,



Marsha Hubbard

Attachment

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
COMPARISON OF FEDERAL GRANT REVENUES

PROGRAM NAME	SFY 81	SFY 82 Actual & Projected	SFY 83 Governor's Request	SFY 83 Revised Estimate
Special Nutrition (WIC)	950.4	1038.9	1146.8	750.0
WIN (Work Incentive)	393.9	316.9	437.5	105.6
State Health Planning	432.8	314.7	294.8	247.5
Medicare (Cert. & Licensing)	161.0	123.8	77.1	77.1
Alcoholism Training	30.0	30.0	-	-
Drug Abuse Training	30.8	28.3	-	-
Mental Health Training	155.7	177.8	202.4	-
VD Control	97.4	106.4	62.9	75.0
Immunizations	105.3	111.8	72.9	105.0
Involuntary Foster Care	-	120.0	-	-
Title XX (Protective Services)	5359.4	3872.0	3376.0	2849.1
Low Income Home Energy Asst.	9623.9	7650.0	6747.5	5500.0
Drug Abuse Prevention	56.3	101.6	-	(-
Drug Abuse Grants - 409	209.4	48.8	-	ADMHS (-
*Drug Abuse Grants - 410	191.0	505.1	-	Block < -
*Alcoholism Formula Grant	199.9	199.9	1504.4	(1255.1
*Community Mental Health Grants	-	155.8	265.5	(206.4
Emergency Medical Services	600.0	-	-	-
Health Education	309.2	177.7	339.9	300.0
Improved Pregnancy Outcome	398.8	400.0	87.5	220.0
Communicative Disorders	84.4	25.2	28.0	(-
Child Development Services	84.3	123.5	61.0	(-
Maternal & Child Health	471.8	139.8	227.1	MCH < 355.1
Handicapped Children	227.6	229.5	190.0	Block (-
Child & Family Health Admin.	19.3	17.8	13.3	(-
Field Nursing	219.4	310.8	258.3	(-
Food Stamps Eligibility	1009.0	1236.5	1393.3	1393.3
Medicaid	24086.2	26254.0	28874.0	28874.0
AFDC	16072.0	18500.0	26560.2	18000.0
Gov. Council/Handicapped & Gifted	292.9	241.6	236.6	236.6
TOTAL	61872.1	62558.2	72457.0	60549.8

*1982 Block Grant includes non-state funds

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 876(SA)
 Title An Act providing for a federal budget impact fund.
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected ALASKA HIGHWAY SAFETY PLANNING AGENCY - DEPT. OF PUBLIC SAFETY
 Program Category Affected PUBLIC PROTECTION
 BRU, Program, Or Subprogram(s) Affected HIGHWAY SAFETY PLANNING
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	398.2	387.1	421.9	459.9	501.3	546.4
200 TRAVEL	85.1	60.1	65.5	71.4	77.8	84.8
300 CONTRACTUAL	118.4	40.9	44.6	48.6	53.0	57.7
400 COMMODITIES	5.7	6.2	6.8	7.4	8.0	8.8
500 EQUIPMENT	.9	Ø	Ø	Ø	Ø	Ø
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	1121.2	1222.1	1332.1	1452.0	1582.7	1725.1
TOTAL	1729.5	1716.4	1870.9	2039.3	2222.8	2422.8

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	342.1	987.9	1076.8	1173.8	1279.3	1394.4
FEDERAL FUNDS	1338.1	691.7	754.0	821.8	895.8	976.4
OTHER (Specify Source)						
GF MATCH	49.3	36.8	40.1	43.7	47.7	52.0

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	9.0	9.0	9.0	9.0	9.0	9.0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 The figures in the fiscal detail reflect mainly a change in source of funds from federal funds to state general funds. Under new federal guidelines, not only is there a reduction in federal funds, but federal funds received as of October 1, 1981, may not be used for operating costs, which means that codes 100 through 500 must be funded with state funds if the agency is to continue.

The replacement of grant funds affects mainly the various local governments of the state. Under the new funding guidelines, the bulk of federal grant funds received will go to state agencies for statewide programs. This leaves a gap in the program. In that the majority of the problems and programs to solve these problems must be through grants to local governments for which these state grant funds are being requested.

IV. DATE 03/16/82 PREPARED BY *WNS* CHARLES A. SMITH
 AGENCY HIGHWAY SAFETY PLANNING AGENCY
 Original: Legislative Finance PHONE 465-4371 or 465-4372
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

House Bill No. 876

"An Act providing for a Federal budget impact fund; and providing for an effective date."

HB 876 proposes creation of a Governor's Fund of up to \$20 million for grants to State and other agencies for the continuation of programs affected by reductions in Federal appropriations for Federal Fiscal Years 1982 and 1983.

The Department of Health and Social Services supports the bill in principal, with one amendment:

Line 28 of page one of the bill should be revised to read ... "reductions in Federal appropriations during State Fiscal Year 1983."

The suggested amendment would clarify the purpose of the fund to provide emergency continuation funding during the period beginning July 1, 1982 and ending June 30, 1983. It would eliminate questions concerning the portion of State Fiscal Year 1982 that falls during Federal Fiscal Year 1982, thereby avoiding potentially disruptive effects on budget planning in the remaining months of State Fiscal Year 1982.

Recommended by:

John R. Taber

John R. Taber
Block Grant Administrator
Division of Management
and Budget

Date:

3/1/82

Approved by:

Helen D. Beirne

Helen D. Beirne
Commissioner

Date:

3-3-82

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

HB 876

I. REQUEST

Bill/Resolution No. House Bill 876

Title "An Act providing for a federal budget impact fund;"

Requester by Legislative Finance

Date 2/18/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Social Services, Public Protection

BRU, Program, or Subprogram(s) Affected Employment Security, Administrative Services,*

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

* Occupational Safety and Health

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		3,000.0				

FUNDING (Thousands of Dollars)

GENERAL FUND	0	3,000.0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Employment Security programs (both Employment Service and Unemployment Insurance) experienced massive cutbacks in federal funds in January, 1982. Based upon U.S. Congressional action these are expected to be restored although cutbacks experienced in 1981 are not. Although further cutbacks are not expected in FFY 1983, this is unsure considering the deficit climate at the national level. Currently no further funding reductions are expected in the OSHA program.

Nicolaas W. Bus

IV. DATE 2/18/82

PREPARED BY Nicolaas W. Bus

AGENCY Labor

PHONE 465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Introduced: 2/16/82
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE BILL NO. 876

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a federal budget impact fund; and
7 providing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that substantial
10 reductions in federal funding for various programs in the state are proposed
11 for federal fiscal years 1982 and 1983. There exists considerable uncertainty
12 as to the amount and the effect of these reductions in the state because
13 regular appropriation bills for a number of federal programs have not yet
14 been enacted and are subject to a continuing resolution that ends March 31,
15 1982. As a result, it is unlikely that definite information on the total
16 amount of budget reductions for the purpose of assessing the effects on
17 federally funded programs in the state will be available before the end of
18 the Second Session of the Twelfth Legislature. Action will be necessary,
19 therefore, after adjournment of the twelfth legislative session in order to
20 properly address the adverse impact of federal budget reductions on citizens
21 of the state. A federal budget impact fund is established to allow such
22 action to be taken after the legislature adjourns.

23 * Sec. 2. FEDERAL BUDGET IMPACT FUND. There is established in the Office
24 of the Governor a federal budget impact fund. The Department of Revenue is
25 the custodian of the fund. The amount of the fund may not exceed \$20,000,000.
26 From legislative appropriations to the fund, the governor shall make grants
27 to state and other agencies for the continuation of programs affected by
28 reductions in federal appropriations for federal fiscal years 1982 and 1983.

29 * Sec. 3. USE OF FUND. The governor, based on criteria he develops in

1 consultation with the commissioners of affected departments of the executive
2 branch, shall authorize expenditures from the federal budget impact fund for
3 grants to state and other agencies for programs affected by reduced federal
4 appropriations.

5 * Sec. 4. FUND PROCEDURES. State departments shall submit their requests
6 for state financing of programs under this Act to the Department of Community
7 and Regional Affairs. From these requests, the department shall compile a
8 list of state departments eligible to receive money from the fund. The
9 Department of Community and Regional Affairs shall also compile a list of
10 other agencies that conduct programs that are federally funded and subject to
11 termination or curtailment due to reduced federal appropriations. The
12 Department of Community and Regional Affairs shall submit these lists to the
13 governor, along with any other information he requests, for his use in ap-
14 proving expenditures from the federal budget impact fund.

15 * Sec. 5. REPORTS. (a) The governor shall submit proposed expenditures
16 from the federal budget impact fund to the Legislative Budget and Audit
17 Committee and the chairmen of the senate and house finance committees for
18 review.

19 (b) Forcy-five days shall elapse before commencement of expenditures
20 from the fund unless the Legislative Budget and Audit Committee recommends by
21 a majority vote that the expenditures be made earlier.

22 (c) If the Legislative Budget and Audit Committee recommends within the
23 45-day period that the expenditures not be made, the governor shall again
24 review the expenditures and if he determines to authorize the expenditures,
25 he shall provide the Legislative Budget and Audit Committee and the chairmen
26 of the senate and house finance committees with a statement of his reasons
27 before the expenditures are made.

28 * Sec. 6. This Act terminates June 30, 1983.

29 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-

1 070(c).

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