

HB

83



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

To: House Committees of Referral for HB 83

From: Representative Scott Ogan

Re: HB 83, "An Act relating to state implementation of federal statutes."

Date: January 19, 1995

I have introduced HB 83 as a companion bill to HJR 8, "A Resolution relating to mandates and other conditions imposed on the states by the federal government." Whereas the Resolution articulates the resolve of the citizens of this state to stand against further attempts by the federal government to encroach upon our autonomy and rights as a state under the Tenth Amendment to the United States Constitution, this bill provides a simple and practical modality for taking that stand.

HB 83 requires that any commissioner or agency head faced with implementing a federal mandate or condition must first carefully analyze the mandate for three specific difficulties before making any efforts at compliance. First, is the federal policy or legislation an unconstitutional abrogation of state power? Second, is it in conflict with state policy? And third, is the federal mandate a cost-effective method in this state of dealing with the problem it addresses? The agency head or commissioner will present his findings in the form of a written report to the Governor, the Legislative Budget and Audit Committee, and the House and Senate Judiciary Committees.

The two legislative committees receiving such reports shall review them, and are authorized to research the legality of the mandate. Their conclusions shall be presented to the governor, along with specific recommendations to the executive branch for compliance, modified compliance, or legal challenge.

This bill provides a mechanism to scrutinize efforts by the federal government to impose unsuitable policy on our state, and to assert our right to self-determination--a right purchased for us at high cost by our ancestors.



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MEMORANDUM

To: House Committees of Referral for HB 83

From: Allen Kingman, Aide to Rep. Scott Ogan *SO*

Re: Sectional Analysis of HB 83

Date: January 19, 1995

The following is a sectional analysis of HB 83, "An Act relating to state implementation of federal statutes." Please be advised that this analysis is not an authoritative interpretation of this bill, and is not intended to provide legal advice concerning the potential ramifications of the bill.

Section 1. FINDINGS AND INTENT:

The findings set forth in this bill are clear and self-explanatory; they reflect the widely held opinion that the federal government has grossly exceeded its authority to make and enforce policy in certain areas. Federal legislation typically authorizes the various executive agencies to promulgate regulations which are oppressive, unconstitutional, and which demonstrate little understanding of or concern for the unique conditions and problems faced by the citizens of the State of Alaska.

Section 2. ADDITION OF A NEW CHAPTER 40 TO TITLE 37:

§ 37.40.10 (a) requires that a commissioner or other agency head charged with implementing a federally mandated program shall annually review the cost-effectiveness of that mandate, as well as whether the mandate conflicts with state policy. The commissioner or agency head will then present his findings and recommendations to the governor, the Legislative Budget and Audit Committee, and the judiciary committees of each house.

§ 37.40.10 (b) requires a similar annual review of federal mandates by commissioners and agency heads, but with a focus on whether the federal mandate encroaches on an area of jurisdiction reserved to the states under the United States Constitution. Findings are reported to the governor and judiciary committees only.

§ 37.40.10 (c) requires that state agencies or departments responsible for developing state programs that implement federal mandates shall develop programs that are responsive to the fiscal limitations of the state and its municipalities, and that the agencies balance the cost of the program to the state with the program's intended benefit.

§ 37.40.020 (a) charges the committees receiving the above-described reports with making an independent determination as to the legality of the federal mandate, and with reviewing any alternative methods of compliance that might be more cost-effective.

§ 37.40.020 (b) requires the reviewing committees to submit recommendations to the governor regarding executive branch implementation of the federal mandate.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

JAN 31 1995

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

MEMORANDUM

January 30, 1995

SUBJECT: Sectional Summary of an Act relating to state implementation of federal statutes. (HB83)

TO: Representative Ramona Barnes, Chair
House Special Committee on World Trade and State/Federal Relations

FROM: Tamara Brandt Cook *TBC*
Director of Legal Services

You have requested a sectional summary of the above-described bill.

Section 1 Sets out legislative findings to support legislative intent of assuring that state government determine whether federally imposed mandates on the state are inconsistent with state policy or exceed the authority of the federal government.

Section 2 Requires the head of each agency in the executive branch to annually review each program administered by that agency that implements federal statutes that impose mandated duties on the state. A report must be prepared describing materials reviewed, setting out conclusions, and making recommendations for changes in federal law to make the program consistent with state policy or more cost-effective. The review must be delivered to the governor, the house and senate judiciary committees, and the Legislative Budget and Audit Committee by February 1.

Requires the head of each executive branch agency authorized to develop a state program to respond to mandates in federal statute to determine, with the assistance of the Department of Law, whether the federal government has exceeded its constitutional authority to impose mandates on the state. If it is determined that authority may have been exceeded, the agency head must submit a report to the governor and the judiciary committees setting out the basis for the determination.

An agency authorized to develop a state program to respond to mandates is required to give due consideration to the financial restraints of the state and municipalities in the development of the program and to devise a program that is as efficient as possible in terms of long-range public benefit and cost.

Representative Ramona Barnes, Chair
January 30, 1995
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Each legislative committee that receives a report must review it and may seek additional information regarding the mandate involved. The committee shall inquire further into the legality of the mandate and may enter into contracts for legal research on this issue or contract for research into more cost-effective methods of implementing the mandate.

The committee shall submit a report of its recommendations to the governor regarding the need to seek changes in the mandate so that it is consistent with state policy and suited to the needs of the state, ways in which the state program might be altered to more efficiently implement the mandate, and the advisability of pursuing a legal challenge to the validity of the mandate.

TBC:glc
95-100.glc

1994 Mandate Catalog

Part 1: 103rd Congress, Second Session

Part 2: All Existing Mandates and Pre-emptions

| | |
|------------------------------------------|---|
| Total in 103rd Congress, Second Session: | 7 |
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| Banking: | 1 |
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| <p>PL 103-328 Interstate Banking and Efficiency Act</p> | <p>Mandates interstate banking one year after enactment and interstate branching in 3 years, June 1, 1997. State legislatures would have 3 years to decide whether to opt-out of a national interstate branching network and may choose to opt-in before the June 1, 1997 date. Maintains state taxing authority. Grandfathers conditions states have placed on national banks through the Douglas Amendment to the Bank Holding Company Act with regard to consumer protection, fair lending, community reinvestment and intrastate branching. However, these conditions must have been in place by the enactment date of this legislation. The Office of the Comptroller will no longer be able to pre-empt state law through interpretive letters. The Comptroller must now follow a formal procedure through the Federal Register, which will give states and other interested parties at least 30 days to respond to any possible pre-emption. After the comment period, the Comptroller will issue a formal ruling which provides the states standing to file suit if they so choose.</p> |
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| Health: | 1 |
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| <p>PL 103-112 Labor-HHS-Education Appropriations</p> | <p>This mandate results from the Health Care Financing Administration's interpretation of language in the FY 1994 Labor-HHS- Education appropriation bill. States will be required to pay for abortions for low-income women in cases of rape or incest or to save the life of the mother.</p> |
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| Human Services: | 2 |
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| <p>PL 103-296 Social Security Administrative Reform Act</p> | <p>This law makes Social Security Administration an independent agency. Restricts SSI and SSDI payments for alcoholics or drug abusers to no more than 3 years, regardless of availability of treatment. No additional funding is provided even though the treatment population is greatly expanded.</p> |
| <p>PL 103-382 ESEA Reauthorization</p> | <p>Title VI Multiethnic Placement Act - Prohibits an agency or entity that received federal assistance and is involved in adoptive or foster care placements from delaying or denying the placement of a child solely on the basis of race, color, or national origin of the adoptive or foster parent or parents involved. Permits consideration of the child's race, color, or national origin when such factors are: (1) considered in conjunction with other factors; and (2) relevant to the child's best interest. Withholds adoption assistance funds from agency or entity in cases of non-compliance. (Summary from Congressional Research Service, 10/26/94)</p> |

Text continues on reverse side...

The Hall of the States Mandate Monitor is a database that records the changing status of legislation containing and local government. The Mandate Watch List alerts readers to particularly threatening legislation under active consideration.

The Monitor and Watch List are maintained by NCSL and are issued 10 to 12 times a year depending upon federal action. Inquiries should be directed to:

*Christine Wynn
National Conference of State Legislatures
444 N. Capitol St., NW
Suite 515
Washington, DC 20001*

(202) 624-8695

Subscriptions to the Monitor and Watch List can be purchased for \$35 a year by calling the Marketing Department at (303)830-2200. ISSN # 1057-7025

Continued..

Justice:

2

- PL 103-322 Violent Crime Control and Law Enforcement Act Bans the manufacture of 19 assault weapons. Expands the federal death penalty to cover about 60 offenses. Creates new federal insurance and telemarketing fraud categories. Prohibits the sale or transfer of a firearm to or possession of certain firearms to juveniles. States must require sexually violent predators to register a current address with a designated state law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. States failing to implement these requirements in the time allotted lose 10 percent of funds allocated under Section 506 of the Omnibus Crime Control and Safe Streets Act. Imposes a \$5,000 per day fine on state departments of motor vehicles that release identifying information about individuals who have obtained a license or registered their vehicles. Requires state court clerks to report information on individuals who post cash bond in excess of \$10,000 to the IRS. Authorizes numerous grant programs for prevention and law enforcement.
- PL 103-383 Full Faith and Credit for Child Support Orders Act A bill to provide that a state court may not modify an order of another state court requiring the payment of child support unless the recipient of child support payments resides in the state in which modification is sought or consents to the seeking of modification in that court.

Transportation:

1

- PL 103-305 Aviation Infrastructure Act Pre-empts most state authority to regulate intrastate trucking operations, perhaps including such typically local firms as tow trucks and trash haulers. This new law carries an effective date of January 1, 1995, which is too early for most legislatures to pass legislation to conform with the new provisions or to replace lost license fee revenues. NCSL is working on legislation to delay the effective date for 1 year.

20 New Mandates and Pre-emptions in the 103rd Congress

In addition to the 7 new laws enacted in the second session of the 103rd Congress, 13 laws containing mandates and pre-emptions were enacted in the first session. Below is a list of those laws. A more detailed description can be found in the catalog.

| | | |
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| Communications | PL 103-66 | Budget Reconciliation: Telecommunications |
| Education | PL 103-66 | Budget Reconciliation: Student Loan Reform |
| Human Services | PL 103-66 | Reduced Match for AFDC Administration |
| Human Services | PL 103-66 | Reduced Match for Food Stamp Administration |
| Human Services | PL 103-66 | State Fees for SSI Administration |
| Justice | PL 103-31 | National Voter Registration Act |
| Justice | PL 103-141 | Religious Freedom Restoration Act |
| Justice | PL 103-159 | Brady Bill |
| Justice | PL 103-173 | International Parental Kidnapping Act |
| Justice | PL 103-209 | National Child Protection Act |
| Labor | PL 103-3 | Family and Medical Leave |
| Revenue & Tax | PL 103-66 | Budget Reconciliation: Disclosure Restrictions |
| Transportation | PL 103-149 | S. African Democratic Transition Support Act |

Federal Laws Containing Mandates and Pre-emptions on States

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| Program Area | Title | Public Law | Notes |
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| Agriculture 3 | Clear Title for Buyers of Farm Products | PL 99-198, Section 1324 | Preempts state laws protecting creditors of agricultural producers and provides that farm product buyers engaged in farming operations takes free of security interest created by seller unless: 1) secured party has notified buyer of security interest; 2) state has established a central system which is certified under USDA regulations for filing of effective financing statements, as defined in the legislation. |
| | United States Grain Standards Act | PL 94-582 | Preempts state laws and requires official inspection & weighing by federally licensed personnel of all grain exported from the U.S.; but permits Federal Grain Inspection Service to delegate to state agencies the authority to perform official inspection. |
| | Virus, Serum, Toxin Act | PL 99-198 Section 1767 | Requires USDA to exempt from federal licensing requirements any animal biologic prepared solely for distribution within the state of production and licensed by such state under a state regulatory program determined by the Secretary of Agriculture to meet certain criteria. Legislation provides deadline for state action; but would be subject to federal licensing procedures even if intended only for intrastate use. |
| Banking 2 | Bank Secrecy Act | PL 91-508 | Reports concerning certain currency transactions need not be filed where state in which a casino is located adopts reporting requirements similar to federal requirements. |
| | Interstate Banking Efficiency Act | PL 103-328 | Mandates interstate banking one year after enactment and interstate branching in 3 years, June 1, 1997. State legislatures would have 3 years to decide whether to opt-out of a national interstate branching network and may choose to opt-in before the June 1, 1997 date. Maintains state taxing authority. Grandfathers conditions states have placed on national banks through the Douglas Amendment to the Bank Holding Company Act with regard to consumer protection, fair lending, community reinvestment and intrastate branching. However, these conditions must have been in place by the enactment date of this legislation. The Office of the Comptroller will no longer be able to pre-empt state law through interpretive letters. The Comptroller must now follow a formal procedure through the Federal Register, which will give states and other interested parties at least 30 days to respond to any possible pre-emption. After the comment period, the Comptroller will issue a formal ruling which provides the states standing to file suit if they so choose. |
| Communications 2 | Budget Reconciliation: Telecommunication Regulation | PL 103-66 | This law generally pre-empted state rate and entry regulation of cellular phones and other commercial mobile services. States that want to regulate rates must petition the FCC for the right to do so. Since the law was passed, nearly all states that previously regulated rates have petitioned the FCC to retain state authority over rate regulation. State regulation related to consumer protection was not affected by the law. |
| | Cable Television | PL 102-385 | Requires the Federal Communications Commission to |

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

| Program Area | Title | Public Law | Notes |
|--------------|--------------------------------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Education | Consumer Protection Act | | regulate rates for basic cable service. Although the law grants power to the FCC, actual enforcement of rate regulation will be done by state and local governments if local franchising authorities certify they will follow FCC standards. In addition, the FCC can revoke a locality's regulatory authority if the FCC determines that its procedures and standards are not being properly enforced. |
| | Budget Reconciliation: Student Loan Reform | PL 103-66 | States in which there are institutions with a default rate over 20% will be required to assume some responsibility for the costs of student loan defaults. |
| | College Work Study Program | PL 102-325 | Now the Federal Work Study Program (FWS). Increases federal share to 75% for institutional or public interest employment. Requires assurances that an institution will inform all eligible students of the opportunity to perform community service. Requires institutions, including proprietary institutions, to use at least 5% of FWS allocations to compensate students employed in community services. |
| | Drug-Free Schools and Community Act | PL 101-226 | School anti-drug policy required for all federal funds. |
| | Education for All Handicapped Children | PL 94-142, PL 99-457 | Expanded mandated service to infants and toddlers. |
| | Higher Education Act Reauthorization | PL 102-325 | Calls for increased state responsibility for licensing and oversight of postsecondary institutions. |
| | National Literacy Act | PL 102-73 | As originally introduced, this bill requires states to establish prison literacy programs. When signed, this provision had been changed to a grant program. Also, requires states to develop indicators of program quality and requires states to evaluate at least 20% of the projects during the life of the reauthorization. |
| Energy | Supplemental Educational Opportunity | PL 102-325 | Federal funds allocated by formula to institutions which make awards to undergraduates demonstrating financial need. For 1992-93 the institutional match was 15%. In July 1993, this match will increase to 25%. |
| | Comprehensive National Energy Policy Act | PL 102-486 | Requires states to use alternatively fueled vehicles under certain conditions and requires states to establish minimum energy codes for commercial buildings. |
| | Energy Reorganization Act of 1974 | PL 93-438 | Protection of human subjects in activities supported under DOE supported under Dept. of Energy agreements. Creates the Energy Extension Service to aid state and local governments. |
| | Energy Policy & Conservation Act | PL 94-163 PL 95-619 | Assistance in developing state energy conservation programs. |
| | Energy Policy & Conservation Act | PL 94-163 PL 96-619 | Energy conservation grant program for schools and hospitals including energy audits. |
| | National Energy Extension Service Act | PL 95-39 | Each state is to establish a research center at a state university to assist the Energy Extension Services. States are to submit plans to the Director for their energy outreach program. |

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

| Program Area | Title | Public Law | Notes |
|----------------|----------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | There is a requirement for general compliance with the Act. |
| | National Energy Conservation Policy Act | PL 95-619 | If a state does not adequately implement plan, the Secretary will promulgate one in accordance with the requirements of Sect. 8214 |
| | National Energy Conservation Policy Act | PL 95-619 | States must implement energy conservation plans for commercial buildings and multiple family dwellings. |
| | Power Plant & Industrial Fuel Use Act | PL 95-620 | Receivers of federal assistance required to comply with purposes of the Act relating to conservation of petroleum and natural gas. |
| | Low-Level Radioactive Waste Policy Act | PL 96-573 | Defines the responsibilities of states for disposal of low-level radioactive waste. |
| | Nuclear Waste Policy Act of 1982 | PL 97-425 | States participate in decisions relating to the disposal & storage of high-level radioactive waste and spent nuclear fuel. Financial Assistance is provided from the Nuclear Waste Fund. |
| | National Appliance Energy Conservation | PL 100-12 | Uniform federal appliance efficiency standards would be established but would permit state appliance standards under strict conditions. |
| Environment 25 | Asbestos Hazard Emergency Response Act of 1986 | PL 99-519 | All schools are required to conduct inspections for asbestos-containing materials and develop management plans, transport, and disposal. States must use EPA models to develop accreditation programs for inspectors, management plan developers, and abatement contractors. Schools must implement their management plans within two years and eight months. |
| | Atlantic Tuna Convention Act | PL 94-70 | Federal implementation of Internat'l tuna commission recommendations may preempt state tuna laws and regulations within their boundaries. |
| | Atlantic Striped Bass Conservation Act | PL 98-613 PL 102-130 | Federal action to conserve Atlantic striped bass; federal moratorium on fishing for striped bass if state actions are inconsistent with interstate commission striped bass plan. |
| | Clean Air Act | PL 91-604, PL 95-95 | Allows states to receive grants in support of air pollution control programs; Assigns states the primary responsibility for assuring compliance with ambient air quality standards and the submission of an implementation plan. |
| | Clean Air Act Amendments | PL 101-549 | State legislatures must take specific action to revise substantially state air pollution permit programs. Legislatures must also authorize specific pollution control strategies and review and upgrade current state penalties for violations of the Clean Air Act. |
| | Coastal Zone Management Act of 1972 | PL 96-464 | Encourages and assists states in managing their coastal lands & environments; federal government may withhold grant funds if states don't comply with coastal zone management requirements. |
| | Comprehensive Environmental Response, Compensation & Liability Act of 1980 (Superfund) | PL 96-510 PL 99-499 | Requires state inventories of underground storage tanks for petroleum & other regulated substances and establishes a program for responding to releases from such tanks. A state may assume responsibility for the program within its boundaries. President may enter an agreement with a state to take remedial actions after hazardous substances have been released. States are reimbursed for part of the costs. Requires states to take a leading role in emergency planning and community right-to-know activities. |
| | Earthquake Hazard Reduction Act | PL 101-614 | Federal grant program to assist states with earthquake preparedness. States' share of the program increases from up to 25% to up to 50%. |
| | Endangered Species Act of 1973 | PL 93-205 | Cooperative agreements with states in administering state conservation programs for endangered and threatened species; states may lose federal funding if state conservation programs are inconsistent with federal requirements. |

Federal Laws

Containing Mandates and Pre-emptions on States

 II: 192

| Program Area | Title | Public Law | Notes |
|--------------|---------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Federal Aid in Wildlife Restoration | 16 USC 669-6691 | No funds can be provided to a state for wildlife restoration projects until its legislature, or other state agency authorized by the State constitution to make laws governing the conservation of wildlife, which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than administration of the state fish and game department. |
| | Federal Facilities Compliance Act | PL 102-386 | Waives sovereign immunity and allows states to sanction the federal government for violations of laws pertaining to the management of solid or hazardous waste. The law states, however, that these fines may only be used for environmental projects, unless a state constitution has conflicting requirements or the state has a statute in effect requiring the funds to be used in a different capacity. |
| | Federal Water Pollution Control Act | PL 92-500 PL 95-217 PL 100-4 | States are required under section 1314 to develop individual control strategies for toxic pollutants in streams which are not meeting water quality standards. |
| | Fish and Wildlife Conservation Act | PL 96-366 | No funds can be made available to reimburse a state for costs in connection with conservation programs for non-game species unless the state has an approved non-game species conservation plan; changes in state laws could be required in order for a state fish and game agency to meet certain elements required for such plans. |
| | Lead Contamination Control Act of 1988 | PL 100-572 | Requires each state to provide for the dissemination of the guidance document & testing protocol to local educational agencies, private nonprofit elementary and secondary schools and to day care centers together with the list of drinking water coolers. Requires states to establish a program to assist local educational agencies in testing for and remedying lead contamination in drinking water from coolers & from other sources. |
| | Marine Mammal Protection Act of 1972 | PL 97-58 | Preempts enforcement of state laws relating to taking of marine mammals unless conservation and management responsibility has been transferred to the states. |
| | Marine Mammal Protection Act | PL 92-522 | States are not allowed to regulate any marine mammal stock unless the Secretary has transferred management authority to the states. |
| | Migratory Bird Conservation Act | PL 70-770 | No deed or instrument of conveyance shall be accepted by the Secretary of the Interior under this subchapter unless the state in which the area lies shall have consented by law to the acquisition by the US of lands in that state for conservation of birds. |
| | National Environmental Policy Act of 1969 | PL 91-90 | A state agency or official is authorized to prepare the required statement when it covers a major federal action which is funded under a state grants program and 1) the state agency or official has jurisdiction & responsibility for the action & responsible federal official, 2) participates in statement preparation, 3) independently evaluates it, and 4) involves other affected state or federal land management agencies. |
| | Pacific Salmon Treaty of 1985 | PL 99-5 | Preempts state action or inaction that would jeopardize U.S. compliance with Treaty. |
| | Resource Conservation & Recovery Act (RCRA) | PL 94-580 PL 98-616 | Requires each state to compile, publish and submit to the Administrator an inventory of each hazardous waste site within each state. If the requirements set out are not met, grants available may be withheld. |
| | Safe Drinking Water Act | PL 93-523 PL 99-339 | States are required to provide emergency water supplies, map critical aquifer areas, establish wellhead protection areas, survey Class V wells, test contaminants of public water systems, and enforce the use of nonlead materials. |

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

| Program Area | Title | Public Law | Notes |
|--------------|-----------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Establishes state-enforced prohibitions on the use of lead in any pipes used to install or repair plumbing in public water systems. |
| | Sport Fish Restoration Act | PL 91-503 | No money can be given to a state for fish restoration until its legislature, or other state agency authorized by the state constitution to make laws governing the conservation of fish, assents to the provisions of this chapter and passes laws for the conservation of wildlife. These laws must include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said state fish and game department. |
| | State Mining & Mineral Resources Research Institute Program Act | PL 98-409 PL 100-483 | Allotment grants to state mineral institutes must be matched on basis on no less than 2 non-federal dollars for each federal dollar. |
| | Surface Mining Control & Reclamation | PL 95-87 | Each state having within its borders coal-mined lands eligible for reclamation under this subchapter, may submit, to the Secretary, a state reclamation plan and annual projects to carry out the purposes of this subchapter. Section 12365 restricts the Secretary from approving, funding or continuing to fund a state abandoned mine reclamation program unless that state has an approved state regulatory program pursuant to section 1253 |
| | Amend Surface Mining Control & Reclamation | PL 100-34 | The act repeals the 2 acre exemption of SMCRA. Any state law or provision of state regulation adopted pursuant to that exemption inconsistent with this repealer shall be of no further force and effect. |
| Health | 15 | | |
| | Budget Reconciliation Act of 1989 | PL 101-239 | Requires states to provide Medicaid coverage for pregnant women and children up to age 6 in families with incomes up to 133% of the poverty line. Requires states to reimburse providers of obstetric and pediatric care at levels to ensure services to Medicaid recipients. Set requirements for state coverage of early screening, diagnostic and treatment services. Requires states to treat any problem found in such screening if treatment was allowed by Medicaid (regardless of whether treatment was included in a state's basic package). Requires states to notify Medicaid recipients who were eligible for programs such as WIC. Requires states to pay Medicare Part A (hospital) for working disabled people under certain conditions. |
| | Budget Reconciliation Act of 1990 | PL 101-508 | States are required to phase-in coverage of children below 19 years of age, in households with incomes below 100% of poverty, over a 10 year period, beginning in 1992. Requires that states provide continuous coverage to infants during their first year and post-partum pregnant women. |
| | Child Nutrition Act of 1966 | PL 89-642 PL 99-500 PL 99-591 | States would be ineligible to receive grants through the Special Supplemental Food Program for Women, Infants and Children (WIC) if the Secretary determines that state or local sales taxes are collected with the state on food purchases in the WIC program. |
| | Developmental Disabilities Act | PL 91-517 PL 100-146 | States must establish a planning council to serve advocate for developmentally disabled persons and develop and submit a plan for the provisions of services to such persons. |
| | Drug Abuse | PL 101-164 | War on Drugs funds; requires state plans and education. |
| | Labor-HHS-Education Appropriations | PL 103-112 | This mandate results from the Health Care Financing Administration's interpretation of language in the FY 1994 Labor-HHS-Education appropriation bill. States will be required to pay for abortions for low-income women in cases of rape or incest or to save the life |

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

| Program Area | Title | Public Law | Notes |
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| | Medicaid Match Rate & Caseload Changes | PL 100-360 | of the mother. Matching grants to states enable them to provide medical assistance to families and aged, blind, and disabled individuals whose income and resources are insufficient to meet cost of necessary medical services, and to provide rehabilitation and other services to such families and individuals. |
| | Medicaid | PL 99-272 PL 99-509 | State Medicaid plans must include in the determination of an individual's resources any amount held in a Medicaid qualifying trust, except for amounts in trusts established before April 7, 1986, solely for the benefit of residents in intermediate care facilities for the mentally retarded. |
| | Medicaid | PL 99-509 | State Medicaid plans must be amended to establish a new coverage group of categorically needy including those individuals who are eligible for SSI benefits. |
| | Medicaid | PL 99-643 | State Medicaid plans in those states using eligibility rules that were in effect in Dec. 1972, must be amended to continue Medicaid eligibility for individuals who are eligible for SSI benefits under section 1619(a) or 1619(b) and who were, in the month preceding the first month of such eligibility, eligible for Medicaid. |
| | Medicaid: Voluntary Contributions and Provider Taxes | PL 102-234 | Restricts state use of provider taxes and voluntary contributions for purposes of determining Medicaid match. |
| | Medicare | PL 98-369 | Appropriate state agency to consult with Secretary of HHS regarding determination of conditions of participation by providers of services and to determine compliance by providers. |
| | Nursing Home Reform Act | PL 100-203 | Sets requirements for Medicaid and Medicare nursing homes, such as, states must specify approved nurse aide training and competency evaluation programs; establish a registry of nurse aides 1) who have satisfactorily completed training and/or; 2) who have been involved in neglect or abuse of residents in nursing facilities. Secretary of HHS will review and certify all state-owned nursing facilities. States are required to review and certify non-state owned nursing homes. States must maintain procedures and staff to investigate complaints against facilities. States must also monitor non-compliant nursing homes. Secretary of HHS and states must make reviews and certifications available to the public. For Medicaid nursing homes only: states must establish pre-admission screening procedures for the mentally ill and mentally retarded seeking admission to a nursing facility. For current residents, states must review cases to see if patients require the level of services provided by the facility. These evaluations must be performed annually. States will have to absorb 25% of the costs for these evaluations. |
| | Older Americans Act of 1965 | PL 100-175 | Requires states to designate an agency to develop, submit and administer a plan for use of grants for programs and aging. |
| | Welfare Reform Act | PL 100-485 | Establishes the Job Opportunities/Basic Skills program as a replacement for WIN, expanded Medicaid coverage to a larger cross-section of poor women and children and instituted some significant changes in state Child Support Enforcement. |
| Housing | Civil Rights Act of 1964 | PL 92-318 | Discrimination under any program or activity receiving federal |

Federal Laws

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| Program Area | Title | Public Law | Notes |
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| | Fair Housing Amendments Act of 1988 | PL 100-430 | financial assistance is prohibited against any person. Prohibits discrimination in housing. Requires states to pass conforming statute or lose enforcement power. |
| | Federal Nat'l Mortgage Assoc. Charter Act | PL 95-128 | The charter act contains provisions, applicable to both the Federal National Mortgage Association and the Government National Mortgage Association, that preempt state and local laws to 1) permit FNMA and GNMA to conduct business without regard to qualifications or similar statutes in any state, 2) provide an exemption from taxation and 3) permit the settlement or extinguishment, upon default, of any redemption, equitable, legal or other right, title, or other interest of the borrower |
| | Housing & Community Develop. Act of 1974 | PL 97-35 | Prohibits discrimination based on race, color, national origin, sex, age or handicap. Penalty for non-compliance is loss of federal assistance. |
| | Local Rent Control | PL 89-174 | Preempts state and local rent control laws in the case of subsidized multi-family projects with mortgages insured or held by HUD. |
| | Real Estate Settlement Procedures Act of 1974 | PL 94-205 PL 98-181 | This Act shifts the state law governing estate settlements toward the consumer in several states where certain laws to the consumer's detriment currently exist. |
| | National Housing Act | PL 96-399 PL 97-35 PL 100-242 | Provides for a mortgage insurance program for nursing homes, intermediate care facilities and board and care homes. As a prerequisite to HUD approval for mortgage insurance the facility must have received a Certificate of Need from a state agency. |
| | National Housing Act Exemption from State Usury Laws | PL 96-153 | State usury laws regarding any loan, mortgage or advance, are repealed. However, states may enact legislation to override federal pre-emptions. |
| | Nat'l Manufactured Housing Construction & Safety Standards | PL 93-399 | The state must have a plan approved for compliance with the Act whereby the state will then qualify for federal grants. |
| | United States Housing Act of 1937 | PL 93-383 | Prohibits annual contract contributions to public housing that are not exempt from all real estate and personal property taxes levied by the state or local taxing jurisdiction |
| Human Services | 29 AFDC grants--Match Rate and Caseload | PL 98-369 PL 99-272 PL 99-514 PL 100-203 | State must develop plan for aid and services to needy families with children. |
| | Alcohol & Drug Abuse & Mental Health Services Block Grant | PL 98-509 | States must apply to Secretary of HHS to receive allotment for each fiscal year and assure Secretary of compliance. |
| | Alcohol, Drug Abuse & Mental Health Block Grant | PL 102-321 | Reauthorized programs and split the block grant into separate block grants, Mental Health Services and Substance Abuse. Also establishes within the Mental Health Services Block Grant a comprehensive mental health services program for children with serious emotional disturbance. |
| | Americans with Disabilities Act of 1990 | PL 101-336 | Title II specifies that no qualified individuals with disabilities may be discriminated against by a public entity, i.e. state and local gov't. With respect to public transportation provided by public entities, all new & fixed routes buses must be made accessible unless a transit authority can demonstrate undue burden. |
| | Budget Reconciliation: AFDC | PL 103-66 | Reduces enhanced matching rates for ALL AFDC administrative costs to 50% effective April 1, 1994. Under prior law, |

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| | | | administrative expenses are limited to 50% for all but 3 types of expenditures: verification of alien immigration status (100% federal match), management information systems (90% federal match), and fraud and abuse control activities (75% federal match). |
| | Budget Reconciliation: Food Stamp Program | PL 103-66 | Reduces enhanced matching rates for ALL food stamp program administrative costs to 50% effective April 1, 1994. Under prior law, administrative expenses are limited to 50% for all but 3 types of expenditures: verification of alien immigration status (100% federal match), management information systems (63% federal match), and fraud and abuse control activities (75% federal match). |
| | Budget Reconciliation: SSI Fees | PL 103-66 | States will be required to pay a fee for federal administration of state supplemental security benefits (or opt to send a separate check at their own expense). The fee will be set at \$1.67 per monthly payment in 1994, \$3.33 in 1995, and \$5.00 thereafter. |
| | Capital Expenditures for Health Care Facilities | PL 92-603 | Secretary shall consult with Governor and enter agreements with designated state agency concerning expenditures of federal funds for health facilities. State must establish procedure for submitting recommendations of other agencies to the Secretary. |
| | Child Abuse Prevention & Abuse Treatment | PL 93-247 PL 99-401 PL 100-294 | To qualify for assistance, state must adopt child abuse and neglect law under guidelines in section 503. |
| | Child Nutrition Act of 1966 | PL 89-642 | State Administrative expense funds are available only to states that agree to maintain state funding levels for administrative costs of the child nutrition program |
| | Child Nutrition | PL 101-147 | Requires state education agencies to provide information to school boards and public officials concerning benefits and availability of school breakfast programs. Mandated automatic eligibility for WIC to women and children receiving food stamps, AFDC, or Medicaid. Requires WIC offices to refer eligible people for Medicaid. Requires states to purchase infant formula by the lowest cost system (requirement could be waived under certain conditions). Requires states to spend a share of federal money on activities to promote breast feeding and required state WIC agencies to provide training in breast feeding promotion to staff of local agencies. Authorized start-up funds to increase participation by schools. |
| | Child Support Referees | PL 100-203 | In order to qualify for appropriation, state must adopt a plan for child and spousal support as described in section 654. |
| | Child Support Enforcement | PL 93-647 PL 98-378 PL 99-509 PL 99-554 PL 100-203 | In order to qualify for assistance, states must submit a plan for spousal and child support enforcement. These plans must be approved. States must use various enforcement techniques such as imposing liens against property for overdue support and withholding state tax refunds. |
| | Child Welfare Services | PL 90-248 | To qualify for payments, state and Secretary of HHS must jointly develop plan for child welfare services as described in Section 621. |
| | Community Services Block Grant | PL 97-35 PL 98-558 PL 99-425 | State legislatures must hold hearings on the use and distribution of funds. |
| | Food Stamp Act of 1977 | PL 99-198 | Effective Oct. 1, of first calendar year after December 23, 1985, in which a state legislature is convened in a regular session, prohibits states from participating in food stamp programs if state or local sales taxes are collected on food purchased with food stamps. |
| | Foster Care & Adoption Assistance Programs | PL 96-272 PL 100-203 | To qualify for payments, state must adopt foster care and adoption assistance plan as described in Section 671. |

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| Program Area | Title | Public Law | Notes |
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| | Immigration and Nationality Act | PL 96-212 PL 99-605 | State must submit plan to Director of Refugee Settlement, report annually, and meet other standards in Section 1522. States may receive assistance to help refugees with English skills, job training, etc. |
| | Multicultural Placement Act (Title VI of ESEA Reauthorization) | PL 103-382 | Prohibits an agency or entity that received federal assistance and is involved in adoptive or foster care placements from delaying or denying the placement of a child solely on the basis of race, color, or national origin of the adoptive or foster parent or parents involved. Permits consideration of the child's race, color, or national origin when such factors are: (1) considered in conjunction with other factors; and (2) relevant to the child's best interest. Withholds adoption assistance funds from agency in cases of non-compliance. (Summary from Congressional Research Service, 10/26/94) |
| | National School Lunch Act | PL 97-35 | Limits school lunch program assistance under section 4 to states in which the amount of the state revenues appropriated or used specifically for program purposes is at least equal to 30% of the section 4 funds made available to such state in the 1980-81 school year. |
| | Old Age Survivors & Disability Insurance Benefits | PL 92-603 | Requires states to submit plan for aid to go to aged, blind, or disabled to be approved by the Secretary of HHS. |
| | Refugee Resettlement Act | PL 99-605 | Requires states to provide resettlement services for immigrants during the five year period during which they are ineligible for normal federally sponsored aid programs. |
| | Social Security Administrative Reform Act | PL 103-296 | This law makes Social Security Administration an independent agency. Restricts SSI and SSDI payments for alcoholics or drug abusers to no more than 3 years, regardless of availability of treatment. No additional funding is provided even though the treatment population is greatly expanded. |
| | Stewart B. McKinney Homeless Assistance Act | PL 100-77 | This Act affects Title V-C of the Public Health Services Act, Community Mental Health Services for the Homeless. |
| | Supplemental Security Income/ Aged, Blind & Disabled | PL 97-35 | States which had food stamp cashout status in Dec. 1980, may retain status as long as they continue to meet pass-along requirement. |
| | Supplemental Security Income for the Aged, Blind and Disabled | PL 98-21 | States must maintain supplementary payment levels effect in March 1983 in order to meet pass-along requirement. Alternatively, states may meet the requirement by maintaining total expenditures for the 12 month period following a federal cost-of-living adjustment that are at least equal to the total state expenditures for the 12 month period before the COLA. |
| | Temporary Food Assistance Act of 1983 | PL 99-198 | Requires states to match in cash, or in kind under USDA regulations, any federal funds received and not paid to, or applied for the direct expenses of, emergency feeding organizations. |
| | Carl D. Perkins Vocational and Applied Technology Education Act | PL 101-392 | Requires states to adhere to federal earmarking in distribution of funds. Requires states to make certain grants to secondary and post-secondary schools (although waivers could be obtained under certain circumstances). Imposed state organization and planning responsibilities. Requires states to develop and implement core standards and performance measures for secondary and post-secondary vocational education. Requires states to conduct programs 1) for professional development for teachers; 2) to provide vocational programs geared to single parents; 3) to eliminate sex bias in vocational education; 4) to offer vocational education programs to juvenile and adult offenders in correctional institutions. |
| | Welfare Reform Act | PL 100-485 | Established the Job Opportunities/Basic Skills (JOBS) |

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| Justice 14 | | | program as a replacement for WIN, expanded Medicaid coverage to a larger cross section of poor women and children and Instituted some significant changes in state Child Support Enforcement |
| | Overseas Voters | PL 99-410 | Uniformed voters and overseas voters must be permitted to use absentee registration procedures and vote by absentee ballots for all federal elections. Applications must be received by the appropriate state official not less than 30 days before the election. |
| | Animal Research Facilities Protection Act | PL 102-346 | Makes it a federal crime to sabotage animal research facilities. |
| | Anti-Car Theft Act | PL 102-519 | Provides start-up funds to link state motor vehicle departments by computer so each state will have access to other states' lists of valid titles. States, before issuing titles to out-of-state vehicles, will have to check with the state of origin to verify that the title is legitimate. Makes armed carjacking a federal offense. |
| | Brady Bill | PL 103-159 | A bill providing for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any handgun. Waiting period to be replaced by instant computerized background check after 5 years. The Attorney General shall establish for each state a timetable by which the state should be able to provide criminal records on an on-line capacity basis to the national system. Requires states, 5 years after enactment of this act, to achieve at least an 80% currency rate of dispositions in computerized criminal history files for all cases in which there has been an event within the last 5 years and continue to maintain a system. Funding authorized (\$200 million/year). The FY 1995 appropriations bill for Commerce-Justice-State Departments contained \$100 million for grants to states to improve criminal history records (PL 103-317). |
| | Child Support Enforcement Act of 1992 | PL 102-521 | Makes it a federal crime to fail to pay child support. Parents who flee a state owing at least \$5,000 or have failed to pay support for at least one year could face 6 months in jail and/ or fines up to \$5,000. Repeat offenders could get up to 2 years in jail and fines up to \$250,000. |
| | Civil Rights Act | PL 102-166 | Amends the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment. Extends protections of Title VII (equal employment opportunity), ADA, Rehabilitation Act, and Age Discrimination in Employment Act of 1967 to state employees working for elected officials. |
| | Full Faith and Credit for Child Support Orders Act | PL 103-383 | A bill to provide that a state court may not modify an order of another state court requiring the payment of child support unless the recipient of child support payments resides in the state in which modification is sought or consents to the seeking of modification in that court. |
| | International | PL 103-173 | Makes it a federal crime for a parent to kidnap children in |

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| | Parental Kidnapping Crime Act | | violation of a valid child support custody order. |
| | National Child Protection Act | PL 103-209 | An authorized criminal justice agency of a state shall report child abuse crime information to, or index child abuse information in, the national criminal background check system. The Attorney General shall require as a part of the state timetable that the state 1) by no later than the date that is 3 years after the date of enactment of this act, have in a computerized criminal history file at least 80% of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years; 2) continue to maintain at least an 80% reporting rate of final case dispositions in all identifiable child abuse cases in which there has been an event of activity within the preceding 5 years; and 3) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions. The Attorney General shall establish guidelines for state background check procedures. Some grant money may be available for this project. However, effective one year after the date of enactment of this act, the Attorney General may reduce, by up to 10%, the allocation to a state for a fiscal year under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 that is not in compliance with the timetable established for that state. |
| | National Voter Registration Act of 1993 | PL 103-31 | Requires that each state establish procedures to register to vote in elections for federal office by application made simultaneously with an application for a motor vehicle driver's license, by mail application, and through agency based registration and agencies providing services to the disabled. These agencies include offices that provide services under the food stamp, Medicaid, WIC and AFDC programs. States may choose to provide registration at unemployment compensation offices. This legislation exempts any state that has no registration requirement to vote in a federal election or any state that permits registration at a polling place at the time of voting in a federal election. To qualify for the exemption, states must have enacted such a provision by March 11, 1993. Sets requirements for the content of the registration form. Lists provisions for mail-in registration. Sets standards for clearing and updating voter logs. State and local governments would be eligible for reduced postal rates. Effective date: January 1, 1995 in all states except those with constitutional provisions that would require a separate state and federal voter roll. These states are given an extra year to amend their constitutions. Permits a private party to sue to enforce the law and allows attorneys' fees if the government does not prevail. |
| | Juvenile Justice and Delinquency Prevention Act of 1974 | PL 93-415 PL 102-586 | Requires deinstitutionalization of status offenders, separation of juveniles from adults. |
| | Religious Freedom Restoration Act | PL 103-141 | This bill protects the free exercise of religion. State attorney generals are concerned about the impact of the bill in prison settings. Proponents argue that where a compelling state interest is shown, exceptions may be granted. |
| | Violent Crime Control and Law Enforcement Act of 1994 | PL 103-322 | Bans the manufacture of 19 assault weapons. Expands the federal death penalty to cover about 60 offenses. Creates new federal insurance and telemarketing fraud categories. Prohibits the sale or transfer |

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| | | | of a firearm to or possession of certain firearms to juveniles. States must require sexually violent predators to register a current address with a designated state law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. States failing to implement these requirements in the time allotted lose 10% of funds allocated under Section 506 of the Omnibus Crime Control and Safe Streets Act. Imposes a \$5,000 per day fine on state departments of motor vehicles that release identifying information about individuals who have obtained a license or registered their vehicles. Requires state court clerks to report information on individuals who post cash bond in excess of \$10,000 to the IRS. Authorizes numerous grant programs for prevention and law enforcement. |
| | Voting Rights Language Assistance Act | PL 102-344 | Requires communities to provide bilingual assistance to voters if that community has more than 10,000 citizens who share a minority language or if more than 5% of the voting-age citizens are members of a language minority. |
| Labor | 23 | | |
| | Airline Deregulation Act of 1978 | PL 95-504 | In order to receive federal financial assistance for its air transportation activities, a state must conform to the provisions of this Act and encourage, develop, and attain a safe air transportation system which relies on competitive market forces to determine the quality, variety and price of air services. |
| | Black Lung Benefits Act | PL 91-173 PL 92-303 | States must comply with the general policies outlined in the Act in order to be eligible for federal funding for development and enforcement of health and safety regulations, workman's compensation and occupational disease laws, and promotion of federal-state coordination in mine safety. Certain duties may be delegated to the states if they meet the national standards. |
| | Davis-Bacon Act of 1981 | PL 74-403 | Applicable to all contracts of the US of more than \$2000. The act requires that the advertised specifications for every contract subject to the Act contain a wage determination issued by the Secretary of Labor pursuant to 29 CFR Part 1, which is based upon the wages & fringe benefits prevailing in the area on similar projects. |
| | Disabled Vets. Outreach Local Veterans Employ. Rep. Programs | PL 96-466 | States must comply with the provisions in these sections in order to receive federal funds for the implementation and operation of veteran's employment services and outreach programs. |
| | Executive Order 11246 | | States entering into contracts for amounts in excess of \$10,000 with any contracting agency, for the furnishing of supplies and services, for the use of real or personal property, including lease arrangements, must abide by provisions of the Executive Order. |
| | Walsh-Healy Public Contracts Act | PL 74-846 | States entering into contracts with the United States, or agencies and departments thereof, for the manufacture of furnishing of materials, supplies, articles, or equipment in any amount exceeding \$10,000 are subject to the labor standards in this act. |
| | Family and Medical Leave Act | PL 103-3 | Employers must provide up to 12 weeks of unpaid, job-protected leave per year - with health insurance - for the birth or adoption of a child or the serious illness of the employee or an immediate family member. This bill applies to employers with more than 50 employees. |

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| | Fair Labor Standards Act of 1938 | PL 75-718 | States, as employers, must comply with the provisions of this Act relating to minimum wage, maximum hours, child labor, etc., or they may be subject to both civil and criminal penalties. |
| | Federal Unemployment Tax Act | PL 91-373 | Sets unemployment tax and basic policies to be followed in order to obtain Secretary's approval of certification for tax credit against the federal unemployment tax. |
| | Full Employment & Balanced Growth Act of 1978 | PL 95-523 | The Act prohibits discrimination on the basis of sex, age, race, color, religion, national origin, or handicap against persons seeking to participate in or receive the benefits of any state program or activity funded pursuant to the Act. |
| | Immigration and Nationality Act | PL 96-212 | States must comply with this comprehensive Act dealing with immigration procedures in order to have certain delegate authority. |
| | Job Training Partnership Act | PL 97-300 | No funds may be provided to any service delivery area under this chapter except pursuant to a job training plan for 2 program years which is prepared in accordance with Section 1513, and which meets the requirements of this section. In addition, section 167 of the act prohibits discrimination on the basis of race, color, national origin, religion, sex, age, handicap or political affiliation or belief, and requires that equal opportunity be afforded lawfully admitted permanent resident aliens, and parolees, and other individuals authorized by the Attorney General to work in the U.S. |
| | Contract Work Hours & Safety Standards | PL 87-581 | States, as employers of laborers and mechanics working in conjunction with a contract financed at least partially by the U.S., must comply with the provisions in this act. |
| | McNamara O'Hara Service Contract Act | PL 89-286 | States entering into contracts in excess of \$2500 with the U.S. or agencies or departments thereof, which have as their principal purpose the furnishing of services in the U.S. through use of service employees, are subject to the labor standards in this Act. |
| | Migrant & Seasonal Agricultural Worker Protection Act | PL 97-470 | States must comply with the provisions of this Act in order to receive federal funds in conjunction with cooperative agreements. Any delegation to a state agency must be made pursuant to a written state plan that complies with this Act. |
| | National Apprenticeship Act of 1937 | PL 75-308 | Sponsors of state apprenticeship programs registered with the U.S. Dept. of Labor must comply with regulatory provisions requiring equal opportunity and affirmative actions. Apprentices in these programs must be selected recruited, employed & trained without regard to their race, color, religion, national origin, or sex. |
| | Occupational Safety & Health Act of 1970 | PL 91-596 | The state, if it desires to assume responsibility for development and enforcement of occupational safety and health standards, must submit a state plan to be approved by the Secretary. |
| | Older Worker's Benefit Protection Act | PL 101-433 | Requires adjustments in public employee benefit programs in order to provide equal benefits to older and younger workers. |
| | Federal Mine Safety & Health Act of 1977 | PL 91-173 PL 95-164 | States must comply with the provisions of this comprehensive Act dealing with the protection of the health and safety of miners, or be subject to both civil and criminal penalties. |
| | Rehabilitation Act of 1973 | PL 93-112 | In order to be eligible for any contract in excess of \$2,500, entered into by any federal department or agency for the procurement of personal property and nonpersonal services for the US, the states must comply with requirements that affirmative action shall be taken to employ and advance in employment qualified individuals with handicaps. |
| | Social Security Act of 1935 | PL 91-373 | States must have an unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment |

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| | | | Tax Act in order to receive federal grants. |
| | Vietnam Era Veterans Readjustment Assist. Act | PL 93-508 | In order to be eligible for any contract in the amount of \$10,000 or more, entered into by any federal dept. or agency for the procurement of personal property & nonpersonal services, for the U.S., the states must abide by the required provisions that affirmative action shall be taken to employ and advance qualified special disabled veterans and veterans of the Vietnam era. |
| | Wagner Peyser Act | PL 97-300 | Sets up national system of public employment offices. In order to be eligible for federal assistance, a state must designate or authorize the creation of a state agency to submit to the Secretary of Labor a detailed state plan for carrying out the provisions of the Act in cooperation with the U.S. Employment Service. |
| Revenue & Tax | 6 | | |
| | Budget Reconciliation: Disclosure Restrictions | PL 103-66 | Prohibits the disclosure of federal tax return information to any state agency unless the state has entered into a contract to provide certain death certificate information to the Secretary to Health & Human Services. For more information, contact the Federation of Tax Administrators, at 202-624-5890. |
| | Cash Management and Improvement Act | PL 101-453 | Designed to ensure greater efficiency and equity in the exchange of funds between the federal government and the states. Authorizes a payment option through which the federal government and the states will pay each other interest when they hold the other's funds. |
| | Professional and Amateur Sports Protection Act | PL 102-559 | Prohibits states from operating lotteries based on sporting events. This law exempts states that have existing sports gambling programs. |
| | Tax Equity & Fiscal Responsibility Act of 1982 | PL 97-248 PL 98-67 | Requires that states and local governments making income tax refunds report certain information to the IRS. State and local governmental units are required to file information returns on magnetic media, rather than paper. |
| | Tax Reform Act of 1984 | PL 98-369 | State and local governmental units are required to report mortgage interest received from individuals on form 1098, Mortgage Interest Statement. A form 1099-A, Information Return for Acquisition or Abandonment of Secured Property, must be made by any state or local governmental unit which lends money secured by property and, in full or partial satisfaction of the debt, acquires an interest in any property that is security for the debt or has reason to know that the property has been abandoned. |
| | Tax Reform Act of 1986 | PL 99-514 | State may provide an alternative formula for allocation of the state ceiling in determining the volume cap for the issuance of tax exempt private activity bonds. Requires that issuers (including states) of tax exempt bonds rebate excess arbitrage profit to the United States. Requires that an information statement, Form 8038, be filed with the Internal Revenue Service for all governmental bond issues. Requires that the information statement include a certification by a state law designated official that the bond meets the volume cap requirements of I.R.C. |
| Transportation | 37 | | |

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| | Air Quality Non-Attainment Clean Air Act Amendments of 1977 | PL 95-95 | States that had not demonstrated, by Dec. 1987, attainment of the National Ambient Air Quality Standards must submit a revised state implementation plan which commits to the implementation of transportation controls, including a vehicle emission inspection & maintenance program, or DOT project approvals may be limited to projects for safety, mass transit and improvement of air quality. |
| | Aviation Infrastructure Act | PL 103-305 | Pre-empts most state authority to regulate intrastate trucking operations, perhaps including such typically local firms as tow trucks and trash haulers. This new law carries an effective date of January 1, 1995, which is too early for most legislatures to pass legislation to conform with the new provisions or to replace lost license fee revenues. NCSL is working on legislation to delay the effective date for 1 year. |
| | Coastal Zone Management Act of 1972 | PL 94-370 PL 96-464 | State must establish or designate an agency responsible for coastal zone management which ensures that projects within the coastal zone comply with federal consistency regulations and the appropriate approved state plan for coastal zone management programs. |
| | Control of Outdoor Advertising and Junkyards | PL 96-106 | States must control outdoor advertising and junkyards along federal highway systems. DOT may withhold 10% of the highway funds apportioned under 23 USC 104 for failure to comply |
| | Contracting by States for Engineering & Design Services on Federal Highways | PL 100-17 | Federal selection procedures for procurement of engineering and design services shall apply to federal aid highway projects under Title IX of the Federal Property and Administrative Services Act which requires qualifications-based selection of these services. Such requirements will not apply in a state that adopts or has adopted by statute any formal procedure for procurement of engineering and related design services (provision effective earlier of 8/1/89 or 10th day following close of regular session of legislature of a state which begins after 4/2/87 unless a state adopts or has adopted by statute any formal procedures. |
| | Contracting for Engin. and Design Services - Airport & Airway Safety & Capacity Expansion Act of 1987 | PL 100-223 | Section 109-G provides a new assurance that contracts for engineering and design services are to be awarded in accordance with qualification based requirements established under Title IX of the Federal Property and Administrative Services Act or an equivalent procedure prescribed for or by the airport sponsor. |
| | Commercial Motor Vehicle Driver's License | PL 99-570 | States must a) adopt and administer a program for testing and ensuring the fitness of commercial motor vehicle operators based on federal standards, b) not issue a commercial drivers license to a person unless a person passes a written and driving test c) have and enforce a law which provides that any person operating a commercial motor vehicle with a blood alcohol concentration at or above the level established by or under section 12008 (f) of the Act is deemed to be driving while under the influence, d) follow the procedures for issuing a commercial motor vehicle driver's license, for providing the appropriate notifications to the commercial drivers license information system, and for the requesting information from the National Driver Register e) impose appropriate penalties, as approved by the Secretary of Transportation, for operating a commercial motor vehicle while not having a commercial drivers license, while having a drivers license suspended, revoked, or canceled, or while being disqualified. f) disqualify persons from operating a commercial motor vehicle for at least the minimum periods specified in |

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| | | | section 12009 (a) of the Act, for the various offenses listed. g) adopt and enforce out-of-service regulations issued by the Secretary pursuant to section 12008 (d) (1) of the Act, h) grant reciprocity to any person with a valid commercial driver's license from another state, issued under federal standards. Failure to substantially comply with the above requirements by October 1, 1993, will result in the withholding of 5% of a States' apportionment of Primary, Secondary, Interstate completion, Interstate 4-R, and Urban System funds for fiscal year 1994. For subsequent fiscal years, failure to substantially comply will result in a withholding of 10 percent of these apportionments. |
| | Com. Motor Vehicle Width & Length Limit | PL 97-424 PL 98-17 PL 98-554 | States must not restrict operation of or deny reasonable access to trucks and buses on the "designated network" that meet federal length and width limits. DOT may seek injunctive relief. |
| | Commercial Motor Vehicle Standards | PL 98-554 | After Oct. 1989, states may not have in effect any laws or regulations for commercial motor vehicle safety standards that differ from the federal standards but do not unduly burden interstate commerce, are not incapable with federal regulations and provide safety benefits. |
| | Clean Water Act | PL 92-500 PL 95-217 PL 96-88 PL 100-1 | States may set, with EPA approval, "no discharge zones", if adequate reception facilities exist. States may adopt and enforce statutes or regulations with respect to design, manufacture, or use of any marine sanitation device on a houseboat, if such statutes or regulations are more stringent than federal standards. The term "houseboat" means a vessel which, for a period of time determined by the state in which the vessel is located is used primarily as a residence and not as a means of transportation. States may enforce regulations pertaining to marine sanitation devices. States are required to issue a water quality certificate before Section 404 permit for the discharge of dredged or fill material can be obtained from the Corps of Engineers. This certificate indicates that appropriate water quality standards are met. States are not preempted from enacting laws relating to discharges of oil and hazardous substances and are authorized to recover for natural resource damages due to such discharges. Section 1321 (c) (2) (H) provides that states in certain circumstances are entitled to recover for removal costs from the revolving fund. |
| | Drunk Driving Programs | PL 97-364 PL 98-363 PL 100-17 | States are encouraged through incentive grants to enact highway safety programs to combat drunk driving. Failure to enact such a program results in ineligibility for basic and supplemental grants relating to implementation and enforcement of alcohol traffic safety programs. |
| | Hazardous Liquid Pipeline Safety Act of 1979 | PL 96-129 PL 99-516 | States may adopt added or more stringent safety stds. compatible with federal standards for intrastate hazardous liquid pipeline safety only if they have been "certified" under section 2002(D). State laws less stringent than the federal standards are preempted. |
| | Hazardous Materials Transportation Act | PL 93-633 PL 94-474 PL 95-403 PL 96-129 PL 98-559 | State regulation of transportation of hazardous materials which is inconsistent with federal requirements is preempted. A state may obtain a waiver of preemption if, on application to the department, DOT determines that the state requirement provides equal or greater protection than federal requirements and does not unreasonably burden interstate commerce. |
| | Highway Safety Act of 1966 | PL 100-17 | The apportionment of highway safety funding will be withheld that does not have a DOT approved highway from any state |

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| | | | safety program administered through a state agency. |
| | Intermodal Surface Transportation Efficiency Act (ISTEA - Highway/Mass Transit Reauthorization) | PL 102-240 | Authorizes federal-aid highway and mass transit programs, funded primarily through fuel taxes. Effective 9/30/96, states must join the International Fuel Tax Agreement which uses a base state registration for the collection of fuel use taxes and is overseen by the IFTA board. Would offer grant money to states to establish motorcycle helmet and seat belt laws. States not participating in the grant program by FY 1994 would be required to spend 1.5% of their highway money on highway safety programs. |
| | Marine Plastic Pollution Research & Control Act of 1987 | PL 100-220 | Provides for non-preemption of requirement in state laws with respect to vessel source garbage. |
| | Merchant Marine Act of 1936 | PL 74-521 PL 96-543 | Head of each state maritime academy shall assure that the training of future merchant marine officers include programs for naval science training in the operation of merchant marine vessels as a naval and military auxiliary. |
| | Minimum Drinking Age | PL 100-17 | States to establish a minimum drinking age of 21 or have a portion of highway funds withheld by DOT. |
| | Motor Carrier Safety Assistance Programs | PL 97-424 | States may receive federal funds for adoption and enforcement of regulations and standards for commercial motor vehicle safety. |
| | Motor Vehicle Info & Cost Savings Act | PL 92-513 | States may not establish laws or regulations for motor vehicle bumper standards that are not identical to federal standards, except that vehicles procured for state use may have higher standards. |
| | Motor Vehicle Info & Cost Savings Act | PL 99-579 | States may not license any motor vehicle for use following a transfer of ownership unless title issued to the transferee is made by a secure process and provides space for the disclosure of the vehicle's mileage. |
| | Motor Vehicle Info & Cost Savings Act | PL 92-513 | States may not establish laws or regulations for automotive fuel economy or disclosures of fuel economy and costs applicable to vehicles covered by federal standards, except requirements for vehicles procured for their own use. |
| | Motor Vehicle Theft Law Enforcement | PL 92-513 PL 98-547 | States may not establish or continue in effect theft protection standards with respect to motor vehicles or major replacement parts that are not identical to federal standards. |
| | National Maximum Speed Limit | PL 100-17 | States may not establish a maximum speed limit in excess of 65 mph, on Interstate highways outside urbanized areas of 50,000 or more. They must have a 55 mph maximum speed limit on other highways and must certify that that limit is being enforced. Those which do not have a law or do not certify are subject to having project approvals withheld. If more than 50% of vehicles exceed 55 mph, it may result in a withholding of up to 10% of federal aid Primary, Secondary, and Urban Funds. |
| | National Traffic & Motor Vehicle Safety Act | PL 89-563 | States may not establish or continue in effect laws or regulations for motor vehicle equipment safety standards that are not identical to federal standards except that vehicles procured for state use may have higher standards. |
| | Natural Gas Pipeline Safety Act of 1968 | PL 99-516 | States may adopt added or more stringent safety standards compatible with federal standards for intrastate natural gas pipeline, safety only if they have been "certified" under section 1674 (a). |
| | Noise Control Act of 1972 | PL 92-574 | States may not adopt or enforce any standard applicable to noise emissions resulting from operation of any equipment or facility of a railroad engaged in interstate commerce unless such |

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

| Program Area | Title | Public Law | Notes |
|--------------|-------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | standards are identical to federal standards, and unless the EPA in consultation with the Secretary of Transportation, determines that such a standard is necessitated by special local conditions and is not in conflict with federal standards. |
| | Outer Cont. Shelf Lands Act Amends. of 1978 | PL 92-372 | States are preempted from enacting laws relating to financial responsibility requirements for OCSLA facilities. |
| | Ports and Waterways Safety Act | PL 92-340 PL 95-474 | The federal government may regulate navigation and other practices to protect navigable waters and adjacent structures, but states are not prohibited from establishing higher standards for adjacent structures. |
| | Proof of Payment of Heavy Vehicle Use Act | PL 97-424 | Interstate construction and reconstruction apportionment may be reduced by up to 25% to any state that does not require proof of payment of federal heavy duty use tax as part of the state's heavy vehicle registration. |
| | Rail Safety Programs | PL 91-458 PL 96-423 | Section 205, laws, rules, regulations, orders and standards shall be nationally uniform to the extent practicable |
| | Recreational Boating Safety Programs | PL 98-89 PL 98-369 PL 98-557 | States are to designate a lead agency for carrying out the recreational boating safety program supported by federal funds, allocated in part by the amount of state spending on boating safety. The federal funds are conditioned upon states having approved programs for enforcement, education, & casualty reporting. Separate provisions provide for federal approval of a state numbering system. |
| | South African Democratic Transition Support Act of 1993 | PL 103-149 | Section 4(c)(2)(A) repeals a law which permits states and localities to enforce state or local anti-apartheid policies prohibiting the procurement of products manufactured or fabricated in South Africa without affecting federal transportation funds. This becomes effective at the end of FY 1995. |
| | Uniform Relocation Assist. and Real Property Acquisition Policies | PL 100-17 | Requires state agencies to provide relocation payments and assistance to persons who are displaced by a federal or federally assisted projects, such as highway construction. Penalty for failure to submit adequate assurance is withholding of authorizations for all projects involving acquisition of right-of-way and relocation assistance. |
| | Urban Mass Transportation Act of 1964 | PL 88-365 | In order to receive federal loans or grants for urban mass transportation systems, states must 1) have the legal, financial, and technical capacity to carry out the proposed project, 2) have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment, and 3) act in accordance with the labor standards of the Davis-Bacon Act. |
| | Vehicle Weight Limitations Highway Improvement Act of 1982 | PL 93-643 PL 94-280 PL 97-424 PL 100-17 | Interstate highway construction funds will not be apportioned to states that do not allow heavy duty vehicles of up to 80,000 pounds gross to use Interstate highways. However, maximum allowable weight must not exceed that permitted by the bridge formula or 80,000 pounds. |
| | Vessel Safety Standards | PL 98-89 | States may not establish or continue in effect laws or regulations concerning vessel safety that are not identical to federal standards unless issued an exemption under section 4305 |
| Veterans | Veterans, Education Assistance | PL 95-202 | Determination of the amount of educational assistance paid to a veteran and educational assistance allowances may be limited to state residents. |
| Other | | | |

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

| Program Area | Title | Public Law | Notes |
|--------------|---------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Designation of State Approving Agency | PL 94-502 | By state law, a state may establish a department or agency as the "State Approving Agency" for the administration of educational benefits. |
| | Partial Relinq. of Legislative Jurisdiction | PL 96-22 | The United States may relinquish to a state such measure of legislative jurisdiction or lands or interest as necessary to establish a concurrent jurisdiction. The relinquishment may be by filing a notice with the governor or as prescribed by law. |
| | Relinquishment of Federal Jurisdiction | PL 85-857 | Administration of estates of decedents is relinquished to the states to be governed by state law |
| | Age Discrimination Act of 1975 | PL 95-478 | Prohibits discrimination based on age in programs receiving federal financial assistance. Funding is to be cut in the event of non-compliance. |
| | Anti-Drug Abuse Act of 1988 | PL 100-690 | Requires a health warning label to be placed on alcoholic beverages and preempts state legislation requiring a warning label other than the label required by federal law. |
| | Federal Civil Defense Act | PL 85-606 | Administrator is authorized to withhold funds for failure to expend funds in accordance with regulations, terms and conditions in the act. The Administrator shall make no contribution of federal funds without first obtaining adequate assurance that labor standards will be maintained upon construction work financed with a federal contribution under this act. |
| | Omnibus Trade and Competitiveness Act | PL 100-418 | Requires state and federal agencies to assist small businesses to increase their ability to compete in international markets by enhancing their ability to export; facilitation technology transfers; enhancing ability to compete effectively and efficiently against imports; increasing access to long-term capital for new plant and equipment; dissemination information concerning state, federal, and private programs and initiatives to enhance the ability of small businesses to compete in international markets; and ensuring that the interests of small businesses are adequately represented in bilateral and multilateral trade negotiations. |

Note:

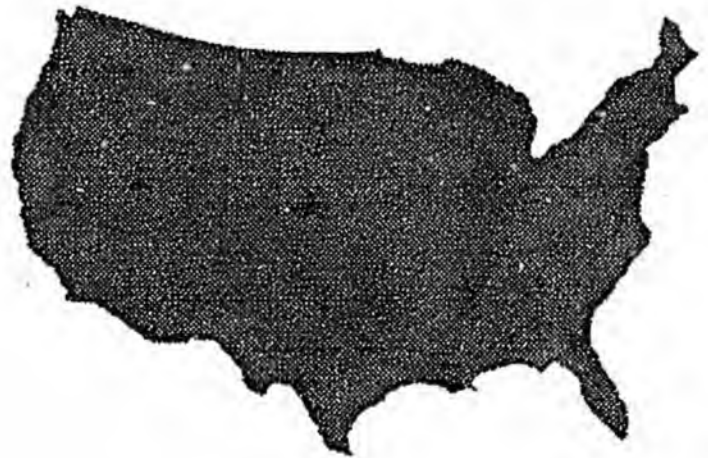
Information for this publication was gathered from Congressional Quarterly Almanac, The Committee for Education Funding's Education Budget Alert, U.S. Code - Congressional and Administrative News, The 1992 Green Book from the House Ways and Means Committee, NCSL's Mandate Monitor, and other NCSL publications.

PAYING FOR FEDERAL ENVIRONMENTAL MANDATES:

A LOOMING CRISIS

FOR

CITIES AND COUNTIES



Compiled for the United States Congress by



Municipality of Anchorage
Anchorage, Alaska

Tom Fink, Mayor

September, 1992

For release
January, 1993

Anchorage

VII. COSTS OF FEDERAL ENVIRONMENTAL MANDATES

A. Scope of Study, Municipality of Anchorage: 1991 - 2000

In 1992, the Municipality of Anchorage reviewed the major federal environmental programs it administers to determine their long-range impacts on the municipal budget. The study was prompted by two events: (1) the municipality's dismay over projected costs of municipal stormwater permits, wherein the city experienced a thirty-fold increase over EPA's projected costs, and (2) a 1991 study by the City of Columbus, Ohio on its environmental mandate costs.

In the same timeframe, the city faced a depleted snow removal budget from the winter's unusually heavy snowfall. Officials agreed, from a common-sense, human safety standpoint, snow removal was a significantly higher priority than testing stormwater runoff. That view was reinforced when the permit consultant's testing revealed the only "significant" pollutant in the stormwater system was soapsuds from residential car washing. Regardless, officials lacked authority to appropriate funds in accordance with their best judgment; the stormwater permit was an enforceable mandate.

The Municipality still does not know the requirements it may face for groundwater runoff remediation. In response to concern for the future costs of this program, plus numerous others not yet at the costing stage, the study was launched.

Conclusions from the data are not intended to reflect a position for or against environmental protection mandates, or to suggest the municipality is paying too much or too little for these programs. To date, a cost/benefit analysis has not been undertaken to address such questions, primarily because of the lack of expertise to do so, and cost considerations.

The Anchorage study, while intended to be far less detailed, was patterned after that done by the City of Columbus, Ohio, which provided assistance and a suggested format. Communities wishing to isolate their own environmental program costs may contact the City of Columbus for guidance. They will find the format, text and tables Columbus provided very useful, as have numerous other communities.

The Columbus study addressed both state and federal environmental mandates, while the Anchorage study covers only federal mandates. Following are the major environmental laws and abbreviations used in the Anchorage study.

Budget Categories: Budget categories included were personnel, supplies, other services, equipment and capital expense for each utility and municipal department. State or federally-funded projects and personnel were not included, although municipal matching funds for those projects were.

Under its present accounting system, the municipality's environmental programs are not differentiated from other programs. Budget officials are considering ways to classify them in the future, however.

Study Observations: While Anchorage's costs are significant, they should not be viewed as representative of other cities or counties for several reasons.

(1) Anchorage is a non-industrial community (approximately 2% of its economy consists of manufacturing), with a medium-sized (240,000 residents), affluent population.

Stresses to its environmental systems were negligible compared to those in commercial/industrial localities.

(2) Anchorage is a relatively young municipality. Less than 80 years old, its major growth occurred in the last two decades, when national and state environmental laws were well established. It was not burdened with a maze of antiquated systems requiring reconstruction, retrofitting or replacement as older cities have been. In some instances, it was possible to build new state-of-the-art systems when regulations required them. Whenever possible the systems were also designed to accommodate additional population growth.

(3) The municipality also maintained an advantage with regard to its sources of funding for environmental mandates. Tax and royalty revenues from Alaska's oil production made it possible for state government to finance local facilities and programs normally funded by communities themselves.

However, the general economic climate and declines in petroleum exploration and production have significantly reduced the availability of these funds for future public uses. Petroleum industry interest in Alaska continues to wane, largely due to excessive cost and regulatory burdens, and lack of congressional approvals to explore the most promising prospects. New federal oil spill liability legislation will likely cost the owner companies of the Trans-Alaska Oil Pipeline more than \$50 million annually. These costs will reduce petroleum revenues paid to the State of Alaska each year, funds that could have been dedicated to statewide environmental programs.

Study Results: Estimated costs of federal environmental regulations to the Municipality total \$429,936,737 for the 1991-2000 period, inflation-adjusted at the prevailing 7% rate for environmental projects. In general, the figures represent costs of complying with existing regulations. If reliable cost estimates were available for regulations not yet in place, those figures were included. However, virtually all department heads were reluctant to include estimates they could not reasonably substantiate.

Clean Water Act compliance is the most expensive program, accounting for 36% of real and projected costs. In second and third place are Clean Air at 34% and Resource Conservation and Recovery Act costs at 21%.

The Environmental Protection Agency reports that land-related compliance costs to local governments are projected to increase in future years at higher rates than for clean air and water programs. However, it is difficult to make such comparisons for Alaska. For example, the hundreds of air quality rules yet to be promulgated may require sophisticated laboratory, fabrication and consultant services that may not be available within the state.

While the EPA anticipates local government costs will increase by 60% to 120% in the 1990s, it is not clear whether these percentages relate to the costs of doing business in Alaska. Nor is it clear which laws and regulations are included in the projected increases.

A1. Major Environmental Laws

- (1) CLEAN AIR ACT (CAA) 1963, Amended 1965, 1967, 1970, 1977, 1990
State Implementation Plan (SIP)
Ambient Air Monitoring
Fuel Additives, Gasoline Reformulations
Motor Vehicle I/M Controls
- (2) RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), 1976,
(Amended to cover Hazardous and Solid Wastes, HSWA), 1984
Used Oil
Underground Storage Tanks
Solid Waste/Medical Waste
- (3) NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), 1969
Environmental Impact Statements
- (4) NOISE CONTROL ACT, 1970, 1972, (Amended by Quiet
Communities Act, 1978)
- (5) COASTAL ZONE MANAGEMENT ACT, 1972, 1990
- (6) WATER POLLUTION CONTROL ACT, 1972, 1977 (renamed Clean Water Act
and regulated filling of wetlands), 1981, 1987 (renamed the Water Quality Act)
NPDES Permit Program
Sec. 404 Wetlands
Water Quality Planning, Management
Pretreatment Regulations
- (7) ENDANGERED SPECIES ACT, 1973, (preceded by Fish and Wildlife
Coordination Act of 1934)
- (8) SAFE DRINKING WATER ACT, 1974
Drinking Water Standards
- (9) TOXIC SUBSTANCES CONTROL ACT (TSCA), 1976, (Amended by Asbestos
Hazard Emergency Response Act, AHERA, 1986)
PCBs
Asbestos
- (10) COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND
LIABILITY ACT (CERCLA, or SUPERFUND ACT), 1980, (Superfund
Amendments and Reauthorization Act (SARA), 1986 (amended to evoke Title III
Community Right-to-Know Act)
National Priorities List Sites
Non-NPL Sites
Remediation Costs, Studies
Spill Reporting
Hazardous & Toxic Chemical Reporting










**Estimation of Costs of Federal
Environmental Mandates to the
Municipality of Anchorage**

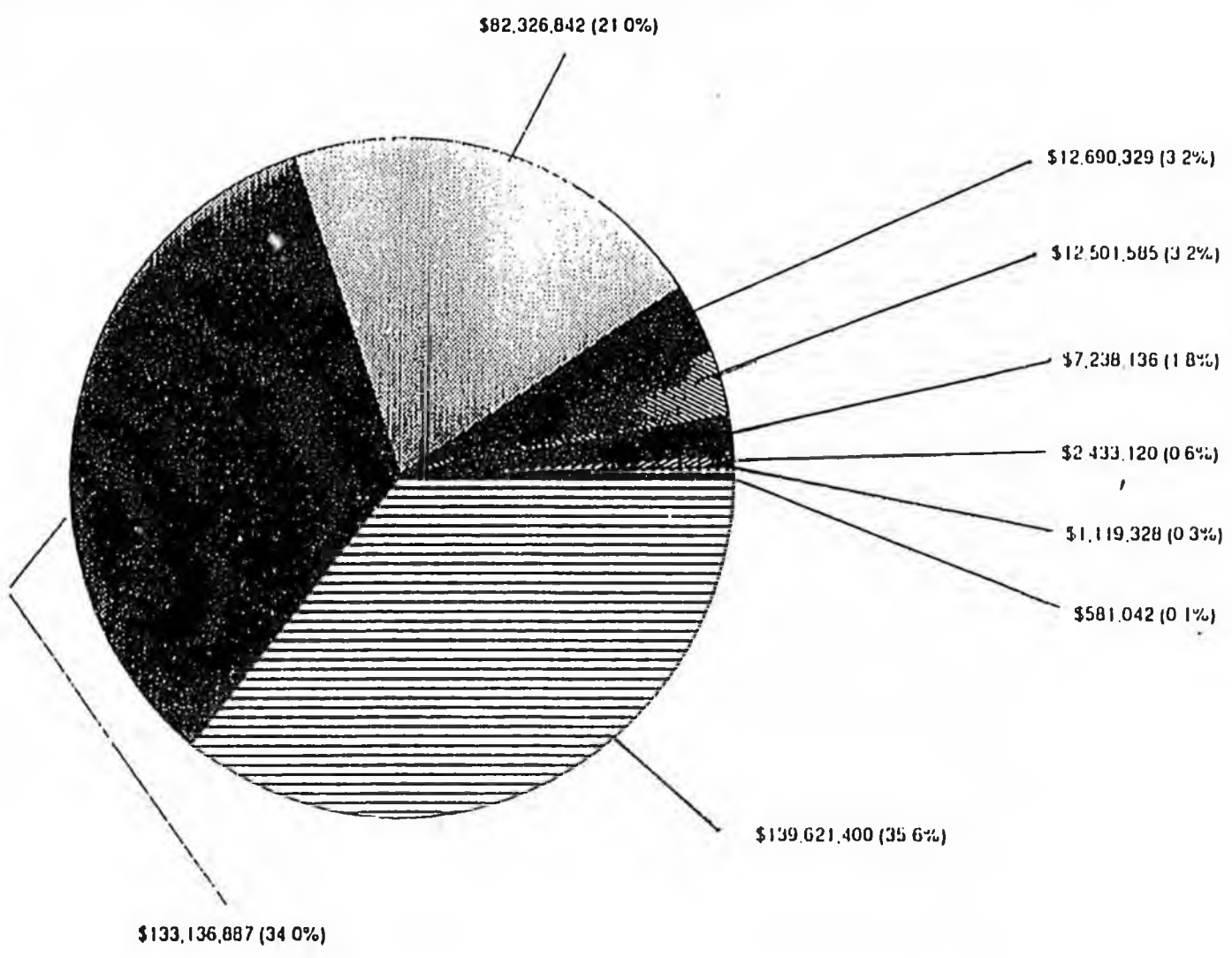
1991 - 2000

ANCHORAGE

COST OF FEDERAL ENVIRONMENTAL MANDATES FOR 1991 - 2000

44

-  ESA
-  CZMA
-  NEPA
-  SDWA
-  CERCLA
-  TSCA
-  RCRA
-  CAA
-  CWA



COSTS TO THE MUNICIPALITY OF ANCHORAGE

CLEAN WATER ACT/WATER QUALITY ACT (CWA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|------------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| P&FM | 0 | 108,000 | 118,523 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 224,523 |
| PW | 1,115,000 | 1,340,000 | 1,853,240 | 8,054,100 | 8,552,280 | 9,971,200 | 11,493,900 | 19,194,140 | 20,144,800 | 21,097,440 | 102,816,100 |
| C&RS | 150,000 | 225,000 | 321,000 | 342,000 | 363,000 | 384,000 | 405,000 | 426,000 | 447,000 | 468,000 | 3,531,000 |
| ATU | 0 | 10,000 | 3,210 | 102,600 | 7,260 | 1,200 | 1,350 | 1,420 | 1,490 | 1,560 | 130,170 |
| AWW | 785,000 | 795,000 | 1,708,650 | 1,704,300 | 1,808,950 | 1,913,600 | 10,118,250 | 2,122,900 | 2,376,550 | 2,332,200 | 25,663,400 |
| ML&P | 22,210 | 48,000 | 57,159 | 144,522 | 95,794 | 109,684 | 124,953 | 141,969 | 161,255 | 181,890 | 1,065,438 |
| SWS | 13,000 | 41,300 | 14,231 | 15,182 | 16,093 | 17,024 | 17,955 | 18,886 | 19,817 | 20,748 | 194,216 |
| PA | 59,000 | 29,780 | 221,641 | 255,032 | 292,347 | 334,001 | 564,677 | 432,188 | 489,773 | 553,805 | 3,232,223 |
| H&HS | 0 | 81,050 | 70,820 | 81,282 | 279,510 | 319,360 | 363,890 | 413,078 | 468,158 | 529,464 | 2,586,212 |
| MF | 13,900 | 76,500 | 5,072 | 5,636 | 6,690 | 7,643 | 8,706 | 9,890 | 11,208 | 12,673 | 158,118 |
| TOTAL | 2,158,110 | 2,732,610 | 4,369,346 | 10,704,834 | 11,421,924 | 13,057,792 | 23,098,481 | 22,760,471 | 24,120,051 | 25,197,780 | 139,621,400 |

CLEAN AIR ACT (CAA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|------------------|------------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| ML&P | 113,534 | 515,000 | 603,234 | 703,845 | 809,889 | 925,716 | 1,054,497 | 1,301,755 | 1,355,489 | 1,532,861 | 8,915,821 |
| C&RS | 250,000 | 1,000,000 | 1,070,000 | 1,140,000 | 1,210,000 | 1,280,000 | 1,350,000 | 1,420,000 | 1,490,000 | 1,560,000 | 11,770,000 |
| H&HS | 1,534,816 | 1,647,300 | 1,913,019 | 2,184,263 | 2,523,725 | 2,975,771 | 3,364,994 | 6,516,827 | 7,325,475 | 8,218,388 | 38,302,375 |
| ATU | 0 | 38,000 | 168,920 | 177,840 | 188,760 | 403,200 | 357,750 | 248,500 | 260,750 | 273,000 | 2,112,720 |
| TD* | 125,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 125,000 |
| AWW | 0 | 0 | 0 | 0 | 41,200,500 | 5,184,000 | 5,467,500 | 5,751,000 | 6,034,500 | 6,318,000 | 69,955,500 |
| SW | 0 | 0 | 53,500 | 57,000 | 60,500 | 64,000 | 67,500 | 71,000 | 74,500 | 78,000 | 528,000 |
| PA | 63,500 | 71,240 | 84,095 | 109,272 | 124,112 | 141,798 | 161,615 | 183,481 | 207,928 | 235,111 | 1,391,049 |
| MF | 2,050 | 2,214 | 2,558 | 2,943 | 3,375 | 3,855 | 4,392 | 4,988 | 5,653 | 6,393 | 38,422 |
| TOTAL | 2,088,700 | 3,271,754 | 3,903,326 | 4,374,163 | 46,220,881 | 10,978,339 | 11,828,148 | 15,497,552 | 16,754,295 | 18,210,750 | 133,136,887 |

* The Transit Department is currently in litigation with the Trustees for Alaska over the Municipality's 1982 SIP (State Implementation Plan) If the Court awards the judgment in favor of Trustees for Alaska, the increased costs to Transit could be between \$9.5 million to \$32.5 million in 1993

RESOURCE CONSERVATION & RECOVERY ACT (RCRA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|------------------|-------------------|------------------|------------------|-------------------|------------------|------------------|-------------------|------------------|------------------|-------------------|
| P&FM | 150,000 | 354,000 | 555,780 | 1,285,400 | 1,355,200 | 1,100,800 | 1,161,000 | 0 | 0 | 0 | 6,942,180 |
| ML&P | 542,089 | 329,000 | 378,080 | 438,810 | 377,032 | 430,656 | 490,833 | 557,577 | 631,730 | 714,519 | 4,889,335 |
| PW | 330,000 | 330,000 | 353,100 | 378,300 | 399,300 | 422,400 | 445,500 | 488,600 | 491,700 | 514,800 | 4,131,800 |
| ATU | 0 | 183,000 | 11,770 | 12,540 | 13,310 | 14,060 | 16,200 | 17,040 | 32,760 | 18,720 | 299,440 |
| AWW | 0 | 570,000 | 839,950 | 538,800 | 1,040,800 | 1,081,600 | 654,750 | 667,400 | 722,650 | 733,200 | 6,845,950 |
| SW | 2,300,900 | 9,111,900 | 4,567,295 | 2,504,864 | 7,861,660 | 2,829,418 | 2,994,975 | 18,825,580 | 3,324,637 | 5,475,912 | 57,875,878 |
| PA | 33,500 | 62,640 | 72,387 | 63,292 | 93,479 | 109,063 | 124,253 | 141,151 | 159,857 | 180,870 | 1,092,610 |
| MF | 49,100 | 64,428 | 12,457 | 14,333 | 16,431 | 18,774 | 21,381 | 24,291 | 27,528 | 31,127 | 278,849 |
| TOTAL | 3,495,589 | 10,984,968 | 7,791,818 | 5,229,077 | 11,148,921 | 6,005,809 | 5,908,092 | 18,701,639 | 5,390,982 | 7,669,147 | 82,326,842 |

COSTS TO THE MUNICIPALITY OF ANCHORAGE

COASTAL ZONE MANAGEMENT ACT (CZMA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| PW | 40,000 | 40,000 | 42,600 | 45,600 | 48,400 | 51,200 | 54,000 | 56,800 | 59,600 | 62,400 | 500,800 |
| PA | 33,000 | 35,840 | 41,185 | 47,390 | 54,324 | 62,085 | 70,695 | 80,310 | 91,011 | 102,909 | 618,528 |
| TOTAL | 73,000 | 75,640 | 83,985 | 92,990 | 102,724 | 113,285 | 124,695 | 137,110 | 150,611 | 165,309 | 1,119,328 |

ENDANGERED SPECIES ACT (ESA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| PA | 31,000 | 33,480 | 38,689 | 44,518 | 51,032 | 58,303 | 66,411 | 75,443 | 85,495 | 96,672 | 581,042 |
| TOTAL | 31,000 | 33,480 | 38,689 | 44,518 | 51,032 | 58,303 | 66,411 | 75,443 | 85,495 | 96,672 | 581,042 |

SAFE DRINKING WATER ACT (SDWA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| C&RS | 1,200 | 1,200 | 1,926 | 2,052 | 2,178 | 2,304 | 2,430 | 2,556 | 2,682 | 2,808 | 21,336 |
| AWW | 510,000 | 500,000 | 631,300 | 672,600 | 713,900 | 755,200 | 798,500 | 837,800 | 879,100 | 920,400 | 7,216,800 |
| TOTAL | 511,200 | 501,200 | 633,226 | 674,652 | 716,078 | 757,504 | 798,930 | 840,356 | 881,782 | 923,208 | 7,238,136 |

TOXIC SUBSTANCES CONTROL ACT (TSCA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|----------------|----------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
| ML&P | 443,616 | 564,090 | 651,919 | 750,170 | 859,918 | 982,394 | 1,119,088 | 1,271,181 | 1,440,986 | 1,629,397 | 9,712,758 |
| P&FM | 0 | 0 | 459,030 | 489,060 | 519,090 | 0 | 0 | 0 | 0 | 0 | 1,467,180 |
| SWS | 45,700 | 47,600 | 52,323 | 55,748 | 60,379 | 62,592 | 66,015 | 70,858 | 72,861 | 76,284 | 610,358 |
| PW | 70,849 | 69,779 | 75,145 | 80,597 | 86,142 | 91,784 | 97,529 | 103,387 | 109,363 | 115,459 | 900,034 |
| TOTAL | 560,165 | 681,469 | 1,238,417 | 1,375,573 | 1,525,527 | 1,138,769 | 1,282,632 | 1,445,427 | 1,623,210 | 1,821,139 | 12,690,329 |

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT (CERCLA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|----------------|----------------|----------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
| ML&P | 81,833 | 225,000 | 282,193 | 301,882 | 345,848 | 395,005 | 449,971 | 511,325 | 579,679 | 655,537 | 3,608,051 |
| C&RS | 16,500 | 17,500 | 18,725 | 19,860 | 21,175 | 22,400 | 23,625 | 24,850 | 26,075 | 27,300 | 218,100 |
| OEM | 92,125 | 33,985 | 36,364 | 91,183 | 96,782 | 102,381 | 107,980 | 113,579 | 119,178 | 124,777 | 918,332 |
| SWS | 7,200 | 7,200 | 7,704 | 8,208 | 8,712 | 9,216 | 9,720 | 10,224 | 10,728 | 11,232 | 90,144 |
| PA | 103,000 | 111,240 | 128,549 | 147,918 | 169,557 | 193,718 | 220,655 | 250,684 | 284,063 | 321,199 | 1,930,558 |
| PW | 410,000 | 445,000 | 478,150 | 507,300 | 539,450 | 569,600 | 600,750 | 631,900 | 663,050 | 694,200 | 5,536,400 |
| TOTAL | 710,658 | 839,925 | 929,684 | 1,078,218 | 1,180,522 | 1,292,319 | 1,412,701 | 1,542,542 | 1,682,772 | 1,834,245 | 12,501,585 |

COSTS TO THE MUNICIPALITY OF ANCHORAGE

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
| PA | 55,000 | 59,400 | 68,643 | 78,984 | 90,541 | 103,441 | 117,825 | 133,849 | 151,683 | 171,514 | 1,030,880 |
| PW | 112,000 | 112,000 | 119,840 | 127,880 | 135,520 | 143,360 | 151,200 | 159,040 | 166,880 | 174,720 | 1,402,240 |
| TOTAL | 167,000 | 171,400 | 188,483 | 206,664 | 226,061 | 246,801 | 269,025 | 292,889 | 318,563 | 346,234 | 2,433,120 |

SUMMARY OF ADMINISTRATIVE DEPARTMENTS

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
| MA | 237,402 | 282,146 | 301,896 | 321,646 | 341,397 | 361,147 | 380,897 | 400,647 | 420,398 | 440,148 | 3,487,724 |
| FIN | 662,320 | 753,155 | 805,876 | 858,597 | 911,318 | 964,038 | 1,016,759 | 1,069,480 | 1,122,201 | 1,174,922 | 9,338,666 |
| MISD | 1,127,903 | 1,128,888 | 1,207,910 | 1,286,932 | 1,365,954 | 1,444,977 | 1,523,999 | 1,603,021 | 1,682,043 | 1,761,065 | 14,132,693 |
| ED&P | 192,171 | 192,116 | 205,564 | 219,012 | 232,460 | 245,908 | 259,357 | 272,805 | 286,253 | 299,701 | 2,405,347 |
| PD | 79,188 | 98,796 | 105,712 | 112,627 | 119,543 | 126,459 | 133,375 | 140,290 | 147,206 | 154,122 | 1,217,318 |
| MYR | 74,668 | 74,965 | 80,213 | 85,460 | 90,708 | 95,955 | 101,203 | 106,450 | 111,698 | 116,945 | 938,265 |
| MNR | 224,029 | 199,395 | 213,353 | 227,310 | 241,268 | 255,226 | 269,183 | 283,141 | 297,099 | 311,056 | 2,521,059 |
| ER | 320,376 | 288,662 | 309,082 | 329,303 | 349,523 | 369,743 | 389,964 | 410,184 | 430,404 | 450,625 | 3,648,066 |
| ERC | 41,304 | 48,405 | 51,793 | 55,182 | 58,570 | 61,958 | 65,347 | 68,735 | 72,123 | 75,512 | 598,930 |
| TOTAL | 2,959,361 | 3,066,728 | 3,281,399 | 3,496,070 | 3,710,741 | 3,925,412 | 4,140,083 | 4,354,754 | 4,569,425 | 4,784,096 | 38,288,068 |

TOTALS

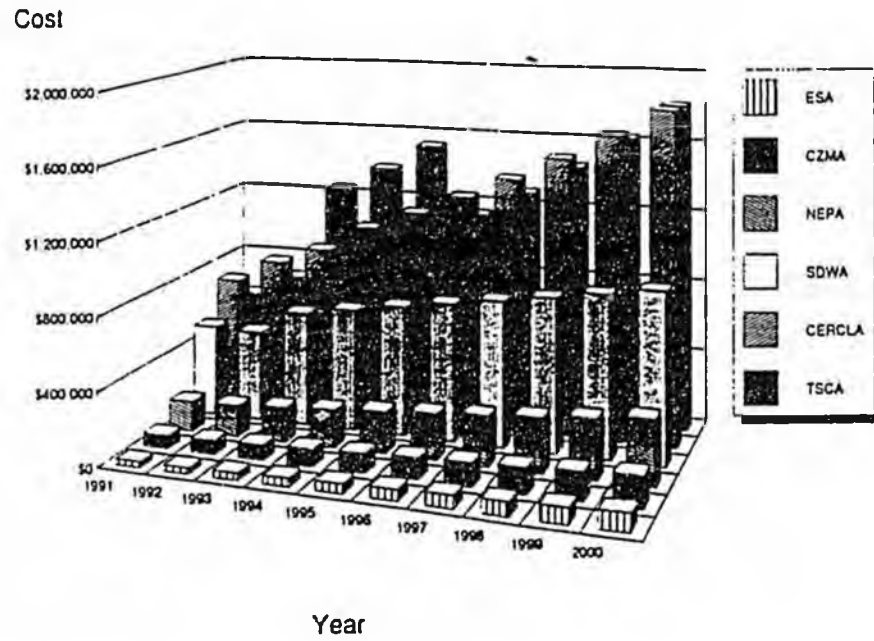
| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | TOTAL |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| | 12,754,783 | 22,359,174 | 22,458,373 | 27,274,759 | 76,304,391 | 37,572,311 | 48,929,998 | 65,648,182 | 55,577,186 | 61,057,579 | 429,936,737 |

Please note all amounts have been rounded off to the nearest dollar.

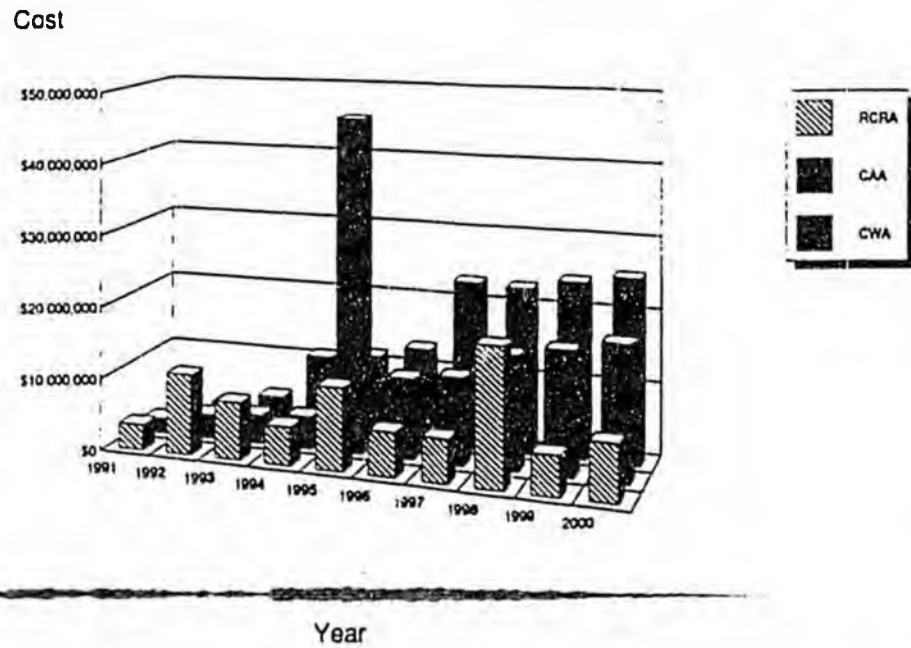
-47-

MUNICIPALITY OF ANCHORAGE

COST OF FEDERAL ENVIRONMENTAL MANDATES 1991 - 2000













COST OF FEDERAL ENVIRONMENTAL MANDATES 1991 - 2000



MUNICIPALITY OF ANCHORAGE

CUMULATIVE COST OF FEDERAL ENVIRONMENTAL MANDATES PER HOUSEHOLD 1991-2000

| YEAR | ESTIMATED HOUSEHOLDS | |
|--------------|---------------------------------------------------------------------------------------------|-----------------|
| 1991 |  84,000 | \$ 153 |
| 1992 |  85,000 | \$ 264 |
| 1993 |  88,000 | \$ 256 |
| 1994 |  89,000 | \$ 307 |
| 1995 |  91,000 | \$ 840 |
| 1996 |  92,000 | \$ 409 |
| 1997 |  93,000 | \$ 527 |
| 1998 |  95,000 | \$ 692 |
| 1999 |  96,000 | \$ 580 |
| 2000 |  97,000 | \$ 631 |
| TOTAL | | \$ 4,659 |

COST OF SELECTED REGULATIONS

(in \$ millions 1990)

| Regulation | Cost Per Premature Death Averted |
|-------------------------------------------------------------------|----------------------------------|
| Invented Space Heater Ban..... | 0.1 |
| Aircraft Cabin Fire Protection Standard..... | 0.1 |
| Auto Passive Restraint/Seat Belt Standards..... | 0.1 |
| Steering Column Protection Standard..... | 0.1 |
| Underground Construction Standards..... | 0.1 |
| Trihalomethane Drinking Water Standards..... | 0.2 |
| Aircraft Seat Cushion Flammability Standard..... | 0.4 |
| Alcohol and Drug Control Standards..... | 0.4 |
| Auto Fuel-System Integrity Standard..... | 0.4 |
| Standards for Servicing Auto Wheel Rims..... | 0.4 |
| Aircraft Floor Emergency Lighting Standard..... | 0.6 |
| Concrete and Masonry Construction Standards..... | 0.6 |
| Crane Suspended Personnel Platform Standard..... | 0.7 |
| Passive Restraints for Trucks and Buses (proposed)..... | 0.7 |
| Side-Impact Standards for Autos (dynamic)..... | 0.8 |
| Children's Sleepwear Flammability Ban..... | 0.8 |
| Auto Side Door Support Standards..... | 0.8 |
| Low-Altitude Windshear Equipment and Training Standards..... | 1.3 |
| Electrical Equipment Standards (Metal Mines)..... | 1.4 |
| Trenching and Excavation Standards..... | 1.5 |
| Traffic Alert and Collision Avoidance (TCAS) Systems..... | 1.5 |
| Hazard Communication Standard..... | 1.6 |
| Side-Impact Standards for Trucks, Buses, and MPVs (proposed)..... | 2.2 |
| Grain Dust Explosion Prevention Standards..... | 2.8 |
| Rear Lap/Shoulder Belts for Autos..... | 3.2 |
| Standards for Radionuclides in Uranium Mines..... | 3.4 |
| Benzene NESHAP (Original: Fugitive Emissions)..... | 3.4 |
| Ethylene Dibromide Drinking Water Standard..... | 5.7 |
| Benzene NESHAP (Revised: Coke By-Products)..... | 6.1 |
| Asbestos Occupational Exposure Limit..... | 8.3 |
| Benzene Occupational Exposure Limit..... | 8.9 |
| Electrical Equipment Standards (Coal Mines)..... | 9.2 |
| Arsenic Emission Standards for Glass Plants..... | 13.5 |
| Ethylene Oxide Occupational Exposure Limit..... | 20.5 |
| Arsenic/Copper NESHAP..... | 23.0 |
| Hazardous Waste Listing for Petroleum Refining Sludge..... | 27.6 |
| Cover/Move Uranium Mill Tailings (Inactive Sites)..... | 31.7 |
| Benzene NESHAP (Revised: Transfer Operations)..... | 32.9 |
| Cover/Move Uranium Mill Tailings (Active Sites)..... | 45.0 |
| Acrylonitrile Occupational Exposure Limit..... | 51.5 |
| Coke Ovens Occupational Exposure Limit..... | 63.5 |
| Lockout/Tagout..... | 70.9 |
| Asbestos Occupational Exposure Limit..... | 74.9 |
| Arsenic Occupational Exposure Limit..... | 106.9 |
| Asbestos Ban..... | 110.7 |
| Diethylstilbestrol (DES) Cattlefeed Ban..... | 124.8 |
| Benzene NESHAP (Revised: Waste Operations)..... | 168.2 |
| 1,2-Dichloropropane Drinking Water Standard..... | 653.0 |
| Hazardous Waste Land Disposal Ban (1st 3rd)..... | 4,190.4 |
| Municipal Solid Waste Landfill Standards (Proposed)..... | 19,107.0 |
| Formaldehyde Occupational Exposure Limit..... | 82,201.8 |
| Atrazine/Akathlor Drinking Water Standard..... | 92,069.7 |
| Hazardous Waste Listing for Wood Preserving Chemicals..... | 5,700,000.0 |

Source: *The Budget of the United States Government, FY1992.*

Office of Management and Budget, Washington, D.C., 1991



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

To: House State Affairs Committee

From: Representative Scott Ogan

Re: **HB 83 - Analysis of fiscal impact**

Date: February 20, 1995

This memorandum is intended to address any concerns over the cost of implementing HB 83, "An Act relating to state implementation of federal mandates." The original fiscal notes generated for HB 83 predict a first-year implementation cost of approximately \$700,000.00, and average costs in subsequent years of \$175,000.00. These figures have been updated since adoption of the CS by World Trade and State/Federal Relations, reducing the first-year implementation costs to \$635,500.00. There are two additional points that should be addressed relating to the cost of implementation vs. the cost savings to the state we expect to see as the result of implementation.

I. **A Proposed Committee Substitute would dramatically reduce the costs of implementation without sacrificing effectiveness.**

I am offering a committee substitute to HB 83 that incorporates some suggestions made during the hearing before the World Trade and State/Federal Relations committee. These were suggestions from committee members of both parties geared towards reduction of cost, and I fully support them.

(a) The proposed substitute requires review of the federal mandates or programs every four years on a rotational basis, rather than annually. It is believed that this will reduce the cost of mandate review by at least 70%. It is probably redundant and unnecessary to re-review each program each year. By moving to a four year review period, each new administration will have the opportunity to review each mandate or program and to scrutinize those mandates from its own fiscal and policy perspective.

(b) The new CS prohibits a state agency from implementing a new federal mandate until the required review for cost-effectiveness, policy conflicts, and constitutionality has been completed and reviewed by the Governor. This forces agencies to look for more cost-effective methods of implementing the program *before* any action is taken or any state money is spent on the program. It will also permit the state to make informed decisions about whether the mandate is lawful before using state resources to implement it.

II. Implementation of HB 83 will save the state far more money than it will cost.

As a fiscal conservative, I am fundamentally opposed to the creation of additional layers of government bureaucracy. Therefore, I would not even consider introducing this bill unless I was firmly convinced that it would be an effective means of reducing both the size and cost of government in the state of Alaska. The cost of implementing the new committee substitute for HB 83 should be no more than \$100,000.00 to \$200,000.00 per year, and the state could potentially save millions of dollars annually.

There has been no study done of the cost of federal mandates to the state. This is because such a study would require appointment of a full-time task force. As a point of reference, we have included in the bill packet portions of a fairly recent study conducted by the Municipality of Anchorage on the cost of federal unfunded environmental mandates to that city alone. The results are staggering:

For the period 1991 to 2000, the Municipality of Anchorage alone will spend approximately \$430,000,000.00 just to pay for environmental mandates.

Add to this the costs of implementing mandatory programs and policies in health care, public education and its related programs, labor law, unemployment, various anti-discrimination statutes, OSHA, transportation, public works, etc., and then expand the figures to include the entire state--one can then begin to envision the magnitude of the burden placed on us by the federal government.

HB 83 does not say that we will no longer comply with federal law, or that the state will refuse to continue funding for any federal program. It simply provides a mechanism to evaluate each federal mandate for its cost-effectiveness, its suitability for the unique conditions of Alaska, and whether or not the mandate is a valid exercise of federal power under our Constitution. This type of analysis will occur every four years, and must be completed before implementation of any newly passed federal mandates is begun. *In effect, HB 83 enables and requires the state to make informed decisions about implementing federal law.* The citizens of this state will have the opportunity to look at more cost-effective methods of implementing a program, or methods that are better suited for our remote state. It also places the burden upon the federal government to justify their exercise of authority over the people and government of this state, rather than foolishly continuing to presume that any action taken by the federal government is inherently legitimate just because they are the federal government.

I believe that the type of critical review and analysis described above will inevitably disclose certain areas of federal mandates that can be operated more efficiently and with less cost, or that can be redesigned to better meet the needs of a remote, arctic state. Further, by requiring that the state no longer blindly implement federal laws that are unconstitutional exercises of federal power, there is great potential for paring down the size of our current state bureaucracy and for reducing the amount of state money spent on unlawful or undesirable federal mandates.

There are currently 192 federal mandates in force against this state. (Source: National Conference of State Legislatures). Each one of these represents a federal policy devised in Washington D.C. with minimal input from the state of Alaska. This would not be so unpalatable if these mandates were legitimate exercises of federal authority. Unfortunately, this is not the case. The vast majority of these federal mandates deal with issues such as public health, education, environmental conservation, and employment law--issues which are clearly reserved for the several states under our Constitution. Alaska and her sister states have, until now, simply tolerated this abrogation of their power by the federal government, but the people of this state are no longer willing to do so.

This is not to say that the state should refrain from passing legislation and expending public funds to resolve problems in these areas. To the contrary, HB 83 reflects the belief that our Constitution only permits the states to make policy concerning these issues, and that they need to be addressed locally in accordance with local needs and preferences.

It is my belief that at least one-half, and probably much more, of all federal mandates exceed the jurisdiction of the federal government. If this state avails itself of the opportunity to "weed out" those mandates which are unlawful and which do not reflect the unique needs and values of the citizens of this state, we could save quite literally billions of dollars. Certainly, we will not be successful in avoiding implementation of every mandate we believe to be unlawful, but HB 83 will provide the mechanism for identifying those programs or requirements that are vulnerable to challenge. These are not nearly so few of these vulnerable federal laws as some would have us believe; many federal mandates such as Public Law 103-112 (passed in 1994), requiring states to pay for abortions for low-income women, are unconstitutional on their face under any current court precedent. Further, a decision to decline to comply with a mandate, or to comply in a modified manner that we think more cost effective, does not mean that the state must automatically file suit. HB 83 recognizes that the burden should rest on the federal government to justify their demands, rather than on the state to justify non-compliance. It makes the new question of the day in state government "By what authority?"

HB 83 also goes farther than a simple pass/fail analysis of federal mandates. There are many instances where a federal mandate reflects a legitimate, lawful policy, but directs implementation in a manner that is inefficient, not cost effective, or unsuitable for Alaska conditions. HB 83 requires that all federal mandates be analyzed for more efficient or cost-effective alternatives to achieving the same federal policy goal.

Overall, HB 83 will cost the citizens of this state an extraordinarily small amount of money to implement; the benefits to the state will be millions or billions of dollars in actual cost savings, and government that is more responsive to the needs of the people of this state. I therefore urge your support for this bill.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 83(WTR)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to state implementation of federal statutes." BRU: Various
 Sponsor: Rep. Ogan Component: Various
 Requestor: (H) Special Com. on World Trade COMPONENT SERIAL NO. 45

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|------------|------------|------------|--------------|------------|------------|
| PERSONAL SERVICES | 0.0 | 0.0 | 0.0 | (5.7) | 0.0 | 0.0 |
| TRAVEL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CONTRACTUAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUPPLIES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| EQUIPMENT | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| LAND & STRUCTURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GRANTS, CLAIMS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| MISCELLANEOUS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | (5.7) | 0.0 | 0.0 |

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

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------------|------------|------------|------------|--------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 0.0 | 0.0 | 0.0 | (5.0) | 0.0 | 0.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| 1081 Information Services Fund | | | | (0.7) | | |
| Total | 0.0 | 0.0 | 0.0 | (5.7) | 0.0 | 0.0 |

Estimate of current year (FY 95) cost: \$ 0.0

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact to the Department of Administration.

Prepared by: Sharon Barton, Director Phone: 465-2277
 Division: Administrative Services Date: 2/17/95
 Approved by Commissioner: Mark Boyer Date: 2/17/95
 Agency: Administration

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE OGAN

STATE AFFAIRS COMMITTEE

TO: CSHB 83(STA)

Page 2, following line 13:

Insert a new bill section to read:

Sec. 37.40.010. REVIEW OF PENDING FEDERAL LEGISLATION. (a)

The Office of the Governor shall monitor new legislation introduced into the United States Congress, and shall identify those items of legislation which, if passed, would impose mandated duties upon the state government. Upon identifying such legislation, the Office of the Governor shall notify the commissioners of those state departments or other heads of agencies that would be responsible for developing programs to implement the proposed federal laws, informing them of the nature and status of the legislation and providing regular updates on the progress of the legislation.

(b) Upon receipt of notice concerning pending legislation under AS 37.40.010(a), a commissioner or other agency head shall initiate an expedited review to determine whether the proposed federal law is consistent with state policy and is suitable for the needs and conditions of the state, and whether other alternative methods exist that would provide a more cost effective means of achieving the desired federal policy. The results of this review shall be provided to the Governor, and the commissioner or agency head shall jointly consider with the governor whether action to influence the legislation would be in the best interests of the state. If the administration believes that such action would be beneficial, the office of the Governor may take reasonable and lawful measures designed to influence the legislation so as to achieve a result more desirable to the state. Such action may include, but is not limited to, entering into contracts with lobbyists, consultants or other professionals.

Renumber the following bill sections accordingly.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

HB 83
Relating to state implementation of federal statutes
Consolidated Fiscal Note for Executive Branch

Operating Expenditures (Thousands of Dollars)

| Department | FY 96 | FY 97 | FY 98 | FY 99 | FY 2000 | FY 2001 |
|----------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Governor | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Administration | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| DCED | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| DCRA | 47.5 | 28.1 | 28.9 | 29.7 | 30.5 | 31.3 |
| Corrections | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Education | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| DEC | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| ADF&G | 50.0 | 25.5 | 12.8 | 12.8 | 12.8 | 12.8 |
| DH&SS | 288.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |
| Labor | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Law | 150.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| DMVA | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| DNR | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Public Safety | 6.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| DOR | 105.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |
| DOT&PF | 50.0 | 22.5 | 22.5 | 22.5 | 22.5 | 22.5 |
| TOTAL | 696.9 | 177.4 | 168.5 | 172.4 | 176.5 | 180.6 |

- NOTE: Last 3 pages -
- are revised fiscal
- notes for CS. -

OMB
1/27/95

FISCAL NOTE

BILL NO. HB 83

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act relating to state implementation of federal statutes."
Sponsor: Representatives Ogan, Porter
Requestor: _____

Department Affected: Office of the Governor
BRU: All BRUs
Component: All Components
COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|----------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|-----------|--|--|--|--|--|--|
| CHANGE IN | | | | | | |
|-----------|--|--|--|--|--|--|

FUND SOURCE

| | | | | | | |
|--------------------------|----------|----------|----------|----------|----------|----------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS

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

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact

Prepared by: Michael A. Nizich, Director
Division: Division of Administrative Services

Phone: 465-3876
Date: 1/26/95

Approved by Commissioner: Jim Aver, Chief of Staff
Agency: Office of the Governor

Date: 1/26/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____
 Title: "An Act relating to state implementation of federal statutes."
 Sponsor: Ogan
 Requestor: (H) Special Com. on World Trade

Department Affected: Administration
 BRU: Various
 Component: Various
 COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY 95) cost: \$ none

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Sharon Barton
 Division: Administrative Services

Phone: 465-2277
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 1/25/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: January 26, 1995
 Title: An Act relating to state implementation of federal statutes.
 Sponsor: OGAN, Porter
 Requestor: _____

Department: Commerce and Economic Development
 BRU: Administrative Services
 Component: Administrative Services
 COMPONENT SERIAL NO. 1028

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| 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 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CHANGE IN REVENUES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 General Fund | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact to this agency.

Prepared by: Guy Bell, Director
 Division: Division of Administrative Services
 Approved by Commissioner: William L. Hensley *(Signature)*
 Agency: Commerce and Economic Development

Phone: 465-2505
 Date: January 26, 1995
 Date: 1/26/95

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Revision Date: January 25, 1995 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to state implementation of federal statutes BRU: Admin. & Support
 Component: Admin. Services
 Sponsor: Representative Ogan
 Requestor: House Spec. Comm. on World Trade COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 43.5 | 26.8 | 27.6 | 28.4 | 29.2 | 30.0 |
| TRAVEL | | | | | | |
| CONTRACTUAL | 2.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| SUPPLIES | 0.5 | 0.3 | 0.3 | 0.3 | 0.3 | 0.3 |
| EQUIPMENT | 1.5 | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 47.5 | 28.1 | 28.9 | 29.7 | 30.5 | 31.3 |
| CAPITAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

REVENUE FUND SOURCE:

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 47.5 | 28.1 | 28.9 | 29.7 | 30.5 | 31.3 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 47.5 | 28.1 | 28.9 | 29.7 | 30.5 | 31.3 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY | | | | | | |

Estimate of current (FY95) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

One permanent full time Internal Auditor II, range 17, position is needed for 9.6 months for FY 96. Thereafter, the position will be needed part-time. Federal programs within DCRA include National Forest Receipts, FEMA, Child Care Block Grants, Head Start State Collaboration, Job Training Partnership Act, Community Block Grants, Rural Development Mini-Grant Program, Corporation for National and Community Service (Americorps), Rural Development Council, Institutional Conservation Program, Federal Biomass Program, and the Alaska Coastal Zone Management Program.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708

Division: Division of Administrative Services Date: 1/25/95

Approved by Commissioner: *Melvin Stewart* Date: 1/25/95

Agency: Community & Regional Affairs

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83 |

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to state implementation of federal BRU: all
 statutes _____ Component: all
 Sponsor: Rep. Ogan, Rep. Porter
 Requester: Rep. Ogan COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|------------|------------|------------|------------|------------|------------|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill would require each commissioner and agency head to review the programs under its purview in order to determine the effects, if any, that exist as a result of federal mandates. It further provides a reporting protocol for the results of this review

No federal mandates directly impact programs currently operated by DOC. Certain federal grants for which DOC could apply would be conditioned upon the existence of specific conditions within the State. For example some would require laws requiring certain classes of offenders to serve a minimum of 85% of their sentence. These do not seem to be mandates in the sense contemplated in this bill, however.

Prepared by: Jerry Shriner Phone: 465-5582
 Division: Comm. Office Date: 1/19/95
 Approved by Commissioner: *W. Huggert* Date: 1-23-95
 Agency: Department of Corrections

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____
Title: An Act relating to state implementation of
federal statutes

Dept. Affected: EDUCATION
BRU: Executive Administration
Component: _____

Sponsor: Representative Ogan
Requestor: Representative Ogan

COMPONENT SERIAL NO. 171

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|-----------------------------|--|--|--|--|--|--|

FINDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other: | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

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

Estimate of current year (FY95) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)
The department would need to reassign responsibilities among existing staff in order to develop an internal process to satisfy the requirements of the proposed legislation during the first year and for the annual review and report. If the current level of staff is reduced in the FY96 budget, the department may not be able to comply with the requirements or the timelines identified in HB 83.

Prepared by: Karen J. Rehfeld, Director
Division: Administrative Services

Phone: 465-8650
Date: 23-Jan-95

Approved by Commissioner: *[Signature]*
Agency: Department of Education

Date: 1/25/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

L NO. HB 83

Revision Date: _____ Dept. Affected: Alaska Commission on Postsecondary Education
 Title: An Act relating to state implementation of federal statutes. BRU: ACPE
 Sponsor: Representative Ogan Component: Program Administration
 Author: Representative Ogan COMPONENT SERIAL NO. 0212

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|-------|-------|-------|-------|-------|-------|
| 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 | -0- | -0- | -0- | -0- | -0- | -0- |
|----------------------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| FUND SOURCE | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ -0-

EMPLOYMENT

| EMPLOYMENT | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Zero (0) fiscal impact.

Prepared by: Dr. Joe L. McCormick, Executive Director Phone: (907)465-6740
 Division: Alaska Commission on Postsecondary Education Date: 1-20-95
 Approved by Commissioner: _____ Date: _____
 Agency: _____

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Effective Date: _____
 Title: An act relating to state implementation
of federal statutes
 Sponsor: Ogan, Porter
 Requestor: Governor

Department Affected: Environmental
Conservation
 BRU: Administration
 Component: Commissioner's Office

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TRAVEL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CONTRACTUAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUPPLIES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| EQUIPMENT | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| LAND&STRUCTURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GRANTS, CLAIMS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| MISCELLANEOUS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

FUND SOURCE

| | | | | | | |
|-----------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GF/Program Receipt | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1006 GF/MHTIA | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Dan Kanouse *Dan Kanouse*
 Division: Information and Administrative Services

Phone: 465-5010
 Date: 1/23/95

Approved by Commissioner: [Signature]
 Agency: Department of Environmental Conservation

Date: 1/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____ Dept. Affected: Fish and Game
 Title: State implementation of federal statutes BRU: Administration and Support
 Component: Commissioner's Office
 Sponsor: Rep. Ogan
 Requester: _____ COMPONENT SERIAL NO. 477

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 50.0 | 25.5 | 12.8 | 12.8 | 12.8 | 12.8 |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 50.0 | 25.5 | 12.8 | 12.8 | 12.8 | 12.8 |

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

| | | | | | | |
|--------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | |
|--------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 50.0 | 25.5 | 12.8 | 12.8 | 12.8 | 12.8 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 50.0 | 25.5 | 12.8 | 12.8 | 12.8 | 12.8 |

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | | | | | |
| PART-TIME | | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Geron Bruce *Geron Bruce* Phone: 465-6143
 Division: Commissioner's Office Date: 1/24/95
 Approved by Commissioner: *Frank* Date: 1/24/95
 Agency: _____

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House Bill 83
Fiscal Note Analysis

Federal statutes and regulations have a major impact on the Department of Fish and Game. The department receives nearly \$30 million a year in federal funds for various programs, primarily from the federal aid programs for sport fishing and wildlife, and to partially offset costs to Alaska associated with the Pacific Salmon Treaty.

The large federal land holdings in Alaska also entail significant consequences for the management of Alaska's fish and wildlife. For example, restrictions on hunting and fishing activities within National Wildlife Refuges and National Parks concentrate effort onto the remaining state lands. A good example is the intention of the United States Park Service to ban subsistence hunting and fishing and commercial fishing within the waters of the Glacier Bay National Park.

Finally, the department is subject to federal statutes and regulations concerning due process and procedures, as are other agencies.

In order to carefully assess these federal mandates and their bearing on state costs and policies, the department will require a research analyst II. This position will be full-time the first year, half-time the second year, and quarterly thereafter. It would be established as an exempt position.

This position will work under the supervision of a deputy commissioner. It will be responsible for working with all divisions to identify relevant federal statutes, regulations and policies; analyze the impact of these for consistency with state statutes, regulations, and policies; analyze the federal measures for their impact on the cost of managing Alaska's fish and wildlife; and prepare a report for submission to the legislature.

A partial list of federal statutes, regulations, and policies that would need to be examined follows.

Federal Aid in Wildlife Restoration Act, Federal Aid in Sport Fish Restoration Act, Alaska National Interest Lands Conservation Act, Marine Mammal Protection Act, Endangered Species Act, Airborne Hunting Act, Migratory Bird Treaty Act, Magnuson Fishery Conservation and Management Act, National Environmental Policy Act of 1969, Tongass Timber Reform Act, National Forest Management Act of 1976, National Forest System Land and Resource Planning Regulations, Federal Power Act, Consolidated Omnibus Budget Reconciliation Act, Family and Medical Leave Act of 1993, Immigration Reform and Control Act of 1986, Fair Labor Standards Act, Equal Pay Act of 1963, Americans with Disabilities Act, Occupational Safety and Health Act.

We have to be a player in both the North Pacific and Pacific Fishery Management Council activities to protect state interests. Development and implementation of various fishery management plans require staff involvement that is not compensated. Various associated federal laws, such as the Paper Work Reduction Act and the Environmental Protection Act increase the tasks that must be performed when adopting and amending FMPs.

There are a number of international fisheries treaties and organizations that require our involvement to protect the state's interests. US/Canada Pacific Salmon Treaty (including Yukon R. negotiations), North Pacific Anadromous Fisheries Commission, US/Russia Intergovernmental Consultative Committee on Fisheries, Convention on Conservation and Management of Police Resource of the Central Bering Sea, North Pacific Marine Sciences Organization (PICES), and International Pacific Halibut Commission.

Federal Drug Administration Laws. We get involved in testing fish drugs for approval for use in hatcheries. Without our participation, it is most likely the needed research would not be conducted.

Federal Land Use Laws. These include such laws as the Wilderness Act and ANILCA. We get involved in development and application of these laws to protect the state's interests. We are also directly affected when the laws effect our programs, such field camps and hatcheries.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: 1/26/95 Dept. Affected: Fish and Game
 Title: State implementation of federal statutes BRU: Commercial Fisheries (Limited) Entry Commission
 Component: Limited Entry Program Administration
 Sponsor: Rep. Ogan
 Requester: Re: Ogan COMPONENT SERIAL NO. 0471

(Thousands of Dollars)

| Expenditures/Revenues | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | | | | | | |
| 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 () | | | | | | |
|------------------------|--|--|--|--|--|--|

(Thousands of Dollars)

| FUND SOURCE | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)
 The CFEC is currently defending the state's interest in limited entry permits against action by the Internal Revenue Service (IRS) in USA v. George Gatter and the State of Alaska, Commercial Fisheries Entry Commission. The IRS is demanding a transfer of a limited entry permit before state transfer requirements have been approved.

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/26/95

Approved by Commissioner: Frank Homan 
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/26/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____
 Title: An Act relating to state implementation of
federal statutes.
 Sponsor: Ogan, Porter
 Requestor: H Sct

Dept. Affected: Health and Social Services
 BRU: Administrative Services
 Component: Commissioner's Office
 COMPONENT SERIAL NO. 317
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
|------------------------|--------------|-------------|-------------|-------------|-------------|--------------|
| PERSONAL SERVICES | 77.4 | 80.3 | 83.3 | 86.4 | 89.7 | 93.0 |
| TRAVEL | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| CONTRACTUAL | 200.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| SUPPLIES | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| EQUIPMENT | 5.0 | 0.0 | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 288.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |

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

| | | | | | | |
|-------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES () | | | | | | |
|-------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|-------------|-------------|-------------|-------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 288.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other (please specify) | | | | | | |
| TOTAL | 288.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

A general scenario for implementation is that a Special Assistant will be required in the Commissioner's Office to coordinate the initial and on-going efforts related to this legislation. A contractor will be used for the initial review and implementation steps to avoid any additional state staffing; a Special Assistant in the Commissioner's Office will allow the avoidance of divisional biases in assessments, provide coordination among divisions, and assure consistency with departmental policy and direction.

An assumption is made that on-going efforts will be needed with respect to federal mandates despite current activity in Congress to reduce such phenomena. Position cost is assumed to grow at 3.75% per year. Support costs for the position will be held at the same level as FY96. Equipment costs are one-time costs for position support with no consideration for replacement. Future costs could be influenced by the extent of future federal mandates. Contractor costs are estimated at 25 weeks at \$200/hr.

Prepared by: Richard Renninger
 Division: Administrative Services

Phone: 465-3331
 Date: 01/24/95

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1-24-95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____
 Title: "An Act relating to state implementation of federal statutes."
 Sponsor: Representative Ogan
 Requestor: House Special Comm. on World Trade

Department Affected: Labor
 BRU: Commissioner's Office
 Component: Commissioner's Office
 COMPONENT SERIAL NO. 340

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUE | | | | | | |
| FUND SOURCE # | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipt | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

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

Estimate of current year (FY95) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)
 The review process required by Sec. 37.40.010 formalizes ongoing program review that currently takes place in the department. The reporting requirements would be implemented with minimal impact on the department's operating budget.

Prepared by: Arbe Williams, Director Phone: 465-5981
 Division: Administrative Services Date: 1/24/95

Approved by Commissioner: *Tom Cashen*
Tom Cashen, Commissioner
 Agency: Department of Labor Date: 1/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to state implementation of BRU: Legal Services
federal statutes . . ." Component: Operations
 Sponsor: Representative Ogan
 Requester: Representative Ogan COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|--------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | 150.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 150.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 150.0 | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 150.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

| | | | | | | |
|-----------|-----|--|--|--|--|--|
| FULL-TIME | 0.0 | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill requires commissioners or agency heads of departments and agencies that administer programs that implement federal statutes that impose mandated duties on the state, to review all federal statutes, regulations, guidelines, and policies pertaining to the programs and to identify those provisions that are inconsistent with state policy or are not cost effective. The commissioners and agency heads are to prepare reports setting out their conclusions, and making recommendations for changes in federal law to make programs consistent with state policy or more cost efficient. The reports are to be submitted to the governor, the house and senate judiciary committees, and the Legislative Budget and Audit Committee.

The bill also provides that commissioners and agency heads authorized to develop a state program to respond to mandates contained in federal statutes shall, with the assistance of the Department of Law, review the applicable federal statutes, regulations, guidelines, and policies to determine whether the federal government has exceeded its constitutional authority to impose mandates on the state. If it is determined that

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/24/95
 Date: 1/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

ANALYSIS CONTINUATION:

the federal government may have exceeded its authority, a commissioner or agency head shall submit a written report to the governor and the house and senate judiciary committees setting out the basis for this determination.

The Department of Law will be extensively involved in determinations where federal mandates may have exceeded their constitutional authority. Initially, section supervisors and senior legal staff who are responsible for assisting the department's client agencies will provide a review of state-implemented, federally-mandated programs. This review will be under the supervision of the Deputy Attorney General for the civil division. The department will seek and employ expert outside counsel to conduct a second review of those federal mandates that the department believes may have exceeded the federal government's constitutional authority to impose on the state. Use of a constitutional law expert to make a second review, once the department's initial analysis has been completed, will be more efficient than hiring and training staff for this purpose. And it will insure that the high level of thoroughness required of an undertaking of this nature is provided.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB83 *

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act relating to state implementation of federal statutes. BRU: Management & Administration
 Component: Commissioner's Office
 Sponsor: Representatives Ogan, Porter
 Requestor: _____ Component Serial No. 423

| Expenditures/Revenues | (Thousands of Dollars) | | | | | |
|-------------------------------|------------------------|------|------|------|------|------|
| OPERATING EXPENDITURES | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
| 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 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| FUND SOURCE | (Thousands of Dollars) | | | | | |
|--------------------------|------------------------|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ None

| POSITIONS | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
|-----------|------|------|------|------|------|------|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

* This fiscal note is input to OMB for consolidation into a single fiscal note for the State of Alaska for both HB83 and HJR8.

Implementation of HB83 will require approximately two man-months of time for the Department of Natural Resources on an annual basis. The majority of this time will be spent in the Division of Mining & Water and the Division of Forestry. All Division's have indicated that the required tasks could be accomplished with existing staff and do not anticipate the need for additional staff at this time.

Prepared by: Nico Bus, Acting Legislative Liaison Phone: 465-2406
 Division: Commissioner's Office Date: 24-Jan-95
 Approved by Commissioner: Nico Bus for Mr. Rutherford, Act. Comm. Date: 1/24/95
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB 83

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act Relating to state implementation of BRU: Statewide
Federal Statutes Component: Administrative Services
 Sponsor: Rep. Ogan
 Requestor: House State Affairs COMPONENT SERIAL NO. 525

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|--------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | 5.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| TRAVEL | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 6.0 | 4.0 | 4.0 | 4.0 | 4.0 | 4.0 |
| CAPITAL EXPENDITURES | 0 | 0 | 0 | 0 | 0 | 0 |
| CHANGE IN REVENUES () <small>Revenue Code</small> | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|--|--|--|--|--|--|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | | | | | | |

Estimate of current year (FY 95) impact: \$ 0

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary.)
See attached

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 1/24/95
 Approved by Commissioner: Ronald L. Otte Date: 1/26/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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Department of Public Safety
Fiscal Note Analysis
HB 83
Page 2 of 2

The annual review will require a person to establish a format and timetable, seek field input, compile responses from all programs, review with the Commissioner's Office, draw conclusions, make recommendations and issue the report.

Time will be required for followup on those federal issues pending or needing change to review with the Department of Law and to answer questions made by the legislature during its review defined in Section 37.40.020.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB83

Revision Date: 1/23/95 Dept. Affected: Revenue
 Title: Review of Federally Mandated programs BRU: CSED, AHFC Operations
 Component: CSED, AHFC Operations
 Sponsor: Ogan, Porter
 Requester: _____ COMPONENT SERIAL NO. 111,110

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|--------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | 105.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 105.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |

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

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 33.0 | 3.3 | 3.3 | 3.3 | 3.3 | 3.3 |
| 1003 GF Match | 17.0 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | 55.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| TOTAL | 105.0 | 8.0 | 8.0 | 8.0 | 8.0 | 8.0 |

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSED: \$50.0 FY96, \$5.0 thereafter

A comprehensive review of all CSED's federal programs will be done in FY96 by CSED's assigned Assistant Attorney General or an outside contractor. Estimated costs for FY97 through FY01 would be for analysis of changes in mandated programs.

AHFC Operations: \$55.0 FY96, \$3.0 thereafter

A comprehensive review of all AHFC's federal programs will be done in FY96 by AHFC's assigned Assistant Attorney General. Estimated costs for FY97 through FY01 would be for analysis of changes in mandated programs.

Prepared by: Bob Baralko, Mary Sutton
 Division: Administrative Services Division
 Approved by: _____
 Commissioner: Deborah Voad
 Agency: Revenue

Phone: 465-2312
 Date: 1/23/95
 Date: 1/23/95

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 83

1995 LEGISLATIVE SESSION

Revision Date: 01/16/95 Dept. Affected: DOT&PF
 Title: An Act relating to state implementation of federal statutes BRU: Design & Construction, Maintenance & Operations
 Component: Design & Construction
 Sponsor: Ogan, Porter
 Requester: Jack Kreinheder, OMB COMPONENT SERIAL NO. 547

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 42.0 | 21.0 | 21.0 | 21.0 | 21.0 | 21.0 |
| TRAVEL | | | | | | |
| CONTRACTUAL | 5.0 | | | | | |
| SUPPLIES | 3.0 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 50.0 | 22.5 | 22.5 | 22.5 | 22.5 | 22.5 |
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | | | | | | |
| 1004 GF | 50.0 | 22.5 | 22.5 | 22.5 | 22.5 | 22.5 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 50.0 | 22.5 | 22.5 | 22.5 | 22.5 | 22.5 |

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: The Department's major emphasis in reviewing Federal Requirements would be with Federal Highway Administration and Federal Aviation Administration along with federal building related issues. Alaska DOT&PF's reviews would have to include but not be limited to the many and various requirements for such areas as: Clean Air, Clean Water, Wet Lands, Permitting, ADA, OSHA, EPA and the list goes on and on. As an example, attached is a listing of nineteen sanctions which can be applied to the Highway funding. The first rough estimate of the effort would be 4 months (175hr/mo) by a technical engineer, range 22 at cost of \$60/hr equals \$10,500/mo or \$42,000 for the first year plus some costs for supplies, \$3,000 and contract, \$5,000 which totals \$50,000. After the first year, it would be much easier and is estimated at only two months of effort plus some minor supplies.

Prepared by: Loren Rasmussen
 Division: Engineering and Operations Standards
 Approved by Commissioner: *Joseph L. Ventresca*
 Agency: Department of Transportation & Public Facilities

Phone: 465-2960
 Date: 01/24/95
 Date: 01/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

| | | |
|----------------|-------------------------------------------------------------|------------------------------------------------------|
| Revision Date: | | Dept. Affected: <u>Military and Veterans Affairs</u> |
| Title: | <u>Relating to state implementation of federal statutes</u> | BRU: <u>Alaska National Guard</u> |
| Sponsor: | <u>Rep Ogan</u> | Component: <u>Commissioner's Office</u> |
| Requestor: | <u>House Com on World Trade & State/Fed Relations</u> | COMPONENT SERIAL NO. 414 |

| Expenditures/Revenues | (Thousands of Dollars) | | | | | |
|------------------------|------------------------|------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
| PERSONAL SERVICES | | | | | | |
| TRAVEL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 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 () | | | | | | |
|------------------------|--|--|--|--|--|--|

| FUND SOURCE | (Thousands of Dollars) | | | | | |
|--------------------------|------------------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1008 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Jeff Morrison, Director
 Division: Administrative Support Services Division
 Approved by Commissioner: *J Morrison for* MG Jake Lestenkof
 Agency: Military and Veterans Affairs

Phone: 485-4730
 Date: 1/30/95
 Date: 1/30/95

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OFFICE OF MANAGEMENT AND BUDGET

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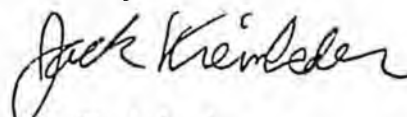
February 7, 1995

The Honorable Ramona Barnes
Chair, House Special Committee on World Trade and
State/Federal Relations
State Capitol
Juneau, Alaska 99801

Dear Representative Barnes:

Enclosed are revised fiscal notes for CSHB 83(WTR) from the Office of the Governor, Department of Health and Social Services, and Department of Revenue. For all of the other departments, the committee substitute for HB 83 is not expected to change the fiscal impacts from the original version of the bill.

Sincerely,



Jack Kreinheder
Senior Policy Analyst

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB83

Revision Date: 2/6/95
Title: Review of Federally Mandated Programs

Dept. Affected: Revenue
BRU: CSED.AHFC Operations
Component: CSED.AHFC Operations

Sponsor: Ogan, Porter
Requester: (H)WTR

COMPONENT SERIAL NO. 111110

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 () | | | | | | |
|------------------------|--|--|--|--|--|--|

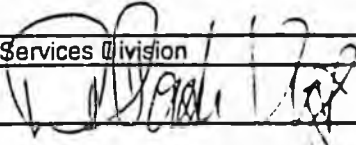
FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

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

Prepared by: Bob Baratko
Division: Administrative Services Division
Approved by: 
Commissioner: Deborah Voigt
Agency: Revenue

Phone: 465-2312
Date: 2/6/95
Date: 2/6/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 83 (WTR)

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: An Act relating to state implementation of BRU: Office of Management and Budget
federal statutes. Component: Office of the Director
 Sponsor: Ogan
 Requester: House Special Comm. on World Trade... COMPONENT SERIAL NO. 1385

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|------------------------|--------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 134.1 | 70.1 | 72.8 | 75.5 | 78.3 | 81.2 |
| TRAVEL | | | | | | |
| CONTRACTUAL | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 135.6 | 71.6 | 74.3 | 77.0 | 79.8 | 82.7 |

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

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 135.6 | 71.6 | 74.3 | 77.0 | 79.8 | 82.7 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 135.6 | 71.6 | 74.3 | 77.0 | 79.8 | 82.7 |

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | 2 | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would require the Office of Management and Budget to annually review each program administered by each department or agency or agency of the executive branch that implements federal statutes that impose mandated duties on the state. OMB would also be required to review federal statutes, regulations, guidelines and policies and identify those provisions that are inconsistent with state policy or are not cost-effective. OMB would prepare a report on this work by February 1 of each year.

Staffing requirements for this bill are difficult to project; however, our best estimate for the comprehensive statewide analysis required by the bill is that three positions would be necessary in FY 96 from July 1 until February 1, and one position thereafter. These positions include:

For FY 96, July 1 to February 1, two policy analysts at Range 21 and one research analyst II at Range 15. After February 1 of FY 96, one policy analyst at Range 21. Position costs assumed to grow at 3.75% per year.

Prepared by: Annalee McConnell, Director *Annalee McConnell* Phone: 465-4660
 Division: Office of Management and Budget Date: 2/7/95

Approved by Commissioner: Jim Ayers, Chief of Staff *Jim Ayers* Date: 2/7/95
 Agency: Office of the Governor

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CS HB 83 (WTR)

Revision Date: _____
 Title: An Act relating to state implementation of
federal statutes.
 Sponsor: Ogan, Porter, ...
 Requestor: House WTR

Dept. Affected: Health and Social Services
 BRU: Administrative Services
 Component: Commissioner's Office
 COMPONENT SERIAL NO. 317
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
|------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| PERSONAL SERVICES | 77.4 | 80.3 | 83.3 | 86.4 | 89.7 | 93.0 |
| TRAVEL | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| CONTRACTUAL | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| SUPPLIES | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| EQUIPMENT | 5.0 | 0.0 | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 91.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |

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

| | | | | | | |
|-------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES () | | | | | | |
|-------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| FUND SOURCE | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
|--------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 91.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other (please specify) | | | | | | |
| TOTAL | 91.4 | 89.3 | 92.3 | 95.4 | 98.7 | 102.0 |

POSITIONS:

| POSITIONS: | FY96 | FY97 | FY98 | FY99 | FY00 | FY01 |
|------------|------|------|------|------|------|------|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

A general scenario for implementation is that a Special Assistant will be required in the Commissioner's Office to coordinate the initial and on-going efforts related to this legislation. A Special Assistant in the Commissioner's Office will allow the avoidance of divisional biases in assessments, provide coordination among divisions, and assure consistency with departmental policy and direction. With the change in implementation responsibility for on-going reviews, it is assumed that OMB will cover any significant up-front implementation costs.

An assumption is made that on-going efforts will be needed with respect to federal mandates despite current activity in Congress to reduce such phenomena. Position cost is assumed to grow at 3.75% per year. Support costs for the position will be held at the same level as FY96. Equipment costs are one-time costs for position support with no consideration for replacement. Future costs could be influenced by the extent of future federal mandates.

Prepared by: Richard Renninger
 Division: Administrative Services

Phone: 465-3331
 Date: 02/02/95

Approved by Commissioner: Karen Perdue
 Agency: Department of Health & Social Services

Date: 2/2/95

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1993 DISCUSSION TOPIC
AASHTO-AGC-ARTBA JOINT COMMITTEE

Title: The Impacts of Sanctions and Mandates
on the Transportation Program
(Suggested by AASHTO)

Over the years the Congress has enacted a number of mandated requirements on the Federal-aid highway and transportation program. These mandates are sometimes related to requirements affecting the selection and award of contracts, as with Davis-Bacon and DBE-WBE requirements. Beyond these contractual requirements, Congress also may limit how funds are to be utilized. These mandates all act to control how the states administer the Federal-aid highway programs.

Beyond these mandates, Congress has also enacted a number of sanctions that can be applied to the Federal-aid highway and transportation programs, if the states do not implement a specific action or program mandated by the Congress. These sanctions inherently affect how the states administer the Federal-aid highway and transit programs, since unless the mandates involved are met to the satisfaction of the Federal government the sanctions will be imposed.

Attached is a listing of 19 current sanctions as compiled by the Federal Highway Administration, all of which require states to take specific actions if the sanction is to be avoided. States endeavor to avoid the imposition of all of these sanctions, and this effort has an impact on how the Federal-aid highway and transportation programs are carried out within the state. Many of these sanctions are long-standing, and relate with engineering issues, such as those relating to enforcement of vehicle size and weight, maintenance of the highway system, and required management systems. Others are operations related, such as those relating to speed limits.

In addition, there are sanctions established to encourage states to impose requirements on the driver and the vehicle, such as enforcement of the Federally-required commercial drivers license, minimum drinking age and drug offenders laws, and use of safety belts and motorcycle helmets. Other sanctions such as control of outdoor advertising and control of junkyards are established to persuade states to enact and enforce specific laws that are not truly transportation related. A concern of state highway and transportation departments about the sanctions discussed in this paragraph is that they often are not the responsible agency for implementing the actions on which the sanctions are based, and thus cannot control the situation.

Added to these are sanctions that affect the administration of the whole transportation program, such as those relating to Clean Air Act compliance and air quality nonconformity, metropolitan planning, and administration of the new surface transportation planning. These sanctions are of particular concern currently, and the real possibility of their enforcement in several states, especially those relating to the Clean Air Act, could essentially stop all transportation projects in regions or the whole area of those states.

Finally, there are also sanctions imposed by Congress in an effort to force states to adopt certain engineering materials and practices. A recent example is the requirement for use of recycled rubber in hot mix asphalt, which if not followed can result in a cut-off of significant amounts of Federal-aid highway funding.

The members of the Joint Committee have not as a group concentrated on the array of these mandates and sanctions, how their presence affects the administration of the Federal-aid programs by the states, and how the imposition of the sanctions could severely disrupt the nation's transportation system. As Congress has considered these mandates and sanctions, their advocates have prevailed in a general climate of limited or no debate on the need for and impacts of the mandates and sanctions. At the least, greater awareness by all the members of the Joint Committee of the extent, and the current and potential impacts of these Congressional enactments is needed.

List of Current Congressionally Enacted Sanctions
and Penalties That Can Be Imposed on States
Under the Federal-Aid Highway Program

(As provided by the Federal Highway Administration,
with Legislative and Statutory Provision Identification Added)

1. Vehicle Weight Limitations 23 U.S.C. 127
P.L. 93-643, 1975; P.L. 95-599, 1978

- o States must permit a minimum and maximum of 20,000 pound single axle, 34,000 pound tandem axle, and 80,000 pound gross weight of combination (5-axle) vehicles to operate on the Interstate. Maximum weight cannot exceed allowable under bridge formula.

Penalty - Withholding of National Highway System (NHS) apportionments. If not restored during availability period, the apportionment lapses.

2. Enforcement of Vehicle Size and Weight 23 U.S.C. 141
P.L. 97-424, January 1983
Amended P.L. 102-240

- o Each state must certify that it is enforcing all State laws respecting maximum vehicle size and weight.

Penalty - Withholding of 10 percent of the apportionments for Interstate Construction (IC), Interstate Maintenance (IM), NHS, Surface Transportation Program (STP), and Congestion Mitigation and Air Quality (CM&AQ). Apportionments are restored if enforcement is shown to be acceptable within 1 year; otherwise, reapportioned to other States.

3. Registration - Proof of Heavy Vehicle Use Tax Payment 23 U.S.C. 141
P.L. 97-424

- o States must require proof of payment of heavy vehicle use tax prior to registering heavy vehicles subject to the use tax.

Penalty - Withholding of up to 25 percent of the apportionments for IC and IM. The withheld apportionment is reapportioned to other States using 104(b)(5), i.e., IC and IM, formulas.

4. National Maximum Speed Limit 23 U.S.C. 141 and 154
P.L. 93-643, January 1975
P.L. 95-599, November, 1978

- o States must not have a maximum speed limit on any public highway in excess of 55 m.p.h. except a maximum of 65 m.p.h. is permitted on rural Interstates and some non-Interstate routes outside of urbanized areas of more than 50,000 population that are constructed to appropriate standards. The States must certify that they are enforcing all speed limits on public highways.

Penalty - Cessation of project approvals for Federal-aid highway projects if State has higher than allowed speed limit or for failure to certify that it is enforcing speed limits.

5. National Maximum Speed Limit Enforcement 23 U.S.C. 154
P.L. 102-240

- o Until December 1993, States must support their certification of maximum speed limits with data showing that the percentage of vehicles exceeding the speed limit on maximum speed limit highways is less than 50 percent. After December 1993, the State must support certification in accord with compliance criteria to be established by the Secretary.

Penalty - Until December 1993, withholding of up to 10 percent of the apportionments for NHS, STP, and CM&AQ for the following fiscal year. (Moratorium on sanctions for FY 1990 and FY 1991.) Future sanctions to be determined by Secretary through an enforcement rule that will provide for transfer of apportionments (except IC and IM) if State fails to enforce speed limits.

6. Control of Outdoor Advertising

23 U.S.C. 131
Revised P.L. 89-285, 1965
Amended P.L. 93-643, 1975
P.L. 102-240, 1991

- o States must provide for effective control of outdoor advertising signs along the Interstate System, the primary system as it existed on June 1, 1991, and any highway not on such system but on the NHS. Effective control has been expanded to include prohibiting the erection of new signs on designated scenic byways on the Interstate System and Federal-aid primary system.

Penalty - Withholding of 10 percent of the apportionments for IC, IM, NHS, STP, and CM&AQ. The withheld apportionment is reapportioned to other States. The Secretary may suspend application of the penalty if he finds that to be in the public interest.

7. Control of Junkyards

23 U.S.C. 136

- o States must provide for effective control of the establishment and maintenance of junkyards along the Interstate and primary systems.

Penalty - Withholding of 10 percent of the apportionments for IC, IM, NHS, STP, and CM&AQ. The withheld apportionment is reapportioned to other States. The Secretary may suspend application of the penalty if he finds that to be in the public interest.

8. Maintenance

23 U.S.C. 116

- o States must properly maintain or cause to be maintained any project constructed under the provision of the Federal-aid Highway Program.

Penalty - Cessation of project approvals for all types of projects in the State highway district, municipality, county, and other subdivisions of the State or the entire State.

9. Clean Air Act Compliance

1990 Clean Air Act Amendments
P.L. 101-549, Section 179

- o States are subject to State Implementation Plan (SIP) related sanctions. States must submit and implement all provisions of a complete, adequate SIP that provides for attainment of air quality standards in accordance with intermediate and final deadlines specified in the 1990 Clean Air Act Amendments.

Penalty - Cessation of project approvals within the nonattainment area; sanctions may be expanded to cover the entire State under certain circumstances at the discretion of the EPA Administrator. Penalty applies for failure to submit SIP; Environmental Protection Agency (EPA) disapproval of SIP; failure to implement; and failure to submit any provisions required by the Clean Air Act Amendments. Some projects are

exempt from sanctions (i.e., seven congressionally authorized activities that discourage single occupancy vehicles (SOV); safety projects whose principle purpose is to improve safety by significantly reducing or avoiding accidents; and projects which EPA finds will improve air quality and not encourage SOV).

10. Air Quality Nonconformity 1990 Clean Air Act Amendments
P.L. 101-549, Section 176

- o No transportation plan, program, or project may be approved, accepted, or funded unless it has been found to conform to an applicable SIP by the metropolitan planning organization and the DOT. This means a well-coordinated FHWA/FTA finding, based on technical analysis of transportation and emissions models.

Penalty - Lack of a conformity determination on an area's transportation plan or transportation improvement program will prevent the expenditure of FHWA and FTA funds on any activities, with the exception of certain exempt categories. Such a penalty would apply to the entire nonattainment area. Further, if the reason for nonconformity is not implementing transportation control measures, it could lead to the imposition of highway sanctions on a Statewide basis.

11. Interstate System Maintenance 23 U.S.C. 119
Reinstated P.L. 95-599, 1978
Amended P.L. 96-106, 1979

- o Each State must certify on each January 1 that it has a program to maintain the Interstate System in accordance with guidelines issued by the Secretary.

Penalty - Withholding of 10 percent of IC and IM apportionments for failure to certify or if Secretary finds State is not adequately maintaining System in accordance with the required program. Withheld funds can be restored if, within 1 year, State is found to be maintaining the Interstate System according to guidelines; otherwise, withheld funds are reapportioned to other eligible States.

12. National Minimum Drinking Age 23 U.S.C. 158 (as amended by
Section 4104 of P.L. 99-272)

- o States must have laws that prohibit the purchase or public possession of any alcoholic beverage by a person who is less than 21 years old.

Penalty - Withholding of 10 percent of the apportionments for IC, IM, NHS, and SIP. Any funds withheld lapse except that withheld IC and IM funds lapse and are made available, to other States through the respective discretionary funds.

13. Commercial Drivers License Commercial Motor Vehicle Safety Act
of 1986, P.L. 99-570, Section 12011

- o States must be in compliance with minimum Federal standards for licensing, reporting, and penalties.

Penalty - Withholding (of 5 percent for FY 1994 and 10 percent in the following fiscal years) of the apportionments for IC, IM, NHS and STP. Funds withheld before September 30, 1995 are reserved for 4 years except that IC funds are reserved for 2 years. If, within this period, the State comes into compliance, and remains in compliance for one year, the funds may be restored. Otherwise the funds lapse, except that IC and IM funds which lapse are made available to other States through the respective discretionary funds. For funds withheld after September 30, 1995, there is no reserve period; that is, they lapse with results as stated above.

14. Drug Offenders 23 U.S.C. 159
P.L. 101-516, 1991, Section 333

- o States must have laws that require the revocation or suspension of driver's licenses for at least 6 months for those convicted of any violation of the Controlled Substances Act or any drug offense.

Penalty - Withholding (of 5 percent in FYs 1994-1995 and 10 percent in the following fiscal years) of the apportionments for IC, IM, NHS, and STP. Funds withheld before September 30, 1995 are reserved for 4 years, except that IC funds are reserved for 2 years and IM funds for 3 years. If, within this period, the State comes into compliance, the funds may be restored. Otherwise the funds lapse, except that IC and IM funds which lapse are made available to other States through the respective discretionary funds. For funds withheld after September 30, 1995, there is no reserve period; that is, they lapse with results as stated above.

15. Metropolitan Planning 23 U.S.C. 134
P.L. 102-240, 1991, Section 1024

- o Metropolitan Planning Organizations (MPOs) in Transportation Management Areas must be certified at least every 3 years by the Secretary of Transportation to be carrying out the required planning process.

Penalty - If an MPO is not certified after September 30, 1991, the Secretary may withhold all or part of the portion of the STP apportionment and formula apportionment of FIA Section 9 funds ~~attributed to relevant metropolitan area, unless area is not certified~~ for more than 2 consecutive years after September 30, 1994, 20 percent of attributable STP and Section 9 funds must be withheld. Funds are restored when the area is certified.

16. Use of Safety Belts and Motorcycle Helmets 23 U.S.C. 153
P.L. 102-240, 1991, Section 1031

- o States must have laws 1) that make it unlawful to operate a motorcycle if anyone on the motorcycle is not wearing a helmet, and 2) that make it unlawful to operate a passenger vehicle if any front seat occupant (other than a child secured in a child restraint system) is not properly wearing a seat belt.

Penalty - If a State does not have the laws in effect any time in FY 1994, the Secretary will transfer 1 1/2 percent of each of the FY 1995 apportionments for NHS, STP, and Congestion Mitigation and Air Quality to the Section 402 safety program. After FY 1994, the amount transferred will be 3 percent.

17. Management Systems 23 U.S.C. 303
P.L. 102-240, Section 1034

- o The State must develop, establish, and implement management systems for managing: highway pavement of Federal-aid highways, bridges on and off Federal-aid highways, highway safety, traffic congestion, public transportation facilities and equipment, and intermodal transportation facilities and systems.

Penalty - States must be implementing each management system beginning in FY 1995, and must annually certify, before January 1 of each fiscal year (the first certification is due by January 1, 1995) that the systems are being implemented, or the Secretary may withhold up to 10 percent of funds apportioned under Title 23, U.S.C., or under the Federal Transit Act for any fiscal year beginning after September 30, 1995.

18. Use of Recycled Paving Materials P.L. 102-240, Section 1038

- o Beginning on January 1, 1995, a State must certify to the Secretary that it has satisfied the minimum utilization requirement for asphalt pavement containing recycled rubber as a percentage of total tons of asphalt laid in the State and financed with Federal-aid under Title 23. The percentages are: 5 percent in 1994, 10 percent in 1995, 15 percent in 1996, and 20 percent for 1997 and the following years.

Penalty - The Secretary will withhold a percentage of the apportionments for Interstate Maintenance, NHS, STP and Congestion Mitigation and Air Quality equal to the percentage utilization requirement for that particular year. The Secretary may waive the penalty for any 3-year period upon evidence of health, environment and performance problems associated with asphalt pavements containing rubber. Individual State exceptions can be made if there is an insufficient supply of scrap tires.

19. Surface Transportation Program

23 U.S.C. 133
P.L. 102-240, Section 1007

- o State must comply with all provisions of law relating to the Surface Transportation Program.

Penalty - If a State fails to take corrective action within 60 days after being notified by the Secretary of non compliance, future STP apportionments will be withheld until corrective action has taken place.

Assumes technical corrections to the ISTEA so that penalty provisions will conform with the Federal-aid programs as defined in the ISTEA.



Alaska Environmental Lobby, Inc.

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HB 83 - Federal Mandates

The Alaska Environmental Lobby strongly supports all endeavors that serve to give the people in Alaska opportunities to better manage all resources; human, physical and spiritual. We feel there are many states rights issues which must be addressed, if we are going to move with intelligence and consistency into the 21st Century.

We also believe, as does the sponsor of this legislation that the state government should "scrutinize the extent and scope of authority asserted by the federal government" in many areas.

There are many examples of federal mandates, where the benefits to this state and it's citizens, in economic, public health and safety terms, have been substantial. Minimum drinking age, compensatory schooling, safe working standards. The U.S. Congress is not made up of raging environmentalists. They have not conspired to keep Alaska from using it's resources, they are interested in the health and safety concerns of all it's citizens.

It has been suggested that this legislation could save the state money. We have been unable to determine how additional administrative costs, forays into litigation with the federal government and forfeiture of federally mandated monies will help Alaska's economy. In a time when we all feel the need to be frugal and fiscally responsible HB 83 seems uncertain.

However, we feel that this can be done in less costly - in real administrative costs and potential litigation charges - and more efficient ways than those proposed in HB 83. It is unnecessary to do this on statutory basis. State agencies are already capable of telling us when a program is unnecessary, over burdensome, overpriced and onerous. A legislator with a specific concern is able to contact the specific agency and get all the pertinent information. At a time when interagency cooperation is stressed, this would seem a viable and efficient alternative.

