

SB

1

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

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SPONSOR STATEMENT

SENATE BILL 1

Before the House State Affairs Committee
March 28, 1995

Senate Bill 1 was introduced as a companion measure to SJR 7, the Tenth Amendment resolution which has already passed the Legislature and been transmitted to the Governor. The resolution demands that Congress stop the practise of passing federal mandates which exceed Congressional authority under the Tenth Amendment.

Senate Bill 1 is an attempt to identify federal mandates, both statutory and regulatory, which conflict with State policy or exceed Constitutional limitations. Similar legislation, passed in Colorado last year, declares that the state government has an obligation to the public to do what is necessary to protect the rights of the citizens of the state under federal law while minimizing or eliminating any additional cost or regulatory burden.

To accomplish this goal, SB 1 would require an annual review by the executive branch of each program mandated by Congress. An annual report to the Governor and the Legislative Budget and Audit Committee would set out conclusions and make recommendations for changes in the federal law to make a program consistent with state policy or more cost effective. A determination could also be made, with the assistance of the Department of Law, on whether the mandate exceeds federal authority.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Sixman • Sitka • Wrangell

Sponsor Statement - SB1

2/7/95

Page Two

Section 1 of the bill finds that there is an urgent need to modify certain mandates because implementation of those mandates wastes the financial resources of the state, municipalities and residents and that federal regulators often do not understand the needs and priorities of Alaska.

SB1 also provides for legislative review of federal mandates. The Legislative Budget and Audit Committee would be charged with making recommendations to the Governor on the need to seek a change in the federal statute, regulation or policy suited to the needs of the state; suggest changes in the affected state program to implement the mandate more efficiently ; or to pursue the possibility of a legal challenge to the validity of the mandate.

Passage of SB1 will add credence to the Legislature's passage of SJR 7. It will tell the citizens of Alaska that we intend to protect their rights by countering notions of federalism which conflict with the intent of the Founding Fathers.

In its' consideration of SB 1, the Senate Finance Committee zeroed out the fiscal notes submitted by various departments of state government. The Finance position was that most of the information required to implement the bill is already available to state agencies and there is no need for additional staff or equipment to accomplish the job. The Senate passed SB 1 on March 9 by a vote of 11-8.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 19
Bill Version: SB 1
(S) Publish Date: 3-2-95

Revision Date: _____
Title: State implementation of
federal statutes
Sponsor: Sen. Taylor, et al
Requestor: Senate Finance Committee

Dept. Affected All Departments
BRU: _____
Components: _____
Serial # _____

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	0.0	0.0	0.0
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						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

*#19 replaces #1-18
previous notes*

Prepared by: Senate Finance Committee
Rick Halford
Senator Rick Halford, Co-chair

Steve Frank
Senator Steve Frank, Co-chair

Date: 3/2/95
Phone: 465-4958

Date: 3/2/95
Phone: 465-3709

1994

**UNPROOFED ADVANCE
UNOFFICIAL COPY**

SENATE BILL 94-157

BY SENATORS Norton, R. Powers, Wells, Bird, Bishop, Hopper, Johnson, Meiklejohn, Rizzuto, Roberts, Schroeder, Tebedo, Traylor, and Wattenberg;
also REPRESENTATIVES Berry, Acquafresca, Adkins, Agler, Allen, Anderson, Chlouber, Epps, Fleming, George, Jerke, Kreutz, Lawrence, May, Moellenberg, Morrison, Owen, Pfiffner, Schauer, Taylor, and Tucker.

CONCERNING THE IMPLEMENTATION OF FEDERAL MANDATES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 78
Federal Mandates Act**

**PART 1
IMPLEMENTATION OF FEDERAL MANDATES**

24-78-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "FEDERAL MANDATES ACT".

24-78-102. Legislative declaration. (1) (a) IN ENACTING THIS ARTICLE, THE GENERAL ASSEMBLY EMPLOYS ITS LEGISLATIVE AUTHORITY TO ESTABLISH THAT THE PEOPLE OF THE STATE OF COLORADO, ACTING THROUGH THEIR ELECTED OFFICIALS IN COLORADO STATE GOVERNMENT, HAVE THE RESPONSIBILITY AND AUTHORITY TO ESTABLISH POLICY IN AND FOR COLORADO PERTAINING TO FEDERAL PROGRAMS MANDATED IN FEDERAL STATUTES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE INTENT OF THE GENERAL ASSEMBLY IS TO ASSURE THE PRIMACY OF THE STATE OF COLORADO'S LEGAL AND POLITICAL AUTHORITY TO IMPLEMENT IN AND FOR COLORADO THE POLICY MANDATED BY FEDERAL STATUTES AND TO VIGOROUSLY CHALLENGE AND SCRUTINIZE THE EXTENT AND SCOPE OF AUTHORITY ASSERTED BY FEDERAL EXECUTIVE BRANCH AGENCIES WHEN FEDERAL AGENCY ACTIONS AND INTERPRETATIONS ARE INCONSISTENT WITH COLORADO POLICY AND EXCEED THE LAWFUL AUTHORITY OF THE FEDERAL GOVERNMENT OR ARE NOT REQUIRED BY FEDERAL LAW.

(c) IN THIS CONNECTION THE COLORADO GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) THE POWER TO IMPLEMENT FEDERAL POLICIES IN AND FOR COLORADO IS CENTRAL TO THE ABILITY OF THE PEOPLE OF COLORADO TO GOVERN THEMSELVES UNDER A FEDERAL SYSTEM OF GOVERNMENT; AND

(II) ANY IMPLEMENTATION OF FEDERAL POLICIES IN AND FOR COLORADO BY FEDERAL EXECUTIVE BRANCH AGENCIES THAT IS CONTRARY TO FUNDAMENTAL NOTIONS OF FEDERALISM AND SELF-DETERMINATION MUST BE IDENTIFIED AND COUNTERED.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) THERE IS AN URGENT NEED TO MODIFY FEDERAL MANDATES BECAUSE THE IMPLEMENTATION OF THESE MANDATES BY THE STATE WASTES THE FINANCIAL RESOURCES OF LOCAL GOVERNMENTS, THE CITIZENS OF COLORADO, AND THE STATE AND DOES NOT PROPERLY RESPECT THE RIGHTS OF THE STATE, LOCAL GOVERNMENTS, AND CITIZENS.

(b) THE STATE GOVERNMENT HAS AN OBLIGATION TO THE PUBLIC TO DO WHAT IS NECESSARY TO PROTECT THE RIGHTS OF COLORADO CITIZENS UNDER FEDERAL LAW WHILE MINIMIZING OR ELIMINATING ANY ADDITIONAL COST OR REGULATORY BURDEN ON ANY CITIZEN OF THE STATE.

(c) THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION DIRECTS THAT POWERS THAT ARE NOT DELEGATED TO THE UNITED STATES ARE RESERVED TO THE STATES OR TO THE PEOPLE. COLORADO, AS ONE OF THE SOVEREIGN STATES WITHIN THE UNION, HAS CONSTITUTIONAL AUTHORITY TO ENACT LAWS PROTECTING THE ENVIRONMENT OF THE STATE AND SAFEGUARDING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF COLORADO. HOWEVER, THIS AUTHORITY HAS TOO OFTEN BEEN IGNORED BY THE FEDERAL GOVERNMENT, AS THE FEDERAL GOVERNMENT HAS INTRUDED MORE AND MORE INTO AREAS THAT MUST BE LEFT TO THE STATES. IT IS ESSENTIAL THAT THE DILUTION OF THE AUTHORITY OF STATE AND LOCAL GOVERNMENTS BE HALTED AND THAT THE PROVISIONS OF THE TENTH AMENDMENT BE ACCORDED PROPER RESPECT.

(d) CURRENT FEDERAL REGULATORY MANDATES, AS REFLECTED IN FEDERAL ADMINISTRATIVE REGULATIONS, GUIDELINES, AND POLICIES, OFTEN DO NOT REFLECT THE REALITIES OF THE ROCKY MOUNTAIN REGION, AND FEDERAL REGULATORS FREQUENTLY DO NOT UNDERSTAND THE NEEDS AND PRIORITIES OF THE CITIZENS OF COLORADO.

(e) THE CITIZENS OF THIS STATE CAN CREATE AND WISH TO CREATE INNOVATIVE SOLUTIONS TO COLORADO'S PROBLEMS, BUT THE CURRENT MANNER IN WHICH LEGAL CHALLENGES TO STATE POLICIES AND FEDERAL PROGRAMMATIC SUBSTITUTIONS OF STATE PROGRAMS ARE HANDLED DOES NOT ALLOW THE STATE THE FLEXIBILITY IT NEEDS. IT IS NOT POSSIBLE FOR THE STATE OF COLORADO TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT THE PROVISIONS OF FEDERAL STATUTES UNLESS THE BURDEN TO PROVE THE INSUFFICIENCY OF THE STATE'S EFFORTS TO IMPLEMENT FEDERAL REQUIREMENTS IS SHIFTED TO THE PERSON OR AGENCY WHO ASSERTS SUCH INSUFFICIENCY.

(f) THE PROVISIONS OF THIS ARTICLE WILL BETTER BALANCE THE EXERCISE OF THE POWERS OF THE FEDERAL GOVERNMENT AND THE POWERS RESERVED TO THE STATES. IN ADDITION, THE APPLICATION OF THIS ARTICLE ULTIMATELY WILL BRING ABOUT GREATER PROTECTION FOR THE STATE AND THE NATION, BECAUSE IT WILL DIRECT THE STATE TO IMPLEMENT FEDERAL STATUTES AT THE LEAST POSSIBLE COST, THEREBY FREEING MORE MONEYS FOR OTHER NEEDS.

(g) THE PURPOSE OF THIS PART 1 IS TO ENSURE THAT FEDERAL MANDATES IMPLEMENTED IN COLORADO COMPLY WITH STATE POLICY AS ESTABLISHED BY THE GENERAL ASSEMBLY.

24-78-103. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL ESTABLISHED PURSUANT TO SECTION 2-3-301 (1), C.R.S.

(2) "FEDERAL STATUTE" MEANS A FEDERAL STATUTE THAT IS IN ACCORD WITH THE UNITED STATES CONSTITUTION IMPOSING MANDATES ON STATE OR LOCAL GOVERNMENTS, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(a) THE FEDERAL "SAFE DRINKING WATER ACT", 42 U.S.C. SEC. 300f, ET SEQ., AS AMENDED;

(b) THE FEDERAL "CLEAN AIR ACT", 42 U.S.C. SEC. 7401, ET SEQ., AS AMENDED;

(c) THE "FEDERAL WATER POLLUTION CONTROL ACT", 33 U.S.C. SEC. 1251, ET SEQ., AS AMENDED;

(d) THE FEDERAL "SOLID WASTE DISPOSAL ACT", 42 U.S.C. SEC. 3251, ET SEQ., AS AMENDED;

(e) THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901, ET SEQ., AS AMENDED;

(f) THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601, ET

SEQ., AS AMENDED;

(g) THE FEDERAL "SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986", P.L. 99-499, AS AMENDED;

(h) THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531, ET SEQ., AS AMENDED;

(i) THE FEDERAL ASBESTOS SCHOOL HAZARD ABATEMENT STATUTE, 20 U.S.C. SEC. 4011, ET SEQ., AS AMENDED;

(j) THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT OF 1993", P.L. 101-336, AS AMENDED;

(k) THE FEDERAL "COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986", 49 U.S.C. SEC. 2501, AS AMENDED;

(l) THE FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993", P.L. 103-3, AS AMENDED;

(m) THE FEDERAL "EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT", P.L. 99-145 AND 99-499, AS AMENDED;

(n) THE FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATION IMPROVEMENT PROGRAM, 20 U.S.C. SEC. 1751, ET SEQ., AS AMENDED;

(o) THE FEDERAL "NATIONAL VOTER REGISTRATION ACT OF 1993", P.L. 103-31, AS AMENDED;

(p) THE FEDERAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM, 42 U.S.C. SECS. 1751 AND 1773, AS AMENDED;

(q) THE FEDERAL SOCIAL SERVICES AND MEDICAID REQUIREMENTS, 42 U.S.C. SEC. 1396, AS AMENDED;

(r) FEDERAL HIGHWAY SAFETY PROGRAMS;

(s) THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", P.L. 102-240, AS AMENDED.

(3) "JOINT BUDGET COMMITTEE" MEANS THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ESTABLISHED PURSUANT TO SECTION 2-3-201 (1), C.R.S.

24-78-104. State programs ~~do~~ implement federal statutes.
(1) ANY STATE OFFICER, OFFICIAL, OR EMPLOYEE CHARGED WITH THE DUTY OF IMPLEMENTING ANY FEDERAL STATUTE SHALL IMPLEMENT THE LAW AS REQUIRED BY THE FEDERAL STATUTE IN GOOD FAITH AND EXERCISING A CRITICAL VIEW TOWARD THE PROVISIONS OF ANY FEDERAL REGULATION, GUIDELINE, OR POLICY IN ORDER TO IDENTIFY THOSE PROVISIONS OF ANY FEDERAL REGULATION, GUIDELINE, OR POLICY THAT ARE INCONSISTENT WITH COLORADO POLICY OR DO NOT ADVANCE COLORADO POLICY IN A

COST-EFFECTIVE MANNER.

(2) ANY AGENCY OF THE EXECUTIVE DEPARTMENT OF STATE GOVERNMENT THAT IS AUTHORIZED TO DEVELOP A STATE PROGRAM TO RESPOND TO ANY MANDATES CONTAINED IN A FEDERAL STATUTE SHALL DEVELOP THE STATE PROGRAM AND PROMULGATE ANY NECESSARY REGULATIONS USING THE FOLLOWING CRITERIA:

(a) STATE PROGRAMS SHOULD BE DEVELOPED BY THE STATE AGENCY TO MEET THE REQUIREMENTS OF FEDERAL STATUTES IN GOOD FAITH WITH A CRITICAL VIEW TOWARD ANY FEDERAL REGULATIONS, GUIDELINES, OR POLICIES.

(b) STATE PROGRAMS SHOULD BE DEVELOPED WITH DUE CONSIDERATION OF THE FINANCIAL RESTRAINTS OF LOCAL GOVERNMENTS, THE CITIZENS OF COLORADO, AND THE STATE, INCLUDING THE LIMITATIONS IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(c) ANY STATE PROGRAM THAT IMPLEMENTS THE GOALS OF THE FEDERAL STATUTE SHOULD USE THE MOST EFFICIENT METHOD POSSIBLE, WITH CAREFUL CONSIDERATION GIVEN TO COST OF THE PROGRAM AND THE IMPACT OF THE PROGRAM ON COLORADO CITIZENS AND LOCAL GOVERNMENTS, AND THE LONG-RANGE PUBLIC HEALTH, SAFETY, AND WELFARE OF CITIZENS OF THE STATE.

24-78-105. Joint budget committee - reports to the executive committee - budgetary savings. (1) THE JOINT BUDGET COMMITTEE SHALL REPORT TO THE EXECUTIVE COMMITTEE REGARDING THE PROPOSED IMPLEMENTATION OF THIS SECTION.

(2) (a) IF ANY STATE PROGRAM IS AUTHORIZED OR MANDATED BY A FEDERAL STATUTE, NO STATE APPROPRIATIONS FOR THE PROGRAM SHALL BE ENACTED UNLESS:

(I) THE STATE PROGRAM IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(II) THE STATE PROGRAM IS NECESSARY TO IMPLEMENT THE FEDERAL STATUTE;

(III) THE OPERATION OF THE STATE PROGRAM BENEFITS THE STATE BY PROVIDING A COST-EFFECTIVE IMPLEMENTATION OF THE FEDERAL STATUTE BY THE STATE, BY LOCAL GOVERNMENT, AND BY BUSINESS; OR

(IV) THE STATE PROGRAM BENEFITS THE STATE, LOCAL GOVERNMENT, AND BUSINESS BY PROVIDING A COST-EFFECTIVE MEANS TO MEET A HIGHER PUBLIC HEALTH, SAFETY, AND WELFARE STANDARD ESTABLISHED UNDER STATE LAW.

(b) EACH STATE AGENCY MAKING A BUDGET REQUEST FOR STATE APPROPRIATIONS FOR A STATE PROGRAM AUTHORIZED OR MANDATED BY FEDERAL STATUTE SHALL INCLUDE IN ITS BUDGET REQUEST CITATIONS TO

THE FEDERAL CONSTITUTIONAL PROVISIONS AND THE STATE CONSTITUTIONAL OR STATUTORY PROVISIONS THAT AUTHORIZE THE STATE PROGRAM. THE JOINT BUDGET COMMITTEE SHALL REVIEW THE BUDGET REQUEST AND DETERMINE WHETHER ADDITIONAL STATE STATUTORY AUTHORITY IS REQUIRED IN ORDER TO IMPLEMENT THE STATE PROGRAM AND SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE EXECUTIVE COMMITTEE THEREON.

(c) THE GENERAL ASSEMBLY, AFTER RECEIVING A RECOMMENDATION FROM THE JOINT BUDGET COMMITTEE AND THE EXECUTIVE COMMITTEE, SHALL DETERMINE WHETHER A STATE PROGRAM IS NECESSARY AND WHETHER FEDERAL CONSTITUTIONAL AUTHORITY AND STATE CONSTITUTIONAL OR STATUTORY AUTHORITY EXIST. THE GENERAL ASSEMBLY SHALL EXERCISE A CRITICAL VIEW TOWARD THE INTERPRETATION OF THE FEDERAL STATUTE FOUND IN FEDERAL REGULATIONS, GUIDELINES, OR POLICIES. ENACTMENT OF STATE APPROPRIATIONS FOR A STATE PROGRAM SHALL CONSTITUTE THE GENERAL ASSEMBLY'S DETERMINATION THAT THE STATE PROGRAM IS NECESSARY AND THAT FEDERAL CONSTITUTIONAL AUTHORITY AND STATE CONSTITUTIONAL OR STATUTORY AUTHORITY EXIST. STATE APPROPRIATIONS MAY NOT BE BASED SOLELY ON REQUIREMENTS FOUND IN REGULATIONS, GUIDELINES, OR POLICIES OF A FEDERAL AGENCY.

(d) PRIOR TO RECOMMENDING TO THE GENERAL ASSEMBLY ANY BUDGET FOR A STATE AGENCY THAT IS CHARGED WITH IMPLEMENTING FEDERAL MANDATES, THE OFFICE OF STATE PLANNING AND BUDGETING AND THE JOINT BUDGET COMMITTEE SHALL REQUIRE THAT THE STATE AGENCY PROVIDE INFORMATION REGARDING ANY MONETARY SAVINGS FOR THE STATE AND ANY REDUCTION IN REGULATORY BURDENS ON THE PUBLIC AND ON LOCAL GOVERNMENTS THAT COULD BE OR HAVE BEEN ACHIEVED THROUGH THE DEVELOPMENT OF STATE POLICIES THAT MEET THE INTENT OF THE FEDERAL STATUTE BUT DO NOT NECESSARILY FOLLOW ALL APPLICABLE FEDERAL REGULATIONS, GUIDELINES, OR POLICIES. THE STATE AGENCY SHALL ALSO PROVIDE ADVICE TO THE OFFICE OF STATE PLANNING AND BUDGETING AND THE JOINT BUDGET COMMITTEE REGARDING ANY CHANGES IN STATE STATUTES THAT ARE NECESSARY TO PROVIDE THE STATE AGENCY THE AUTHORITY TO IMPLEMENT STATE POLICIES IN SUCH A WAY AS TO CREATE ADDITIONAL SAVINGS OR GREATER REDUCTIONS IN REGULATORY BURDENS. THE OFFICE OF STATE PLANNING AND BUDGETING SHALL REVIEW AND COMPILE THE INFORMATION RECEIVED FROM STATE AGENCIES PURSUANT TO THIS SECTION AND SHALL INCLUDE RECOMMENDATIONS IN ITS ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE BASED UPON SUCH INFORMATION.

(3) FOR PURPOSES OF THIS SECTION, "STATE PROGRAM" DOES NOT INCLUDE ANY PORTION OF A PROGRAM THAT IS FUNDED WITH NON-TAX OR NON-FEE REVENUES, OR BOTH, WHICH STATE AUTHORITIES ARE REQUIRED TO ADMINISTER IN A TRUSTEESHIP OR CUSTODIAL CAPACITY AND WHICH ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

PART 2
EXERCISE OF STATE AUTHORITY

24-78-201. Requests for information regarding federal

mandates. (1) THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL JOINTLY PREPARE ONE OR MORE REQUESTS FOR INFORMATION REGARDING FEDERAL MANDATES ON OR BEFORE AUGUST 30, 1994. THE REQUESTS FOR INFORMATION SHALL BE DIRECTED TO PERSONS INVOLVED WITH OR AFFECTED BY FEDERAL MANDATES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION BOTH WITHIN AND OUTSIDE OF COLORADO AND INDIVIDUALS IN SUCH INSTITUTIONS WHO HAVE DEVELOPED A HIGH DEGREE OF EXPERTISE IN THE SUBJECTS OF FEDERALISM AND FEDERAL MANDATES;

(b) ATTORNEYS IN PRIVATE PRACTICE WHO HAVE DEALT WITH FEDERAL MANDATE LITIGATION OR RESEARCH; AND

(c) ORGANIZATIONS AND FOUNDATIONS THAT HAVE AN INTEREST IN THE ISSUES OF FEDERALISM AND THE IMPOSITION OF FEDERAL MANDATES ON STATE AND LOCAL GOVERNMENTS.

(2) THE ISSUES ADDRESSED IN THE REQUESTS FOR INFORMATION ISSUED PURSUANT TO THIS SECTION SHALL INCLUDE THE FOLLOWING:

(a) IDENTIFICATION OF FEDERAL MANDATES EXPRESSING BROAD FEDERAL POLICIES THAT WOULD BEST BE IMPLEMENTED ON A STATE-BY-STATE BASIS OR THAT COULD BE RESISTED BECAUSE OF THE UNIQUE CIRCUMSTANCES THAT ARE PRESENT IN EACH STATE AND BECAUSE OF THE UNNECESSARY BURDENS THAT ARE CREATED BY FEDERAL REGULATIONS AND POLICIES;

(b) LEGAL THEORIES THAT SUPPORT THE RIGHT OF EACH STATE TO IMPLEMENT OR OPPOSE FEDERAL MANDATES PURSUANT TO THE STATE'S OWN POLICIES;

(c) PRACTICAL METHODS, INCLUDING THE ENACTMENT OF ANY STATE LEGISLATION, BY WHICH THE STATE MAY FULLY EXERCISE ITS AUTHORITY IN THE IMPLEMENTATION OF FEDERAL MANDATES;

(d) RECOMMENDATIONS REGARDING FEDERAL LEGISLATION THAT WOULD ENSURE THAT THE STATES HAVE THE NECESSARY AUTHORITY TO IMPLEMENT FEDERAL DIRECTIVES IN A MANNER THAT IS CONSISTENT WITH STATE POLICY AND IS SUITED TO THE NEEDS OF EACH STATE; AND

(e) POSSIBLE FUNDING SOURCES FOR FEDERAL MANDATE EFFORTS AND OPPORTUNITIES FOR THE STATE OF COLORADO TO MATCH OTHER FUNDING SOURCES OR TO COOPERATE WITH OTHER ENTITIES IN WORKING TOWARDS FEDERAL MANDATE SOLUTIONS.

(3) THE REQUESTS FOR INFORMATION PREPARED PURSUANT TO THIS SECTION SHALL REQUIRE THAT THE INITIAL RESPONSES BE RECEIVED BY THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES BY OCTOBER 15, 1994. THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES MAY PREPARE

ADDITIONAL REQUESTS FOR INFORMATION TO FOLLOW UP AND OBTAIN FURTHER DETAILS REGARDING THE INITIAL RESPONSES THAT WERE RECEIVED.

24-78-202. Report by the staff of the legislative council and the office of legislative legal services regarding federal mandates - recommendations. (1) THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL EXAMINE THE INFORMATION RECEIVED THROUGH THE REQUESTS FOR INFORMATION PREPARED PURSUANT TO SECTION 24-78-201 AND, BASED UPON SUCH INFORMATION, SHALL JOINTLY PRESENT A REPORT TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL ON OR BEFORE DECEMBER 1, 1994, THAT INCLUDES THE FOLLOWING: ~~ST~~ 22

(a) RECOMMENDATIONS TO THE EXECUTIVE COMMITTEE REGARDING:

(I) CONTRACTS THAT THE EXECUTIVE COMMITTEE MAY ENTER INTO WITH SPECIFIED PERSONS OR ENTITIES TO CONDUCT RESEARCH, TO ANALYZE CERTAIN SUBJECTS, OR TO PROVIDE OTHER SERVICES REGARDING FEDERAL MANDATES; OR

(II) A REQUEST FOR A PROPOSALS PROCESS TO OBTAIN BIDS FOR CONTRACTS TO PROVIDE SERVICES REGARDING FEDERAL MANDATES WITH THE INTENT THAT THE CONTRACTS BE ENTERED INTO ON OR BEFORE FEBRUARY 1, 1995, AND THAT THE RESULTS OF ANY RESEARCH OR ANALYSIS PERFORMED UNDER SUCH CONTRACTS BE RECEIVED BY THE EXECUTIVE COMMITTEE ON OR BEFORE JULY 1, 1995; AND

(b) ESTIMATES OF THE COST OF THE FEDERAL MANDATE EFFORTS RECOMMENDED BY THE STAFF OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES UNDER THE PROVISIONS OF THIS SECTION AND RECOMMENDATIONS REGARDING ANY POSSIBLE PUBLIC AND PRIVATE SOURCES OF MONEYS TO FUND SUCH EFFORTS, INCLUDING ANY APPROPRIATIONS BY THE GENERAL ASSEMBLY THAT MAY BE REQUIRED.

24-78-203. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

SECTION 2. 2-3-203 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-203. Powers and duties. (1) The committee has the following powers and duties:

(f) TO ENFORCE THE REQUIREMENTS OF THE "FEDERAL MANDATES ACT", ARTICLE 78 OF TITLE 24, C.R.S., IN THE BUDGETING PROCESS PURSUANT TO THE REQUIREMENTS OF SECTION 24-78-105 (2), C.R.S.

SECTION 3. 2-3-303 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-303. Functions. (2) In addition to any other powers and duties set forth in law, the executive committee shall have the following powers and duties:

(e) TO OVERSEE THE IMPLEMENTATION OF THE "FEDERAL MANDATES ACT", ARTICLE 78 OF TITLE 24, C.R.S., PURSUANT TO THE REQUIREMENTS OF SECTION 24-78-105 (1), C.R.S.

SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state money is necessary to carry out the purposes of this act.

SECTION 5. Effective date - applicability. This act shall take effect upon passage and shall apply to any state regulation promulgated on or after said date.

~~SECTION 6. This act shall apply to any state regulation promulgated on or after said date.~~

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 22, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: March 30, 1995

The STATE AFFAIRS Committee considered:

SB 1

SENATE BILL NO. 1

REVIEW OF FEDERALLY MANDATED PROGRAMS

"An Act relating to state implementation of federal statutes."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) All Depts.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>Brian S. Porter</i>			✓	
<i>Joseph D. ...</i>			✓	
<i>Kira ...</i>			✓	
<i>Ed Willis</i>			✓	
<i>Scott ...</i>	✓			

CHAIR'S SIGNATURE

Jeannette James

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 22, 1995

FURTHER REFERRALS:

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Date of Committee Action: March 30, 1995

The STATE AFFAIRS Committee considered:

SB 1

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ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) All Depts.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>Brian S. Porter</i>			✓	
<i>Joseph D. ...</i>			✓	
<i>Kia ...</i>			✓	
<i>Ed Willis</i>			✓	
<i>Scott ...</i>	✓			

CHAIR'S SIGNATURE *Jeannette James*