

**ALASKA LEGISLATURE**

**1459**

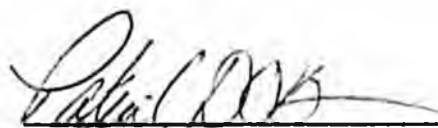
**HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996**



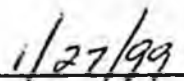
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Signature of Camera Operator

  
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Date

**SB**

**1**

**HFIN**

**FILE**

# FINANCE COMMITTEE REPORT

(11)

Date Referred: April 3, 1995

FURTHER REFERRALS:

Date of Committee Action: 5/1/95

The FINANCE 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

HCS CSSB 1 (FIN)

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) LAW

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) SFC, 3/2/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Edon Mulder</i>	Mulder	<input checked="" type="checkbox"/>			
<i>Terry Martin</i>	Martin	<input checked="" type="checkbox"/>			
<i>Frank Pannell</i>	Pannell	<input checked="" type="checkbox"/>			
<i>Vic Kohring</i>	Kohring	<input checked="" type="checkbox"/>			
<i>Therriault</i>	Therriault	<input checked="" type="checkbox"/>			
<i>Jay Brown</i>	Brown			<input checked="" type="checkbox"/>	

Acting  
CHAIR'S SIGNATURE

*Edon Mulder*  
mulder

# 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS :**

Full-Time						
Part-Time						
Temporary						

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

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

*#19 replaces #1-18 previous notes*

Date: 3/2/95  
Phone: 465-4958  
Date: 3/2/95  
Phone: 465-3709

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: An Act relating to state implementation of BRU: Legal Services  
federal statutes . . . Component: Corrections  
 Sponsor: Senator Taylor  
 Requester: Senate State Affairs 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						
<b>TOTAL OPERATING</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	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, 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. Peques  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 1/30/95  
 Date: 1/30/95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

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 Legislative Budget and Audit Committee 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.

# Alaska State Legislature

Chairman,  
Judiciary Committee

Vice Chairman,  
Transportation Committee

Member,  
Resources Committee  
Western Legislative Forestry Task Force



*Senator Robin L. Taylor*

State Capitol  
Juneau, Alaska 99801-1152  
907-265-3873  
Fax: 907-265-3922

352 Front Street  
Ketchikan, Alaska 99901  
907-225-8088  
Fax: 907-225-0713

## SPONSOR STATEMENT

### SENATE BILL 1

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 • Mevers Chuck • Petersburg • Saxman • Sitka • Wrangell

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SENATE BILL NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS TAYLOR, Kelly, Halford, Sharp

Introduced: 1/16/95  
Referred: STA, JUD

A BILL

FOR AN ACT ENTITLED

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

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

3 \* Section 1. FINDINGS AND INTENT. (a) The legislature finds that

4 (1) the people of the state, acting through their elected state officers, retain the  
5 authority to establish state policy regarding the implementation of many federal statutes;

6 (2) implementation of federal policies in the state by federal agencies in ways  
7 contrary to fundamental notions of federalism and self-determination on the state level must  
8 be identified and countered:

9 (3) there is an urgent need to modify certain mandates imposed on the state  
10 by the federal government because the implementation of those mandates wastes the financial  
11 resources of the state, municipalities, and state residents and may undermine policies set by  
12 the state;

13 (4) federal regulators frequently do not understand the needs and priorities of  
14 this state;

15 (5) the tenth amendment to the United States Constitution directs that powers

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
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# Alaska State Legislature

Chairman  
Judiciary Committee

Chief Counsel  
Transportation Committee

Member  
Resources Committee  
Western Legislative Forestry Task Force



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## SPONSOR STATEMENT

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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 • Mevers Chuck • Petersburg • Saxman • Sitka • Wrangell

**Sponsor Statement - SB1**

**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.

change NO ORJ  
pg 3  
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**SENATE BILL NO. 1**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY SENATORS TAYLOR, Kelly, Halford, Sharp**

Introduced: 1/16/95  
Referred: STA, JUD

**A BILL**

**FOR AN ACT ENTITLED**

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

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1. FINDINGS AND INTENT.** (a) The legislature finds that

4 (1) the people of the state, acting through their elected state officers, retain the  
5 authority to establish state policy regarding the implementation of many federal statutes;

6 (2) implementation of federal policies in the state by federal agencies in ways  
7 contrary to fundamental notions of federalism and self-determination on the state level must  
8 be identified and countered;

9 (3) there is an urgent need to modify certain mandates imposed on the state  
10 by the federal government because the implementation of those mandates wastes the financial  
11 resources of the state, municipalities, and state residents and may undermine policies set by  
12 the state;

13 (4) federal regulators frequently do not understand the needs and priorities of  
14 this state;

15 (5) the tenth amendment to the United States Constitution directs that powers

1 not delegated to the United States are reserved to the states or to the people, yet the federal  
2 government has intruded more and more into areas that must be left to the states;

3 (6) state government has a responsibility to monitor federal mandates to ensure  
4 that they do not unduly conflict with state policy or go beyond the bounds imposed by the  
5 tenth amendment to the United States Constitution.

6 (b) It is the intent of the legislature to assure that state government scrutinizes the  
7 extent and scope of authority asserted by the federal government in imposing mandated  
8 programs on the state to determine whether these mandates are inconsistent with state policy  
9 or exceed the lawful authority of the federal government.

10 \* Sec. 2. AS 37 is amended by adding a new chapter to read:

11 CHAPTER 40. IMPLEMENTATION OF FEDERAL MANDATES.

12 Sec. 37.40.010. STATE PROGRAMS IMPLEMENTING FEDERAL  
13 MANDATES. (a) The commissioner of each department or head of another agency  
14 in the executive branch shall annually review each program administered by that  
15 department or agency that implements federal statutes that impose mandated duties on  
16 the state. The commissioner or agency head shall also review federal statutes,  
17 regulations, guidelines, and policies that pertain to the program and identify those  
18 provisions that are inconsistent with state policy or are not cost-effective. The  
19 commissioner or agency head shall prepare a report describing the materials reviewed,  
20 setting out conclusions, and making recommendations for changes in federal law to  
21 make the program consistent with state policy or more cost-effective. A copy of the  
22 review prepared under this subsection shall be delivered to the governor and the  
23 Legislative Budget and Audit Committee by February 1.

24 (b) The commissioner of a department or head of another agency of the  
25 executive branch authorized to develop a state program to respond to mandates  
26 contained in federal statute shall, with the assistance of the Department of Law, review  
27 the applicable federal statutes, regulations, guidelines, and policies to determine  
28 whether the federal government has exceeded its authority to impose mandates on the  
29 state. If it is determined that the federal government may have exceeded its authority,  
30 the commissioner or agency head shall submit a written report to the governor and the  
31 Legislative Budget and Audit Committee setting out the basis for this determination.

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(c) A department or other agency of the executive branch authorized to develop a state program to respond to mandates contained in federal statute shall

(1) give due consideration to the financial restraints of the state and municipalities in the development of the program; and

(2) devise a program that is as efficient as possible in terms of long-range public benefit and cost.

Sec. 37.40.020. LEGISLATIVE REVIEW OF FEDERAL MANDATES. (a) Upon receipt of a report under AS 37.40.010(a) or (b), the Legislative Budget and Audit Committee shall review the report and may seek additional information regarding the federal mandate involved. The Legislative Budget and Audit Committee may enter into contracts for research into legal theories that may support the right of the state to oppose the federal mandate or research into more cost-effective methods of implementing the mandate.

(b) Based upon its review under (a) of this section, the Legislative Budget and Audit Committee may submit a report of its recommendations to the governor regarding

*the Legislature*

(1) the need to seek a change in federal statute, regulation, or policy to ensure that the federal mandate is consistent with state policy and suited to the needs of the state;

(2) ways in which the state program might be altered to more efficiently implement the federal mandate;

(3) the possibility of pursuing a legal challenge to the validity of the mandate.

Attachment 2

9-LS0029A.1 ✓

Cook

4/29/95

5/1/95

AMENDMENT 1

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: SB 1

1 Page 2, line 14:

2 Delete "annually"

3 Insert ", every four years."

4 Page 3, after line 23:

5 Insert a new bill section to read:

6 "\* Sec. 3. APPLICATION. The first report prepared under AS 37.40.010(a) is due for  
7 delivery to the governor and the Legislative Budget and Audit Committee by February 1,  
8 1996."

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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Mail Stop 3101

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

### MEMORANDUM

June 30, 1994

**SUBJECT:** Federal mandates (Work Order No. 9-LS0029)

**TO:** Senator Robin Taylor  
Attn: Joe Ambrose

**FROM:** Tamara Brandt Cook  
Director TBC

I am working on a draft in response to your request for legislation based upon a Colorado draft dealing with federal mandates. I got back from vacation just as Mr. Joe Ambrose left on vacation, so we missed the chance to talk about this project. I thought that if I set out some initial questions and observations in writing, Mr. Ambrose could digest them on his return and get back to me with drafting directions at his convenience.

First off, much of the Colorado draft appears to me to be "fluff" without legal significance. As a drafter, I would be inclined to greatly reduce the bill in favor of a much crisper approach. However, what seems to me to be legally insignificant may be politically important, so let me know what approach you prefer on this. By the way, this comment applies to the substance of the bill as well as the findings section. For example, 24-78-104(c) directs state programs to be efficient. This type of requirement, I suspect, will have no legal effect, because I doubt that managers deliberately set out to be inefficient and will always regard themselves to be in compliance with this direction (no matter what the rest of the world perceives the case to be)!

I think that the substantive provision of that same section, 24-78-104, is contained in the first paragraph. Any state employee charged with the duty of implementing a federal statute is required to exercise a "critical view" and identify provisions that are inconsistent with state policy or do not advance state policy in a cost effective manner. Two problems here: (1) since a duty imposed on everyone is often performed by none, should this be focused on certain employees (like department commissioners) who might be expected to know what the policy of the state actually is with respect to a particular program?; (2) having identified an inconsistency with state policy (or an inefficiency), ought the state employee be required to communi-

**UNPROOFED ADVANCE  
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21

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.

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# DIVISION OF LEGAL SERVICES

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First off, much of the Colorado draft appears to me to be "fluff" without legal significance. As a drafter, I would be inclined to greatly reduce the bill in favor of a much crisper approach. However, what seems to me to be legally insignificant may be politically important, so let me know what approach you prefer on this. By the way, this comment applies to the substance of the bill as well as the findings section. For example, 24-78-104(c) directs state programs to be efficient. This type of requirement, I suspect, will have no legal effect, because I doubt that managers deliberately set out to be inefficient and will always regard themselves to be in compliance with this direction (no matter what the rest of the world perceives the case to be)!

I think that the substantive provision of that same section, 24-78-104, is contained in the first paragraph. Any state employee charged with the duty of implementing a federal statute is required to exercise a "critical view" and identify provisions that are inconsistent with state policy or do not advance state policy in a cost effective manner. Two problems here: (1) since a duty imposed on everyone is often performed by none, should this be focused on certain employees (like department commissioners) who might be expected to know what the policy of the state actually is with respect to a particular program?; (2) having identified an inconsistency with state policy (or an inefficiency), ought the state employee be required to communi-

Senator Robin Taylor

June 30, 1994

Page 2

cate that information? I know that reports to the legislature proliferate at an alarming rate, but what good is it to place a requirement such as this on an agency without providing a mechanism by which problems may be brought to the attention of the legislature? I would suggest that the requirement apply only to commissioners and that they be required to report to the governor and the legislature (or legislative committee charged with federal mandate review). The Colorado draft also applies to the judicial and legislative branches, but I'm not sure that makes much sense. Those branches typically are not involved in carrying out federal programs.

There are several provisions in the Colorado draft tied to specific dates which appear to assign one-time responsibilities for information gathering. (See 24-78-201(1), (3); and 24.78-202(a)(II)) Are these provisions truly intended as temporary law, or is, perhaps, the entire federal mandate review bill temporary in nature?

The Colorado draft purports to place limits on the power of appropriation. (24-78-105(2)(a) and (c)) As a matter of constitutional law in Alaska I doubt that these statutorily imposed limits would be found to invalidate appropriations otherwise properly enacted. However, they would certainly have the potential of opening up some appropriations to legal attack. I would strongly suggest that these be omitted, along with language charging the legislature to "exercise a critical view" or otherwise consider certain factors in the appropriation process. It strikes me that the legislature is already doing these things to the best of its ability and that making this a matter of statute only provides ammunition for potential litigation.

Lastly, Mr. Ambrose mentions in his cover letter the need to set up a special legislative committee to consider the mandate question. He suggests members of the finance committee appointed by the two presiding officers. Another possibility might be the legislative budget and audit committee. Let me know what type of committee you envision.

I hope you and your staff are enjoying the interim.

TBC:mi  
94-137.mai

**UNPROOFED ADVANCE  
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SENATE BILL 94-157

BY SENATORS Norton, R. Powers, Wells, Bird, Bishop, Hopper, Johnson, Meiklejohn, Rizzuto, Roberts, Schroeder, Tebedo, Traylor, and Wattenberg;  
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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 ~~to~~ 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: ~~RE~~

(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.

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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. [REDACTED]~~ ~~SECTION 7. [REDACTED]~~

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# FISCAL NOTE

Revision Date: January 30, 1995 Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to state implementation of federal statutes BRU: Admin. & Support  
 Component: Admin. Services  
 Sponsor: Senator Taylor  
 Requestor: Senate State Affairs Committee 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						
<b>TOTAL OPERATING</b>	<b>47.5</b>	<b>28.1</b>	<b>28.9</b>	<b>29.7</b>	<b>30.5</b>	<b>31.3</b>
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						
<b>TOTAL</b>	<b>47.5</b>	<b>28.1</b>	<b>28.9</b>	<b>29.7</b>	<b>30.5</b>	<b>31.3</b>

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: 1/30/95  
 Approved by Commissioner *Remond Henderson for M. I. W. P.* Date: 1/30/95  
 Agency: Community & Regional Affairs

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: State implementation of federal statutes BRU: Administration and Support  
 Component: Commissioner's Office  
 Sponsor: Senator Taylor  
 Requester: Senate State Affairs 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	12.9	12.8	12.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>50.0</b>	<b>25.5</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0	25.5	12.9	12.8	12.9	12.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>50.0</b>	<b>25.5</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>

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)



Prepared by: Geron Bruce GB Phone: 465-6143  
 Division: Commissioner's Office Date: 1/24/95  
 Approved by Commissioner: [Signature] Date: 1/24/95  
 Agency: \_\_\_\_\_

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SB 1

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 . . . 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. SB 1

Revision Date: \_\_\_\_\_  
 Title: An Act relating to state implementation of  
federal statutes.  
 Sponsor: Taylor, Kelly, Halford, Sharp  
 Requestor: S STA

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						
<b>TOTAL OPERATING</b>	<b>288.4</b>	<b>89.3</b>	<b>92.3</b>	<b>95.4</b>	<b>98.7</b>	<b>102.0</b>

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)						
<b>TOTAL</b>	<b>288.4</b>	<b>89.3</b>	<b>92.3</b>	<b>95.4</b>	<b>98.7</b>	<b>102.0</b>

**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: Verne Skagerberg  
 Division: Administrative Services

Phone: 465-3331  
 Date: 01/31/95

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

Date: 2/1/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO: SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act Relating to state implementation of BRU: Statewide  
Federal Statutes Component: Administrative Services  
 Sponsor: Sen. Taylor  
 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						
<b>TOTAL OPERATING</b>	<b>6.0</b>	<b>4.0</b>	<b>4.0</b>	<b>4.0</b>	<b>4.0</b>	<b>4.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

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 *KLB* Phone: 465-4336  
 Division: Administrative Services Date: 1/24/95  
 Approved by Commissioner: *Ronald L. Otto* Date: 2/3/95  
 Agency: Ronald L. Otto, Dept. of Public Safety

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Department of Public Safety  
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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. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Review of Federally Mandated Programs BRU: CSED.AHFC Operations  
 Component: CSED.AHFC Operations

Sponsor: Taylor, Kelly, Halford, Sharp  
 Requester: (SISA) 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	105.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>105.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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
<b>TOTAL</b>	<b>105.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

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 Baratko Phone: 465-2312  
 Division: Administrative Services Division Date: 1/30/95  
 Approved by: \_\_\_\_\_  
 Commissioner: Deborah Voigt Date: 1/30/95  
 Agency: Revenue

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# FISCAL NOTE

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_ SBI \_\_\_\_\_

Revision Date: \_\_\_\_\_ Department Affected: Environmental Conservation  
 Title: An act relating to state implementation of federal statutes  
 Sponsor: Senator Taylor BRU: Administration  
 Requestor: Senate State Affairs Committee 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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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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
1005 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
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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: Larry Jones  
 Division: Information and Administrative Services

Phone: 465-5010  
 Date: 1/31/95

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

Date: 1-31-95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: 1/30/95 Dept. Affected: Fish and Game  
 Title: State implementation of federal statutes BRU: Commercial Fisheries (Limited) Entry Commission  
 Sponsor: Sen. Taylor Component: Limited Entry Program Administration  
 Requester: Sen. Taylor COMPONENT SERIAL NO. 0471

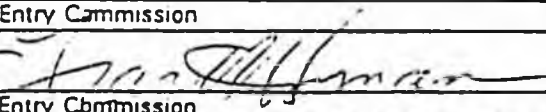
Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

FUND SOURCE	(Thousands of Dollars)					
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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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: 1/30/95  
 Approved by Commissioner: Frank Homan   
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/30/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_  
 Title: Review of federally mandated programs  
 Sponsor: Senator Taylor  
 Requestor: Senate State Affairs

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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CHANGE IN REVENUE FUND SOURCE \$						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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: 2/1/95  
 Approved by Commissioner: Tom Cashen, Commissioner  
 Agency: Department of Labor Date: 2/1/95

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**FISCAL NOTE**

Revision Date: 1/16/95

Department Affected: DOT&PF

Title: "An Act relating to state implementation of federal statutes"

BRU: D & C, M & O

Sponsor: Taylor, Kelly, Halford, Sharp

Component: D & C

Requestor: Jack Kreinheder, OMB

Component Serial Number: 547

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	42.0	21.0	21.0	21.0	21.0	21.0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	5.0	0	0	0	0	0
SUPPLIES	3.0	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	<b>50.0</b>	<b>22.5</b>	<b>22.5</b>	<b>22.5</b>	<b>22.5</b>	<b>22.5</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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**FUNDING:** (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	50.0	22.5	22.5	22.5	22.5	22.5
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTLA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	<b>50.0</b>	<b>22.5</b>	<b>22.5</b>	<b>22.5</b>	<b>22.5</b>	<b>22.5</b>

**POSITIONS**

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

Estimate of current year (FY95) impact: None

**ANALYSIS:** (Attach a separate page if necessary)

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 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 an 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 the year, it would much be easier and is estimated at only two month of effort plus some minor supplies.

Prepared by: Loren Rasmussen

Phone: 465-2960

Division: Engineering and Operations Standards

Date: Feb. 2, 1995

Approved by Commissioner: Joseph L. Perkins, P.E.

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: Feb. 2, 1995

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 (CMAAQ). 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. 97-426

- 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. 102-260

- 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 CMAAQ 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 CMAAQ. 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. 135

- 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 CMAAQ. 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/FIA 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 FIA 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 1074

- 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, 1993, 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. If an 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.

FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_

Department Affected: Office of the Governor

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

BRU: All BRUs

Sponsor: Senators Taylor, Kelly, Hallford, Sharo

Component: All Components

Requestor: \_\_\_\_\_

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 EXPENDITURES						
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CHANGE IN						
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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 *Maw*

Phone: 465-3876

Division: Division of Administrative Services

Date: 1/27/95

Approved by Commissioner: Jim Avers, Chief of Staff *J.A.*

Agency: Office of the Governor

Date: 1/27/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_  
Title: "An Act relating to state implementation of federal statutes."  
Sponsor: Sen. Taylor  
Requestor: (S)ISTA

Department Affected: Administration  
BRU: Administrative Services  
Component: Administrative Services  
COMPONENT SERIAL NO. 46

**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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	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						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Sharon Barton, Director  
Division: Administrative Services

Phone: 465-2277  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration

Date: 2/2/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: January 27, 1995  
 Title: An Act relating to state implementation of federal statutes.  
 Sponsor: TAYLOR, Kelly, Halford, Sharp  
 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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES</b>	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						
<b>TOTAL</b>	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 *Guy Bell*  
 Agency: Commerce and Economic Development

Phone: 465-2505  
 Date: January 27, 1995  
 Date: 1/27/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act related to state BRU: \_\_\_\_\_  
Implementation of federal statutes Component: \_\_\_\_\_  
 Sponsor: Sen. Tavior  
 Requester: Senate State Affairs 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

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

No federal mandates directly impact programs operated by DOC. Certain federal grants for which DOC could apply would be conditioned upon the existance of specific conditions with in 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  
 Division: Comm. Office  
 Approved by Commissioner: Margaret M. P.  
 Agency: Department of Corrections

Phone: 465-4640  
 Date: 1/27/95  
 Date: 1/27/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: EDUCATION  
 Title: An Act relating to state implementation of BRU: Executive Administration  
federal statutes Component: Commissioner's Office  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Sponsor: Senator Taylor  
 Requester: Senator Taylor COMPONENT SERIAL NO. 185

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (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:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 SB 1.

Prepared by: Karen J. Rehfeld, Director  
 Division: Administrative Services  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: Department of Education

Phone: 465-8650  
 Date: 28-Jan-95  
 Date: 1/30/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected EDUCATION  
 Title: An Act relating to State implementation BRU: ACPE  
of federal statutes. Component: Student Loan Operations

Sponsor: Sen. Taylor  
 Recuestor: Governor Knowles COMPONENT SERIAL NO. 212

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (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:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$                      \$0

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Gillian R. Hays  
 Division: Alaska Commission on Postsecondary Education  
 Approved by Executive Director: *Joseph M. Brink*  
 Agency: ACPE

Phone: 465-6740  
 Date: Feb. 3, 1995  
 Date: Feb. 3, 1995

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Military and Veterans Affairs  
 Title: Relating to state implementation of federal statutes BRU: Alaska National Guard  
 Component: Commissioner's Office  
 Sponsor: Sen Taylor  
 Requestor: Senate State Affairs 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ \_\_\_\_\_

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Jeff Morrison, Director Phone: 465-4730  
 Division: Administrative Support Services Division Date: 1/30/95  
 Approved by Commissioner: *Jeff Morrison* MG Jake Lestenkof Date: 1/20/95  
 Agency: Military and Veterans Affairs

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# FISCAL NOTE

STATE OF ALASKA

BILL NO. SB1

1995 LEGISLATIVE SESSION

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: Senator(s) Taylor, Kelly, Halford, Sharp  
 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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
*002 Federal Receipts						
*003 GF Match						
*004 GF						
*005 GF/Program Receipts						
*006 GF/MHTIA						
Other						
<b>TOTAL</b>	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)

Implementation of SB1 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: 27-Jan-95  
 Approved by Commissioner: [Signature] Date: 2/1/95  
 Agency: Natural Resources

**SB**

**1**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/8/95

FURTHER:

DATE TURNED INTO OFFICE: 3-2-95

The Finance Committee considered SENATE BILL NO. 1

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- technical change
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Bill E. Hood</i>	✓	<i>Steve Kim</i>	✓		
<del><i>[Signature]</i></del>		<i>James D. Duley</i>	✓		
<i>Bob King</i>	✓	<i>Paul F. Shauff</i>	✓		
Co-Chair: <i>Rich Harford</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

<del>DOTPE</del>			
<del>DOE</del>			
<del>DOJ</del>			
<del>DOAG</del>			
<del>DMAS</del>			
<del>DFG (Admin)</del>			
<del>DELA</del>			
<i>Fiscal Notes coming All Depts.</i>			

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

<del>DOE</del>	<del>2/1/95</del>	<del>0</del>	<del>0</del>
<del>DMVA</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>
<del>DOE (Admin)</del>	<del>2/3/95</del>	<del>0</del>	<del>0</del>
<del>DOE (Admin)</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>
<del>DOE</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>
<del>DOFG</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>
<del>DOE (Admin zero)</del>	<del>2/3/95</del>	<del>0</del>	<del>0</del>
<del>BOV</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>
<del>DOE</del>	<del>2/1/95</del>	<del>0</del>	<del>0</del>
<del>DFG</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>
<del>DOE</del>	<del>1/20/95</del>	<del>0</del>	<del>0</del>

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

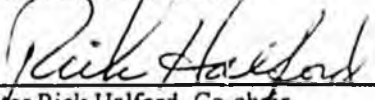
**POSITIONS:**

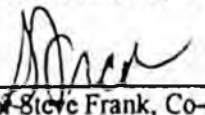
Full-Time						
Part-Time						
Temporary						

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

Prepared by: Senate Finance Committee

  
 \_\_\_\_\_  
 Senator Rick Halford, Co-chair

  
 \_\_\_\_\_  
 Senator Steve Frank, Co-chair

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

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

FISCAL NOTE SUMMARY

RE: SB 1 - REVIEW OF FEDERALLY MANDATED PROGRAMS

1.	DNR	0
2.	DM&VA	0
3.	DOE (ACPE)	0
4.	DOE (Ex.Admin)	0
5.	DOC	0
6.	DC&ED	0
7.	DOA (Admin.Serv.)	0
8.	Gov.	0
9.	DOTPF	50.0
10.	DOLabor	0
11.	DF&G (CFLEC)	0
12.	DEC	0
13.	DOR (CSED, AHFC)	105.0
14.	DPS	6.0
15.	DOLaw	150.0
16.	DH&SS	288.4
17.	DF&G (Admin)	50.0
18.	DC&RA	<u>47.5</u>
Total		696.9

~~0~~  
FR's

3/2/95

Nancy + Joyce -

Do not yet know  
how we will handle  
the notes for SB 1,  
i.e. whether we will  
zero moneyed notes  
individually or prepare  
one zero note for "All  
agencies." Will advise  
as soon as I find out.

Kathy

2618

Nancy says  
1-0-note  
is fine.

None



1 is fine

FEB 13 1995

# Alaska State Legislature

Chairman,  
Judiciary Committee

Vice Chairman,  
Transportation Committee

Member,  
Resources Committee  
Western Legislative Forestry Task Force



*Senator Robin L. Taylor*

State Capitol  
Juneau, Alaska 99801-1182  
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352 Front Street  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax: (907) 225-0713

## MEMORANDUM

TO: Senator Rick Halford, Co-Chairman  
Senate Finance Committee

FROM: Senator Robin L. Taylor *R.L.T.*

DATE: 2/10/95

REF: Hearing Request - SB 1

\*\*\*\*\*

Please consider this to be my formal request for a hearing on Senate Bill 1 at your earliest convenience.

I would hope your committee will take the opportunity of hearing this bill to look at the process by which departments arrive at their fiscal notes. The notes submitted for SB1 are a classic example of agencies attempting to pad their own budgets, rather than offer valid estimates of the true costs of implementing legislation.

Thank you in advance for your consideration of this request.

3B1  
DOTPF  
Fiscal Note  
Attachment  
2/2/95

1993 DISCUSSION TOPIC  
AASHTO-AGC-ARIBA 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-VBE 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 (CMAAQ). 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. 93-543, 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 CMAAQ 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 CMAAQ. 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 CMAAQ. 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/FIA 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 FIA 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 STP. 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, 1993, the Secretary may withhold all or part of the portion of the STP apportionment and formula apportionment of FTA Section 9 funds attributed to relevant metropolitan area. If an 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 NMS, STP, and Congestion Mitigation and Air Quality to the Section 402 safety program. After FY 1994, the amount transferred will be 1 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, NMS, 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.

FISCAL NOTE

Revision Date: 1/16/95

Department Affected: DOT&PF

Title: "An Act relating to state implementation of federal statutes"

BRU: D & C, M & O

Sponsor: Taylor, Kelly, Halford, Sharp

Component: D & C

Requestor: Jack Kreinbender, OMB

Component Serial Number: 547

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	42.0	21.0	21.0	21.0	21.0	21.0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	5.0	0	0	0	0	0
SUPPLIES	3.0	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	50.0	22.5	22.5	22.5	22.5	22.5

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	50.0	22.5	22.5	22.5	22.5	22.5
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTLA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	50.0	22.5	22.5	22.5	22.5	22.5

POSITIONS

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

Estimate of current year (FY95) impact: None

ANALYSIS: (Attach a separate page if necessary)

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 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 an 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 the year, it would much be easier and is estimated at only two month of effort plus some minor supplies.

Prepared by: Loren Rasmussen

Phone: 465-2960

Division: Engineering and Operations Standards

Date: Feb. 2, 1995

Approved by Commissioner: Joseph L. Perkins, P.E.

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: Feb. 2, 1995

#18

# FISCAL NOTE

Revision Date: January 30, 1995 Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to state implementation of federal statutes BRU: Admin. & Support  
 Component: Admin. Services  
 Sponsor: Senator Taylor  
 Requestor: Senate State Affairs Committee 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						
<b>TOTAL OPERATING</b>	<b>47.5</b>	<b>28.1</b>	<b>28.9</b>	<b>29.7</b>	<b>30.5</b>	<b>31.3</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

REVENUE FUND SOURCE:						
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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						
<b>TOTAL</b>	<b>47.5</b>	<b>28.1</b>	<b>28.9</b>	<b>29.7</b>	<b>30.5</b>	<b>31.3</b>

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: 1/30/95  
 Approved by Commissioner *Remond Henderson for M. Irv...* Date: 1/30/95  
 Agency: Community & Regional Affairs

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: State implementation of federal statutes SRU: Administration and Support  
 Component: Commissioner's Office  
 Sponsor: Senator Taylor  
 Requester: Senate State Affairs 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						
<b>TOTAL OPERATING</b>	<b>50.0</b>	<b>25.5</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>

CAPITAL EXPENDITURES						
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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						
<b>TOTAL</b>	<b>50.0</b>	<b>25.5</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>

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 analysis

Prepared by: Geron Bruce (GB) Phone: 465-6143  
 Division: Commissioner's Office Date: 1/24/95  
 Approved by Commissioner: [Signature] Date: 1/24/95  
 Agency: \_\_\_\_\_

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SB 1

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.

#16

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_  
Title: An Act relating to state implementation of  
federal statutes.  
Sponsor: Taylor, Kelly, Halford, Sharp  
Requestor: S STA

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						
<b>TOTAL OPERATING</b>	<b>288.4</b>	<b>89.3</b>	<b>92.3</b>	<b>95.4</b>	<b>98.7</b>	<b>102.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**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)						
<b>TOTAL</b>	<b>288.4</b>	<b>89.3</b>	<b>92.3</b>	<b>95.4</b>	<b>98.7</b>	<b>102.0</b>

**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: Verne Skagerberg  
Division: Administrative Services

Phone: 465-3331  
Date: 01/31/95

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

Date: 2/1/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: \*An Act relating to state implementation of BRU: Legal Services  
federal statutes Component: Operations  
 Sponsor: Senator Taylor  
 Requester: Senate State Affairs 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						
<b>TOTAL OPERATING</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

### POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPOHARY						

### 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, 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. Peques, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 1/30/95  
 Date: 1/30/95

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

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 Legislative Budget and Audit Committee 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.

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO: SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act Relating to state implementation of BRU: Statewide  
Federal Statutes Component: Administrative Services  
 Sponsor: Sen. Taylor  
 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 ( ) Revenue Code	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 *KLB* Phone: 465-4336  
 Division: Administrative Services Date: 1/24/95  
 Approved by Commissioner: Ronald L. Otte Date: 2/3/95  
 Agency: Ronald L. Otte Dept. of Public Safety

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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. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
Title: Review of Federally Mandated Programs BRU: CSED, AHFC Operations  
Component: CSED, AHFC Operations

Sponsor: Taylor, Kelly, Halford, Sharp  
Requester: (S)SA 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	105.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>105.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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### 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
<b>TOTAL</b>	<b>105.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

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 Baratko Phone: 465-2312  
 Division: Administrative Services Division Date: 1/30/95  
 Approved by: \_\_\_\_\_  
 Commissioner: Deborah Voigt Date: 1/30/95  
 Agency: Revenue

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB1

Revision Date: \_\_\_\_\_  
Title: An act relating to state implementation  
of federal statutes  
Sponsor: Senator Taylor  
Requestor: Senate State Affairs Committee

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
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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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
1005 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: Larry Jones  
Division: Information and Administrative Services

Phone: 465-5010  
Date: 1/31/95

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

Date: 1-31-95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: 1/30/95 Dept. Affected: Fish and Game  
 Title: State implementation of federal statutes BRU: Commercial Fisheries (Limited) Entry Commission  
 Component: Limited Entry Program Administration  
 Sponsor: Sen. Taylor  
 Requester: Sen. Taylor COMPONENT SERIAL NO. 0471

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	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: 1/30/95  
 Approved by Commissioner: Frank Homan Date: 1/30/95  
 Agency: Commercial Fisheries (Limited) Entry Commission

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_  
Title: Review of federally mandated programs  
Sponsor: Senator Taylor  
Requestor: Senate State Affairs

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE FUND SOURCE #</b>						
--	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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: Albe Williams, Director Phone: 465-5981  
 Division: Administrative Services Date: 2/1/95  
 Approved by Commissioner: Tom Cashen  
 Agency: Department of Labor Date: 2/1/95

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