

SCOMM

99:8

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

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

Operating Expenditures (Thousands of Dollars)

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

OMB
1/27/95

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSIONBILL NO. HB 83

Revision Date: _____

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

Requestor: _____

Department Affected: Office of the GovernorBRU: All BRUsComponent: All Components

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

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

CHANGE IN						
-----------	--	--	--	--	--	--

FUND SOURCE

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact

Prepared by: Michael A. Nizich, DirectorDivision: Division of Administrative ServicesPhone: 465-3876Date: 1/26/95Approved by Commissioner: Jim Averis, Chief of StaffAgency: Office of the GovernorDate: 1/26/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

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

Department Affected: Administration
BRU: Various
Component: Various

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

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

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

FUND SOURCE:

(Thousands of Dollars)

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Sharon Barton, Director
Division: Administrative Services

Phone: 465-2277
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 1/25/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 83

1995 LEGISLATIVE SESSION

Revision Date: January 26, 1995

Department: Commerce and Economic Development

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

BRU: Administrative Services

Sponsor: OGAN, Porter

Component: Administrative Services

Requestor: _____

COMPONENT SERIAL NO. 1028

Expenditures/Revenues

(Thousands of Dollars)

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

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
---------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE

(Thousands of Dollars)

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

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

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact to this agency.

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

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

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

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

Expenditures/Revenues:		(Thousands of Dollars)				
OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	43.5	26.8	27.6	28.4	29.2	30.0
TRAVEL						
CONTRACTUAL	2.0	1.0	1.0	1.0	1.0	1.0
SUPPLIES	0.5	0.3	0.3	0.3	0.3	0.3
EQUIPMENT	1.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	47.5	28.1	28.9	29.7	30.5	31.3
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:

--	--	--	--	--	--

FUNDING:		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	47.5	28.1	28.9	29.7	30.5	31.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	47.5	28.1	28.9	29.7	30.5	31.3

POSITIONS:						
FULL-TIME	1	0	0	0	0	0
PART-TIME		1	1	1	1	1
TEMPORARY						

Estimate of current (FY95) impact \$ none

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

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
Division: Division of Administrative Services Date: 1/25/95
Approved by Commissioner: *Mike Brown* Date: 1/25/95
Agency: Community & Regional Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

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

Expenditures/Revenues

(Thousands of Dollars)

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

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

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

FUND SOURCE

(Thousands of Dollars)

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

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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

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

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-5582
 Date: 1/19/95
 Date: 1-23-95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date:

Dent. Affected:

Title:

An Act relating to state implementation of federal statutes.

BRU:

Alaska Commission on Postsecondary Education

Component:

ACPE
Program Administration

Sponsor:

Representative Ogan

COMPONENT SERIAL NO.

0212

Requester:

Representative Ogan

Expenditures/Revenues

(Thousands of Dollars)

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

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
----------------------	-----	-----	-----	-----	-----	-----

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

FUND SOURCE

(Thousands of Dollars)

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

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

-0-

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero (0) fiscal impact.

Prepared by:

Dr. Joe L. McCormick, Executive Director

Division:

Alaska Commission on Postsecondary Education

Phone: (907)465-6740

Date: 1-20-95

Approved by Commissioner:

Date:

Agency:

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO.

HB 83

Revision Date:

Title: An act relating to state implementation
of federal statutes

Department Affected:

Environmental
Conservation

Sponsor: Ogan, Porter

BRU: Administration

Requestor: Governor

Component: Commissioner's Office

COMPONENT SERIAL NO.

633

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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: Dan Kanouse

Phone: 465-5010

Division: Information and Administrative Services

Date: 1/23/95

Approved by Commissioner: [Signature]

Agency: Department of Environmental Conservation

Date: 1/27/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

House Bill 83
Fiscal Note Analysis

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

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

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

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

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

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: 1/26/95 Dept. Affected: Fish and Game
 Title: State implementation of federal statutes BRU: Commercial Fisheries (Limited) Entry Commission
 Sponsor: Rep. Ogan Component: Limited Entry Program Administration
 Requester: Rep. Ogan **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: 1/26/95
 Approved by Commissioner: Frank Homan 
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/26/95
PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

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

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

Expenditures/Revenues:

(Thousands of Dollars)

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

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

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

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

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

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

ANALYSIS: (Attach a separate page if necessary)

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

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

Prepared by: Richard Renninger
Division: Administrative Services

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

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

Date: 1-24-95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____

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

Sponsor: Representative Ogan

Requestor: House Special Comm. on World Trade

Department Affected: Labor

BRU: Commissioner's Office

Component: Commissioner's Office

COMPONENT SERIAL NO. 340

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

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

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

FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

The review process required by Sec. 37.40.010 formalizes ongoing program review that currently takes place in the department. The reporting requirements would be implemented with minimal impact on the department's operating budget.

Prepared by: Arbe Williams, Director Phone: 465-5981

Division: Administrative Services Date: 1/24/95

Approved by Commissioner: Tom Cashen, Commissioner

Agency: Department of Labor Date: 1/24/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

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

Expenditures/Revenues

(Thousands of Dollars)

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

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

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

FUND SOURCE

(Thousands of Dollars)

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

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

POSITIONS

FULL-TIME	0.0					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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

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

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

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

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

BILL NO. HB 83

ANALYSIS CONTINUATION:

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

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

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB83 *

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: Representatives Ogan, Porter

Requestor: _____

Component Serial No. 423

Expenditures/Revenues

(Thousands of Dollars)

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

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

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

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

POSITIONS

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

ANALYSIS:

(Attach a separate page if necessary)

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

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

Prepared by: Nico Bus, Acting Legislative Liaison

Phone: 465-2406

Division: Commissioner's Office

Date: 24-Jan-95

Approved by Commissioner: _____

Date: 1/24/95

Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB 83

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

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.0	3.0	3.0	3.0	3.0	3.0
TRAVEL	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	6.0	4.0	4.0	4.0	4.0	4.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES () 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 Phone: 465-4336
Division: Administrative Services Date: 1/24/95
Approved by Commissioner: Ronald L. Otte Date: 1/26/95
Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

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

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

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

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB83

Revision Date: 1/23/95
Title: Review of Federally Mandated programs

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

Sponsor: Ogan, Porter
Requester: _____

COMPONENT SERIAL NO. 111,110

Expenditures/Revenues

(Thousands of Dollars)

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

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

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

FUND SOURCE

(Thousands of Dollars)

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

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSED: \$50.0 FY96, \$5.0 thereafter

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

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

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

Prepared by: Bob Baratko, Mary Sutton
Division: Administrative Services Division
Approved by: Deborah Vogt
Agency: Revenue

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

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 83

1995 LEGISLATIVE SESSION

Revision Date: 01/16/95

Dept. Affected: DOT&PF

Title: An Act relating to state implementation of federal statutes

BRU: Design & Construction, Maintenance & Operations

Component: Design & Construction

Sponsor: Ogan, Porter

Requester: Jack Kreinheder, OMB

COMPONENT SERIAL NO.

547

Expenditures/Revenues

(Thousands of Dollars)

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

FUND SOURCE

(Thousands of Dollars)

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

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

0.0

POSITIONS

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

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

Prepared by: Loren Rasmussen

Phone: 465-2960

Division: Engineering and Operations Standards

Date: 01/24/95

Approved by Commissioner: *Joseph L. Portino*

Date: 01/24/95

Agency: Department of Transportation & Public Facilities

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

1993 DISCUSSION TOPIC
AASHTO-AGC-ARTBA JOINT COMMITTEE

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

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

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

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

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

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

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

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

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

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

1. Vehicle Weight Limitations 23 U.S.C. 127
P.L. 93-643, 1975; P.L. 95-599, 1978
 - o States must permit a minimum and maximum of 20,000 pound single axle, 34,000 pound tandem axle, and 80,000 pound gross weight of combination (5-axle) vehicles to operate on the Interstate. Maximum weight cannot exceed allowable under bridge formula.

Penalty - Withholding of National Highway System (NHS) apportionments. If not restored during availability period, the apportionment lapses.
2. Enforcement of Vehicle Size and Weight 23 U.S.C. 141
P.L. 97-424, January 1983
Amended P.L. 102-240
 - o Each state must certify that it is enforcing all State laws respecting maximum vehicle size and weight.

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

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

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

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

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

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

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

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

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

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

6. Control of Outdoor Advertising

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

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

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

7. Control of Junkyards

23 U.S.C. 136

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

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

8. Maintenance

23 U.S.C. 116

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

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

9. Clean Air Act Compliance

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

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

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

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

10. Air Quality Nonconformity

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

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

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

11. Interstate System Maintenance

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

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

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

12. National Minimum Drinking Age

23 U.S.C. 158 (as amended by
Section 4104 of P.L. 99-272)

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

Penalty - Withholding of 10 percent of the apportionments for IC, IM, NHS, and 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 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.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

To: House Committees of Referral for HB 83

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

Re: Sectional Analysis of HB 83

Date: January 19, 1995

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

Section 1. FINDINGS AND INTENT:

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

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

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

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

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

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

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



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

To: House Committees of Referral for HB 83

From: Representative Scott Ogan *SO*

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

Date: January 19, 1995

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

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

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

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

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

January 30, 1995

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

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

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

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

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

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

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

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

Representative Ramona Barnes, Chair

January 30, 1995

Page 2

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

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

TBC:glc

95-100.glc

B —

HOUSE COMMITTEE REPORT

2/8/95

(5)

Date Referred: January 16, 1995

FURTHER REFERRALS:

State Affairs
Judiciary

Date of Committee Action: 1/31/95

The HOUSE SPECIAL COMMITTEE ON WORLD TRADE & STATE/FEDERAL RELATIONS Committee
considered: HB 83

HOUSE BILL NO. 83

REVIEW OF FEDERALLY MANDATED PROGRAMS

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

recommends it be replaced

with the following committee substitute

CS HB 83 (WTR)

☒ the same title
☐ a new title

☐ additional referral to
☐ attached amendment(s)

Committee

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S):

(Dept)

APPROVES PREVIOUS:

(Dept/Date)

(8) ☒ fiscal note(s) GOV, CRA, F&G, ☐ fiscal note(s) _____

HESS, LAW, P.S., REV, DOTPF

(9) ☒ zero fiscal note(s) ADMIN, CED, DEC, ☐ zero fiscal note(s) _____

Ed, DEC, F&G, Labor, DNR, MW

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Lail Phillips</i>	Phillips	☒			
<i>W. F. Williams</i>	Williams	☒			
<i>Gene Kubina</i>	Kubina			X	
<i>G. Davis</i>	G. Davis			X	
<i>Mulder</i>	Mulder			X	
<i>Mackie</i>	Mackie			X	
<i>Barnes</i>	Barnes	☒			
		(3)		(4)	

CHAIR'S SIGNATURE

Lail Phillips
Barnes



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Tamara Brandt Cook

FROM: Representative Ramona Barnes *Ramona*

DATE: February 1, 1995

RE: HB 83

Please draft a committee CS for HB 83. The changes reflected in the attached amendment were approved by my committee last night, and we need the CS before we can return the bill to the clerk. If you have any questions, please contact Wayne Maloney of my staff at 465-5686.

AMENDMENT

OFFERED IN THE HOUSE SPECIAL
COMMITTEE ON WORLD TRADE
AND STATE/FEDERAL RELATIONS

BY REPRESENTATIVE OGAN

Page 2, lines 13 - 15:

Delete:

"The commissioner of each department or head of another agency in the executive branch shall annually review each program administered by that department or agency"

Insert:

"The Office of Management and Budget shall annually review each program administered by each department or agency of the executive branch"

Page 2, line 16:

Delete "The commissioner or agency head"

Insert "The Office of Management and Budget"

Page 2, line 19:

Delete "commissioner or agency head"

Insert "Office of Management and Budget"

Page 3, line 18:

Following "governor":

Insert "and the Alaska congressional delegation"

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: _____
Title: Relating to state implementation of federal statutes
Sponsor: Rep Ogan
Requestor: House Com on World Trade & State/Fed Relations

Dept. Affected: Military and Veterans Affairs
BRU: Alaska National Guard
Component: Commissioner's Office
COMPONENT SERIAL NO. 414

Expenditures/Revenues

(Thousands of Dollars)

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

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

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

FUND SOURCE

(Thousands of Dollars)

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

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 Harrison, Director
Division: Administrative Support Services Division
Approved by Commissioner: MG Jake Lestakof
Agency: Military and Veterans Affairs

Phone: 465-4730
Date: 1/30/95
Date: 1/30/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

To: House Committees of Referral for HB 83

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

Re: Sectional Analysis of HB 83

Date: January 19, 1995

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

Section 1. FINDINGS AND INTENT:

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

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

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

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

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

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

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



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

To: House Committees of Referral for HB 83

From: Representative Scott Ogan *SO*

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

Date: January 19, 1995

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

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

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

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



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Jack Kreinheder, OMB

FROM: Wayne Maloney, Legislative staff
Special Committee on World Trade
and State/Federal Relations

Date: January 20, 1995

RE: fiscal notes

This is a formal request, through Committee Chair Rep. Ramona Barnes for fiscal notes for HJR 8 and HB 83. Both measures are scheduled for a hearing before the committee on January 31st.

It is my understanding per our discussion that OMB will obtain fiscal notes from each department and in the case of this request it is not necessary for the committee to contact each department individually. It is also my understanding that the requested fiscal notes will be provided no later than Wednesday, January 25th.



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Representative Scott Ogan

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

DATE: January 18, 1995

RE: HJR 8, HB 83

I have scheduled a hearing on your bill, HB 83, "An Act relating to state implementation of federal statutes" for Thursday, January 26th at 5 P.M. in room 408.

Also scheduled for a hearing at that time is HJR 8 "Relating to mandates and other conditions imposed on the states by the federal government."

Would you please ask your staff to provide Wayne Maloney of my staff with the necessary backup and sponsor statement information by 5 P.M. Monday, January 23rd? Please also furnish a list of individuals or representatives of agencies that you expect will testify at the hearing.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

REPRESENTATIVE SCOTT OGAN

House District 27

MEMORANDUM

To: World Trade & St./Fed. Relations Committee

From: Rep. Ogan *A.O.*

Date: January 17, 1995

Re: Request for Hearing on HB 83

Attn: Representative Barnes, Chair

Copy: Speaker Phillips, Vice Chair

Please schedule the above referenced Bill for a hearing at your earliest convenience. Thank you for your attention to this matter.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

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

FROM: Representative Scott Ogan

SUBJ: Request for Teleconference at Matanuska-Susitna L.I.O.

DATE: January 20, 1995

I would like to request a teleconference at the Matanuska-Susitna L.I.O when the House Special Committee on World Trade and State/Federal Relations has its hearing on HB 83 and HJR 8, January 31, 1995.

Thank you for your assistance.

A handwritten signature in cursive script, appearing to read "Scott Ogan".