

ALASKA LEGISLATURE COMMITTEE FILES

1995-1996

8672

8774 HOUSE STATE AFFAIRS

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 75

Revision Date: January 29, 1996 Dept. Affected: Public Safety
 Title: Felony Vehicle Theft BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Sanders
 Requestor: H. State Affairs COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	8.8	8.8	8.8	8.8	8.8	8.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.8	8.8	8.8	8.8	8.8	8.8
CAPITAL	-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						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

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: Li. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: January 29, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 1/29/96
 Agency: Ronald L. Otte, Department of Public Safety

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
1996 LEGISLATIVE SESSION

BILL NO: Draft CSHB 75

Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

This legislation will amend current state law so that all occurrences of taking a motor vehicle would be a felony. Under existing law the taking of a motor vehicle is only a felony if the vehicle is an emergency vehicle or \$500.00 or more in damage is done to the vehicle or other property.

This bill will have fiscal impact on the Department. Felony cases require more effort from the Department than do misdemeanor cases. That increased effort includes the court time involved by the Troopers worked on the case, increased evidence collection and processing, and increased report documentation with short time limits for report completion. It is difficult to place a precise dollar figure on this type of fiscal impact because of the many variables involved. At the very least, the passage of this bill will require the investigating trooper to attend a grand jury session.

In 1995 the Troopers arrested 89 persons for "joyriding." One third of those cases were removed assuming that the case was investigated by a trooper assigned to day shift and no additional costs would be incurred for that trooper to testify before the grand jury. This leaves about 60 cases worked by swing and graveyard shift troopers who would have to attend the grand jury on overtime with a minimum of three hours pay by contract. This adds up to \$8,820 in overtime costs, using an average figure of \$49 per hour. Note: the average cost of \$49 per hour is just that an average cost. More senior troopers being paid at a higher step, geographic differential, and travel cost for troopers to fly to court from outlying areas would all have an effect on the figures.

1995 LEGISLATIVE SESSION

Revision Date: 01/16/96 Dept. Affected: Public Safety
 Title: "An Act relating to criminal mischief." Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Sanders
 Requestor: (H) State of Affairs COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (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-

Estimate of current year (FY 96) 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 analysis.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/16/96
 Approved by Commissioner: *Ronald L. Otte* Date: 01/16/96
 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

Fiscal Analysis
HB 75

This legislation amends the criminal mischief statutes to classify acts cited under AS 11.46.482(a) (joyriding), as class C felonies. It also provides that repeat offenders are charged with a class B felony.

The Alaska State Troopers respond to over 700 thefts of all types of vehicles per year. Since they are only misdemeanors, very limited investigative effort is currently expended in this area and very few cases are prosecuted. The Department of Law has indicated only two such cases went to trial. Most cases were not contested or the defendant pled out.

Changing the nature of the penalty from a misdemeanor to a class C felony will increase the amount of time spent on a joyriding case to respond to grand jury and evidentiary hearings which are not encountered at the misdemeanor level. Additionally, more felony cases tend to go to trial than misdemeanors due to the increased penalty.

The intent of this bill is to make the selection of joyriding cases more of a priority. Felony crimes against persons are the highest priority and take most resources. Vehicle theft has not historically been afforded priority treatment. AS a practical matter, the few new cases taken as a felony under this bill would preempt investigating a few more lower priority misdemeanor cases.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 75

Revision Date: January 23, 1996 Dept. Affected: Corrections
 Title: An act related to criminal mischief BRU: All
 Component: _____
 Sponsor: Rep. Sanders
 Requester: House State Affairs COMPONENT SERIAL NO. # 0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	332.2	337.2	342.2	347.4	352.6	357.9
TRAVEL						
CONTRACTUAL	727.0	727.0	727.0	727.0	727.0	727.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	2,054.4	2,054.4	2,054.4	2,054.4	2,054.4	2,054.4
TOTAL OPERATING	3,113.6	3,118.6	3,123.6	3,128.8	3,134.0	3,139.3

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3,113.6	3,118.6	3,123.6	3,128.8	3,134.0	3,139.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	3,113.6	3,118.6	3,123.6	3,128.8	1,387.8	3,139.3

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	7					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is being revised for the following reasons:

- 1/ the previous fiscal not did not take into account that pre-sentence investigations are required on all felony cases;
- 2/ those convicted under Sec. 2 would be subject to a minimum four year presumptive sentence;
- 3/ updated data concerning the number of expected cases.

Thirty-two (32) offenders with a prior felony conviction will be convicted of criminal mischief in the second degree. They will be subject to a presumptive sentence of four years in prison. They will serve 32 months allowing for good time reduction. These people are currently serving an average of 30 days. Thus, they will serve an additional 31 months in prison and 16 months on mandatory parole. Of the additional prison time, it is assumed they will average 20 months in prison and 12 months in a CRC.

32 Offenders X 90 Days X \$ 107 per day = \$ 308,160

Prepared by: *Jessie Shriver*
 Division: Office of the Commissioner

Phone: 465-4652
 Date: 1/23/96

Approved by Commissioner: *Margaret Pugh* Margaret Pugh
 Agency: Department of Corrections

Date: 1/23/96

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

Fiscal Note
"An Act relating to Vehicle Theft"
Page 2 of 2

(Continued from page 1 of 2)

assumed they will average 3 months in prison and 12 months in a CRC.

32 Offenders X 600 days X \$107 per day	=	\$2,054,400
32 Offenders X 365 days X \$57 per day	=	\$ 665,760
32 Offenders X 480 days X \$4.25 per day	=	<u>\$ 62,280</u>
TOTAL NEW	=	=\$2,782,440

Forty-three (43) new "C" Felons will be convicted and sentenced to an average of 30 days in CRC's and 6 months probation. These first time offenders would have been serving an average of 5 days which would have been served in a CRC under the old statute. An average net of 25 additional days will be served per offender and the sentence will be served in a CRC at an average cost of \$ 57.00 per day.

New (43 Offenders X 180 Days X \$ 4.25 per day)	=	\$ 32,895
New (43 Offenders X 25 Days X \$ 57.00 per day)	=	<u>\$ 61,275</u>
TOTAL NEW	=	\$ 94,170

One hundred and five (105) additional "C" felons will be convicted and receive a suspended imposition of sentence for one year. Their conviction will be set aside if these offenders successfully complete their year's probation. The Department assumes that these will be the least serious first time offenders, to be managed at a lower level of probation supervision, and the cost per case will be about 1/2 the average cost of other probationers in this group of offenders.

New (105 Offenders X 365 days X \$ 4.25 per day)	=	\$ 162,881 [Probation]
--	---	------------------------

Each felony conviction will require a pre-sentence investigation. While the cases would be spread across the state, the incremental equivalent is 1.5 probation officer positions.

P.O. II (w/benefits) \$ 52,900 X 1.4 = \$ 74,060 for presentence investigations.

A total of five (5) probation officers and an Administrative Clerk and a clerk-typist II will be required.

TOTAL NEW COSTS **\$ 3,113,551**

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 75

Revision Date: _____ Dept. Affected: Corrections
 Title: An act related to vehicle theft... BRU: All
 Component: _____
 Sponsor: Rep. Sanders
 Requester: House State Affairs COMPONENT SERIAL NO. # 0694

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	271.5	275.6	279.7	283.9	288.2	292.5
TRAVEL						
CONTRACTUAL	727.0	727.0	727.0	727.0	727.0	727.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	308.2	308.2	308.2	308.2	308.2	308.2
TOTAL OPERATING	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	5					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Based on data supplied by DPS and DOL, the Department of Corrections projects the following fiscal impact :

Thirty-two (32) offenders with a prior felony conviction will be convicted of vehicle theft in the first degree. They will be subject to a presumptive sentence of two years in prison. They will serve 16 months allowing for good time reduction. These people are currently serving an average of 30 days. Thus, they will serve an additional 15 months in prison and 8 months on mandatory parole. Of the additional prison time, it is

CONTINUED ON PAGE 2

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: Margaret Pugh Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4652
 Date: 1/27/96
 Date: 1/29/96

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

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

Fiscal Note
"An Act relating to Vehicle Theft"
Page 2 of 2

(Continued from page 1 of 2)

assumed they will average 3 months in prison and 12 months in a CRC.

32 Offenders X 90 days X \$107 per day	= \$	308,160
32 Offenders X 365 days X \$57 per day	= \$	665,760
32 Offenders X 240 days X \$4.25 per day	= \$	<u>32,940</u>
TOTAL NEW		= \$1,006,560

Forty-three (43) new "C" Felons will be convicted and sentenced to an average of 30 days in CRC's and 6 months probation. These first time offenders would have been serving an average of 5 days which would have been served in a CRC under the old statute. An average net of 25 additional days will be served per offender and the sentence will be served in a CRC at an average cost of \$ 57.00 per day.

New (43 Offenders X 180 Days X \$ 4.25 per day)	=	\$ 32,895
New (43 Offenders X 25 Days X \$ 57.00 per day)	=	<u>\$ 61,275</u>
TOTAL NEW	=	\$ 94,170

Eighty-five (85) additional "C" felons will be convicted and receive a suspended imposition of sentence for one year. Their conviction will be set aside if these offenders successfully complete their year's probation. The Department assumes that these will be the least serious first time offenders, to be managed at a lower level of probation supervision, and the cost per case will be about 1/2 the average cost of other probationers in this group of offenders.

New (85 Offenders X 365 days X \$ 4.25 per day) = \$ 131,856 [Probation]

Each felony conviction will require a pre-sentence investigation. While the cases would be spread across the state, the incremental equivalent is 1.4 probation officer positions.

A total of four (4) probation officers and an Administrative Clerk will be required.

P.O. II (w/benefits) \$ 52,900 X 1.4 = \$ 74,060 for presentence investigations.

TOTAL NEW COSTS **\$ 1,306,646**

FISCAL NOTE

Work Draft
1/24/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 75 ()

Revision Date: <u>1/26/96</u>	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to vehicle theft and the consequences of vehicle theft..."</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Representative Sanders</u>	Component: <u>Criminal Division</u>
Requester: <u>Representative Sanders</u>	COMPONENT SERIAL NO. <u>2085</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	108.5	108.5	108.5	108.5	108.0	108.5
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	14.6	14.6	14.6	14.6	14.6	14.6
SUPPLIES	5.7	3.6	3.6	3.6	3.6	23.6
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	146.8	129.7	129.7	129.7	129.7	129.7

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	146.8	129.7	129.7	129.7	129.7	129.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	146.8	129.7	129.7	129.7	129.7	129.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The work draft committee substitute for HB 75 amends various criminal laws to establish the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. These changes have the effect of removing vehicle theft and joyriding from the criminal mischief statutes, and reclassifying this conduct as separate crimes. Moreover, the bill does this in a way that increases the penalty when a person drives, tows away or takes the motor vehicle of another from a class A misdemeanor to a class C felony. Under existing law, this conduct is punishable as a class C felony when the owner of the vehicle incurs reasonable expenses as a result of damages or the loss of use of the vehicle in a total amount of \$500 or more, it is a second offense, or the vehicle is a police or emergency vehicle.

Based upon actual arrests that occurred in the past year, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 new felonies statewide, that will be referred to the Department of Law for prosecution. About one-half of these felony referrals (130) will occur

Prepared by: <u>Richard I. Peques, Director</u>	Phone: <u>465-3672</u>
Division: <u>Administrative Services Division</u>	Date: <u>1/26/96</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u>	Date: <u>1/26/96</u>
Agency: <u>Department of Law</u>	

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

FISCAL NOTE

Work Draft

1/24/96

BILL NO. CSHB 75 ()

STATE OF ALASKA
1996 LEGISLATIVE SESSION

ANALYSIS CONTINUATION:

in the Anchorage area. This will result in an increase of seven or eight percent in the existing Anchorage felony caseload. As compared to misdemeanor prosecutions, felony prosecutions are far more intensive, requiring grand jury proceedings and extensive pretrial motion practice. This will particularly be the case in 30 or more new prosecutions involving presumptive (enhanced) sentencing because of prior felony convictions. The Department of Law is therefore requesting the addition of one Attorney II and one Legal Secretary I to handle the additional felony caseload that will occur in the Anchorage area if this bill is enacted. Normally, a part-time secretary would be adequate; however, in this case a large number of convictions (40 to 50) may result in a suspended imposition of sentence. When that happens the prosecution is required to prepare a lengthy written sentencing agreement. This additional work, taken together with the scheduling and normal documentation needed for this large a number of felonies, will require the services of a full-time legal secretary.

	<u>Attorney III</u>	<u>Legal Secretary I</u>	<u>Total</u>
Personal Services	71.5	37.0	108.5
Travel	3.0	0.0	3.0
Contractual	8.6	6.0	14.6
Supplies	3.3	2.4	5.7
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
TOTAL	92.9	53.9	146.8

10/13/95

11:08:22.D

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

 DEPARTMENT OF LAW
 COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

 SCENARIO: 1
 DRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S R&S	MOS BUDG	SALARY	PREM PAY	BENEF	PER.SERV. COSTS	G. F. AMOUNT	
03//001		ATTORNEY III	F	ANCHORAGE	A	XE	AA 22A	12	53304	0	18156	71460.78		
***** JUSTIFICATION: This Attorney III position is required to handle the 130 or more new felony prosecutions that will occur in the Anchorage area when the penalty for vehicle theft (currently classified as criminal mischief) is raised from a class A misdemeanor to a class C felony, as a result of the passage of this bill. Felony prosecutions require substantially increased processing, including grand jury proceedings and trial motion practice, compared to misdemeanor prosecutions. This additional work represents about a seven percent increase in the Anchorage felony caseload.														
												TRAVEL COSTS	3000.00	
												CONTRACTUAL COSTS	8600.00	
												SUPPLIES COSTS	3300.00	
												EQUIPMENT COSTS	6500.00	
												OTHER COSTS	0.00	
												TOTAL COSTS	92060.78	71460.78

												*** FUNDING DETAIL:		
												100% GENERAL FUND RECEIPTS	71460.78	

												TOTAL FUNDING	71460.78	
03//002		LEGAL SECRETARY I	F	ANCHORAGE	A	CG	2A 10A	12	25517	0	11447	36964.86		
***** JUSTIFICATION: This Legal Secretary I will be needed to provide clerical support to the new attorney handling felony prosecutions, as a result of raising the penalty for vehicle theft from a class A misdemeanor to a class C felony. Of particular note will be a large number of convictions resulting in a suspended imposition of sentence. These will all require lengthy sentencing agreements and a considerable amount of secretarial time. Taken together with the normal scheduling and documentation required by the overall felony caseload increase, full-time secretarial services are needed														
												TRAVEL COSTS	0.00	
												CONTRACTUAL COSTS	6000.00	
												SUPPLIES COSTS	2400.00	
												EQUIPMENT COSTS	8500.00	
												OTHER COSTS	0.00	
												TOTAL COSTS	53064.86	36964.86

												*** FUNDING DETAIL:		
												100% GENERAL FUND RECEIPTS	36964.86	

												TOTAL FUNDING	36964.86	
***** COMPONENT TOTALS:														
FULL TIME NEW POSITIONS												2	TOTAL PERSONAL SERVICES	108425.64
PART TIME/SEASONAL NEW POSITIONS												0		
NON PERMANENT NEW POSITIONS												0	TOTAL COSTS INC. ASSOC COSTS	146725.64
OTHER.....												0		
												====		
NUMBER OF NEW POSITIONS IN COMPONENT:												2		
												FUNDING DATA: G.F. & G.F. MATCH:		108425.64
												OTHER FUNDS:		0.00

												TOTAL FUNDING:	108425.64	

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SANDERS, Finkelstein, Kott

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vehicle theft and the consequences of vehicle theft, including
2 revocation of a driver's license, privilege to drive, or privilege to obtain a license;
3 amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an
4 effective date."

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

6 * Section 1. AS 11.46 is amended by adding new sections to read:

7 ARTICLE 2A. VEHICLE THEFT.

8 Sec. 11.46.360. VEHICLE THEFT IN THE FIRST DEGREE. (a) A person
9 commits the crime of vehicle theft in the first degree if, having no right to do so or
10 any reasonable ground to believe the person has such a right, the person drives, tows
11 away, or takes

12 (1) the motor vehicle of another;

13 (2) the propelled vehicle of another and the vehicle or any other
14 property of another is damaged, or the owner incurs reasonable expenses as a result

1 of the loss of use of the vehicle, in a total amount of \$500 or more;

2 (3) the propelled vehicle of another and the vehicle is marked as a
3 police or emergency vehicle; or

4 (4) the propelled vehicle of another and, within the preceding seven
5 years, the person was convicted under

6 (A) this section or AS 11.46.365;

7 (B) former AS 11.46.482(a)(4) or (5);

8 (C) former AS 11.46.484(a)(2);

9 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
10 of a propelled vehicle; or

11 (E) a law or ordinance of this or another jurisdiction with
12 elements substantially similar to those of an offense described in (A) - (D) of
13 this paragraph.

14 (b) Vehicle theft in the first degree is a class C felony.

15 Sec. 11.46.365. VEHICLE THEFT IN THE SECOND DEGREE. (a) A
16 person commits the crime of vehicle theft in the second degree if, having no right to
17 do so or a reasonable ground to believe the person has such a right,

18 (1) the person drives, tows away, or takes the propelled vehicle of
19 another that is not a motor vehicle; or

20 (2) having custody of a propelled vehicle under a written agreement
21 with the owner of the vehicle that includes an agreement to return the vehicle to the
22 owner at a specified time, the person knowingly retains or withholds possession of the
23 vehicle without the consent of the owner for so long a period beyond the time
24 specified as to render the retention or possession of the vehicle an unreasonable
25 deviation from the agreement.

26 (b) Vehicle theft in the second degree is a class A misdemeanor.

27 Sec. 11.46.370. DEFINITIONS. In AS 11.46.360 - 11.46.370,

28 (1) "aircraft" has the meaning given in AS 02.15.260;

29 (2) "commercial motor vehicle" has the meaning given in
30 AS 28.40.100;

31 (3) "motorcycle" has the meaning given in AS 28.40.100;

1 (4) "motor vehicle" means a propelled vehicle that is a passenger car,
2 truck, motorcycle, watercraft, aircraft, or commercial motor vehicle; "

3 (5) "passenger car" means a vehicle designed or used primarily for the
4 transportation of persons;

5 (6) "truck" means a vehicle designed, used, or maintained primarily for
6 the transportation of property;

7 (7) "watercraft" means a vessel used or capable of being used as a
8 means of transportation, for recreational or commercial purposes, on water.

9 * Sec. 2. AS 11.46.484(b) is amended to read:

10 (b) Criminal [EXCEPT AS PROVIDED IN (c) OF THIS SECTION,
11 CRIMINAL] mischief in the third degree is a class A misdemeanor.

12 * Sec. 3. AS 11.46.486(a) is amended to read:

13 (a) A person commits the crime of criminal mischief in the fourth degree if,
14 having no right to do so or any reasonable ground to believe the person has such a
15 right,

16 (1) with reckless disregard for the risk of harm to or loss of the
17 property or with intent to cause substantial inconvenience to another, the person
18 tampers with property of another;

19 (2) with intent to damage property of another, the person damages
20 property of another in an amount less than \$50; or

21 (3) the person rides in a propelled vehicle knowing it has been stolen
22 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1)
23 [AS 11.46.482(a)(4) or 11.46.484(a)(2)].

24 * Sec. 4. AS 12.55.045(e) is amended to read:

25 (e) If a defendant is convicted of vehicle theft in the first degree in violation
26 of AS 11.46.360 or vehicle theft in the second [CRIMINAL MISCHIEF IN THE
27 THIRD] degree in violation of AS 11.46.365(a)(1) [AS 11.46.484(a)(2)], and the
28 victim of the offense incurs damage or loss as a result of the offense, the court shall
29 order the defendant to pay restitution.

30 * Sec. 5. AS 12.55.135(e) is amended to read:

1 (c) If [EXCEPT AS PROVIDED IN AS 12.55.055(f), IF] a defendant is
2 sentenced under (c) or [,] (d) [, OR (f)] of this section,

3 (1) execution of sentence may not be suspended and probation or parole
4 may not be granted until the minimum term of imprisonment has been served;

5 (2) imposition of a sentence may not be suspended except upon
6 condition that the defendant be imprisoned for no less than the minimum term of
7 imprisonment provided in the section; and

8 (3) the minimum term of imprisonment may not otherwise be reduced.

9 * Sec. 6. AS 12.55.135(f) is amended to read:

10 (f) A defendant convicted of vehicle theft in the second degree in violation
11 of AS 11.46.365(a)(1) [CRIMINAL MISCHIEF IN THE THIRD DEGREE IN
12 VIOLATION OF AS 11.46.484(a)(2), WHOSE CONVICTION IS NOT A FELONY
13 UNDER AS 11.46.484(c),] shall be sentenced to a definite term of imprisonment of
14 at least 72 hours but not more than one year.

15 * Sec. 7. AS 28.15.181(a) is amended to read:

16 (a) Conviction of any of the following offenses is grounds for the immediate
17 revocation of a driver's license, privilege to drive, or privilege to obtain a license:

18 (1) manslaughter or negligent homicide resulting from driving a motor
19 vehicle;

20 (2) a felony in the commission of which a motor vehicle is used;

21 (3) failure to stop and give aid as required by law when a motor
22 vehicle accident results in the death or personal injury of another;

23 (4) perjury or making a false affidavit or statement under oath to the
24 department under a law relating to motor vehicles;

25 (5) operating a motor vehicle or aircraft while intoxicated;

26 (6) reckless driving;

27 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace
28 officer;

29 (8) refusal to submit to a chemical test authorized under
30 AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle,
31 commercial motor vehicle, or aircraft while intoxicated, or authorized under

1 AS 28.35.031(g);

2 (9) driving while license, privilege to drive, or privilege to obtain a
3 license, canceled, suspended, or revoked, or in violation of a limitation;

4 (10) vehicle theft in the first degree in violation of AS 11.46.360 or
5 vehicle theft in the second degree in violation of AS 11.46.365.

6 * Sec. 8. AS 28.15.181(b) is amended to read:

7 (b) A court convicting a person of an offense described in (a)(1) - (4), (6),
8 [OR] (7), or (10) of this section shall revoke that person's driver's license, privilege
9 to drive, or privilege to obtain a license for not less than 30 days for the first
10 conviction, unless the court determines that the person's ability to earn a livelihood
11 would be severely impaired and a limitation under AS 28.15.201 can be placed on the
12 license that will enable the person to earn a livelihood without excessive danger to the
13 public. If a court limits a person's license under this subsection, it shall do so for not
14 less than 60 days. Upon a subsequent conviction of a person for any offense described
15 in (a)(1) - (4), (6), [OR] (7), or (10) of this section occurring within 10 years after a
16 prior conviction, the court shall revoke the person's license, privilege to drive, or
17 privilege to obtain a license and may not grant the person limited license privileges for
18 the following periods:

19 (1) not less than one year for the second conviction; and

20 (2) not less than three years for a third or subsequent conviction.

21 * Sec. 9. Rule 32.1(a), Alaska Rules of Criminal Procedure, is amended to read:

22 (a) Scheduling. At the time guilt in a felony case is established by verdict or
23 plea, the judge shall establish the date for a sentencing hearing and a presentencing
24 hearing, if appropriate, and, except as provided in paragraph (f) of this rule, shall
25 order a presentence investigation by the Department of Corrections. If the judge elects
26 to schedule a single hearing, all of the procedures for the presentencing and sentencing
27 hearings shall be applicable at the single hearing.

28 * Sec. 10. Rule 32.1, Alaska Rules of Criminal Procedure, is amended by adding a new
29 subsection to read:

30 (f) When Presentence Investigation Not Required. Unless a person may be
31 sentenced to a presumptive term of imprisonment under AS 12.55.125(e)(1) or (2), a

1 presentence investigation by the Department of Corrections is not required for a
2 defendant convicted of vehicle theft in the first degree in violation of AS 11.46.360.

3 * Sec. 11. AS 11.46.482(a)(4), 11.46.482(a)(5), 11.46.484(a)(2), 11.46.484(a)(3),
4 11.46.484(c); and AS 12.55.055(f) are repealed.

5 * Sec. 12. AS 11.46.360(a)(1), enacted by sec. 1 of this Act, applies to an act committed
6 on or after the effective date of this Act.

7 * Sec. 13. This Act takes effect immediately under AS 01.10.070(c).



Official Business

COMMITTEES
Labor and Commerce
Transportation

Alaska State Legislature

Chairman - Economic Development Committee

REPRESENTATIVE
JERRY SANDERS
District 19

Anchorage
716 W 4th Ave
Anchorage, AK 99501
(907) 258-3199

State Capitol
Juneau, AK 99801-1182
(907) 465-4945

SPONSOR STATEMENT

SPONSOR SUBSTITUTE FOR HOUSE BILL 75

VEHICLE THEFT

Sponsor Substitute for House Bill 75 labels those who take cars belonging to others as what they are -- thieves -- not joy riders or pranksters. It increases the penalty for the crime of vehicle theft to a C Felony with one minor exception (first offense snow machines).

This bill provides a strong deterrent for those who might otherwise commit vehicle theft. Generally, under current law, those caught "joy riding" can only be convicted of a Class A Misdemeanor. The current law ties the hands of police and provides no deterrent for the car thief unless they cause \$500 damage or it is their second offense.

By increasing the crime of "joy riding" to a felony, SSHB 75 provides a strong deterrent necessary to prevent Alaska's youth from participating in vehicle theft and it gives the justice system the tools with which to make car thieves responsible for their actions.

There are other bills currently under consideration regarding vehicle theft issues. However, I feel that SSHB 75 best serves the public interest because it is a compromise bill that stands the best chance of addressing the concerns of both the legislature and the administration.



Official Business

COMMITTEES
Labor and Commerce
Transportation

Alaska State Legislature

Chairman - Economic Development Committee

REPRESENTATIVE
JERRY SANDERS
District 19

Anchorage
716 W. 4th Ave.
Anchorage, AK 99501
(907) 258-8199

State Capitol
Juneau, AK 99801-1182
(907) 465-4945

SECTIONAL ANALYSIS FOR

SPONSOR SUBSTITUTE HOUSE BILL 75

SECTION 1 creates the offense of vehicle theft in the first degree, which prohibits taking the motor vehicle of another person. Vehicle theft in the first degree is a class C felony and is punishable by five years imprisonment and a fine of \$50,000. Motor vehicle is defined as including passenger cars, motorcycles, trucks, water craft, airplanes and commercial vehicles. It is a class C felony to steal a snowmachines or other off road vehicle if it is an emergency or police vehicle, damage to the stolen vehicle is more than \$500, or it is the second offense within seven years.

SECTION 1 also creates the offense vehicle theft in the second degree, which prohibits first offense taking of a snow machine or off road vehicle where there is damage of less than \$500. It retains existing law that prohibits keeping a rented vehicle for an unreasonably long time past the agreed upon rental period. Vehicle theft in the second degree is a class A misdemeanor, which is punishable by one year imprisonment and a \$5,000 fine.

SECTION 1 also provides definitions of the various vehicles described in vehicle theft in the first and second degrees.

SECTION 2 is a conforming, technical amendment.

SECTION 3 is a conforming, technical amendment.

SECTION 4 provides that a person convicted of either first or second degree vehicle theft must, at sentencing, be ordered to pay restitution to the victim. Under present law only a person convicted of misdemeanor joyriding is required to pay restitution.

SECTION 5 is a technical amendment. Under present law and this bill, a person convicted of misdemeanor vehicle theft is subject to a 72 hour mandatory term of imprisonment. Under present law this mandatory term may be satisfied by community service for all except 24 hours of imprisonment. This bill takes away the ability to substitute community service for 48 hours of the mandatory term.

SECTION 6 is a technical, conforming amendment.

SECTION 7 adds vehicle theft to those offenses which may be grounds for immediate driver's license revocation by the court.

SECTION 8 provides for mandatory driver's license revocation by the court for conviction of vehicle theft. For a first offense, the revocation must be 30 days; for a second conviction, at least one year; and for a third conviction, at least three years.

SECTION 9 and 10 amend Rule 32.1, Alaska Rules of Criminal Procedure by excepting vehicle theft from cases where a presentence report by the Department of Corrections is required. If a defendant is subject to presumptive sentencing for the offense, a presentence report is still required.

SECTION 11 repeals the existing statute allowing substitution of community service for jail time, and other provisions replaced by the new statutes.

SECTION 12 and 13 provide the effective date for the bill.



Official Business

COMMITTEES
Labor and Commerce
Transportation

Alaska State Legislature

Chairman - Economic Development Committee

REPRESENTATIVE
JERRY SANDERS
District 19

Anchorage
716 W. 4th Ave.
Anchorage, AK 99501
(907) 258-8100

State Capitol
Juneau, AK 99801-1182
(907) 465-4945

SPONSOR STATEMENT

HB 75 CRIMINAL MISCHIEF

The Criminal Mischief Act provides a strong deterrent for those intending to commit joyriding or grand theft auto. Under the current law those caught attempting to commit grand theft auto can plead joyriding and if there is less than \$500 damage to the vehicle they can be convicted of committing only a class A misdemeanor. The current law ties the hands of police and provides no deterrent for the car thief.

This act makes all cases of joyriding criminal mischief in the second degree not just those which cause more than \$500 damage to the victims property. Criminal Mischief in the second degree is a class C felony. If a person has been previously convicted of joyriding or a similar act of criminal mischief, the second offense becomes a Class B Felony.

HB 72 not only provides the strong deterrent necessary to prevent Alaska's youth from joyriding but eliminates the loop hole through which countless more serious criminals have escaped justice.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

RECEIVED JAN 28 1995

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

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

MEMORANDUM

January 27, 1995

SUBJECT: Sectional Summary of HB 75
(Work Order No. 9-LS0369\A)

TO: Representative Jerry Sanders

FROM: Jerry Luckhaupt
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.46.482(a) to provide that a person commits the crime of criminal mischief in the second degree^{1/} if the drives, tows away, or takes the propelled vehicle of another without having any right to do so (joyriding). Joyriding is currently proscribed as a class C felony under this section for certain aggravated types of joyriding, including second offenses, and as a class A misdemeanor for the normal case of joyriding.

Section 2 of the bill amends AS 11.46.482 by adding a new subsection (c) to provide that a person that violates AS 11.46.482(a)(4), amended by sec. 1 of the bill, and has a previous conviction under that section or former laws relating to this same conduct (joyriding), is guilty of a class B felony instead of a class C felony.^{2/}

Sections 3 - 6 of the bill amend various provisions to make various conforming changes necessary to accommodate the changes made in secs. 1 - 2 of the bill.

Section 7 of the bill provides repealers.

GPL:klb
95-019.klb

^{1/} Criminal mischief in the second degree is a class C felony punishable as provided in AS 12.55.125(e)(imprisonment) and AS 12.55.035(fine).

^{2/} Class B felonies are punishable as provided in AS 12.55.125(d)(imprisonment) and AS 12.55.035(fine).

HB

83



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

To: House Committees of Referral for HB 83

From: Representative Scott Ogan

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

Date: January 19, 1995

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

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

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

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



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

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.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

JAN 31 1995

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

MEMORANDUM

January 30, 1995

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

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

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

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

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

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

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

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

Representative Ramona Barnes, Chair
January 30, 1995
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

1994 Mandate Catalog

Part 1: 103rd Congress, Second Session

Part 2: All Existing Mandates and Pre-emptions

Total in 103rd Congress, Second Session:	7
---	----------

Banking:	1
-----------------	----------

<p>PL 103-328 Interstate Banking and Efficiency Act</p>	<p>Mandates interstate banking one year after enactment and interstate branching in 3 years, June 1, 1997. State legislatures would have 3 years to decide whether to opt-out of a national interstate branching network and may choose to opt-in before the June 1, 1997 date. Maintains state taxing authority. Grandfathers conditions states have placed on national banks through the Douglas Amendment to the Bank Holding Company Act with regard to consumer protection, fair lending, community reinvestment and intrastate branching. However, these conditions must have been in place by the enactment date of this legislation. The Office of the Comptroller will no longer be able to pre-empt state law through interpretive letters. The Comptroller must now follow a formal procedure through the Federal Register, which will give states and other interested parties at least 30 days to respond to any possible pre-emption. After the comment period, the Comptroller will issue a formal ruling which provides the states standing to file suit if they so choose.</p>
---	---

Health:	1
----------------	----------

<p>PL 103-112 Labor-HHS-Education Appropriations</p>	<p>This mandate results from the Health Care Financing Administration's interpretation of language in the FY 1994 Labor-HHS- Education appropriation bill. States will be required to pay for abortions for low-income women in cases of rape or incest or to save the life of the mother.</p>
--	--

Human Services:	2
------------------------	----------

<p>PL 103-296 Social Security Administrative Reform Act</p>	<p>This law makes Social Security Administration an independent agency. Restricts SSI and SSDI payments for alcoholics or drug abusers to no more than 3 years, regardless of availability of treatment. No additional funding is provided even though the treatment population is greatly expanded.</p>
<p>PL 103-382 ESEA Reauthorization</p>	<p>Title VI Multiethnic Placement Act - Prohibits an agency or entity that received federal assistance and is involved in adoptive or foster care placements from delaying or denying the placement of a child solely on the basis of race, color, or national origin of the adoptive or foster parent or parents involved. Permits consideration of the child's race, color, or national origin when such factors are: (1) considered in conjunction with other factors; and (2) relevant to the child's best interest. Withholds adoption assistance funds from agency or entity in cases of non-compliance. (Summary from Congressional Research Service, 10/26/94)</p>

Text continues on reverse side...

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

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

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

(202) 624-8695*

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

Continued..

Justice: 2

- PL 103-322 Violent Crime Control and Law Enforcement Act
 Bans the manufacture of 19 assault weapons. Expands the federal death penalty to cover about 60 offenses. Creates new federal insurance and telemarketing fraud categories. Prohibits the sale or transfer of a firearm to or possession of certain firearms to juveniles. States must require sexually violent predators to register a current address with a designated state law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. States failing to implement these requirements in the time allotted lose 10 percent of funds allocated under Section 506 of the Omnibus Crime Control and Safe Streets Act. Imposes a \$5,000 per day fine on state departments of motor vehicles that release identifying information about individuals who have obtained a license or registered their vehicles. Requires state court clerks to report information on individuals who post cash bond in excess of \$10,000 to the IRS. Authorizes numerous grant programs for prevention and law enforcement.

- PL 103-383 Full Faith and Credit for Child Support Orders Act
 A bill to provide that a state court may not modify an order of another state court requiring the payment of child support unless the recipient of child support payments resides in the state in which modification is sought or consents to the seeking of modification in that court.

Transportation: 1

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

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

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

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

Federal Laws Containing Mandates and Pre-emptions on States

T	192
---	-----

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

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

 II: 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

#: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

al: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

PL: 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

Page: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

total: 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

192

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

Federal Laws Containing Mandates and Pre-emptions on States

al: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

192

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

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

T 192

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

Federal Laws

Containing Mandates and Pre-emptions on States

Total: 192

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

Federal Laws Containing Mandates and Pre-emptions on States

Total: 192

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

Note:

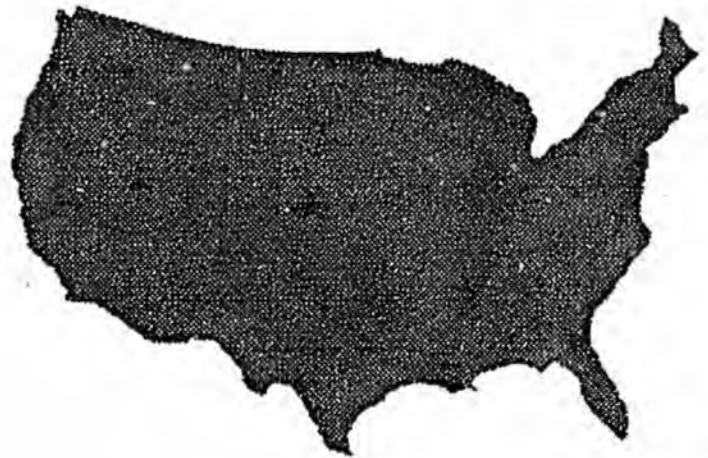
Information for this publication was gathered from Congressional Quarterly Almanac, The Committee for Education Funding's Education Budget Alert, U.S. Code - Congressional and Administrative News, The 1992 Green Book from the House Ways and Means Committee, NCSL's Mandate Monitor, and other NCSL publications.

PAYING FOR FEDERAL ENVIRONMENTAL MANDATES:

A LOOMING CRISIS

FOR

CITIES AND COUNTIES



Compiled for the United States Congress by



Municipality of Anchorage
Anchorage, Alaska

Tom Fink, Mayor

September, 1992

For release
January, 1993

Anchorage

VII. COSTS OF FEDERAL ENVIRONMENTAL MANDATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A1. Major Environmental Laws

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










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

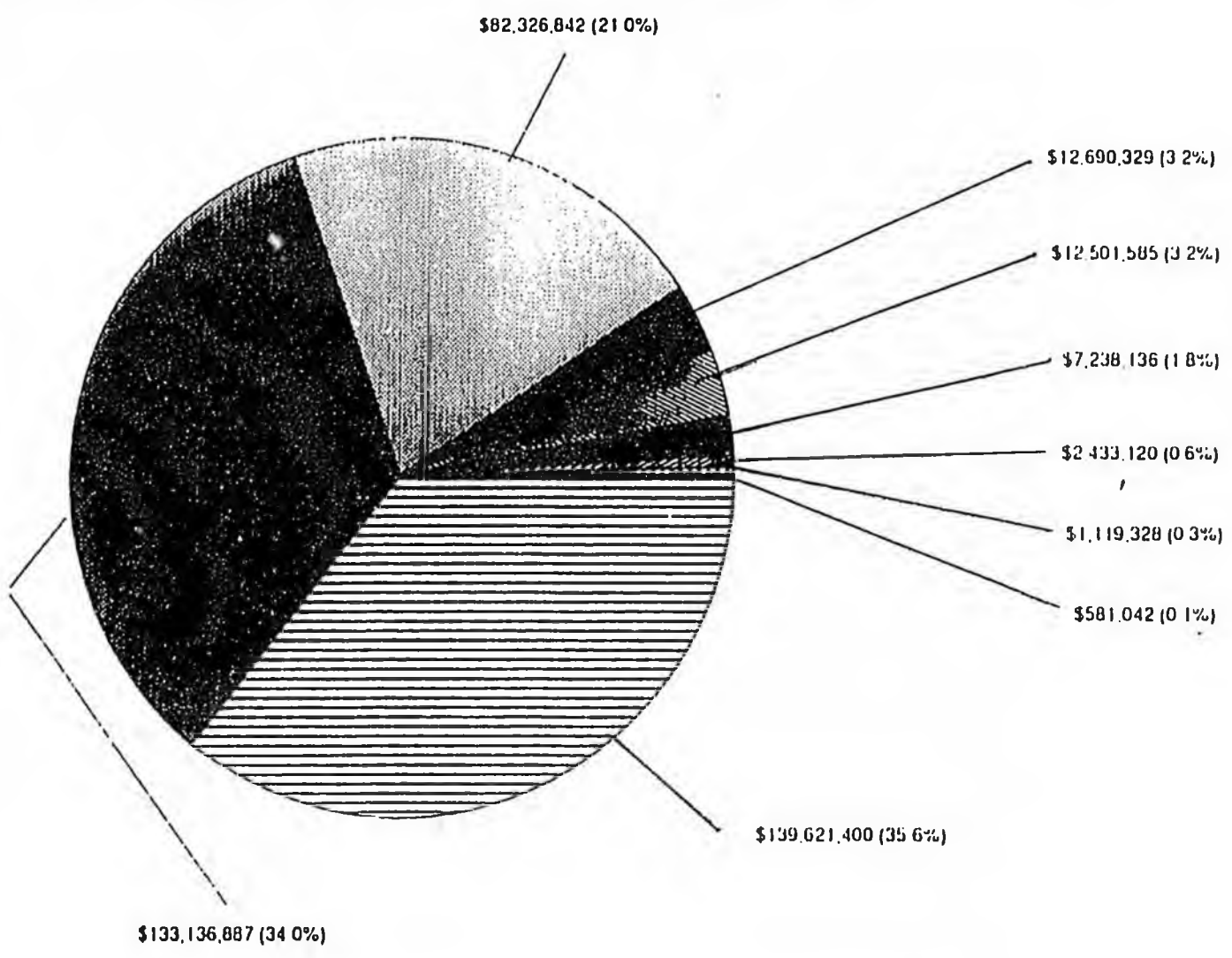
1991 - 2000

ANCHORAGE

COST OF FEDERAL ENVIRONMENTAL MANDATES FOR 1991 - 2000

44

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



COSTS TO THE MUNICIPALITY OF ANCHORAGE

CLEAN WATER ACT/WATER QUALITY ACT (CWA)

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

CLEAN AIR ACT (CAA)

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	TOTAL
ML&P	113,534	515,000	603,234	703,845	809,889	925,716	1,054,497	1,301,755	1,355,489	1,532,861	8,915,821
C&RS	250,000	1,000,000	1,070,000	1,140,000	1,210,000	1,280,000	1,350,000	1,420,000	1,490,000	1,560,000	11,770,000
H&HS	1,534,816	1,647,300	1,913,019	2,184,263	2,523,725	2,975,771	3,364,994	6,516,827	7,325,475	8,218,388	38,302,375
ATU	0	38,000	168,920	177,840	188,760	403,200	357,750	248,500	260,750	273,000	2,112,720
TD*	125,000	0	0	0	0	0	0	0	0	0	125,000
AWW	0	0	0	0	41,200,500	5,184,000	5,467,500	5,751,000	6,034,500	6,318,000	69,955,500
SW	0	0	53,500	57,000	60,500	64,000	67,500	71,000	74,500	78,000	528,000
PA	63,500	71,240	84,095	108,272	124,112	141,798	161,615	183,481	207,928	235,111	1,391,049
MF	2,050	2,214	2,558	2,943	3,375	3,855	4,392	4,988	5,653	6,393	38,422
TOTAL	2,088,700	3,271,754	3,903,326	4,374,163	46,220,881	10,978,339	11,828,148	15,497,552	16,754,295	18,210,750	133,136,887

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

RESOURCE CONSERVATION & RECOVERY ACT (RCRA)

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	TOTAL
P&FM	150,000	354,000	555,780	1,285,400	1,355,200	1,100,800	1,161,000	0	0	0	6,942,180
ML&P	542,089	329,000	378,080	438,810	377,032	430,656	490,833	557,577	631,730	714,519	4,889,335
PW	330,000	330,000	353,100	378,300	399,300	422,400	445,500	488,600	491,700	514,800	4,131,800
ATU	0	183,000	11,770	12,540	13,310	14,060	16,200	17,040	32,760	18,720	299,440
AWW	0	570,000	839,950	538,800	1,040,800	1,081,600	654,750	667,400	722,650	733,200	6,845,950
SW	2,300,900	9,111,900	4,567,295	2,504,864	7,861,860	2,829,418	2,994,975	18,825,580	3,324,637	5,475,912	57,875,878
PA	33,500	62,640	72,387	63,292	95,479	109,063	124,253	141,151	159,857	180,870	1,092,610
MF	49,100	64,428	12,457	14,333	16,431	18,774	21,381	24,291	27,528	31,127	278,849
TOTAL	3,495,589	10,984,968	7,791,818	6,229,077	11,148,921	6,005,809	5,908,092	18,701,639	5,390,982	7,669,147	82,326,842

COSTS TO THE MUNICIPALITY OF ANCHORAGE

COASTAL ZONE MANAGEMENT ACT (CZMA)

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

ENDANGERED SPECIES ACT (ESA)

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

SAFE DRINKING WATER ACT (SDWA)

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

TOXIC SUBSTANCES CONTROL ACT (TSCA)

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

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT (CERCLA)

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

COSTS TO THE MUNICIPALITY OF ANCHORAGE

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

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

SUMMARY OF ADMINISTRATIVE DEPARTMENTS

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

TOTALS

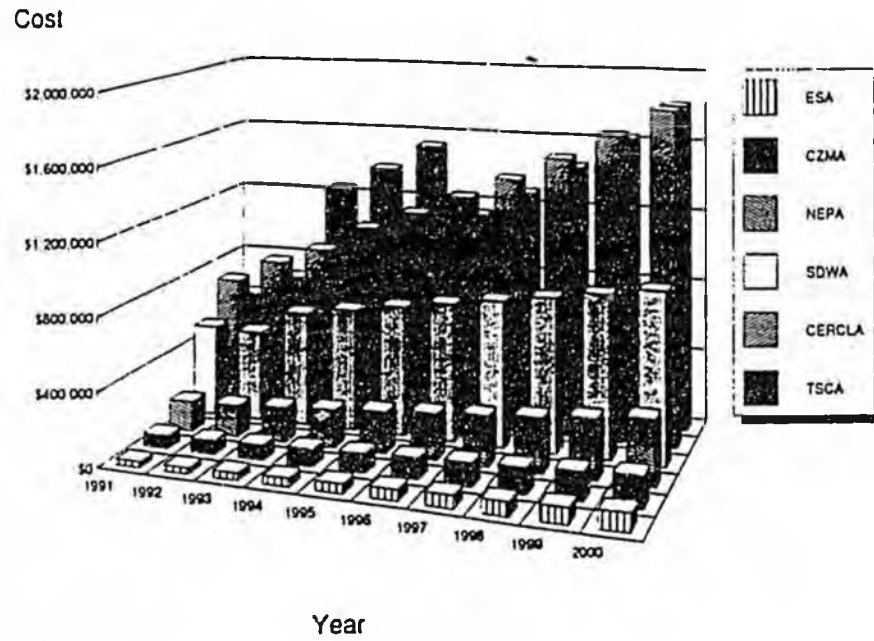
	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	TOTAL
	12,754,783	22,359,174	22,458,373	27,274,759	76,304,391	37,572,311	48,929,998	65,648,182	55,577,186	61,057,579	429,936,737

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

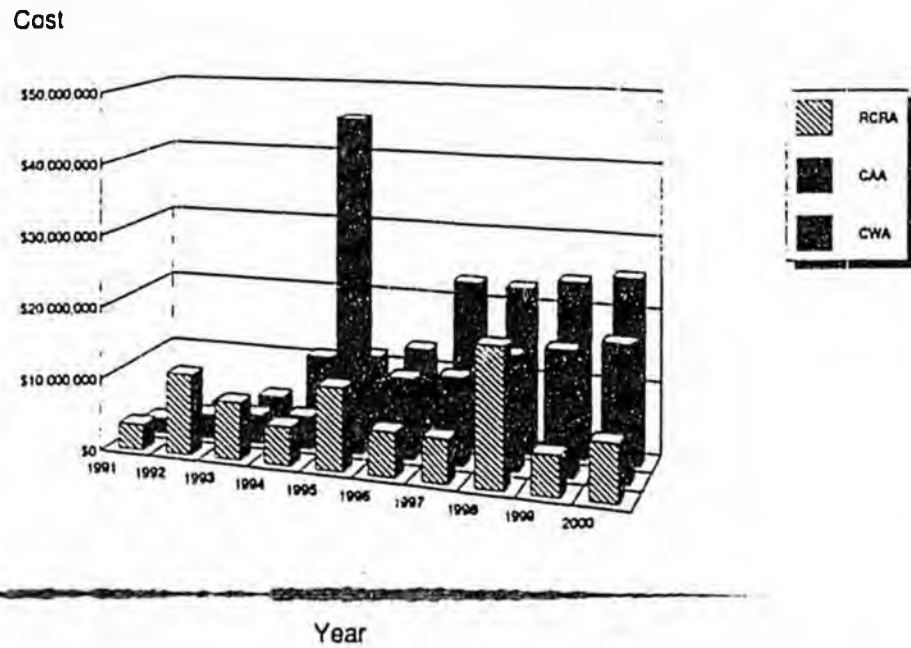
-47-

MUNICIPALITY OF ANCHORAGE

COST OF FEDERAL ENVIRONMENTAL MANDATES 1991 - 2000













COST OF FEDERAL ENVIRONMENTAL MANDATES 1991 - 2000



MUNICIPALITY OF ANCHORAGE

CUMULATIVE COST OF FEDERAL ENVIRONMENTAL MANDATES PER HOUSEHOLD 1991-2000

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

COST OF SELECTED REGULATIONS

(in \$ millions 1990)

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

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

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



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

To: House State Affairs Committee

From: Representative Scott Ogan

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

Date: February 20, 1995

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 83(WTR)

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

Expenditures/Revenues (Thousands of Dollars)

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

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact to the Department of Administration.

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

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

For further distribution information call the Governor's Legislative Office

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE OGAN

STATE AFFAIRS COMMITTEE

TO: CSHB 83(STA)

Page 2, following line 13:

Insert a new bill section to read:

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

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

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

Renumber the following bill sections accordingly.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

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

Operating Expenditures (Thousands of Dollars)

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

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

OMB
1/27/95

FISCAL NOTE

BILL NO. HB 83

STATE OF ALASKA
1995 LEGISLATIVE SESSION

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUND SOURCE

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

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

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

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

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

Date: 1/26/95

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
 Division: Administrative Services

Phone: 465-2277
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

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

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

Expenditures/Revenues

(Thousands of Dollars)

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

FUND SOURCE

(Thousands of Dollars)

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

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

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact to this agency.

Prepared by: Guy Bell, Director
 Division: Division of Administrative Services
 Approved by Commissioner: William L. Hensley *Guy Bell for*
 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

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

Expenditures/Revenues: (Thousands of Dollars)

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

REVENUE FUND SOURCE:

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current (FY95) impact \$ none

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

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

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 Phone: 465-5582
 Division: Comm. Office Date: 1/19/95
 Approved by Commissioner: *Margaret M. Pugh* Date: 1-23-95
 Agency: Department of Corrections

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

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

Sponsor: Representative Ogan
Requestor: Representative Ogan

COMPONENT SERIAL NO. 171

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

FINDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

Approved by Commissioner: 
Agency: Department of Education

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
1995 LEGISLATIVE SESSION

L NO. HB 83

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

Expenditures/Revenues

(Thousands of Dollars)

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

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

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

FUND SOURCE

(Thousands of Dollars)

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

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

EMPLOYMENT

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

ANALYSIS: (Attach a separate page if necessary)

Zero (0) fiscal impact.

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

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

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

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

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

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

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

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

FUND SOURCE

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Dan Kanouse
Division: Information and Administrative Services

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

Approved by Commissioner: _____
Agency: Department of Environmental Conservation

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

Expenditures/Revenues (Thousands of Dollars)

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

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

See attached

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

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
 Component: Limited Entry Program Administration
 Sponsor: Rep. Ogan
 Requester: Re: Ogan COMPONENT SERIAL NO. 0471

(Thousands of Dollars)

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

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

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

(Thousands of Dollars)

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

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

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*
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 BRU: Legal Services
federal statutes . . ." Component: Operations
 Sponsor: Representative Ogan
 Requester: Representative Ogan COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

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

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

FULL-TIME	0.0					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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

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

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

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

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
1995 LEGISLATIVE SESSION

BILL NO. HB83 *

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

(Thousands of Dollars)

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

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: HB 83

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

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

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

FUNDING: (Thousands of Dollars)

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

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

POSITIONS:

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

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

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

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.