

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE/FEDERAL RELATIONS

Call to Order: By **CHAIRMAN AUBYN CURTISS**, on January 26, 1995,
at 11:00 a.m.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Roger Somerville, Vice Chairman (Majority) (R)
Rep. George Heavy Runner, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Patrick G. Galvin (D)
Rep. Daniel W. McGee (R)
Rep. Judy Murdock (R)
Rep. Ray Peck (D)
Rep. William R. Wiseman (R)

Members Excused: None

Members Absent: Rep. Bob Pavlovich

Staff Present: Patti Borneman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary: Informational meeting with **Mr. Jim Greene** about the **Montana Disaster and Emergency Services Division** and the Federal Emergency Management Agency (**FEMA**); and a discussion with **Mr. Bob Person, Legislative Council**, regarding the National Conference of State Legislatures and the Council of State Governments.

{Tape: 1; Side: A}

CHAIRMAN AUBYN CURTISS introduced **Jim Greene** from **Montana Disaster and Emergency Services Division (DES)** who was asked to discuss the Federal Emergency Management Agency (**FEMA**) with the committee.

Mr. Greene said he was the administrator of **DES** which is under the Department of Military Affairs. He passed out a handout and referred to the description of the division's duties on page 1, specifically to "help the state of Montana and local government in preparation and response to emergencies and disasters." He said they help local governments with planning and training and

with response and recovery in the event of a disaster and coordinate the responses, including the National Guard's involvement. Their agency, itself, has very few resources such as equipment, but can tap into other resources on the state and local level to meet the needs of the particular situation. They also help prepare any needed "declarations" for federal assistance. **EXHIBIT 1**

Mr. Greene referred to page 3 of the handout and discussed the various funding sources for their division. He said that emergency management assistance (EMA) is 50% federally funded and 50% state funded. He said they receive \$600,000 in federal funds, \$400,000 of which is passed on to cities and counties to hire a local disaster emergency services coordinator. Fifty percent of that match comes from the city or county. He said, for example, that the Missoula County coordinator's salary is half county-funded, and half FEMA-funded through DES. He said that 54 counties and the city of Great Falls have coordinators that are full- or part-time and are paid with this funding.

REP. BILL CAREY asked if \$600,000 was received from the federal government. **Mr. Greene** replied that it was; that the state receives that amount and that \$400,000 goes to local governments. In answer to another question, he asked the committee to turn to page 4 of this handout where the actual expenditures for the various functions of this agency are shown. He described the DES organization by bureau, as shown on page 5. He described how these state employees work closely with the counties. He said on page 9 they would find Duty Officer Reports for the years 1986-94 showing the kinds and numbers of disasters and emergencies they have responded to. He said that FEMA's primary assistance, in the last twenty years, has been for floods and fire suppression. The fires in 1994--Little Wolf fire and Libby complex fire--were severe enough to qualify for FEMA assistance, and they will be receiving \$3.5 million to cover the costs of fighting those fires.

REP. MATT BRAINARD asked about the volcano disasters shown for 1990 and 1981. Someone suggested Mt. St. Helens, but **Mr. Greene** said that would have occurred in 1981 when it did cause problems in Montana.

REP. MATT BRAINARD asked about the \$1.3 million figure for strikes shown on page 10. **Mr. Greene** said that this is for state institution strikes when the National Guard has been called in to the prison.

CHAIRMAN CURTISS asked about the instances of hazardous waste spills and asked if this is due to the reclassification of materials or if instances have actually increased. **Mr. Greene** said it was a combination. He described the Environmental Protection Agency's legal requirements that were given to the state which has triggered increased reporting of spills. He referred to another handout he would give them. He said they deal

with hazardous waste problems on a daily basis. He mentioned the Helena train wreck and Whitefish oil spill that warranted gubernatorial declarations. He said that the state has received \$14,600,000 for rebuilding the infrastructure damaged by floods and providing temporary housing.

REP. JUDY MURDOCK asked if this funding would include reimbursements for other damages. **Mr. Greene** replied in some cases, but it mostly pays for road and bridge repair. He said if the President declares a disaster, FEMA will pay 75 percent of the cost of repair, and the state must cover 25 percent. He said typically the 25 percent is made up of 10 percent state money and 15 percent city or county money. At the local government level, "if a county or incorporated city has an emergency or disaster, they can, legally by Montana statute, levy a 2 mill emergency levy to help pay for that disaster." He said if the cost of the disaster exceeds their ability to pay, they can request from the governor a "disaster declaration and the governor has \$2 million in a disaster fund to ... pay back some of those costs to rebuild the infrastructure."

Mr. Greene began his discussion on FEMA and offered to answer specific questions. **REP. BRAINARD** asked **Mr. Greene** to discuss the relationship between FEMA and the National Guard and the state's potential need to ask for the Guard's help. **Mr. Greene** said that the "President can federalize the National Guard and they no longer work for the governor." **REP. BRAINARD** said he understood that the "President has the authority to use the Guard internally in the United States for a period of a 120 days" and said there was "cross-training" internationally and provided examples of troops who are training in the Soviet Union and then brought to Montana; he wondered if they would be considered part of the Montana National Guard should they be called up by the President to serve nationally. **Mr. Greene** wasn't sure but said that in Montana, as far as FEMA is concerned, that has never been discussed. He said his personal opinion was that if they are cross-training that would be a "Department of Defense type of thing." He thought the Adjutant General's office would be able to address that question. He said that "FEMA is trying to divorce themselves more and more from the Department of Defense (DOD)." Their budget used to be primary in the DOD, but is separating.

REP. ROGER SOMERVILLE responded to **REP. BRAINARD'S** concerns and said that if the President wanted to attach a National Guard unit to another for use in an international conflict it would take an act of Congress. He said the President cannot just nationalize the National Guard and said that 180 days is the "cut-off." He said guardsmen sent to Saudi Arabia could only be there for a certain amount of time, without an act of Congress to keep them there longer. **REP. BILL WISEMAN** provided an Air Force example where the Airborne National Guard fly routine missions for the federal government. **REP. SOMERVILLE** said that a declaration is only necessary if their active duty should exceed 180 days. **REP. WISEMAN** agreed and said air force bases fly routine missions all

the time. **REP. SOMERVILLE** said that the concern is when the National Guard is required to respond to international conflicts, the need to go through the "embassy system and through the government." He gave an example of having to have DOD-approval before going on certain missions where citizens are involved and where the chain of command is questionable.

Mr. Greene explained when there were three battalions of "regular military in Montana fighting forest fires as well as up to 400 National Guardsmen activated at one time." He said they worked for the commander in the woods: Forest Service, State Lands or a local county. He passed out a copy of the Federal Response Plan and the Vision Statement for Emergency Management.

EXHIBITS 2 and 3

REP. CAREY asked for an explanation on the relationship between state and federal governments in terms of letting states manage funds and make their own decisions. **Mr. Greene** replied that presently FEMA is trying to open this up. He said that in the past they maintained tight controls on how the money could be spent. "Now they're saying, 'We'll let you take a look at the hazards in your state and you can use this money to help manage your situation better instead of us doing it.' So, they're being much more flexible and they're involving the states in their decision-making." He said they're trying to encourage greater participation of the local and state governments in planning for risk management.

CHAIRMAN CURTISS asked if he could see a circumstance under which the governor's request would be bypassed and intervention of a disaster would take place without his invitation. **Mr. Greene** said he did not, but he said that in the event of a major emergency such as a nuclear disaster or an earthquake, the "President may send some people over here to see what's going on to communicate with them. That's the only potential case that I could see." He used the last California earthquake as an example when FEMA brought in 120 public information officers and said that in Montana they've made it clear to FEMA that all press releases must go through their office and the governor's office and they'll do it jointly and not independently.

CHAIRMAN CURTISS asked about the date on which the Guard would no longer work for the governor. **Mr. Greene** said that would be when the President would "federalize the Guard." He said this occurred during the Los Angeles riots and explained that the Guard had specific duties prior to being federalized, then they lost those objectives, which became a liability that the California governor vowed they'd prevent the next time. **Mr. Greene** stated that "the foreseeable conditions [that could be negotiated] are that the President wouldn't do it if the governor recommended against it." He said that one of the considerations is that the federal government is paying the Guard and not the state. The Governor loses control as soon as they federalize, so needs to know the "pros and cons" of declaration.

REP. WISEMAN referred to a civilian consultant in Great Falls who gets called by FEMA to serve. **Mr. Greene** said this man is a reservist. **REP. WISEMAN** asked if he works through DES. **Mr. Greene** said he does and described how civilian consultants work with FEMA on various projects.

CHAIRMAN CURTISS asked how many FEMA reservists there are in Montana. **Mr. Greene** said he believes there are 15 to 20, many of whom are retired engineers or former county or state government employees who've had experience with disasters or emergencies.

REP. WISEMAN asked if Bill Murray in Great Falls is a reservist. **Mr. Greene** said he is a county employee, not a FEMA employee, but half of his salary is paid through DES by FEMA, but is under the jurisdiction of the county commissioners.

CHAIRMAN CURTISS asked about regional FEMA employees shown on the chart in Exhibit 1. **Mr. Greene** explained that those four employees' salaries are paid 50/50 state and federal funds.

CHAIRMAN CURTISS asked how much money is allocated to each state annually, disregarding specific disasters. **Mr. Greene** said it varies, but it is generally based on population. Montana "gets a little over a million dollars a year from FEMA, plus some small special grants." Adjacent states in the region have similar allocations.

{Tape: 1; Side: B}

Mr. Greene continued describing how other states' programs are organized and funded by FEMA. Population generally determines how much is allocated. **CHAIRMAN CURTISS** thanked **Mr. Greene** for his presentation and introduced **Bob Person, Director, Legislative Council** who was there to discuss federal mandates in Montana.

Mr. Person said he had discussed the concerns about federal mandates with **CHAIRMAN CURTISS** and said he indicated that there was information in their library which may be of interest to this committee. He distributed copies of some material from the National Conference of State Legislatures (NCSL). He described this organization and said they provide a forum for state legislatures who meet together to consider issues of state and federal relationships of all kinds. They take formal positions at annual meetings and they have a lobbying function to influence Congressional rulemaking. He described one of the handouts, a 1994 Mandate Catalog and Mandate Watch List, both published by NCSL. **EXHIBITS 4 and 5** He provided detailed information about NCSL's goals and objectives. He stated that Montana is not currently a member of this organization so Montana's point of view is not being represented by NCSL.

Mr. Person then described and discussed the second organization of interest to this committee: the Council of State Governments (CSG) which has been in existence since the 1930s. He said it was founded after a legislator in Colorado decided that "if

federalism was going to work, the states had to be able to work together to have some kind of appropriate balance between the state and national interests." This focus has continued over the years, to maintain a sense of balance within the federal system. He referred to materials on the CSG that were reviewed at the meeting of January 19, 1995 (**see exhibits included in minutes from the meeting of 1/19/95**). He mentioned the Conference of the States initiated by this organization and federal government plans to provide funding to involve as many states as possible. He referred to the "Sagebrush Rebellion" and whether this would be a concern that might arise at the Conference. Land use issues seem to be a priority. **CHAIRMAN CURTISS** stated the Sagebrush Rebellion occurred in 1977. **Mr. Person** said that Montana is also not a member in the Council of State Governments. He asked if there were questions from the committee.

CHAIRMAN CURTISS asked if an invitation could be extended to **SENATOR WELLS, Colorado** to attend the committee meeting when they hear **SENATOR STEVE BENEDICT'S** resolution, SJ 3. **Mr. Person** said it could.

REP. GEORGE HEAVY RUNNER referred to SJ 3 and research he's done on the Bill of Rights and the 10th Amendment. He asked why the language in the resolution appears to state what is "already there" in state law, regarding tribal relationships with the federal government. **Mr. Person** said that he could not answer questions about the content of **SEN. BENEDICT'S** resolution. He said the legislature would control the final wording and content of the resolution. He said that discussion comes about when the issues are not clear and need clarification.

CHAIRMAN CURTISS asked if a register could be developed showing how much state and federal match there is in state government, and expressed her concern that the staffing might not be available in the Legislative Council, but wondered if it could be done.

Mr. Person said that he was certain it could be done, and probably already exists in some form. He said the question was how to produce the results in a format "that somebody thinks is interesting." He used salaries as an example and said that the data alone isn't interesting, but could be formatted to make sense.

REP. WISEMAN said that the federal government provided funding for air quality compliance, highway maintenance, etc., and because of the way in which it was done over the years, he said he thought "it would be impossible to come up with any kind of a dollar figure on what the ramifications are--they are just so thoroughly entwined in our budget that it would just be impossible."

CHAIRMAN CURTISS explained to the members who were not at the meeting of January 19th that Clayton Schenk from the LFA office

was there and informed them that 30 percent of Montana's budget is federal money "so no matter what action we take here, we have to be very careful that we just don't cut ourselves off at the purse strings." She asked if there were further questions for **Mr. Person**. She thanked **Mr. Person** for coming and for the written materials he provided.

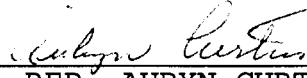
CHAIRMAN CURTISS said that the reason for the briefing at this meeting was to provide additional background for review of a sovereignty bill, and said that efforts are being made on both the state and federal level to address the issue. She referred to Arizona's Governor Symington who issued an executive order allocating \$1 million to set up a Constitutional Defense Fund "and that was for the express purpose of defending Arizona against federal actions and pushing some of these regulations that we're saddled with by accepting the money." She said the Virginia governor issued an executive order setting up a committee to "do nothing but oversee federal mandates and to see where they might be really putting undo burden on his state." She referred to the Hazardous Waste Enforcement Program budget from which \$100,000 was cut and the fact that they still have to comply with federal laws for which federal funding has decreased. She asked the committee to share similar information with other members and said that **SEN. BENEDICT**'s resolution would be heard at their next meeting.

REP. BRAINARD mentioned that issues pertaining to state and federal relations have been of legislative concern in the past and this is not new. **CHAIRMAN CURTISS** agreed and said that she sponsored a state sovereignty resolution in 1983 which passed both houses almost unanimously. She stressed the importance of the issues that would be discussed.

The meeting was adjourned.

ADJOURNMENT

Adjournment: 12:00 p.m.



REP. AUBYN CURTISS, Chairman



PATTI BORNEMAN, Secretary

AC/pb

HOUSE OF REPRESENTATIVES

State/Federal Relations

ROLL CALL

DATE 1/26/95

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---------|--------|---------|
| Rep. Aubyn Curtiss, Chairman | ✓ | | |
| Rep. Roger Somerville, Vice Chair, Majority | ✓ | | |
| Rep. George Heavy Runner, Vice Chair, Min. | ✓ | | |
| Rep. Matt Brainard | ✓ | | |
| Rep. Bill Carey | ✓ | | |
| Rep. Pat Galvin | ✓ | | |
| Rep. Daniel McGee | ✓ | | |
| Rep. Judy Rice Murdock | ✓ | | |
| Rep. Bob Pavlovich | | ✓ | |
| Rep. Ray Peck | ✓ | | |
| Rep. Bill Wiseman | ✓ | | |

EXHIBIT Exhibit 1
DATE 1/26/95
HB State/Federal Relations



THE MONTANA DISASTER & EMERGENCY SERVICES DIVISION

The mission of the Montana Disaster and Emergency Services (DES) Division is to provide leadership for development of an emergency management system that uses the four phases of emergency management: mitigation, preparedness, response, and recovery; to save lives, alleviate suffering, protect the environment, and reduce property damage.

The State DES Division is authorized to employ twenty people and is administratively under the Department of Military Affairs. Except for four field representatives located in Miles City, Missoula, Livingston and Lewistown, the staff is headquartered in the basement of the State National Guard Armory building, 1100 N. Main, in Helena.

Funding for the state emergency management program comes from several sources. The Federal Emergency Management Agency (FEMA) contributes monetary support for personnel, operating, and some equipment costs. The money FEMA grants is both 100% federal and 50/50 matching. The State General Fund provides the matching funds. A large portion of the money the Division receives is sub granted to local jurisdictions to support their emergency management programs. The Division also has obtained grants for hazardous material planning and training from the U.S. Department of Transportation, U.S. Environmental Protection Agency, and FEMA.

When reading the following section, remember that the State DES organization structure is subject to change based on administrative and budgetary decisions at both the state and federal levels. Personnel cuts always affect the level and types of service State DES can provide to local government.

DISTRICT REPRESENTATIVES

The District Representatives (Reps) serve as the primary contacts or links between the local DES Coordinator and the various programs described in this section. District Reps work closely with local DES Coordinators toward developing and reviewing local emergency operations plans. An important part of the District Reps' job is to assist local jurisdictions understand and retain eligibility for the various federal assistance programs. During an emergency or disaster situation, District Reps' (as well as other State DES personnel) might be requested to provide on-site assistance.

FUNDING SOURCE: Emergency Management Assistance (EMA)

PLANNING BUREAU

The Planning Bureau develops the state-level plans to deal with the effects of all hazards. The Planning Bureau also works closely with the District Reps in developing plan formats and complete local plan reviews. Recent projects include identification of alternate sites for state government, development of plans to insure continuity of state government, drought planning, and working with volunteer groups and local resources to enhance preparedness statewide.

The Planning Bureau is also responsible for maintenance of equipment, plans, and training in connection with the state radiological preparedness program. This program is historically referred to as RADEF (Radiological Defense). RADEF, for example, calibrates, tests, repairs and exchanges radiological instruments statewide.

FUNDING SOURCES: Other Assistance (OA) and Disaster Preparedness Improvement (DPI)

TRAINING/EDUCATION BUREAU

The Training/Education Bureau coordinates and conducts state-level training and exercising in accordance with federal guidelines, and assists with various phases of locally conducted exercises. The T&E Bureau is also responsible for public information activities prior to, during, and after disasters and emergencies.

The Hazardous Materials (HazMat) program assists State and local government with planning and training activities, primarily through grants from various Federal programs.

The Earthquake program concentrates efforts in the counties with the most severe earthquake threat. Those counties are primarily in the western portion of the State. Activities include coordination of training and development of plans, grants, workshops and drills in public buildings, as required by Montana statute.

FUNDING SOURCES: Emergency Management Training (EMT), Other Assistance (OA), Earthquake Program (EP)

ADMINISTRATIVE BUREAU

The Administrative Bureau projects and prepares budget data for all programs and grants, maintains records, ensures compliance with Federal and State financial guidelines, and processes local billings for federal funding. The Bureau also provides financial information to Division program and grant managers

The Communications/Computer Officer is responsible for development of state level communications plans and for providing advice and assistance to local government in the development of local emergency communication systems in accordance with federal guidance. Technical questions regarding the National Warning System (NAWAS) and the Emergency Broadcast System (EBS) are usually referred to the State Communications Officer. This person also is responsible for the computer operations and planning for the Division.

The Engineer/Geographic Information System (GIS) person assists with the development of plans to ensure the survival of state systems including the State Emergency Operations Center (SEOC), which is central to coordinating statewide operations in the event of a disaster or emergency. This person assists local jurisdictions with technical information regarding local Emergency Operations Centers and shelters.

FUNDING SOURCES: Emergency Management Assistance (EMA), Other Assistance (OA), Emergency Management Training (EMT), Earthquake Program (EP), Disaster Preparedness Improvement (DPI)

EMERGENCY OPERATIONS CENTER (EOC) MANAGER

The EOC Manager is responsible for maintaining and exercising the systems and procedures necessary to operate the State EOC. During a disaster or emergency, the EOC Manager coordinates the State response, if requested by local government. This person also coordinates the State DES staff duty officer activities.

FUNDING SOURCE: Disaster Preparedness Improvement (DPI)

| <u>FUNDING SOURCE</u> | <u>FEDERAL</u> | <u>STATE</u> |
|---|----------------|--------------|
| Emergency Management Assistance (EMA) | 50% | 50% |
| Other Assistance (OA) | 100% | |
| Disaster Preparedness Improvement (DPI) | 50% | 50% |
| Emergency Management Training (EMT) | 100% | |
| Earthquake Program (EP) | 50% | 50% in-kind |

For further information call: 406-444-6911
Rev. Jan. 11, 1995

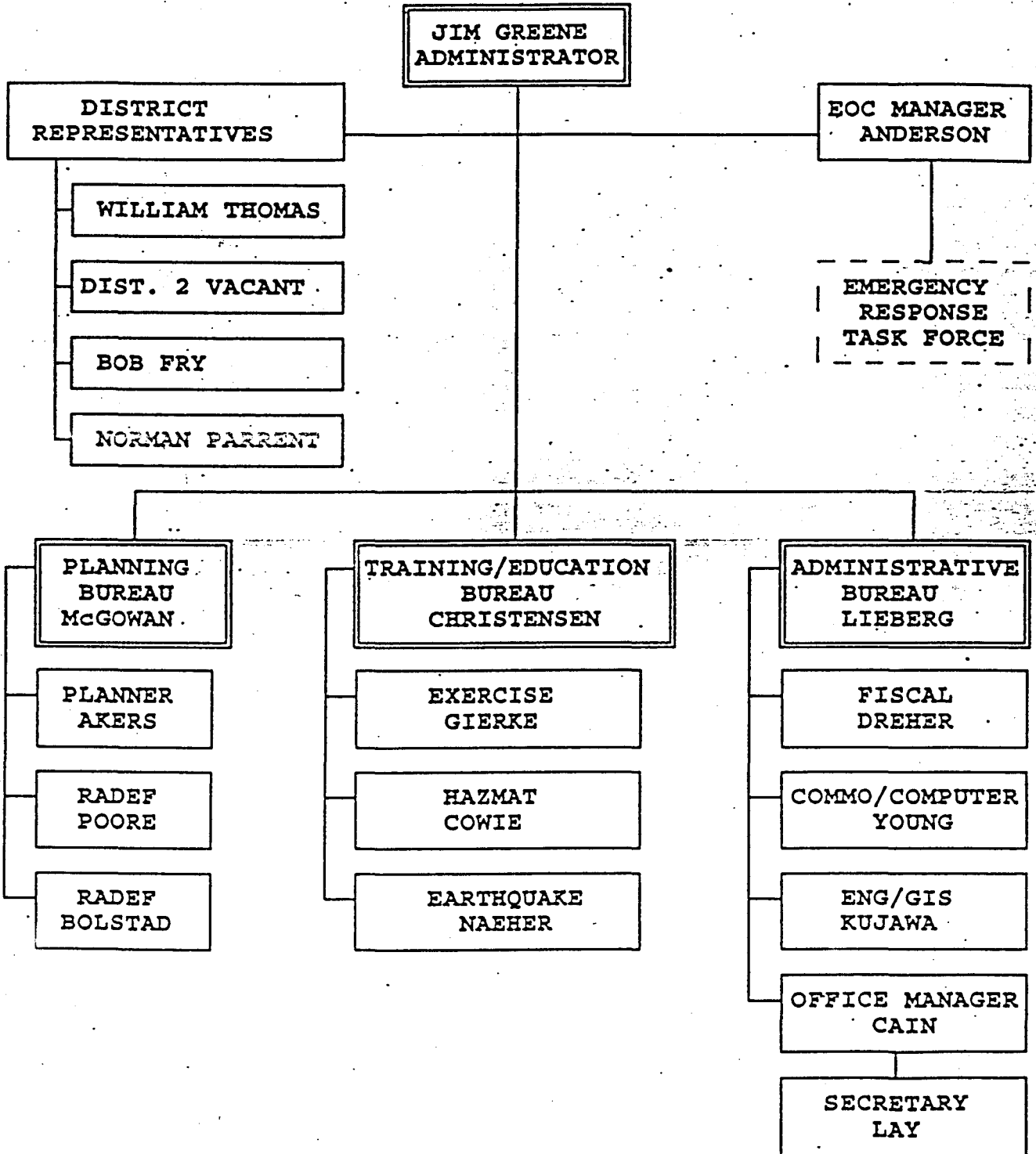
The funds listed below are based on Federal Fiscal Year 1995, beginning Oct. 1, 1994.

| <u>FUNDING SOURCE</u> | <u>FEDERAL</u> | <u>STATE</u> |
|---|----------------|------------------|
| Emergency Management Assistance (EMA) | \$ 606,742 | \$203,387 |
| Other Assistance (OA) | 237,000 | |
| Disaster Preparedness Improvement (DPI) | 50,000 | 50,000 |
| Emergency Management Training (EMT) | 90,000 | |
| *Earthquake Program (EP) | <u>48,600</u> | |
| | \$1,032,342 | <u>\$253,387</u> |

*The Earthquake Program is still an estimate we have yet to receive our total allocation from FEMA.

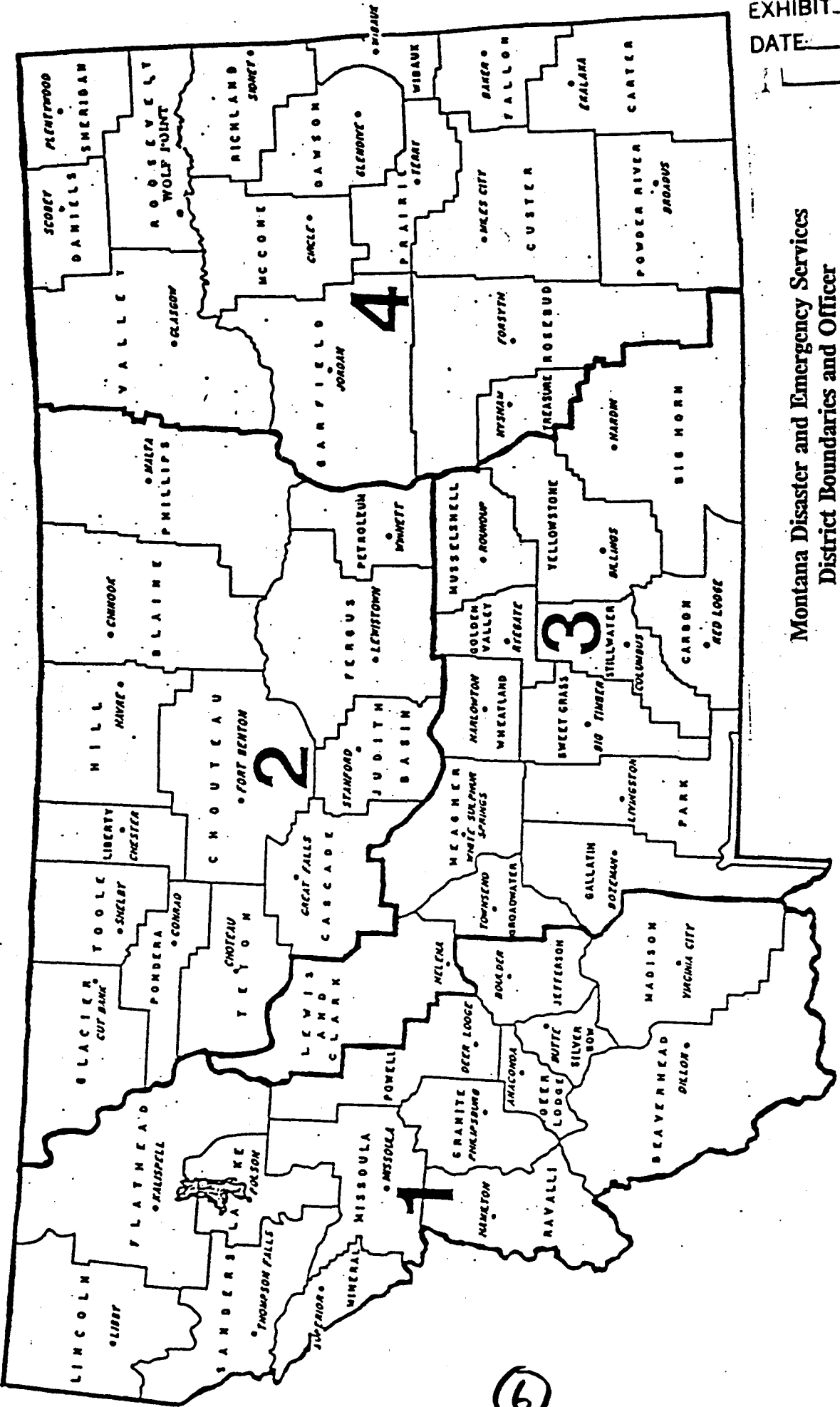
DES ORGANIZATION BY BUREAU

FC 105.1



Effective 12/12/94

EXHIBIT 1
DATE 1-26-95



**Montana Disaster and Emergency Services
District Boundaries and Officer**

- District I - William Thomas, 406-243-4152 - Missoula
- District II - Dan McGowan, 406-444-6980 - Helena
- District III - Bob Fry, 406-222-0562 - Livingston
- District IV - Norman Parrent, 406-232-2809 - Miles City

DUTY OFFICER REPORTS
TOTAL INCIDENTS BY COUNTY (1986-1994)

| County | YEAR | | | | | | | | | |
|---------------|------|----|----|----|----|----|----|----|----|-------|
| | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | Count |
| Beaverhead | 0 | 0 | 1 | 4 | 3 | 6 | 6 | 6 | 4 | 30 |
| Big Horn | 1 | 1 | 3 | 3 | 3 | 2 | 16 | 6 | 5 | 40 |
| Blaine | 0 | 3 | 0 | 0 | 0 | 0 | 5 | 2 | 2 | 12 |
| Broadwater | 0 | 1 | 4 | 0 | 1 | 4 | 4 | 0 | 1 | 15 |
| Carbon | 0 | 4 | 2 | 5 | 2 | 2 | 1 | 1 | 4 | 21 |
| Carter | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 1 | 0 | 5 |
| Cascade | 0 | 6 | 9 | 5 | 17 | 10 | 16 | 13 | 19 | 95 |
| Chouteau | 0 | 0 | 2 | 2 | 0 | 2 | 3 | 0 | 2 | 11 |
| Custer | 0 | 3 | 1 | 2 | 0 | 2 | 0 | 4 | 2 | 14 |
| Daniels | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 2 |
| Dawson | 0 | 5 | 4 | 4 | 1 | 2 | 6 | 1 | 3 | 26 |
| Deer Lodge | 0 | 1 | 2 | 1 | 3 | 1 | 6 | 1 | 4 | 19 |
| Fallon | 0 | 11 | 4 | 3 | 1 | 1 | 5 | 2 | 5 | 32 |
| Fergus | 0 | 0 | 1 | 2 | 1 | 6 | 10 | 5 | 9 | 34 |
| Flathead | 0 | 4 | 4 | 8 | 5 | 9 | 5 | 6 | 6 | 47 |
| Gallatin | 3 | 2 | 8 | 8 | 3 | 11 | 15 | 11 | 5 | 66 |
| Garfield | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Glacier | 0 | 0 | 8 | 3 | 1 | 5 | 2 | 5 | 5 | 29 |
| Golden Valley | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 4 |
| Granite | 0 | 0 | 0 | 0 | 2 | 2 | 1 | 5 | 2 | 12 |
| Great Falls | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| Hill | 1 | 1 | 4 | 6 | 5 | 3 | 3 | 1 | 1 | 25 |
| Jefferson | 0 | 1 | 4 | 1 | 3 | 3 | 5 | 4 | 5 | 26 |
| Judith Basin | 0 | 1 | 2 | 1 | 1 | 5 | 0 | 3 | 5 | 18 |
| Lake | 1 | 1 | 4 | 4 | 1 | 1 | 8 | 2 | 3 | 25 |
| Lewis & Clark | 0 | 10 | 12 | 13 | 13 | 18 | 20 | 26 | 13 | 125 |
| Liberty | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 3 |
| Lincoln | 0 | 1 | 5 | 6 | 1 | 4 | 4 | 8 | 6 | 35 |
| Madison | 0 | 0 | 2 | 2 | 1 | 0 | 3 | 0 | 2 | 10 |
| McCone | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 2 | 5 |
| Meagher | 0 | 1 | 1 | 1 | 1 | 0 | 2 | 0 | 0 | 6 |
| Mineral | 0 | 0 | 0 | 1 | 0 | 1 | 3 | 4 | 6 | 15 |
| Missoula | 0 | 3 | 2 | 2 | 9 | 12 | 19 | 14 | 6 | 67 |
| Musselshell | 0 | 0 | 1 | 0 | 1 | 1 | 3 | 3 | 1 | 10 |
| Park | 0 | 0 | 5 | 3 | 3 | 4 | 6 | 1 | 3 | 25 |
| Petroleum | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 5 |
| Phillips | 0 | 0 | 1 | 2 | 1 | 1 | 3 | 2 | 1 | 11 |
| Pondera | 1 | 0 | 0 | 1 | 1 | 2 | 7 | 5 | 7 | 24 |
| Powder River | 0 | 0 | 0 | 15 | 11 | 0 | 4 | 2 | 3 | 35 |
| Powell | 0 | 0 | 3 | 7 | 1 | 5 | 5 | 0 | 7 | 28 |
| Prairie | 0 | 3 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 6 |
| Ravalli | 1 | 0 | 0 | 2 | 4 | 2 | 5 | 0 | 4 | 18 |
| Richland | 0 | 0 | 1 | 2 | 1 | 2 | 4 | 3 | 2 | 15 |
| Roosevelt | 0 | 5 | 4 | 1 | 0 | 4 | 6 | 3 | 6 | 29 |
| Rosebud | 0 | 3 | 2 | 2 | 2 | 0 | 3 | 5 | 6 | 23 |
| Sanders | 1 | 1 | 2 | 0 | 2 | 2 | 3 | 6 | 6 | 23 |
| Several | 0 | 2 | 4 | 8 | 12 | 11 | 19 | 14 | 20 | 90 |
| Sheridan | 0 | 1 | 0 | 2 | 1 | 2 | 0 | 1 | 1 | 8 |

DUTY OFFICER REPORTS
 TOTAL INCIDENTS BY COUNTY (1986-1994)

EXHIBIT 1
 DATE 1-26-95

| County | YEAR | | | | | | | | | Count |
|-------------|------|----|-----|-----|-----|-----|-----|-----|-----|-------|
| | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | |
| Silver Bow | 1 | 3 | 0 | 3 | 4 | 9 | 18 | 18 | 8 | 64 |
| Statewide | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 9 | 3 | 15 |
| Stillwater | 1 | 0 | 0 | 2 | 0 | 3 | 3 | 4 | 2 | 15 |
| Sweet Grass | 0 | 0 | 1 | 2 | 0 | 0 | 3 | 1 | 1 | 8 |
| Teton | 0 | 2 | 3 | 3 | 1 | 0 | 5 | 1 | 2 | 17 |
| Toole | 0 | 1 | 1 | 1 | 1 | 4 | 7 | 2 | 5 | 22 |
| Treasure | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 3 |
| Valley | 0 | 0 | 0 | 1 | 3 | 2 | 2 | 3 | 4 | 15 |
| Wheatland | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 2 |
| Wibaux | 0 | 6 | 3 | 2 | 1 | 1 | 2 | 1 | 1 | 17 |
| Yellowstone | 0 | 3 | 19 | 27 | 29 | 55 | 24 | 34 | 45 | 236 |
| Count: | 11 | 92 | 141 | 177 | 162 | 224 | 308 | 254 | 273 | 1,642 |

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DUTY OFFICER REPORTS
TOTAL INCIDENTS BY YEAR (1986-1994)

| Incident Type | YEAR | | | | | | | | | Count |
|---------------|------|----|-----|-----|-----|-----|-----|-----|-----|-------|
| | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | |
| Aircraft | 0 | 2 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 5 |
| Avalanche | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 1 | 0 | 5 |
| Bomb | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 3 |
| Derailment | 0 | 1 | 3 | 4 | 4 | 6 | 0 | 0 | 0 | 18 |
| Drought | 0 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Earthquake | 1 | 0 | 1 | 2 | 1 | 2 | 3 | 2 | 4 | 16 |
| Explosives | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 0 | 4 |
| Fire | 0 | 1 | 9 | 2 | 6 | 7 | 4 | 1 | 2 | 32 |
| Flood | 0 | 5 | 1 | 21 | 3 | 6 | 3 | 2 | 4 | 45 |
| HazMat | 10 | 75 | 106 | 123 | 110 | 163 | 238 | 198 | 200 | 1,223 |
| Landslide | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 2 |
| Misc | 0 | 5 | 10 | 14 | 9 | 16 | 23 | 25 | 23 | 125 |
| Power Outage | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 3 |
| Volcano | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 2 |
| Weather | 0 | 2 | 7 | 11 | 23 | 19 | 30 | 25 | 38 | 155 |
| Count: | 11 | 92 | 141 | 177 | 162 | 224 | 308 | 254 | 273 | 1,642 |

EXHIBIT 1
DATE 1-26-95

Montana Disaster or Emergency Declarations 1974 - 1994

01/18/95

| | Number of Incidents | Governor's Fund Un-reimbursed Dollars |
|----------------|------------------------|---|
| Flooding | 24 | \$2,963,035 |
| Fire, Wildland | 15 | \$58,293 |
| Weather | 6 | \$901,955 |
| Grasshoppers | 3 | \$624,957 |
| Strikes | 2 | \$1,393,714 |
| Train Wreck | 2 | \$0 |
| Drought | 2 | \$0 |
| Fire, other | 2 | \$90,442 |
| Aircraft Crash | 1 | \$5,176 |
| Volcano | 1 | \$8,320 |
| total | 58 | \$6,045,892 |

FEMA MONEY FOR MONTANA DISASTERS**(Not including fire suppression)**

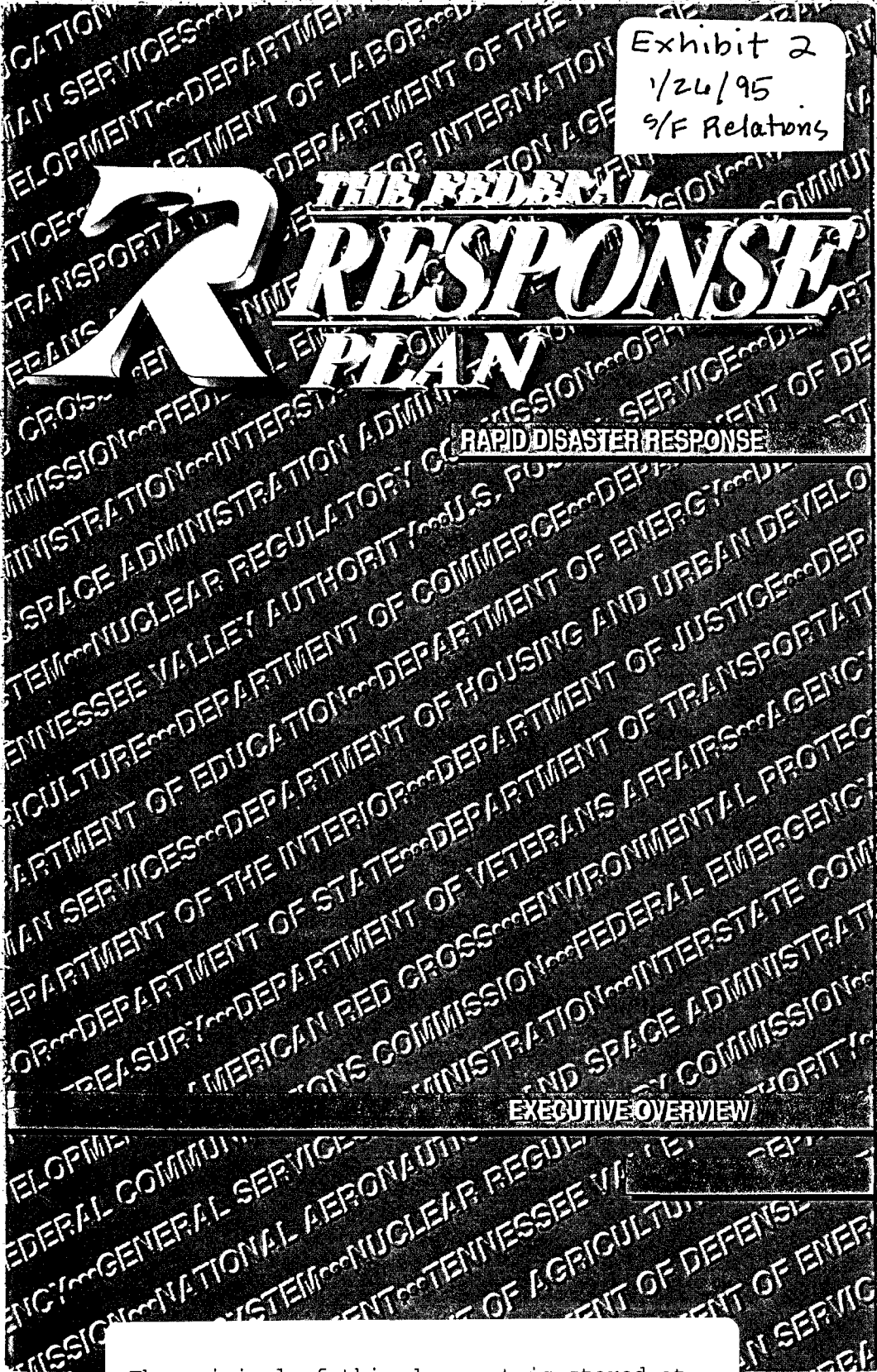
| | |
|-------------------|---------------------|
| 1974 Flooding | \$ 603,000 |
| 1975 Flooding | 2,455,000 |
| 1978 Flooding | 4,303,000 |
| 1981 Flooding | 4,733,000 |
| 1986 Flooding | 2,518,000 |
| TOTAL..... | \$14,612,000 |

Rev. 1/26/95

Exhibit 2

1/26/95

S/F Relations



The original of this document is stored at
 the Historical Society at 225 North Roberts
 Street, Helena, MT 59620-1201. The phone
 number is 444-2694.

(brochure)

DRAFT

EXHIBIT Exhibit 3
DATE 1/26/95
HB State/Federal Relations

The
Vision
For Emergency
Management

"Partnership for a Safer Future"

The Nation needs an emergency management system built on a partnership of local, State, and Federal governments, voluntary agencies, business and industry, and individual citizens focused on saving lives and property and reducing the effects of disasters regardless of their cause.

The vision of an effective "Partnership for a Safer Future" can achieve for America:

- o An informed public protecting their homes, workplaces, communities, and livelihoods from the impacts of disasters;*
- o Hazard-resistant structures located out of harm's way;*
- o Governments and private organizations with proven plans, necessary resources, and rigorous training for disaster response; and*
- o Community plans, prepared in advance, for recovery and reconstruction after a disaster.*

Disasters affect everyone.

We all have a role in Emergency Management.



The
FEMA
Mission

The mission of the Federal Emergency Management Agency is to:

"Reduce the loss of life and property and protect our institutions from all hazards by leading and supporting the Nation in a comprehensive, risk-based program of mitigation, preparedness, response, and recovery."

Mitigation: Taking actions to reduce the risk or effects of disasters, by locating communities away from, or building them to withstand, hazards.

Preparedness: Getting ready to respond effectively to any hazard by making plans, training, exercising, and equipping ourselves.

Response: Conducting emergency operations to save lives and property by positioning emergency equipment and supplies, moving people out of harm's way, providing food, water, shelter and medical care to those in need, and restoring critical public services.

Recovery: Rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards.



FEMA
Strategic
Goals

FEMA has adopted five mission-associated goals and one organizational goal to guide its management and program decisions. They are:

1. *Create an emergency management partnership with other Federal agencies, State and local governments, volunteer organizations, and the private sector to better serve our customers.*
2. *Establish, in concert with FEMA's partners, a national emergency management system that is comprehensive, risk-based, and all-hazards in approach.*
3. *Make hazard mitigation the foundation of the national emergency management system.*
4. *Provide a rapid and effective response to any disaster.*
5. *Strengthen State and local emergency management.*
6. *Revitalize the Agency and develop a more effective and involved cadre of FEMA managers, permanent employees, and disaster reservists.*

Exhibit

1994 Mandate

EXHIBIT 4
 DATE 1/26/95
 HB n/a

Part 1: 103rd Congress, Second Session

Part 2: All Existing Mandates and Pre-emptions

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

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

| | | |
|------------|---------------------------------------|--|
| PL 103-328 | Interstate Banking and Efficiency Act | 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. |
|------------|---------------------------------------|--|

Legislative Council Library

JAN 05 1995

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

| | | |
|------------|------------------------------------|---|
| PL 103-112 | Labor-HHS-Education Appropriations | 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. |
|------------|------------------------------------|---|

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

| | | |
|------------|---|---|
| PL 103-296 | Social Security Administrative Reform Act | 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. |
|------------|---|---|

| | | |
|------------|----------------------|---|
| PL 103-382 | ESEA Reauthorization | 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) |
|------------|----------------------|---|

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 Wnuk
 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

Total: 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 |
|--------------------|--|-------------------------|---|
| | National Energy Conservation Policy Act | PL 95-619 | There is a requirement for general compliance with the Act. 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

Total: 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 |
|--------------------------|---|---|--|
| | | | financial assistance is prohibited against any person. |
| | Fair Housing Amendments Act of 1988 | PL 100-430 | 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

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| Total: | 192 |
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| Program Area | Title | Public Law | Notes |
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| | | | administrative expenses are limited to 50% for all but 3 types of expenditures: verification of alien immigration status (100% federal match), management information systems (90% federal match), and fraud and abuse control activities (75% federal match). |
| | Budget Reconciliation: Food Stamp Program | PL 103-66 | Reduces enhanced matching rates for ALL food stamp program administrative costs to 50% effective April 1, 1994. Under prior law, administrative expenses are limited to 50% for all but 3 types of expenditures: verification of alien immigration status (100% federal match), management information systems (63% federal match), and fraud and abuse control activities (75% federal match). |
| | Budget Reconciliation: SSI Fees | PL 103-66 | States will be required to pay a fee for federal administration of state supplemental security benefits (or opt to send a separate check at their own expense). The fee will be set at \$1.67 per monthly payment in 1994, \$3.33 in 1995, and \$5.00 thereafter. |
| | Capital Expenditures for Health Care Facilities | PL 92-603 | Secretary shall consult with Governor and enter agreements with designated state agency concerning expenditures of federal funds for health facilities. State must establish procedure for submitting recommendations of other agencies to the Secretary. |
| | Child Abuse Prevention & Abuse Treatment | PL 93-247 PL 99-401 PL 100-294 | To qualify for assistance, state must adopt child abuse and neglect law under guidelines in section 503. |
| | Child Nutrition Act of 1966 | PL 89-642 | State Administrative expense funds are available only to states that agree to maintain state funding levels for administrative costs of the child nutrition program |
| | Child Nutrition | PL 101-147 | Requires state education agencies to provide information to school boards and public officials concerning benefits and availability of school breakfast programs. Mandated automatic eligibility for WIC to women and children receiving food stamps, AFDC, or Medicaid. Requires WIC offices to refer eligible people for Medicaid. Requires states to purchase infant formula by the lowest cost system (requirement could be waived under certain conditions). Requires states to spend a share of federal money on activities to promote breast feeding and required state WIC agencies to provide training in breast feeding promotion to staff of local agencies. Authorized start-up funds to increase participation by schools. |
| | Child Support Referees | PL 100-203 | In order to qualify for appropriation, state must adopt a plan for child and spousal support as described in section 654. |
| | Child Support Enforcement | PL 93-647 PL 98-378 PL 99-509 PL 99-554 PL 100-203 | In order to qualify for assistance, states must submit a plan for spousal and child support enforcement. These plans must be approved. States must use various enforcement techniques such as imposing liens against property for overdue support and withholding state tax refunds. |
| | Child Welfare Services | PL 90-248 | To qualify for payments, state and Secretary of HHS must jointly develop plan for child welfare services as described in Section 621. |
| | Community Services Block Grant | PL 97-35 PL 98-558 PL 99-425 | State legislatures must hold hearings on the use and distribution of funds. |
| | Food Stamp Act of 1977 | PL 99-198 | Effective Oct. 1, of first calendar year after December 23, 1985, in which a state legislature is convened in a regular session, prohibits states from participating in food stamp programs if state or local sales taxes are collected on food purchased with food stamps. |
| | Foster Care & Adoption Assistance Programs | PL 96-272 PL 100-203 | To qualify for payments, state must adopt foster care and adoption assistance plan as described in Section 671. |

Federal Laws Containing Mandates and Pre-emptions on States

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| Total: | 192 |
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| Program Area | Title | Public Law | Notes |
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| | Immigration and Nationality Act | PL 96-212 PL 99-605 | State must submit plan to Director of Refugee Settlement, report annually, and meet other standards in Section 1522. States may receive assistance to help refugees with English skills, job training, etc. |
| | Multiethnic 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

Total: 192

| Program Area | Title | Public Law | Notes |
|---------------|--|------------|---|
| | | | 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 |
| Justice | 14 | | |
| | 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 case 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 those who 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

Total: 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

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| Total: | 192 |
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| Program Area | Title | Public Law | Notes |
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| Labor 23 | | | 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. |
| | Airline Deregulation Act of 1978 | PL 95-504 | In order to receive federal financial assistance for its air transportation activities, a state must conform to the provisions of this Act and encourage, develop, and attain a safe air transportation system which relies on competitive market forces to determine the quality, variety and price of air services. |
| | Black Lung Benefits Act | PL 91-173 PL 92-303 | States must comply with the general policies outlined in the Act in order to be eligible for federal funding for development and enforcement of health and safety regulations, workman's compensation and occupational disease laws, and promotion of federal-state coordination in mine safety. Certain duties may be delegated to the states if they meet the national standards. |
| | Davis-Bacon Act of 1981 | PL 74-403 | Applicable to all contracts of the US of more than \$2000. The act requires that the advertised specifications for every contract subject to the Act contain a wage determination issued by the Secretary of Labor pursuant to 29 CFR Part 1, which is based upon the wages & fringe benefits prevailing in the area on similar projects. |
| | Disabled Vets. Outreach Local Veterans Employ. Rep. Programs | PL 96-466 | States must comply with the provisions in these sections in order to receive federal funds for the implementation and operation of veteran's employment services and outreach programs. |
| | Executive Order 11246 | | States entering into contracts for amounts in excess of \$10,000 with any contracting agency, for the furnishing of supplies and services, for the use of real or personal property, including lease arrangements, must abide by provisions of the Executive Order. |
| | Walsh-Healy Public Contracts Act | PL 74-846 | States entering into contracts with the United States, or agencies and departments thereof, for the manufacture of furnishing of materials, supplies, articles, or equipment in any amount exceeding \$10,000 are subject to the labor standards in this act. |
| | Family and Medical Leave Act | PL 103-3 | Employers must provide up to 12 weeks of unpaid, job-protected leave per year - with health insurance - for the birth or adoption of a child or the serious illness of the employee or an immediate family member. This bill applies to employers with more than 50 employees. |

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| Total: | 192 |
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| Program Area | Title | Public Law | Notes |
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| | Fair Labor Standards Act of 1938 | PL 75-718 | States, as employers, must comply with the provisions of this Act relating to minimum wage, maximum hours, child labor, etc., or they may be subject to both civil and criminal penalties. |
| | Federal Unemployment Tax Act | PL 91-373 | Sets unemployment tax and basic policies to be followed in order to obtain Secretary's approval of certification for tax credit against the federal unemployment tax. |
| | Full Employment & Balanced Growth Act of 1978 | PL 95-523 | The Act prohibits discrimination on the basis of sex, age, race, color, religion, national origin, or handicap against persons seeking to participate in or receive the benefits of any state program or activity funded pursuant to the Act. |
| | Immigration and Nationality Act | PL 96-212 | States must comply with this comprehensive Act dealing with immigration procedures in order to have certain delegate authority. |
| | Job Training Partnership Act | PL 97-300 | No funds may be provided to any service delivery area under this chapter except pursuant to a job training plan for 2 program years which is prepared in accordance with Section 1513, and which meets the requirements of this section. In addition, section 167 of the act prohibits discrimination on the basis of race, color, national origin, religion, sex, age, handicap or political affiliation or belief, and requires that equal opportunity be afforded lawfully admitted permanent resident aliens, and parolees, and other individuals authorized by the Attorney General to work in the U.S. |
| | Contract Work Hours & Safety Standards | PL 87-581 | States, as employers of laborers and mechanics working in conjunction with a contract financed at least partially by the U.S., must comply with the provisions in this act. |
| | McNamara O'Hara Service Contract Act | PL 89-286 | States entering into contracts in excess of \$2500 with the U.S. or agencies or departments thereof, which have as their principal purpose the furnishing of services in the U.S. through use of service employees, are subject to the labor standards in this Act. |
| | Migrant & Seasonal Agricultural Worker Protection Act | PL 97-470 | States must comply with the provisions of this Act in order to receive federal funds in conjunction with cooperative agreements. Any delegation to a state agency must be made pursuant to a written state plan that complies with this Act. |
| | National Apprenticeship Act of 1937 | PL 75-308 | Sponsors of state apprenticeship programs registered with the U.S. Dept. of Labor must comply with regulatory provisions requiring equal opportunity and affirmative actions. Apprentices in these programs must be selected recruited, employed & trained without regard to their race, color, religion, national origin, or sex. |
| | Occupational Safety & Health Act of 1970 | PL 91-596 | The state, if it desires to assume responsibility for development and enforcement of occupational safety and health standards, must submit a state plan to be approved by the Secretary. |
| | Older Worker's Benefit Protection Act | PL 101-433 | Requires adjustments in public employee benefit programs in order to provide equal benefits to older and younger workers. |
| | Federal Mine Safety & Health Act of 1977 | PL 91-173 PL 95-164 | States must comply with the provisions of this comprehensive Act dealing with the protection of the health and safety of miners, or be subject to both civil and criminal penalties. |
| | Rehabilitation Act of 1973 | PL 93-112 | In order to be eligible for any contract in excess of \$2,500, entered into by any federal department or agency for the procurement of personal property and nonpersonal services for the US, the states must comply with requirements that affirmative action shall be taken to employ and advance in employment qualified individuals with handicaps. |
| | Social Security Act of 1935 | PL 91-373 | States must have an unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment |

Federal Laws Containing Mandates and Pre-emptions on States

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| Total: | 192 |
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| Program Area | Title | Public Law | Notes |
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| | | | Tax Act in order to receive federal grants. |
| | Vietnam Era Veterans Readjustment Assist. Act | PL 93-508 | In order to be eligible for any contract in the amount of \$10,000 or more, entered into by any federal dept. or agency for the procurement of personal property & nonpersonal services, for the U.S., the states must abide by the required provisions that affirmative action shall be taken to employ and advance qualified special disabled veterans and veterans of the Vietnam era. |
| | Wagner Peyser Act | PL 97-300 | Sets up national system of public employment offices. In order to be eligible for federal assistance, a state must designate or authorize the creation of a state agency to submit to the Secretary of Labor a detailed state plan for carrying out the provisions of the Act in cooperation with the U.S. Employment Service. |
| Revenue & Tax | 6 | | |
| | Budget Reconciliation: Disclosure Restrictions | PL 103-66 | Prohibits the disclosure of federal tax return information to any state agency unless the state has entered into a contract to provide certain death certificate information to the Secretary to Health & Human Services. For more information, contact the Federation of Tax Administrators, at 202-624-5890. |
| | Cash Management and Improvement Act | PL 101-453 | Designed to ensure greater efficiency and equity in the exchange of funds between the federal government and the states. Authorizes a payment option through which the federal government and the states will pay each other interest when they hold the other's funds. |
| | Professional and Amateur Sports Protection Act | PL 102-559 | Prohibits states from operating lotteries based on sporting events. This law exempts states that have existing sports gambling programs. |
| | Tax Equity & Fiscal Responsibility Act of 1982 | PL 97-248 PL 98-67 | Requires that states and local governments making income tax refunds report certain information to the IRS. State and local governmental units are required to file information returns on magnetic media, rather than paper. |
| | Tax Reform Act of 1984 | PL 98-369 | State and local governmental units are required to report mortgage interest received from individuals on form 1098, Mortgage Interest Statement. A form 1099-A, Information Return for Acquisition or Abandonment of Secured Property, must be made by any state or local governmental unit which lends money secured by property and, in full or partial satisfaction of the debt, acquires an interest in any property that is security for the debt or has reason to know that the property has been abandoned. |
| | Tax Reform Act of 1986 | PL 99-514 | State may provide an alternative formula for allocation of the state ceiling in determining the volume cap for the issuance of tax exempt private activity bonds. Requires that issuers (including states) of tax exempt bonds rebate excess arbitrage profit to the United States. Requires that an information statement, Form 8038, be filed with the Internal Revenue Service for all governmental bond issues. Requires that the information statement include a certification by a state law designated official that the bond meets the volume cap requirements of I.R.C. |
| Transportation | 37 | | |

Federal Laws

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Total: 192

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

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| Total: | 192 |
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| Program Area | Title | Public Law | Notes |
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| | | | section 12009 (a) of the Act, for the various offenses listed. g) adopt and enforce out-of-service regulations issued by the Secretary pursuant to section 12008 (d) (1) of the Act, h) grant reciprocity to any person with a valid commercial driver's license from another state, issued under federal standards. Failure to substantially comply with the above requirements by October 1, 1993, will result in the withholding of 5% of a States' apportionment of Primary, Secondary, Interstate completion, Interstate 4-R, and Urban System funds for fiscal year 1994. For subsequent fiscal years, failure to substantially comply will result in a withholding of 10 percent of these apportionments. |
| | Com. Motor Vehicle Width & Length Limit | PL 97-424 PL 98-17 PL 98-554 | States must not restrict operation of or deny reasonable access to trucks and buses on the "designated network" that meet federal length and width limits. DOT may seek injunctive relief. |
| | Commercial Motor Vehicle Standards | PL 98-554 | After Oct. 1989, states may not have in effect any laws or regulations for commercial motor vehicle safety standards that differ from the federal standards but do not unduly burden interstate commerce, are not incapable with federal regulations and provide safety benefits. |
| | Clean Water Act | PL 92-500 PL 95-217 PL 96-88 PL 100-1 | States may set, with EPA approval, "no discharge zones", if adequate reception facilities exist. States may adopt and enforce statues or regulations with respect to design, manufacture, or use of any marine sanitation device on a houseboat, if such statues 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 alcohol traffic safety programs. |
| | Hazard Liquid Pipeline Safety Act of 1979 | PL 96-129 PL 99-516 | States may adopt added or more stringent safety stds. compatible with federal standards for intrastate hazardous liquid pipeline safety only if they have been "certified" under section 2002(D). State laws less stringent than the federal standards are preempted. |
| | Hazardous Materials Transportation Act | PL 93-633 PL 94-474 PL 95-403 PL 96-129 PL 98-559 | State regulation of transportation of hazardous materials which is inconsistent with federal requirements is preempted. A state may obtain a waiver of preemption if, on application to the department, DOT determines that the state requirement provides equal or greater protection than federal requirements and does not unreasonably burden interstate commerce. |
| | Highway Safety Act of 1966 | PL 100-17 | The apportionment of highway safety funding will be withheld that does not have a DOT approved highway from any state |

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

Federal Laws Containing Mandates and Pre-emptions on States

| | |
|--------|-----|
| Total: | 192 |
|--------|-----|

| Program Area | Title | Public Law | Notes |
|-----------------|---|--|--|
| | | | standards are identical to federal standards, and unless the EPA in consultation with the Secretary of Transportation, determines that such a standard is necessitated by special local conditions and is not in conflict with federal standards. |
| | Outer Cont. Shelf Lands Act Amends. of 1978 | PL 92-372 | States are preempted from enacting laws relating to financial responsibility requirements for OCSLA facilities. |
| | Ports and Waterways Safety Act | PL 92-340 PL 95-474 | The federal government may regulate navigation and other practices to protect navigable waters and adjacent structures, but states are not prohibited from establishing higher standards for adjacent structures. |
| | Proof of Payment of Heavy Vehicle Use Act | PL 97-424 | Interstate construction and reconstruction apportionment may be reduced by up to 25% to any state that does not require proof of payment of federal heavy duty use tax as part of the state's heavy vehicle registration. |
| | Rail Safety Programs | PL 91-458 PL 96-423 | Section 205, laws, rules, regulations, orders and standards shall be nationally uniform to the extent practicable |
| | Recreational Boating Safety Programs | PL 98-89 PL 98-369 PL 98-557 | States are to designate a lead agency for carrying out the recreational boating safety program supported by federal funds, allocated in part by the amount of state spending on boating safety. The federal funds are conditioned upon states having approved programs for enforcement, education, & casualty reporting. Separate provisions provide for federal approval of a state numbering system. |
| | South African Democratic Transition Support Act of 1993 | PL 103-149 | Section 4(c)(2)(A) repeals a law which permits states and localities to enforce state or local anti-apartheid policies prohibiting the procurement of products manufactured or fabricated in South Africa without affecting federal transportation funds. This becomes effective at the end of FY 1995. |
| | Uniform Relocation Assist. and Real Property Acquisition Policies | PL 100-17 | Requires state agencies to provide relocation payments and assistance to persons who are displaced by a federal or federally assisted projects, such as highway construction. Penalty for failure to submit adequate assurance is withholding of authorizations for all projects involving acquisition of right-of-way and relocation assistance. |
| | Urban Mass Transportation Act of 1964 | PL 88-365 | In order to receive federal loans or grants for urban mass transportation systems, states must 1) have the legal, financial, and technical capacity to carry out the proposed project, 2) have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment, and 3) act in accordance with the labor standards of the Davis-Bacon Act. |
| | Vehicle Weight Limitations Highway Improvement Act of 1982 | PL 93-643 PL 94-280 PL 97-424 PL 100-17 | Interstate highway construction funds will not be apportioned to states that do not allow heavy duty vehicles of up to 80,000 pounds gross to use Interstate highways. However, maximum allowable weight must not exceed that permitted by the bridge formula or 80,000 pounds. |
| | Vessel Safety Standards | PL 98-89 | States may not establish or continue in effect laws or regulations concerning vessel safety that are not identical to federal standards unless issued an exemption under section 4305 |
| Veterans | 1 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 | 7 | | |



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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 plan 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.

Mandate Watch

Legislative Council Library

JAN 03 1995

The 103rd Congress Grinds to a Halt

The 103rd Congress, for good and for ill, failed to act on a variety of measures of concern to the states before going home to campaign. On the up side, Congress failed to act on telecommunications legislation that would have broadly preempted state regulatory authority. On the down side, it failed to act on mandate relief and failed to delay trucking deregulation to give states time to adjust. Congress did find the political will to reauthorize the Elementary and Secondary Education Act, without mandated "opportunity-to-learn" standards. Attempts to reauthorize a long list of environmental acts, however, failed. Congress similarly failed to deal with state flexibility and ERISA waiver issues related to health care reform.

What follows is a report on action in the final days before recess.

Mandate Relief Legislation S 993, HR 5128

Procedural obstructions, lack of leadership resolve and some partisan gamesmanship left mandate relief legislation an end-of-session casualty. S. 993 (Senators John Glenn, D-Ohio and Dirk Kempthorne, R-Idaho) had 66 cosponsors. The Senate also voted 88-0 to allow floor consideration. Nonetheless, non-germane amendments offered by Senators Paul Simon (D-Illinois) and Phil Gramm (R-Texas) and numerous "rolling holds" engineered by labor and environmental interests plagued S. 993 during the session's last two days.

H.R. 5128 (Representatives John Conyers, D-Michigan and Bill Clinger, R-Pennsylvania) emerged from the House Government Operations Committee on October 4 with a 35-4 vote. All "killer" amendments were rebuffed through the efforts of the bipartisan sponsors. Despite calls from state and local elected officials across the country, opponents successfully used stalling tactics to prevent floor consideration. Notably, Representative Henry Waxman (D-California) invoked his privilege to dissent from the committee report on H.R. 5128, activating a three-day delay on floor consideration. House leadership also resisted scheduling the bill for floor consideration until the Senate acted.

Mandate relief, an issue given only lip service by most federal policymakers until the 103rd Congress, is now taken seriously and will be a lobbying priority for NCSL in 1995. Because of progress made with S. 993 and H.R. 5128, next year's legislation will start from a much more favorable position.

For more information:

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

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

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Continued...

Congress Preempts State Regulation of Trucking

NCSL proposals to secure a one-year delay in federal preemption of state economic regulation of the trucking industry were not accepted in the final days of the Congressional session. Congressional leaders and committee chairmen who were initially receptive to NCSL's proposal to attach a rider to fast-moving legislation backed down in the face of opposition from express package companies and nationally-based trucking firms that favor immediate and sweeping preemption. Language providing for the broad preemption of state authority was stealthily slipped into an airport funding bill by a conference committee earlier in the session and approved by both houses of Congress without debate or a record vote. NCSL is calling on Congress, when it returns after the election, to act immediately to delay the effective date of preemption, to at least give state legislatures time to restructure their safety programs.

For more information:

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Telecommunications Legislation *S 1822, HR 3626*

The U.S. Senate did not vote on S. 1822, the omnibus telecommunications deregulation bill, before going home, in large part because of disagreements between the bill's chief sponsor, Senator Ernest Hollings (D-South Carolina) and regional bell operating companies. As reported from the Senate Commerce Committee, chaired by Hollings, S. 1822 would have broadly preempted state authority to regulate telecommunications. Legislation passed by the House earlier in 1994, H.R. 3626, also would have broadly preempted state regulatory authority (over universal service and rate-making in particular).

Telecommunications legislation is sure to be considered in the next Congress. NCSL is calling on Congress to consider a state-federal partnership in developing the National Information Infrastructure (NII). This is in contrast to proposals embodied in H.R. 3626 and S. 1822, as reported by committee, which contemplate broad preemption and giving the Federal Communications Commission (FCC) almost total authority to develop the NII.

In particular, NCSL will urge the 104th Congress to designate the states as responsible for defining and ensuring universal service and to preserve state authority to protect consumers as the market for information services develops. NCSL will further urge Congress, while moving forward with the goals of deregulation and development of the NII, to maintain the present division of responsibility under which the states regulate intrastate telecommunications and the FCC regulates interstate telecommunications.

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Continued...

Health Care Reform

Although the 103rd Congress failed to act on any form of health care reform, more limited legislation that removes federal obstacles to state reform efforts may move in the next Congress. In the final weeks of the session, NCSL worked closely with Senators interested in providing greater flexibility to the states. These efforts resulted in the introduction of S. 2452, the "Health Innovation Partnership Act," by Senators Bob Graham (D-Florida) and Mark Hatfield (R-Oregon). S. 2452 would provide \$50 billion in grant money for states to devise health care reform projects. These demonstrations would be aimed at extending coverage and access, reinforcing cost containment efforts and improving health care quality. The Graham/Hatfield bill would set minimum national standards for health insurance governing portability, renewability and community rating. It would grant ERISA waivers to Florida, Minnesota, Hawaii, Maryland, New York, Oregon and Washington (states that have enacted health care reform legislation). The bill also would expedite the waiver process for state projects, aimed at implementing administrative efficiencies. NCSL will continue to work toward introduction in the 104th Congress of similar legislation facilitating state health care reform initiatives.

For more information:

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Environmental Legislation Crashes

Several major environment initiatives came close to passage, but all were lost in the waning days of the 103rd Congress. H.R. 3392 and S. 2019, bills aimed at reauthorizing the Safe Drinking Water Act and creating a state drinking water revolving fund (srf), were victimized by various member ultimatums. The failure of the House and Senate to reach agreement results in the loss of \$600 million in FY 1994 appropriations for a new safe drinking water srf and threatens the loss of \$700 million in FY 1995 funds for similar purposes. Superfund legislation, H.R. 3800 and S. 1834, met a similar fate as negotiators became snarled in disagreements regarding prevailing wage and liability insurance tax issues. Although House and Senate negotiators on interstate solid waste transport and state and local government flow control authority succeeded at working out their differences on S. 2345, Senator John Chafee (R-Rhode Island) impeded Senate floor consideration of the compromise. This leaves state and local governments to deal with adverse U.S. Supreme Court decisions, limiting state and local authority to act on their own to resolve these important solid waste issues.

For more information:

John Stanton, NCSL Washington, 202-624-8698

Watch List Continues...

Funding Appropriated for Criminal Records Mandates

In the first session of the 103rd Congress, legislation was enacted that requires states to improve criminal history records. These two laws, the Brady Act (PL 103-159) and the National Child Protection Act (PL 103-209), authorized, but did not appropriate money for states to make the necessary improvements to criminal history records. The FY 1995 appropriations law for the Commerce, Justice, and State Departments (PL 103-317) included a \$100 million appropriation for discretionary grants to states to upgrade criminal history records.

For more information:

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Electronic Benefits Exemption Sought

Two days prior to recess, Senator Joseph Lieberman (D-Connecticut) and five cosponsors filed legislation, S. 2511, exempting states from liability provisions of Regulation E of the Electronic Funds Transfer Act. In March of 1994, the Federal Reserve Board decided that states should be held liable, under Regulation E, for losses of all but \$50 incurred from misuse of electronic benefit transfer (EBT) cards. NCSL and others have estimated that state liability for misuse of EBT cards under food stamps, AFDC, and general assistance programs could reach \$827 million as a consequence. The Lieberman bill will be reintroduced in the 104th Congress.

For more information:

Sheri Steisel, NCSL Washington, 202-624-8693

Coming in the next Mandate Monitor...

A wrap-up of all mandate and preemption activity in the 103rd Congress and a list of all enacted public laws containing mandates and preemptions as identified by the National Conference of State Legislatures.

Total Bills 258
Mandate Relief Bills 52

Mandates 206

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EXHIBIT 5
DATE 1-26-95

12/7/94

Bill Status

Explanation & Programs Affected

Brief Title

Co-Spon.

Sponsor

Bill/Reg. Number

Program Area

AGRICULTURE

FINANCE

| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|-----------|----------|---|--|--|
| | HR 519 | Lowey | 20 | Reproductive Freedom Protection Act | To prohibit grants under the community development block grant program to communities that fail to adopt a policy of enforcing laws that prevent the use or threat of force against individuals for exercise of abortion rights. | 1/21/93 Banking, Finance & Urban Affairs |
| | HR 1015 | Torres | 33 | Amendments to Fair Credit Reporting Act | Pre-empt state laws in the following areas: 1) Prescreening- Section of the bill allowing creditors to create prescreened lists based on credit information provided that all consumers on the list are given "firm offers" of credit. The amendment also pre-empt the definition of "firm offer" of credit. 2) Reinvestigation Time Periods & Notifications - Statutory time periods for reinvestigation and the notices established for reinvestigation. This provision would grandfather existing state laws in this area. 3) Duties of Users - Notices that must be provided by the users of credit reports where an adverse action is taken based on the credit report. This provision also pre-empt the section of the bill concerning the notice that must be included in any prescreening solicitation informing the consumer of the ability to opt-out of the prescreening process in the future. 4) Information Sharing - The provision of this bill that allows information from a credit application and information concerning prescreening to be shared among corporate affiliates with the consumer's consent. The pre-emption applies to the section of the bill allowing affiliates to share information concerning their own experience with a consumer. 5) Summary of Consumer Rights and Notice to Consumers - The summary of the consumer's rights under FCRA that must be provided by a credit bureau. This provision also pre-empt the notice that must be provided to consumers by entities that furnish information about the consumer to credit bureaus. The listed pre-emptions would sunset after 8 years. | 2/18/93 Banking, Finance & Urban Affairs 10/20/93 Hearings held by Banking, Finance & Urban Affairs, Subcomm. on Consumer Credit and Insurance 11/19/93 Markup and approved by Banking, Finance & Urban Affairs, Subcomm. on Consumer Credit and Insurance 2/9/94 Markup by Banking, Finance & Urban Affairs 3/23/94 Markup by Banking, Finance & Urban Affairs 4/28/94 Reported to the House amended by Banking, Finance & Urban Affairs (HRpt 103-486) 6/16/94 Measure, as amended, passed House by voice vote. 9/27/94 Provisions similar to this measure are included in S 783 as agreed to in the House No final action in Senate |
| | HR 2235 | Vento | 2 | Interstate Banking Efficiency Act | States have 3 years to opt-out of an interstate branching network. | This bill is no longer being debated. |
| | PL 103-328 | Neal (SC) | 21 | Interstate Banking Efficiency Act | Same as S 1963. 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 | 4/26/94 Other measure, HR 3841, passed the Senate in lieu 8/4/94 Conference report agreed to by House 8/4/94 Conference report now cleared for |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Senate action Passed Senate 9/29/94 PL 103-328 108 Stat. 2338 |
|------------------|------------------|-----------|----------|---|---|--|
| | HR 3998 | Foglietta | 0 | Check Cashing Consumer Protection Act | network and may choose to opt-in before the June 1, 1997 date. Maintains state taxing authority. Grandfather 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. | |
| | HR 4597 | Fawell | 23 | Occupational Safety and Health Reform Act | Encourages states to establish uniform laws on the regulation of check cashing services and to require the Secretary of Treasury to study the effectiveness of state efforts with respect to such regulation and make appropriate recommendations to Congress on such efforts. This report should contain a section with recommendations for legislation establishing incentives which may be provided or sanctions which may be imposed in cases where states fail to enact acceptable legislation. | 3/10/94 Banking, Finance & Urban Affairs |
| | S 783 | Bryan | 4 | Amendments to Fair Credit Reporting Act | Requires states to conform labeling, content and hazard information to federal requirements. Allows OSHA to grant waivers to states for alternative programs and approaches. | 6/17/94 Education & Labor (modified provisions of HR 2937 are included in this measure |
| | S 810 | Ford | 0 | Interstate Banking Act | Similar state pre-emptions as HR 1015, except: an amendment was added that would sunset pre-emptions after 5 years. At that time, states could act to reinstate their old laws. | 5/4/94 Measure as amended, passed Senate by yea-nay vote: 87-10 10/20/94 Provisions of this measure were also included in HR 5178, as introduced. This bill is no longer being considered. |
| | PL 103-328 | Riegle | | Interstate Bank Branching | States would have up to 3 years to opt-out of branching through acquisition arrangements. Formerly S 1963. | Passed Senate |
| COMMITTEE | | | | | | |
| | HR 203 | Jacobs | 0 | | To prohibit states and localities from receiving certain federal economic development assistance if the state or locality provides improper incentives for location of businesses or organizations within | 1/5/93 1. Banking, Finance & Urban Affairs 2. Public Works & Transportation |

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Shaded areas indicate recent changes or additions to the Monitor.

| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|-------------|----------|--|--|--|
| | HR 1189 | Collins | 5 | Armored Car Industry Reciprocity Act of 1993 | the state or locality. If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate state agency to carry a weapon while acting in the service of such company in that state, and such state agency meets certain federally mandated state requirements, then such crew member shall be entitled to lawfully carry any weapon to which license relates in any state while such crew member is acting in the service of such company. | 5/18/93 Passed in House, by voice vote 5/19/93 Referred to Senate Cmte. on Commerce, Science & Transportation 6/30/93 Discharged by Senate Cmte. on Commerce, Science & Transportation by unanimous consent 6/30/93 Measure, as amended passed the Senate |
| | HR 1290 | Dingell | 6 | Federal Insurance Solvency Act of 1993 | Establishes a new federal regulatory agency to be called the Federal Insurance Solvency Commission. While the bill would allow for a dual system of solvency regulation between federal and state gov'ts, the Federal Insurance Solvency Commission would set the standards by which regulators on both the federal and state levels would monitor for solvency. The legislation would give the Commission the power to pre-empt any state regulation or law that the Commission judges to be harmful to an insurer's solvency. The legislation would also pre-empt state regulation of reinsurance. See provisions for S 1350. | 3/10/93 Energy & Commerce 4/22/93 Hearings held by Energy & Commerce, Subcmte. on Commerce, Consumer Protection & Competitiveness 4/28/93 Hearings completed by Subcmte. on Commerce, Consumer Protection & Competitiveness |
| | HR 2873 | Mineta | 107 | The Natural Disaster Protection Act | | 10/7/94 Reported to the House amended by Public Works & Transportation (HRpt 103-948) |
| | S 608 | Exon | 0 | Armored Car Industry Reciprocity Act of 1993 | If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate state agency to carry a weapon while acting in the service of such company in that state, and such state agency meets certain federally mandated state requirements, then such crew member shall be entitled to lawfully carry any weapon to which license relates in any state while such crew member is acting in the service of such company. This legislation would apply to any civil action brought against a manufacturer or product seller for harm caused by a product. This bill would pre-empt any state law regarding such action. A civil action against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this bill and shall be governed by applicable commercial or contract law. | 6/24/93 Reported to the Senate amended by Commerce, Science & Transportation (SRpt 103-67) 6/30/93 House version, HR 1189, as amended in the Senate, passed in the Senate in lieu |
| | S 687 | Rockefeller | 44 | Product Liability Fairness Act | | 4/11/94 Passed out of Judiciary by unanimous consent 6/29/94 Considered by the Senate |
| | S 1350 | Inouye | 20 | Natural Disaster Protection Act | States would be eligible for grants from a Federal Disaster Mitigation Fund, which would be financed by a 5-10% set aside of funds collected under the primary insurance and reinsurance programs of the bill. To be eligible for such grants, states would be required to adopt stronger building and safety codes designed to make new construction less | 8/4/93 Commerce, Science & Transportation 11/17/93 Hearings held and completed by Commerce, Science & Transportation 5/26/94 Hearings held and completed by Commerce, Science & |

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Mandates 206

| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|-----------------------|------------------|-------------|----------|---|--|--|
| | S 1619 | Meitzenbaum | 0 | Insurance Protection Act of 1993 | vulnerable to hurricanes, earthquakes and other natural perils. In addition, states would be required to submit a comprehensive disaster plan to FEMA that includes detailed steps for identifying at-risk structures and methods to improve building code enforcement, emergency response, and overall disaster preparedness. Further, states must comply w/ the building codes and implement new mitigation plans within 5 years. States not in compliance would be ineligible for these funds and could be denied access to certain types of federal disaster relief. | Transportation |
| | S 1956 | Shelby | 4 | Rental Purchase Reform Act | Establishes a new federal regulatory agency to be called the Insurance Regulatory Commission. While the bill would allow for a dual system of solvency regulation between federal and state gov'ts, the Insurance Regulatory Commission would set the standards by which regulators on both the federal and state levels would monitor for solvency. The legislation would give the Commission the power to pre-empt any state regulation or law that the Commission judges to be harmful to an insurer's solvency. The legislation would also pre-empt state regulation of reinsurance. Regulates contract requirements and collection practices of rental merchants and the advertising of rental-purchase products. Would allow consumers to file suit for violations of the act with statutory damages and would pre-empt state laws which do not provide the same level of protection to rental-purchase customers as that contained in this bill. | 11/4/93 Commerce, Science & Transportation 3/22/94 Banking, Housing, & Urban Affairs |
| COMMUNICATIONS | | | | | | |
| | PL 103-66 | | | Budget Reconciliation: Telecommunication Regulation | 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. | 8/10/93 Signed by President |
| | HR 3432 | Markey | 4 | Telephone Consumer Privacy Act | A minimum standard of "per call blocking" is mandated. States may enact further protections, but no state can prohibit or prevent implementation of the service. | 11/3/93 Energy & Commerce |
| | HR 3626 | Brooks | 9 | Antitrust and Communications Reform Act | Formerly HR 3636. Limits state authority by mandating that states adopt flexible pricing procedures that comply with FCC-defined competition criteria and requiring states to subject large telephone companies | 6/28/94 Measure, as amended, passed in House by yeas-nays vote: 423-4, under suspension of the rules (2/3 vote required) |

Total Bills 258
Mandate Relief Bills 52

Mandates 206

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EXHIBIT 5
DATE 1-26-95
Bill Status

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|------------------|------------------|---------------|----------|---|---|---|
| | S 1086 | Danforth | 1 | Telecommunications Infrastructure Act | to alternative or price regulation (instead of rate return regulation) when the carriers' networks have been made open to competition. Pre-empts state laws that restrict the entry of competitors to local telephone companies. | 6/9/93 Commerce, Science & Transportation 9/8/93 Hearings held by Commerce, Science & Transportation, Subcomm. on Communications |
| | S 1822 | Hollings | 15 | Communications Act of 1994 | Pre-empts state and local laws and regulations and shifts levels of new and existing state authority to the Federal Communications Commission (FCC). Pre-empts states from regulating the rates charged for information services; prohibits states from imposing regulatory requirements on a carrier for intrastate services inconsistent with FCC regulations for interstate services; and denies states full jurisdiction over the entry of the regional Bell operating companies (RBOCs) into intrastate long distance markets. | 8/1/94 Approved by Commerce 9/20/94 Hearings by Senate Judiciary, Subcomm. on Antitrust, Business Rights, & Monopolies |
| EDUCATION | | | | | | |
| | HR 921 | Collins | 52 | Equity In Sports | Requires universities to disclose participation rates and program support expenditures in college athletic programs. | 2/17/93 Education & Labor |
| | HR 987 | Miller | 18 | Gun-Free Schools Act | A bill to amend the Elementary and Secondary Education Act of 1965 to require each state, as a condition of receiving federal assistance under such act, to implement gun control in its schools, and to establish a program of grants to local educational agencies for purposes of purchasing crime prevention equipment and training security personnel. | 2/18/93 Education & Labor |
| | HR 1494 | Miller | 5 | Children's Electromagnetic Field Risk Reduction Act | Establishes a national policy prohibiting the location of new public schools and child care centers on real property where the electromagnetic field exceeds an average of 2 milligauss per day. | 3/30/93 Education & Labor |
| | HR 1793 | Schroeder | 95 | Gender Equity In Education Act | Includes HR 1800 (requires states to direct a portion of ESEA funds to address the needs of pregnant and parenting teens) and HR 921 (requires universities to disclose participation rates and program support expenditures in college athletic programs). | 4/21/93 Education & Labor 2/24/94 Some provisions were incorporated in HR 6, ESEA Amendments |
| | HR 1800 | Unsoeld | 22 | | Requires states to direct a portion of ESEA funds to address needs of pregnant and parenting teens. | 4/21/93 Education & Labor |
| | PL 103-66 | | | Budget Reconciliation: Student Loan Reform | 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. | 8/10/93 Signed by the President |
| | S 1468 | Moseley Braun | 5 | Equity in Athletics Disclosure Act | Requires institutions of higher education that receive federal funds to 1) disclose this information on participation rates, coaching staffs, | 9/20/93 Labor & Human Resources 7/28/94 Provisions of this measure are |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
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| | | | | | and program expenses for each of their men's and women's intercollegiate athletic teams; 2) disclose this information to the general public on request and to prospective students; 3) to provide this information to the Secretary of Education. | Included in amendment number 2422 to S 1513, Improving America's Schools Act |
| ENERGY | HR 4394 | Pallone | 8 | Comprehensive One-Call Notification Act | To provide for establishment of mandatory state-operated comprehensive one-call systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations. | 5/11/94 1. Public Works & Transportation 2. Energy & Commerce 8/4/94 Markup and approved by Energy & Commerce, Subcmte. on Energy & Power 8/5/94 Amended and approved by Energy & Commerce 9/22-9/27 Hearings, markup and approved by Public Works & Transportation, Subcmte. on Surface Transportation 9/28-9/30/94 Considered and amended by Public Works & Transportation (H/Rpt 103-765) 10/3/94 Measure, as amended, passed House by voice vote, under suspension of rules. 10/8/94 Referred to Senate Commerce, Science & Transportation 5/10/94 Commerce, Science & Transportation 8/3/94 Hearings held by Commerce, Science & Transportation 9/23/94 Markup and reported by Commerce, Science & Transportation with an amendment in the nature of a substitute |
| | S 2101 | Bradley | 2 | Comprehensive One-Call Notification Act | To provide for the establishment of mandatory state-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations. | |
| | | | | | | |
| ENVIRONMENT | HR 766 | English | 0 | | To prohibit the transportation, treatment, storage, or disposal of hazardous waste outside the state in which the waste was generated. | 2/3/93 Energy & Commerce |
| | HR 768 | English | 0 | | To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require certain states to contribute to other states' share of cleanup costs. | 2/3/93 1. Energy & Commerce 2. Public Works & Transportation |
| | HR 1818 | Markey | 65 | National Beverage Container Reuse and | Requires states to achieve a 70% recycling rate for beer, wine cooler, and soft drink containers. States not achieving this goal must have | 4/22/93 Energy & Commerce |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|--|---|---|
| | HR 2488 | Richardson | 80 | Recycling Act Pollution Prevention and Incineration Alternatives Act | a \$.10 deposit on bottles and cans. Imposes moratorium on permitting for new construction or expansion of MSW (municipal solid waste) incinerators until 1997. Prior to 1995, states would be required to complete capacity plans addressing health & economic impacts of additional incineration capacity as well as the disproportionate impact of siting MSW incinerators in low-income and minority communities. After the moratorium is lifted in 1997, applicants for new incinerator construction or expansion would have to prove that the state in which the new facility is located matches federal recycling rates. Between 1997 and 2000, the states would have to meet at least one-half of the percentage goals for glass, newspapers, metals, plastic containers, yard and food waste stated in the bill. After 2000, the full percentage rates would apply. The bill also establishes strict new permitting standards for both MSW and hazardous waste incinerators. States must revise and submit Nonpoint Management Program. If the state does not submit, EPA designs the program but does not implement. Funding is authorized for states that submit plans. If a state does not design or implement, permits for new or increased discharges cannot be approved under section 402 of the Clean Water Act. Similarly, new section 404 dredge and fill permits could not be issued until EPA finds the state is meeting requirements. | 6/22/93 Energy & Commerce |
| | HR 2543 | Oberstar | 16 | Nonpoint Source Water Pollution Prevention Act | In April, Chairman Mineta introduced a substitute to the original bill. Concerns for states include: expansion of federal authority to regulate groundwater (traditionally under state jurisdiction); presumptive applicability of the federal antidegradation policy and water quality standards (without an opportunity for public input within the state); and new EPA authority to restrict or prohibit mixing zones (currently under state direction). Summary provided by the National Governors' Assoc. | 6/28/93 1. Public Works & Transportation 2. Merchant Marine & Fisheries 3. Agriculture 3/22/94 Hearings held by Merchant Marine & Fisheries, Subcmte. on Environment & Natural Resources |
| | HR 3948 | Mineta | 16 | Clean Water Act Reauthorization | A national deposit system would be phased in unless a state can achieve a beverage container recycling rate of at least 70% within 2 years. States that are not able to meet the lowest beverage container recovery rate achieved by deposit states would be required to institute a state deposit program with a \$.10 deposit on beer, water and soft drink beverage containers. A handling fee of \$.02 would be paid to retailers and redemption centers by beverage distributors. Deposits that go unclaimed would accumulate in a state fund for state and local governments to spend on solid waste programs. | 3/3/94 Public Works & Transportation 5/24,5/26/94 Hearings held by Public Works & Transportation, Subcmte. on Water Resources & Environment |
| | S 818 | Hatfield | 13 | Beverage Container Reuse and Recycling Act | Included within the criteria and standards for "water quality" are those for sediment quality. States will be required to identify "uses" of waters, as well as adopt specific standards for any pollutant which could "reasonably be expected" to interfere with those uses. The states must also adopt numerical limits for "narrative water quality standards" for | 4/22/93 Commerce, Science, & Transportation |
| | S 2093 | Baucus | 1 | Federal Water Pollution Control Act (Clean Water Act) (formerly S 1114) | | 6/15/93 Environment & Public Works 6/16/93 Hearings held by Environment & Public Works, Subcmte. on Clean Water, Fisheries, & Wildlife (Hearings held by this subcmte. on |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Sponsor | Brief Title | Explanation & Programs Affected | Bill Status |
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| | S 1309 | Roth | 0 | Weakfish Conservation Act | all pollutants that cause "water quality impairment." States are required to implement a "comprehensive prog. to monitor the quality of navigable waters and aquatic sediment within the state." EPA, within 2 years after enactment of the bill, is to publish regulations specifying the "minimum requirements for each state monitoring program." This bill would make mandatory the implementation of mngt. plans based on best management practices for any nonpoint source pollutant that will cause non-attainment of water quality standards. States will be required to revise their Section 319 nonpoint pollution control plans within 30 months of enactment of the bill, and every 7 years thereafter. Funding is authorized for the mandatory NPS plan, however, if a state fails to implement the mandatory NPS plan, EPA is required to withhold 25% to 50% of the state's total NPS allocation. States must collect in permit fees funding sufficient to cover no less than 60% of the costs of developing and administering the point source, sewage sludge and pretreatment programs. If, within 3 years, a state does not have adequate legal authority under its approved civil penalties program to abate violations of NPDES or industrial pretreatment permits, EPA is authorized to withhold up to 25% of the state's Section 106 funds. In order to show adequate legal authority, a state must have maximum fines of at least \$10,000 per day per violation. (Summary provided by Coastal States Organization, 202-508-3860) | 6/23, 7/1, 7/14, 7/27, 8/4, 8/5, and 9/15). 2/23/94 Markup by Environment & Public Works 2/24/94 Markup by Environment & Public Works 2/25/94 Markup by Environment & Public Works 2/25/94 Ordered to be reported by Environment & Public Works with an amendment in the nature of a substitute |
| | S 1126 | Hollings | 2 | Atlantic Coastal Fisheries Cooperative Management Act | Federal government may impose a moratorium on weakfish fishing if states fail to comply with the weakfish conservation plan established by the Atlantic States Fishery Management Commission. Calls for the Atlantic States Marine Fisheries Commission to prepare and adopt interstate fishery management plans for Atlantic coastal fishery resources. Each plan would identify state requirements for compliance and est. a timetable for implementation. The Commission would monitor state efforts and notify the Secretaries of Commerce and Interior when a state is out of compliance. Within 30 days of receiving the Commission's notification, the Secretary of Commerce is to conduct a review and make a finding: first, as to whether the state in question has failed to carry out its responsibilities under the plan; and second, if so, whether that failure threatens the conservation and management of the fishery involved. Upon making an affirmative finding, the Secretary of Commerce would be authorized to declare a federally enforced moratorium for the fishery involved within the waters of that state. The moratorium would be lifted when the state comes into compliance with the applicable plan. This bill authorizes federal assistance to support the states in carrying out | 7/29/93 Commerce, Science & Transportation 6/17/93 Commerce, Science & Transportation 10/6/93 Markup by Commerce, Science & Transportation 10/6/93 Ordered reported from Commerce, Science & Transportation with an amendment in the nature of a substitute. 11/20/93 Reported to Senate with an amendment in nature of a substitute by Commerce, Science & Transportation (SRpt 103-201) 11/20/93 Placed on Senate Calendar |

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Bill Status

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | 7/1/93 Environment & Public Works & Public Works, Subcmte. on Clean Water, Fisheries & Wildlife |
|--------------|------------------|-----------|----------|--|---|---|
| | S 1198 | Mitchell | 0 | Lakes Assessment and Protection Act | EPA is directed to develop water quality criteria documents for pollutants which are most common in lakes. States are to adopt enforceable, numerical water quality standards for lakes within 2 years of the date of publication of a criteria document. The EPA Administrator is directed to establish lake water quality standards if a state fails to do so. States may submit matching grant proposals for lake water quality under the Clean Water Act. States may also use money from revolving loan funds to support implementation of lake protection plans. | 5/9/94 Senate began consideration of S 2019 5/13-5/19/94 Considered and amended by Senate 5/19/94 Measure, as amended, passed Senate by yeay-nay vote:95-3. |
| | S 2019 | Baucus | 0 | Reauthorization of Safe Drinking Water Act (formerly S 1547) | States are subject to penalties if they fail to adopt viability programs. State plans for alternative monitoring methods are still subject to EPA approval. States must have an operator certification program based on EPA guidelines. Failure to have this program would result in reduced capitalization grants. | |
| | S 25 | Mitchell | 41 | Freedom of Choice Act | In general, a state 1) may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability; 2) may restrict the freedom of a woman to choose whether or not to terminate a pregnancy after fetal viability unless such a termination is necessary to preserve the life or health of the woman; and 3) may impose requirements on the performance of abortion procedures if such requirements are medically necessary to protect the health of the woman undergoing such procedures. Nothing in this act shall be construed to 1) prevent a state from protecting unwilling individuals or private health care institutions from having to participate in the performance of abortions to which they are conscientiously opposed; 2) prevent a state from declining to pay for the performance of abortions; or 3) prevent a state from requiring a minor to involve a parent, guardian, or other responsible adult before terminating a pregnancy. | 1/21/93 Labor & Human Resources 3/24/93 Consideration and markup by Senate Labor & Human Resources 3/24/93 Ordered to be reported by the Labor & Human Resources Committee by yeay-nay vote: 12-5 4/29/93 Reported to the Senate by the Committee on Labor and Human Resources (SRpt 103-42) |
| | S 491 | Wellstone | 4 | American Health Security Act (single payer plan) | This summary was taken from Social Insurance Update, National Academy of Social Insurance, No. 33, December 1993. The government would become the sole purchaser of health care services for all U.S. citizens and legal residents. The states would administer the program. The states could enter into a contract with a fiscal intermediary to process claims. Health budgets for states would be determined by the American Health Security Standards | 3/3/93 Finance 10/19/93 Hearings held by Labor & Human Resources, Subcmte. on Labor |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|-------------|----------|---|---|--|
| | S 649 | Riegle | 16 | Medicare Enrollment Improvement and Protection Act | Board and would be determined by: the population of a state; differences in the prices of goods and services; any special social, environmental, or other condition affecting health status or the need for services; and the state's population distribution. | 3/24/93 Finance |
| | S 733 | Riegle | 7 | Comprehensive Child Health Immunization Act of 1993 | The Secretary of HHS is required to establish a Part A Medicare buy-in agreements with all states to enroll eligible individuals automatically and bill state Medicaid plans for the premiums. Requires state Medicaid programs to cover the entire set of recommended childhood vaccines under the EPSDT program and to reimburse providers for the administration of these vaccines. Offers grants to states for immunization registries. | 8/6/93 The Budget Reconciliation Act, PL 103-66, contained provisions of this measure |
| | S 1064 | Rockefeller | 0 | | This legislation would define reimbursable services under Medicaid to include nonmaternity-related services provided by certified nurse midwives. | 5/28/93 Finance |
| | S 1579 | Breaux | 3 | Managed Competition Act | See provisions for HR 3222. | 10/27/93 Finance 5/4/94 Hearings held by Finance |
| | S 1757 | Mitchell | 30 | President Clinton's Health Security Act | (See HR 3600) | This bill is no longer being debated. |
| | S 1770 | Chafee | 19 | Health Equity and Access Reform Today Act | This summary was taken from Social Insurance Update, National Academy of Social Insurance, No. 33, December 1993. Would require all individuals (except for those already eligible for a federal health care program) to purchase standard health plan coverage or be subject to penalties for non-compliance. States would be required to establish geographic areas - Health Care Coverage Areas - in which individuals and small businesses could form purchasing groups. HCCAs would be permitted to form interstate agreements to cover more than one state. States would be required to certify that health plans that comply with federal standards. Only these plans would be eligible for favorable tax treatment. States could elect to establish their own health care reforms (excluding a single-payer system) provided that they are approved by the Secretary of HHS. | 11/22/93 Read twice and placed on Senate Legislative Calendar |
| | S 1807 | Gramm | 10 | Comprehensive Family Health Access and Savings Act | This summary was taken from Social Insurance Update, National Academy of Social Insurance, No. 33, December 1993. There would be no employer or individual requirement related to the purchase of health insurance. The bill would eliminate state requirements for minimum insurance benefits, in an attempt to create a market for catastrophic health plans. | 1/27/94 Introduced in Senate 2/22/94 Read a second time and placed on the Senate Legislative Calendar |
| | S 2205 | Hatch | 0 | Quality Care for Life Act | Requires all states participating in the Medicaid program to establish a program of home and community-based services for eligible disabled | 6/16/94 Introduced in Senate 7/11/94 Placed on Senate Legislative Calendar |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|---------|----------|------------------------|---|---|
| | no num. | Kennedy | | | beneficiaries in which a specified list of services is available to all qualifying persons, except to the extent the person receives identical services under any other government program. Requires that the state's plan for home and community-based services specify how these benefits will be coordinated with other programs that provide services to the elderly and disabled. Requires the state plan to specify the types of providers eligible for participation in the program and any requirements for participation applicable to each type of provider. Also defines a minimum mandatory list of services which must be covered under the state plan. Requires the state to ensure that a person already receiving home and community based care at the time this act becomes effective continues to receive an appropriate level of such services. Requires the state to develop a system of monitoring and ensuring the quality of home and community-based services which includes minimum standards for care managers and providers. Requires the state to provide safeguards against the physical, emotional, or financial abuse or exploitation of individuals served under the program. Requires the state to specify a method of payment to providers and case managers which may include fee-for-service arrangements, prepayment on a capitation basis, or a combination of the two. | |
| | HR 25 | Edwards | 138 | Freedom of Choice Act | This summary is from BNA's Health Care Policy Report, May 16, 1994, p. 860. This plan is a variation on President's Clinton's plan. Establishes voluntary consumer purchasing cooperatives for mandatory alliances. States would be required to establish such cooperatives to enable individuals and businesses to join together and bargain with health providers, but participation would be voluntary. Prohibits states from requiring plans to discriminate against out-of-state providers. Requires state coordination of services for special needs children. | 1/5/93 Judiciary 2/23/93 Hearings held by House Judiciary, Subcommittee on Civil & Constitutional Rights 3/18/93 Subcommittee consideration and markup by House Judiciary, Subcmte. on Civil & Constitutional Rights 3/18/93 Approved for full cmte. action by House Judiciary, Subcmte. on Civil & Constitutional Rights 5/19/93 Markup by House Judiciary 5/19/93 Reported by House Judiciary amended by a yea-nay vote: 20-15 |
| | HR 130 | Collins | 6 | Medicaid Women's Basic | To amend Title XIX of the Social Security Act to require state | 1/5/93 Energy & Commerce |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|--|---|---|
| | HR 307 | Quillen | 0 | Health Coverage Act of 1993 | Medical programs to provide coverage of screening mammography and screening pap smears. | 1/5/93 Energy & Commerce |
| | HR 309 | Quillen | 0 | | To amend Title XIX of the Social Security Act to require state mandatory programs to provide that clinical social workers are a mandatory benefit under the Medicaid program. | 1/5/93 1. Energy & Commerce 2. Ways & Means |
| | HR 320 | Quillen | 0 | | To amend Titles XVIII and XXIX of the Social Security Act to provide for inclusion of the services of registered professional nurses under the Medicare and Medicaid program. | 1/5/93 1. Energy & Commerce 2. Ways & Means |
| | HR 425 | Vucanovich | 140 | Medicaid Mammography Coverage Act of 1993 | To amend Titles XVIII and XXIX of the Social Security Act to provide for inclusion of the services of licensed practical nurses under the Medicare and Medicaid program. | 1/5/93 Energy & Commerce |
| | HR 438 | Wyden | 4 | Long Term Care Insurance Consumer Protection Act of 1993 | To amend Title XIX of the Social Security Act to require state Medicaid plans to provide coverage of screening mammography. | 1/5/93 Energy & Commerce |
| | HR 632 | Snowe | 3 | Guardianship Rights and Responsibilities Act | Establishes federal standards for long-term care. Requires states to adopt legislation as recommended by the National Association of Insurance Commissioners (NAIC) or else lose Medicaid money. Also, requires states to make available to consumers information regarding complaints received with respect to long-term care insurance policies, the number of policies sold by company, the most recent premiums for each policy sold in the state, the lapse and replacement rates for policies, the number of policy rescissions, and the claims denied as a percentage of claims submitted. Authorizes \$20 million for states to establish long-term care insurance counseling programs. | 1/26/93 Energy & Commerce |
| | HR 729 | McNulty | 0 | | Requires states to adopt and enforce laws which would provide basic protection and rights to wards and individuals subject to guardianship proceedings, as a condition of eligibility for receiving funds under the Medicaid program. | 2/2/93 Energy & Commerce |
| | HR 910 | Paxon | 0 | | To prohibit discrimination by the states on the basis of non-residency in the licensing of dental health care professionals, under penalty of civil action. | 2/16/93 1. Ways & Means 2. Energy & Commerce |
| | HR 1200 | McDermott | | American Health Security Act | Discourages persons from moving to a state to obtain additional Medicaid coverage by capping benefits to the level of their home state. See provisions for S 431. | |
| | HR 1580 | Doolley | 5 | Advance Directive Expansion Act | Requires that individuals enrolled in a state Medicaid plan be provided with notice of their rights to accept or refuse medical care and the right to formulate advance directives. | 4/7/93 1. Ways & Means 2. Energy & Commerce |
| | HR 1612 | Collins | 0 | Medicaid Infant | Phases in Medicaid coverage of pregnant women and infants up to | 4/7/93 Energy & Commerce |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Sponsor | Brief Title | Explanation & Programs Affected | Bill Status |
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| | HR 1614 | Collins | 0 | Mortality Amendments Hospital Closings Community Relief Act | 185% of the poverty level. To be approved by HHS, state Medicaid plans must implement a plan that, in the event of the closing of any hospital in the state, provides for appropriately responding to the resulting diminishment in the availability of health services in the geographic area involved. | 4/1/93 Energy & Commerce |
| | HR 1683 | Richardson | 16 | | To amend Title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under state Medicaid plans. | 4/2/93 Energy & Commerce |
| | HR 2675 | Meek | 0 | | To amend Title XIX (Medicaid) of the Social Security Act to require states to apply the income and resource standard established under the supplemental security income program under Title XVI of such act in determining the eligibility of individuals for medical assistance under state Medicaid plans. | 7/20/93 Energy & Commerce |
| | HR 3222 | Cooper | 57 | Managed Competition Act | This summary was taken from Social Insurance Update, National Academy of Social Insurance, No. 33, December 1993. All U.S. citizens and legal residents would be eligible to enroll in health plans that offer a uniform set of benefits. There would be no mandates on employers or individuals for the purchase of health care insurance. A federal low-income assistance program would be established to provide premium and cost-sharing assistance to persons below 200% of the state adjusted poverty level. Prior to the year 2000, federal subsidies would be limited to the amount that otherwise would have been payable under Medicaid, plus additional amounts from the bill's other financing provisions. Medicaid would be abolished. States would be required to determine geographic areas where non-profit Health Plan Purchasing Cooperatives would be established and enter into agreements with accountable health plans to provide a uniform level of benefits. | 10/6/93 1. Ways & Means 2. Judiciary 3. Energy & Commerce 4. Education & Labor 2/2/94 Hearings held by Energy & Commerce, Subcmte. on Health & the Environment 2/10/94 Hearings held by Ways & Means, Subcmte. on Health 3/3/94 Hearings held by Education & Labor |
| | HR 3600 | Gephardt | 103 | President Clinton's Health Security Act | States would have the primary responsibility for ensuring that everyone within a state has access to health plans providing the national benefits package. | 10/7/94 Reported to the House amended by Post Office & Civil Service (HRpt 103-601) |
| | HR 3880 | Dickey | 33 | | To reverse policy of US Department of Health and Human Services to require states to use Medicaid funds for abortions in cases of rape or incest, even in states whose constitutions or laws forbid abortion funding for those purposes. | 2/23/94 Energy & Commerce |
| | HR 3918 | Santorum | 2 | Comprehensive Family Health Access and Savings Act | See provisions in S 1807. | 2/28/94 1. Ways & Means 2. Rules 3. Judiciary 4. Energy & Commerce 5. Education & Labor |

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| | HR 4687 | Lambert | 0 | Children's Health Equity Act | Amends Title XIX of the Social Security Act to prohibit a state from requiring any child with special health care needs to receive services under the state's plan for medical assistance under such title through enrollment with a capitated managed care plan until the state adopts pediatric risk adjustment methodologies to take into account the costs to capitated managed care plans of providing services to such children. See provisions for S 2205. | 6/30/94 Energy & Commerce |
| | HR 4816 | Talent | 0 | Quality Care for Life Act | This summary is taken from the BNA, March 7, 1994, pp. M-1-M-7. States should enact their own health reform systems. Regardless of the type of state program enacted, states would be required to meet the health spending estimates for the state as under state all-payer provider reimbursement programs, and meet other requirements for approval by the Secretary of HHS. State benefit mandates would be pre-empted. Federal standards for health plans would be established in regulation by the Secretary of HHS. States would enforce the standards, except in the case of a state the Secretary determined was not in compliance, in which case the Secretary would enforce the standards in that state. States would continue to regulate financial solvency of health insurance. In general, all eligible individuals not otherwise entitled to benefits under Medicare Part A, or covered under a private plan offered by an employer, would be entitled to health insurance coverage under Medicare Part C. Medicaid coverage of acute care services would be repealed, effective upon operation of Medicare Part C. State maintenance of effort would be required. | 7/22/94 1. Energy & Commerce 2. Ways & Means 3/2/94 Markup by Ways & Means, Subcmte. on Health |
| | no num. | Stark | | | | |
| | no num. | Williams | | | States must establish mechanisms to perform each of the functions previously performed by the health alliance. These include enrollment, premium collection, consumer information and marketing, quality standards and data collection, non-discrimination against providers, determination of eligibility and payment of subsidies (employer, individual and family), and enforcement of insurance reforms. | 5/23/94 Approved by House Education & Labor, Subcmte. on Labor-Management |
| | PL 103-112 | | | Labor-HHS-Education Appropriations | 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. | December 1993 |
| | PL 103-66 | | | Budget Reconciliation: Food Stamp Program | Reduces enhanced matching rates for ALL food stamp program administrative costs to 50% effective April 1, 1994. Under current law, administrative expenses are limited to 50% for all but 3 types of | 8/10/93 Signed by the President |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
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| | PL 103-66 | | | Budget Reconciliation: AFDC | expenditures: verification of alien immigration status (100% federal match), management information systems (63% federal match), and fraud and abuse control activities (75% federal match). Reduces enhanced matching rates for ALL AFDC administrative costs to 50% effective April 1, 1994. Under current law, administrative expenses are limited to 50% for all but 3 types of expenditures: verification of alien immigration status (100% federal match), certain management information systems (90% federal match), and fraud and abuse control activities (75% federal match). | 8/10/93 Signed by the President |
| | PL 103-296 | | | Social Security Administrative Reform Act | 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 this greatly expands the treatment population. | 8/15/94 PL 103-296 108 Stat. 1464 Signed by the President |
| | PL 103-382 | | | Improving America's Schools Act of 1994 | 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) | 10/20/94 PL 103-382 108 Stat. 3518 Signed by the President |
| | PL 103-107 | Dodd | 46 | Family and Medical Leave Act (formerly S 5) | 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. | 1/21/93 Labor & Human Resources 1/26/93 Markup by Labor & Human Resources 1/26/93 Ordered to be reported by Labor & Human Resources: 13-4 1/27/93 Reported to the Senate (S Rpt 103-3) 2/2/93 Considered in Senate 2/4/93 Other measure, HR 1, as amended by the Senate, passed in the Senate in lieu. 2/5/93 PL 103-3 107 Stat. 6 |
| | S 844 | Gorton | 11 | Fairness for Adopted Children Act | Expresses the sense of Congress calling on states to make certain that all necessary information is made available to adoptive parents. In addition, the resolution recommends that states require adequate legal counsel be provided to biological mothers. The resolution calls on states to require health insurers to drop pre-existing condition restrictions on adoptive children. | 4/29/93 Labor & Human Resources |
| | S 1351 | Reid | 1 | Immigration Stabilization Act | Prohibits federal financial assistance to any state or state agency that does not verify the immigration status of aliens applying for benefits through the use of the automated System for Alien Verification (SAVE). | 8/4/93 Judiciary |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
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| | S 1977 | Dodd | 2 | Child Support Reform Act | Requires states to adopt procedures under which expedited administrative procedures are used to establish paternity in contested cases, and to obtain and enforce support orders. Requires states, by 1996, to maintain a central child support order registry including all orders issued or modified in the state. Requires the state to receive, record and disburse payment for each order, except for interstate orders enforced through the IRS under Title III of this Act. Requires the state to transmit to a National Registry of Child Support Orders (established under Section 301 of this Act) an abstract of each order of the state registry. Requires states to have procedures under which the state occupational licensing and regulating agencies may not use or renew an occupation, professional, or business license to an individual who is the subject of an outstanding warrant related to a child support proceeding or who is a noncustodial parent who is at least one month delinquent in paying child support until the hold is released or an expedited inquiry and review is conducted. Similar procedures hold for driver's licenses and vehicle registration. Requires states to adopt the Uniform Interstate Family Support Act without material change by January 1, 1996. Requires states to provide to consumer reporting agencies information on overdue child support (effective October 1, 1994). Requires states to include in their state plans assurances that they will cooperate with the IRS to facilitate the exchange of information regarding child support cases and the enforcement of orders by the IRS. Effective in 1995, changes the federal match for child support enforcement activities to 85% and repeals the incentive payments to states. Requires a maintenance of effort on the part of the states. Amends the penalties for noncompliance to require the payments to the state be reduced by not less than 5% and not more than 10% until the state program is found to be in substantial compliance. The penalty would be changed so that it is assessed against the state's child support enforcement funds rather than against AFDC funds. | 3/24/94 Finance |
| | S 1816 | Leahy | 0 | WIC Fraud Prosecution Act | Requires states, as a condition of participation in the WIC program, to provide to USDA a detailed plan to detect and punish trafficking in WIC food instruments or access devices by storeowners or WIC food vendors. States will be required to target higher risk stores and vendors. | 2/7/94 Agriculture, Nutrition, and Forestry |
| | S 2224 | Moynihan | | Work and Responsibility Act of 1994 | This legislation and its companion, HR 4605, contains numerous mandates on states including provisions for time-limited welfare and child support enforcement. | 6/21/94 Referred to Finance |
| | HR 1 | Ford | 170 | Family and Medical Leave Act | 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, | 2/5/93 PL 103-3 107 Stat. 6 |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|---------------------------------------|---|---|
| | HR 892 | Franks(CT) | 13 | Parental Responsibility Act | or the serious illness of the employee or an immediate family member. This bill applies to employers with more than 50 employees. | 2/16/93 Ways & Means |
| | HR 910 | Paxon | 0 | | Reduces payments to states for AFDC unless state can identify the biological parents of children receiving aid. | 2/16/93 1. Ways & Means 2. Energy & Commerce |
| | HR 944 | Cunningham | 13 | Responsible Welfare Act of 1993 | Discourages persons from moving to a state to obtain greater amounts of AFDC by capping benefits to the level of their home state. To amend Title IV of the Social Security Act to deny aid to families with dependent children to certain individuals for any week in which individuals work or attend courses at an educational institution for fewer than 30 hours. | 2/17/93 Ways & Means |
| | HR 1389 | Stark | 11 | | In order to be eligible for Medicaid reimbursement, states must continue to provide state supplements using one of two methods, the total expenditures method or the payment levels method. States using the total expenditures method would have to increase their total supplementary payments by the percentage of increases the federal government gives in a calendar year. States using the payment levels method could not reduce their supplementary payments to individuals or couples from one calendar year to the next. | 3/17/93 1. Energy & Commerce 2. Ways & Means |
| | HR 1732 | Frank (MA) | 0 | | To amend part A of Title IV of the Social Security Act to require states, under the AFDC program, to disregard from the income of certain stepparents an amount equal to the state's standard of need for the stepparent's new family. | 4/20/93 Ways & Means |
| | HR 1918 | Wise | 1 | Welfare Reform and Responsibility Act | Requires states to establish, staff and publicize 24-hour 1-800 telephone numbers for reporting welfare fraud and abuse claims. Requires states to develop individual employability plans, including specific goals and timetables, designed to move each welfare recipient from welfare to work in 2 years. Requires states to establish parenting classes and make them available to all teenagers. Good news: Make JOBS money more available to states who are unable to make the match. | 4/28/93 1. Ways & Means 2. Education & Labor 3. Energy & Commerce |
| | HR 2557 | Solomon | 9 | | Requires states to implement workfare for all able-bodied eligible recipients without dependents or lose 50% of their AFDC administrative funds. | 6/29/93 Ways & Means |
| | HR 3320 | Bilbray | 15 | Immigration Stabilization Act | Notwithstanding any other provision of law, no federal assistance shall be paid to a state or local government or agency for AFDC, Medicaid, unemployment compensation, food stamps, or certain housing programs if such government or agency does not verify the immigration status of aliens applying for benefits under these programs through the use of the automated SAVE system. Good news: Removes federal pre-emption and allows states to establish state employer sanctions programs. Creates grant program to | 10/20/93 Judiciary 2/23/94 Hearings held by Judiciary, Subcmte. on International Law, Immigration and Refugees |
| | HR 3362 | Mazzoli | 21 | Employer Sanctions Improvement Act | Good news: Removes federal pre-emption and allows states to establish state employer sanctions programs. Creates grant program to | 10/26/93 Judiciary 9/21/94 Hearings held by Judiciary, |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|----------|----------|--|--|---|
| | HR 3500 | Michel | 160 | Welfare Reform | <p>Propose of Republican Welfare Reform Task Force. Major overhaul of welfare system. Includes penalties to states that do not increase their paternity establishment rates, over a period of years, to 90%. States are required to stop paying welfare benefits to parents under 18 years of age; states can avoid this only if they pass a law exempting themselves. States are required to stop increasing welfare checks when families on welfare have additional children; states can avoid this requirement only if they pass a law exempting themselves. Requires states to terminate the cash welfare benefits of families that do not have their preschool children immunized.</p> | <p>11/10/93 1. Ways & Means 2. Rules 3. Judiciary 4. Government Operations 5. Energy & Commerce 6. Education & Labor 7. Banking, Finance & Urban Affairs 8. Agriculture</p> |
| | HR 3588 | Goodling | 0 | Child Abuse and Neglect Accountability Act | To amend the Child Abuse Prevention and Treatment Act to require a state, in order to be eligible for a grant for child abuse and neglect prevention and treatment programs, to have in effect a state law providing for the prosecution of a person who makes a report of child abuse or neglect without having a reasonable belief that the report is true. | 11/20/93 Education & Labor |
| | HR 3823 | Barca | 2 | Welfare Fairness Act | Establishes a commission to determine a uniform standard of need under the AFDC program. | 2/9/94 Ways & Means |
| | HR 4051 | Woolsey | 4 | Secure Assurance for Families Everywhere | <p>Pursuant to federal regulations, each state would be required to develop an ongoing program of outreach that would describe how outreach will be coordinated with other governmental agencies and nonprofit organizations and how the state will reach non-English speaking populations and the hearing impaired. States would be required to use a uniform national application for child support services. Current law requires the Secretary of HHS to issue staffing standards for state child support agencies. The Secretary has never done so. The Secretary is given one year to issue such standards. In addition, the Secretary is to revise existing standards to insure that audits are more timely and assess the state's actual performance. States would receive enhanced federal funding if they met the audit standards, achieved their paternity establishment percentage, provided timely services, and were staffed at the appropriate level under the new staffing standards. States that were not in substantial compliance with their IV-D obligations would see a reduction in the federal share of their IV-D funds. The current audit penalty that is assessed against the state's AFDC funds would be eliminated. Finally, states would be required to maintain at least the current level of funding in their IV-D and AFDC programs. States would be required to have procedures</p> | 3/16/94 Ways & Means |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
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| | HR 4570 | Schroeder | 78 | Child Support Responsibility Act | In place to establish paternity for older children, to use a national paternity acknowledgment affidavit, and to convert the affidavit into a legal finding of paternity within 30 days. Establishes a federal child support registry for all child support orders issued or modified by any state court. Establishes state central registries for all support orders issued or modified. Requires states to conduct surveys of populations underserved by child support services and to develop outreach programs in specified locations. Requires states to provide for hospital-based paternity establishment. Requires states to adopt the Uniform Interstate Family Support Act. Restricts driver's licenses and professional licenses of parents who have failed to pay support. Requires states to establish procedures for annual cost-of-living adjustments for child support awards. | 6/13/94 1. Armed Services 2. Banking, Finance & Urban Affairs 3. Education & Labor 4. Foreign Affairs 5. Judiciary 6. Post Office & Civil Service 7. Ways & Means 7/12, 7/26/94 Hearings held by Post Office & Civil Service, Subcmte. on Compensation & Benefits 7/26/94 Approved for full cmte. action 8/10/94 Amended and reported by Post Office & Civil Service Cmte. 9/29/94 Hearings held by Armed Services, Subcmte. on Military Forces & Personnel 9/29/94 Approved for full cmte. action 9/30/94 Some provisions included in HR 5140 |
| | HR 4605 | Gibbons | 9 | Work and Responsibility Act of 1994 | This legislation and its companion, S 2224, contains numerous mandates on states including provisions for time-limited welfare and child support enforcement. | 8/2/94 Committee hearings held by Education & Labor |
| | PL 103-66 | | | Budget Reconciliation: SSI Fees | 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). | 8/10/93 Signed by the President |
| | PL 103-31 | Ford | 32 | National Voter Registration Act of 1993 (formerly S 460) | 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 | 1/21/93 Rules & Administration 2/25/93 Reported to Senate by Rules & Administration 3/4/93 Considered in Senate 3/17/93 Measure, as amended, passed in Senate by yea-nay vote: 62-37 3/25/93 Senate conferees named See action for HR 2 5/20/93 PL 103-31 107 Stat. 77 |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|---|--|--|
| | S 6 | Dole | 6 | Sexual Assault Prevention Act (companion bill in House by Mollnart) | 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. | 1/21/93 Judiciary 1/27/93 Related measure Introduced in House (HR688) |
| | S 8 | Hatch | 8 | Crime Control Act of 1993 | Expands the number of federal death penalty crimes from 18 to 47. Requires an authorized agency of the state to report child abuse crime information to the national criminal background check system. The Attorney General shall establish guidelines for state programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated state law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release. Requires state prison officials to inform these persons of their duty to register. Within 3 days, officers must report this information to the state law enforcement agency. This agency shall put this information in their record system and notify the law enforcement agency where the person expects to reside. The state law enforcement agency must forward fingerprints and conviction data to the FBI. This state data must be reviewed annually. States will have three years to be in compliance. States failing to be in compliance will lose 25% of their allocations under Section 506 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968. This legislation also provides grants for state and local governments to hire additional law enforcement officers for other programs. | 1/21/93 Judiciary |
| | S 11 | Biden | 67 | Violence Against Women Act of 1993 (SEE HR 1133) | Authorizes several grant programs to combat violence against women. However, states are ineligible for these funds unless states pay for rape exams for women who have been assaulted. Creates federal penalties for spouse abusers who cross state lines to continue their abuse. Requires all states to enforce any "stay-away" order, regardless of which state issues the order. Creates a civil cause of action in federal court for gender-related crimes. | 9/10/93 Reported to the Senate with an amendment in the nature of a substitute by Judiciary (SFRpt 103-138) 11/4/93 Included in S. 1607 which became PL 103-322 |
| | PL 103-159 | Metzenbaum | 31 | Brady Bill | Provides for a national waiting period of 5 business days prior to the | 2/24/93 Introduced in Senate |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Sponsor | Brief Title (formerly S 414) | Explanation & Programs Affected | Bill Status |
|--------------|------------------|----------|------------|--|--|---|
| | S 441 | Campbell | 1 | The Felon Gun Penalty Act | sale of a handgun. Local law enforcement would be required to conduct a background check on the potential handgun purchaser during the waiting period. The federal waiting period imposed by this bill will not apply in those states which have laws that require a background check be conducted prior to the sale of the handgun. The waiting period will be removed after 5 years. The Attorney General will review each state's criminal record keeping system and establish a time-table for each state to link those records with the national system. Each state will be required, within 5 years of enactment, to have a computer data system that is 80% reliable. \$200 million is authorized for grants to states to improve their records. The federal government may withhold up to 50% of the allocation for grants under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 if the state is not on the time-table after 5 years. | 3/3/93 Placed on Senate Legislative Calendar by unanimous consent. 11/19/93 Considered in Senate 11/20/93 Passed in Senate: 63-36 11/22/93 House & Senate conference 11/24/93 Senate passed conference report by voice vote 11/30/93 Signed by President |
| | S 470 | Boxer | 7 | Stalking Criminal Act of 1993 | Provides a mandatory minimum sentence of 5 years without the opportunity for parole for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, or a person who is an unlawful user of or addicted to a controlled substance. Currently there is not such mandatory penalty for these offenses. | 2/25/93 Judiciary Penalties included in Crime Law 3/2/93 Judiciary 3/17/93 Hearings held by Judiciary |
| | S 488 | Specter | 0 | Drive-By Shootings Act of 1993 | Makes it a federal crime to fire a weapon into a group of two or more persons with the intent to intimidate, harass, injure, or maim, in furtherance of, or to avoid detection of, a major drug offense. The bill provides a sentence of up to 25 years imprisonment for aggravated assault and life imprisonment or the death penalty in the event of a homicide resulting from a drive-by shooting. | 3/3/93 Judiciary Included in Crime Law |
| | S 499 | Lott | 3 | Life Imprisonment for Egregious Recidivists Act | Imposes a mandatory life sentence on anyone convicted of a federal violent felony if that person has two previous violent felonies (federal or state) on his or her record. | 3/4/93 Judiciary 11/8/93 Similar language included in Crime Act |
| | S 504 | Kohl | 4 | Firearms Theft Act of 1993 | Amends Section 924 of Title 18, U.S. Code to make it a federal crime to steal a firearm or explosives in interstate or foreign commerce. | 3/4/93 Judiciary Included in Crime Law |
| | S 527 | D'Amato | 9 | Bombing Homicide Death Penalty Act | A bill to provide for constitutional procedures for the imposition of the death penalty through the use of a bomb or other destructive device. | 3/5/93 Judiciary Included in Crime Law |
| | PL 103-141 | Kennedy | 60 | Religious Freedom Restoration Act (formerly S 578) | This bill protects the free exercise of religion. In a May 1993 letter to the members of the Senate Judiciary Cmte., 25 attorney generals wrote to express their concern about the impact of the bill in prison settings. Proponents argue that where a | 3/1/93 Judiciary 5/6/93 Markup by Judiciary; Reported by year-end vote: 15-1 7/27/93 Reported to Senate: (SRpt 103-111) |

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|--------------|------------------|-----------|----------|--|--|--|
| | | | | | compelling state interest is shown, exceptions may be granted. | Senate 10/26/93 Senate struck all after the enacting clause of HR 1308 (companion bill) and inserted in lieu the text of S 578, as amended, by the Senate. 10/27/93 Other measure HR 1308, as amended by the Senate, passed in the Senate in lieu. 11/16/93 PL 103-141 107 Stat. 1488 |
| | S 639 | DeConcini | 12 | Antidrug Assault Weapons Limitations Act of 1993 | Establishes federal penalties for drive-by shootings. | 3/23/93 Judiciary 8/3/93 Hearings held in Judiciary Included in Crime Law |
| | S 689 | Bradley | 12 | Interstate Child Support Enforcement Act | Requires states to have in place procedures under which the state agency responsible for child support enforcement shall have automated on-line or batch access to information re: residential addresses, employers, income, assets and medical insurance of absent parent. Requires states to maintain child support order registries. Requires states to promulgate procedures under which the states shall treat out-of-state service of process in parentage and child support actions in the same manner as in-state service of process. Establishes requirements for state uniformity regarding establishment of parentage and support and jurisdiction and venue. Mandates state child support guidelines. Requires the states to provide for a continuing support obligation by one or both parents until the date upon which a child reaches the age of 18 or graduates from or is no longer enrolled in secondary school or its equivalent, whichever is later. Requires states to implement procedures to establish parentage. Requires states to participate in monitoring W-4 forms for new hires to see if child support is owed. Requires states to establish the following enforcement procedures: withholding of professional licenses, withholding of drivers' licenses and motor vehicle registration, authorize post-judgment seizure of bank accounts, liens against lottery winnings and insurance settlements, reporting child support arrearages to credit bureaus. Requires states to provide either one central state-wide collecting, accounting, and disbursement point for child support cases, or regional collection and disbursement points throughout the state. Includes numerous other requirements for states. | 4/7/93 Finance |
| | S 743 | Simon | 0 | Illegal Drug Profits Act of 1993 | Requires clerks in state courts to inform the Internal Revenue Service and criminal prosecutors of all incidents in which an alleged drug offender or money launderer or racketeer posts a substantial bail (\$10,000 or more) in cash. | 4/2/93 Judiciary Included in Crime Law |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|---------------|----------|---|--|--|
| | S 891 | Craig | 8 | Federal Criminal Records Identification Act | Sets more specific parameters for the state criminal records system: that it may be accessed by telephone, that it may be accessed by a licensed dealer, child care provider, law enforcement officer or court of law; limitations on information that may be provided to each of these categories; when it must operate. Provides that an authorized agency of a state shall report child abuse crime information to the federal background check system. Amends Omnibus Crime Control and Safe Streets Act of 1968 to provide \$21 million in additional funding to implement the purposes of this act. The Attorney General may refuse to make grants under this act to a state that does not establish and operate state criminal background check systems so that handgun purchasers may be screened. No state accepting federal funds may charge a gun dealer more than \$3 per transaction to check for a felony record of a handgun purchaser. | 5/5/93 Judiciary |
| | PL 103-383 | Moseley-Braun | 2 | Full Faith and Credit for Child Support Orders Act (See HR 454) | 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. (formerly S 922) | 5/6/93 Judiciary 9/27/94 Passed in Senate by voice vote. 10/5/94 Modified provisions of HR 454 are included in this measure. Measure, passed in House by voice vote. 10/5/94 Cleared for President's signature 10/94 PL 103-383 108 Stat. 4063 |
| | S 942 | Lieberman | 1 | Carjacking Legislation | Makes carjacking a federal offense without regard to whether the offense is committed with the use of a firearm, and to authorize the imposition of the death penalty if death results from the commission of the offense. | 5/12/93 Judiciary 11/8/93 Similar language included in PL 103-322 |
| | S 1069 | Durenberger | 0 | Jacob Wetterling Crimes Against Children Registration Act | The Attorney General shall establish procedures for state programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated state law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release. The state agency must enter the information in the state law enforcement system and in the National Crime Information Center computer networks and notify the appropriate law enforcement agency where the person expects to reside. If a state does not comply with these provisions within 3 years, funds received under Section 506 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be reduced by 25% and the unallocated funds shall be reallocated to states in compliance with this section. | 5/28/93 Judiciary 11/1/93 Included in PL 103-322 |
| | S 1164 | Mack | 0 | Federal Carjacking Improvements Act | Makes it a federal crime to intentionally strike a motor vehicle with the intent to commit a criminal act. This legislation includes a federal death penalty where death results from a crime covered in this statute. | 6/24/93 Judiciary |
| | S 1356 | Dole | 21 | Neighborhood Security Act | Includes provisions of the Jacob Wetterling Crimes Against Children, Registration Act, National Child Protection Act, habeas corpus reform, | 8/4/93 Judiciary Elements included in PL 103-322 |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|--------------------|----------|---|---|--|
| | S 1400 | Lautenberg | 1 | Stop Arming Felons Act | provisions for federal death penalty. Persons convicted of violent felonies or serious drug offenses would be banned from possessing firearms, regardless of whether a state restores other rights. In the case of those convicted of other crimes that disqualify them from firearm possession, a state's restoration of civil rights, or setting aside a conviction, would not eliminate the federal firearm prohibition unless the state makes an individualized determination that the person is not likely to act in a manner dangerous to public safety. | 8/6/93 Judiciary |
| | S 1488 | Biden | 0 | Violent Crime Control Act of 1993 | Establishes a death penalty for numerous offenses including carjacking and certain gun offenses, federalizes insurance fraud crimes and theft of major art works, proposes habeas corpus reform. Includes provisions of the National Child Protection Act (HR 1237) and the Jacob Wetterling Crimes Against Children Registration Act. (S1069 and HR 324). (BECAME S 1607) | 9/23/93 Not referred to cmte. Passed as S 1607, amended |
| | S 1581 | Lieberman | 0 | Violent Crime Reduction Act | Provides that states that do not enact state laws providing for mandatory 20 year sentences without the possibility of parole for violent career criminals who commit a crime using a firearm, will lose 50% of the funds that would have otherwise been eligible to them under the Omnibus Crime Control and Safe Streets Act of 1968. States have 2 years to enact such laws. Violent career criminals are offenders who have previously been convicted 3 or more times under federal or state law for crimes of violence or serious drug offenses. | 10/25/93 Judiciary |
| | S 1882 | Metzenbaum | 6 | Gun Violence Prevention Act | Requires states to issue handgun licenses, teach safety courses and offer safety certificates, and issue handgun registrations. Fees may be charged for the certifications. Grant funding is authorized, but not appropriated. | 3/1/94 Judiciary |
| | HR 3272 | Johnston (Florida) | 12 | Law Enforcement and Correctional Officers Employment Registration Act | States shall supply a list of all law enforcement and correctional officers in that state since 1990 to an agency designated by the Attorney General. This list shall include names, DOB, Social Security numbers, FBI fingerprint numbers, and dates of service. As a condition of employment, each state that employs law enforcement officers shall require all applicants for appointment to disclose all prior service or employment as a law enforcement officer, and to submit a written authorization and request for release of information, on a form prescribed by the Attorney General. | 10/13/93 Judiciary |
| | S 1965 | Graham | 0 | Law Enforcement and Correctional Officers Employment Registration Act | Any unit of government receiving funds from Section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 shall designate a standards board to maintain electronically a list of all law enforcement and correctional officers. This list shall be forwarded to an agency designated by the Attorney General. This list shall include | 3/24/94 Judiciary |

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| | PL 103-322 | Biden | 0 | Violent Crime Control and Law Enforcement Act of 1993 | names, date of birth, social security numbers, FBI fingerprint identification numbers (if known) and other information. The agency responsible for this information shall, within 90 days of a change in an officer's status (employment or resignation) notify the office designated by the Attorney General. Grants may be authorized. Formerly S 1607. | 11/1/93 Judiciary 11/4/93 Considered and amended by Senate (through 11/19) 11/19/93 Senate struck all after the enacting clause of HR 3355 and inserted in lieu thereof the text of S 1607, as amended by the Senate. 11/19/93 Other measure, as amended by Senate, passed the Senate in lieu. 3/18/94 Provisions of the House version of HR 3355 were incorporated in HR 4092, Omnibus Crime Control Act. 8/2/94 Hearing held by House Committee on Rules 9/13/94 PL 103-322 108 Stat. 1796 |
| | S 1511 | Dorgan | 7 | Violent Crime Prevention Act of 1993 | 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 programs to require a sexually violent predator 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. A state that does not implement these requirements in the time allotted will 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. State court clerks would be required to report information on individuals who post cash bond in excess of \$10,000 to the IRS. Authorized numerous grant programs for prevention and law enforcement. States may lose 100% of funding under Section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 unless the law of a state does not permit the crediting of any amount of time toward service of a sentence by a prisoner as a reward for having been in compliance with prison disciplinary regulations or otherwise having been on good behavior during any period of time. States may lose 10% of this grant funding unless a state has in effect a law that requires state officials, at the request of a victim of an offense involving the commission of a sexual act to an administer an HIV test to a convicted defendant, disclose results to the victim, and provide HIV counseling to the victim. | 9/30/93 Judiciary 11/5/93 "Positive good time" provision in S 1607 |
| | S 2118 | Dorgan | 2 | Violent Crime Intervention Act | Requires states to file their arrest reports and final disposition orders in criminal cases with their record repository within 21 days. State repositories would then have to enter these reports and records into the state database within 14 days. Every state database would be required to be connected to the Interstate Identification Index. States would be liable to victims of violent felonies committed by a criminal the state had released prior to serving his or her full sentence for a previous violent crime. A state that has a law requiring those | 5/17/94 Judiciary |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|---------|----------|---|---|--|
| | PL 103-31 | Swift | 73 | National Voter Registration Act of 1993 (formerly HR 2) | <p>convicted of a violent crime to serve their entire, original sentence would not be liable to victims. \$100 million is authorized, but not appropriated for fiscal years 1995-1996 for grants to states to improve criminal history records.</p> <p>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.</p> | <p>1/26/93 Markup by House Administration, Subcmte. on Elections</p> <p>1/26/93 Approved for full committee consideration by Subcmte. on Elections</p> <p>1/27/93 Markup by House Administration</p> <p>1/27/93 Ordered to be reported by House Administration Cmte., amended, by yea-nay vote: 9-3</p> <p>2/2/93 Hearings held by Rules</p> <p>2/2/93 Reported to House amended by Administration (HRpt 103-9)</p> <p>2/4/93 Considered by the House</p> <p>2/4/93 Passed in House by yea-nay vote: 259-160</p> <p>2/17/93 Referred to Senate Rules & Administration</p> <p>3/17/93 Measure, as amended, passed in Senate by yea-nay vote: 62-37</p> <p>4/1/93 House conferees named</p> <p>4/2/93 Conference held</p> <p>4/28/93 Conference report filed in the House (HRpt 103-66)</p> <p>5/5/93 Conference report agreed to in the House by yea-nay vote: 259-164</p> <p>5/11/93 Conference report agreed to in the Senate: 62-36</p> <p>5/11/93 Measure cleared for President</p> <p>5/20/93 PL 103-31 107 Stat. 77</p> <p>1/9/93 Judiciary</p> <p>11/16/93 Amended and approved by Judiciary, Subcmte. on Crime and Criminal Justice</p> <p>11/17/93 Considered and approved by Judiciary</p> <p>11/20/93 Approved by House (HRpt 103-392)</p> <p>11/23/93 Referred to Senate Judiciary</p> <p>3/18/94 Provisions incorporated into PL 103-322</p> |
| | HR 324 | Ramstad | 53 | Jacob Wetterling Crimes Against Children Registration Act | <p>Requires any person convicted of a state criminal offense against a victim who is a minor to register a current address with law enforcement officials of the state for 10 years after release from prison, parole, or supervision. State law enforcement agencies are responsible for collecting information and forwarding it to NCIC. States not complying with these provisions after 3 years will lose 25% of their grant allocation under Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968.</p> | |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|--|--|---|
| | PL 103-383 | Frank (MA) | 3 | Full Faith and Credit for Child Support Orders Act (formerly HR 454) (SEE S 922) | Requires states to give full faith and credit to child support orders entered in accordance with the terms of the statute by sister states and administrative bodies. | 8/2/93 Reported to the House (HRpt 103-206) 8/2/93 Measure, as amended, passed House on voice vote. 8/2/93 Referred to Senate Judiciary 10/5/94 Modified provisions of this measure are included in S 922 as agreed to in the House. 10/5/94 Measure cleared for the President. |
| | HR 515 | Hobson | 32 | National Child Abuser Registration Act of 1993 | Requires state agencies to register all offenders convicted of any acts involving child abuse with the National Crime Information Center of the Department of Justice. States have 3 years after the enactment of this act to be in compliance. After this time, allocations under Section 506 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 will be reduced by 25%. | 1/21/93 Judiciary Similar provisions in PL 103-322 |
| | HR 688 | Molinari | 107 | Sexual Assault Prevention Act (companion bill to Dole in Senate) | Creates federal offense of engaging in spouse abuse, violating a protective order, or stalking if interstate travel is involved. Offers grants to states and localities to increase efforts against sexual and domestic violence. | 1/27/93 Judiciary |
| | HR 740 | Royce | 7 | Federal Anti-Stalker Act of 1993 | To amend Title 18, U.S. Code, to provide federal penalties for stalking. | 2/2/93 Judiciary |
| | HR 840 | Kennedy | 45 | National Stalker Reduction Act of 1993 | States are required to pass laws that make it unlawful for an individual to willfully, maliciously, and repeatedly follow or harass another individual while making a threat with the intent to place such individual in imminent fear of death or serious bodily injury. These laws must include federally mandated penalties. Law enforcement agencies must report information regarding domestic violence to a statewide registry. If these provisions are not followed, states can lose 25% of their funding under Title I of the Omnibus Crime Control and Safe Streets Act of 1968. States receiving money under this grant program must allocate at least 5% of those funds to the development of records regarding stalking and other forms of domestic violence, unless granted a waiver by the Bureau of Justice Statistics. | 2/4/93 Judiciary |
| | HR 915 | Schroeder | 26 | Child Support Economic Security Act of 1993 | Requires states to have statewide, uniform rules of child support enforcement; requires states to have on-line access to all data bases maintained by the state or any local jurisdiction; requires states to deny issuance of licenses to individuals unless a good faith effort has been made to pay any child support owed; requires social security numbers on marriage licenses and child support orders; requires timely response by states to interstate locate requests; replaces federal incentive payments with an increased reimbursement of 90%; requires states to adopt legislation | 2/16/93 1. Judiciary 2. Ways & Means |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|-----------|----------|--|---|---|
| | PL 103-159 | Schumer | 155 | Brady Bill (formerly HR 1025) | similar to the Uniform Interstate Family Support Act. 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 case 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). States not complying with the timetable may lose 50% of funding under Title I of the Omnibus Crime Control and Safe Streets Act of 1968. Amended to include provision that local law enforcement officials provide reasons for the denial of a handgun within 20 business days, if the person who has been denied a handgun requests it. | 2/22/93 Judiciary 9/30/93 Hearings by Judiciary, Subcmte. on Criminal Justice 10/29/93 Markup by Subcmte. on Criminal Justice 10/29/93 Approved for full cmte. action by Judiciary, Subcmte. on Criminal Justice 11/4/93 Markup by Judiciary 11/4/93 Reported by Judiciary 11/09/93 Hearing held by Rules 11/10/93 Considered in House 11/10/93 Measure, as amended, passed in House by yeas-nays vote: 238-189 (HRpt 103-344) 11/22/93 House & Senate Conference 11/23/93 Conference report passes House: 238-187 11/24/93 Senate passed conference report by voice vote 11/30/93 PL 103-159 |
| | HR 1133 | Schroeder | 214 | Violence Against Women Act (SEE S 11) | Creates federal penalties for anyone who travels across state lines to contact their spouse and then batters him/her or with the intent to violate a protective order. Requires states to enforce protective orders of another state. | 2/24/93 Judiciary 11/16/93 Amended and approved by Judiciary, Subcmte. on Crime & Criminal Justice 11/17/93 Ordered reported by Judiciary amended by yeas-nay vote: 34-1 11/20/93 Passed in House: 421-0 11/22/93 Referred to Senate Judiciary 3/18/94 Provisions of HR 1133 were incorporated in HR 4092, Omnibus Crime Act |
| | HR 1148 | Moran | 8 | Law Enforcement Responsibility and Improvement Act | Creates federal rules for local law enforcement conducting internal affairs investigations. Subjects state and local governments for failure to follow procedures. | 2/25/93 Judiciary |
| | HR 1220 | Gekas | 0 | Federal Death Penalty Act of 1993 | Federalizes an array of crimes and extends federal death penalty to various crimes, regardless of state laws on death penalties. | 3/4/93 Judiciary |
| | HR 1237 | Schroeder | 30 | National Child Protection Act | 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 | 3/4/93 Judiciary 7/16/93 Hearings held by Judiciary, Subcmte. on Civil & Constitutional Rights 11/16/93 Markup by Judiciary, |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|--|---|--|
| | HR 1277 | Cunningham | 34 | | 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. | Subcmte. on Civil & Constitutional Rights 11/16/93 Approved for full cmte. action amended by Judiciary, Subcmte. on Civil and Constitutional Rights markup by Judiciary 11/17/93 Ordered to be reported by Judiciary amended 11/19/93 Approved by House (HRpt 103-393) 11/20/93 Approved by Senate 11/20/93 Cleared for President's signature 12/8/93 PL 103-209 (107 Stat. 2490) |
| | PL 103-141 | Schumer | 170 | Religious Freedom Restoration Act (formerly HR 1308) | Amend Title 18, U.S. Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns. This bill protects the free exercise of religion. In a May 1993 letter to the members of the Senate Judiciary Cmte., 25 attorney generals wrote to express their concern about the impact of the bill in prison settings. Proponents argue that where a compelling state interest is shown, exceptions may be granted. | 3/10/93 Judiciary 3/11/93 Judiciary 3/17/93 Considered and approved by Judiciary, Subcmte. on Civil and Constitutional Rights and reported by Judiciary 3/24/93 Considered and ordered reported by Judiciary 5/11/93 Reported to House (HRpt. 103-88) 5/11/93 Measure passed in House 11/3/93 House concurs with Senate amdmnt. 11/16/93 PL 103-141 107 Stat. 1488 3/24/93 Judiciary |
| | HR 1457 | Lewis (GA) | 69 | Voting Rights Homeless Citizens Act of 1993 | No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any state or political subdivision to deny or abridge the right of any citizen of the United States to vote because the citizen resides at or in a non-traditional abode. Provides federal penalties for stalking. | DATE 1-26-95 3/24/93 Judiciary |
| | HR 1461 | Mlume | 0 | Federal Stalking Prevention Act | | 3/24/93 Judiciary |
| | HR 1534 | Martinez | 29 | Private Security Officers Quality Assurance Act | To require states to ensure the quality of private security services, and the competence of private security officer personnel, as a condition of eligibility to receive funds under Title II of the Juvenile Justice and Delinquency Prevention Act of 1974. | 3/30/93 Education & Labor 9/30/93 Approved after markup by Education & Labor, Subcmte. on Human Resources 4/20/94 Provisions of this measure are included in HR 4092. |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Provisions dropped before conference on HR 4092 | Bill Status |
|--------------|------------------|----------|----------|--|---|---|-------------|
| | HR 1600 | Roukema | 11 | Interstate Child Support Enforcement Act | Requires states to honor the legal and binding court order, subpoenas, and warrants issued by another state where jurisdiction was properly asserted. State licensing boards and professional boards shall withhold licenses of delinquent parents. Also, drivers' licenses and motor vehicle registrations shall be withheld from parents that fail to comply with child support warrants. States would be required to est. procedures by which aliens can be placed on insurance settlements or policy payouts, awards, judgments, or settlements resulting from lawsuits. Further, states would be required to establish procedures under which bank accounts and property can be seized for child support arrearages. States would be required to provide for hospital-based paternity establishment. | 4/7/93 1. Ways & Means 2. Judiciary 3. Banking, Finance & Urban Affairs 4. Armed Services 5. Education & Labor | |
| | HR 1616 | Collins | 0 | Handgun Registration Act | Issues requirements for state handgun registration programs. Sets penalties for violations of state law. Establishes federal handgun registration system to apply in all states not establishing state registration systems meeting federal requirements. States participating in the federal system will lose all assistance under each of parts D,E, and G of Title I of the Omnibus Crime Control and Safe Streets Act of 1968. | 4/7/93 Judiciary | |
| | HR 1754 | Penny | 10 | Election Day Registration Act of 1993 | Amends the Federal Election Campaign Act of 1971 to provide for election day registration for elections for federal office. | 4/21/93 House Administration | |
| | HR 1961 | Kennelly | 24 | Interstate Child Support Act of 1993 | This legislation lists over 80 requirements on states. Requires the state to have an on-line information system with data on absent parents. Requires states to maintain registries of support orders. Requires states to record social security numbers on marriage licenses, divorce decrees and birth certificates (for father and mother). Requires states to establish procedures to put holds on occupational, professional, and business licenses for parents who are subject to outstanding failure to appear warrants. | 5/4/93 1. Ways & Means 2. Judiciary 3. Natural Resources 4. Banking, Finance & Urban Affairs 5. Armed Services 6. Foreign Affairs 7. Post Office & Civil Service 8. Administration | |
| | HR 2872 | McCollum | 76 | Crime Control Act of 1993 | Makes criminal street gang offenses federal crimes. Requires states to pass legislation to prohibit the production, distribution, receipt, or possession of materials depicting a person under 18 engaging in sexually explicit conduct to continue to be eligible for federal funding under the Victims of Crime Act and the Child Abuse Prevention and Treatment Act. Requires that each state establish and maintain a registration program requiring persons convicted of a crime against a child to register a current address and any other information that the Attorney General deems relevant with a designated state law enforcement agency for 10 years after being released from prison. States are required to 1) obtain the fingerprints, physical description, and current photographs of each registered person; 2) annually update | 8/4/93 Judiciary 2/10/94 Hearing by Judiciary, Subcmte. on Intellectual Property and Judicial Administration on Title VI of bill Provisions included in PL 103-322 | |

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|--------------|------------------|----------|----------|----------------------|--|---|
| | | | | | <p>the information contained in the registry; 3) be subject to criminal penalties for failure to comply with the registration requirements.</p> <p>The Attorney General shall publish an annual summary of convictions for offenses involving the abuse of children. If a state fails to comply with this section 3 years after the date of enactment, the allocation of funds under Section 506 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be reduced by 25%, and the unallocated funds shall be reallocated to the states complying with those obligations. The Attorney General shall be required to disclose, to authorized agencies of the states, information possessed by DOJ that enables the agency to make background checks. Contains provisions for the death penalty, victims' rights, protection of women. Each state shall establish and maintain a system that licensed dealers may contact to determine whether the purchaser of a handgun has a felony record. This system shall be accessible by telephone. Funding is authorized to improve state criminal history records. This bill provides for general habeas corpus reform.</p> | |
| | HR 2892 | McCollum | 0 | | Mandates changes in state sentencing laws in exchange for beds in regional prisons. The proposal mandates states to pay 50% of construction costs of federal prisons and requires that a range of offenders serve 85% of their state sentences. | 8/5/93 Judiciary 2/10/94 Hearings held by Judiciary, Subcmte. on Intellectual Property & Judicial Administration |
| | HR 3098 | Glickman | 39 | | Makes it a federal crime to sell or transfer a handgun to a person under age 18, or for the minor to possess the gun. | 9/21/93 Judiciary 11/16/93 Markup and approved by Judiciary, Subcmte. on Crime & Criminal Justice 11/17/93 Markup and approved by Judiciary |
| | HR 3256 | Geren | 0 | Child Protection Act | Each state shall establish and maintain a registration program under this section requiring persons convicted of a sex offense against a victim who is a child to register current address and other information with the designated state law enforcement agency for 20 years after being released from prison or otherwise being freed from detention after the conviction becomes final. Each state shall permit members of the public to inquire whether any registered offenders live in their vicinity and whether a named individual is so registered. States failing to comply with this section may lose 25% of allocation under Section 506 of the Omnibus Crime Control and Safe Streets | 11/20/93 Reported to and passed House: 422-0 (HRpt 103-389) 3/18/94 Provisions of HR 3098 were incorporated in PL 103-322 |
| | | | | | | 10/12/93 Judiciary Provisions included in PL 103-322 |

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|--------------|----------------------|-----------------|----------|---|--|---|
| | HR 3327 | Abercrombie | 2 | Traveler Protection Act of 1993 | Act of 1968. Also, states shall permit qualified entities to obtain check for the purpose of determining whether there is a report that a provider has been convicted of a background check crime. Whoever engages in conduct that is a crime of violence in the state where the conduct occurs and is directed at a victim who is not domiciled in that state shall be guilty of a like offense against the United States and subject to a like punishment in a federal prosecution. | 10/21/93 Judiciary PL 103-322 authorized the FBI to investigate crimes against travelers. |
| | HR 3378 | Gekas | 0 | International Parental Kidnapping Crime Act | Makes it a federal crime for a parent to kidnap children in violation of a valid child support custody order. | 10/27/93 Judiciary 11/15/93 Markup by Judiciary, Subcmte. on Crime & Criminal Justice 11/17/93 Passed Judiciary 11/20/93 Approved in House (HRpt 103-390) 11/20/93 Approved by Senate 11/23/93 PL 103-173 (107 Stat. 1998) 11/18/93 Judiciary |
| | HR 3537 | Manton | 0 | | Amends Title 18, U.S. Code, to impose mandatory prison terms for possession or use of a firearm or a destructive device during conduct constituting a crime of violence or a drug trafficking crime under state law. | 7/1/93 Judiciary 3/8/94 Judiciary |
| | HJR's 224 HR 3971 | Gonzalez Cox | 0 0 | | A constitutional amendment to oppose the death penalty. To amend Title 18, U.S. Code, to exempt qualified former FBI agents from state laws prohibiting the carrying of concealed firearms. | 3/18/94 1. Judiciary 2. Government Operations 3. Energy & Commerce 4. Education & Labor 5. Banking, Finance & Urban Affairs |
| | PL 103-322 | Brooks | 3 | House Crime Bill (formerly HR 4092) | In March, the House Judiciary Committee approved 13 bills that now comprise the House Crime Bill. Those with mandates or pre-emptions on states are listed below. This summary was adapted from Congressional Quarterly, March 19, 1994, pp. 671-674. Insurance fraud - makes defrauding an insurance company a federal crime. Death penalty crimes - establishes dozens of new federal crimes subject to the death penalty, including first-degree murder, kidnapping, taking hostages, drive-by shootings and carjackings resulting in death. Includes provisions of Jacob Wetterling Crimes Against Children Act, Violence Against Women Act, as well as other legislation. Death penalty crimes - establishes dozens of new federal crimes subject to the death penalty, including first-degree murder, kidnapping, taking hostages, drive-by shootings and carjackings resulting in death. | 3/22, 4/12/94 Hearings by Rules 4/14/94 Amended by House Week of 4/20/94 Considered on House floor 4/21/94 Passed in House by a yeay-nay vote: 285-141 After conference with the Senate and amendments, bill was signed by the President 9/13/94 PL 103-322 5/18/94 Judiciary |
| | HR 4450 | Reynolds | 2 | Lock Out Child Act | Federalizes the crime of child molestation. | |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|-------------|----------|--|---|---|
| LABOR | HR 876 | Murphy | 8 | | To prevent states from reducing unemployment compensation benefits by certain remuneration for services in the military reserves. | 2/4/93 Ways & Means |
| | HR 1256 | Franks (CT) | 0 | | To amend the Internal Revenue Code of 1986 to require state unemployment insurance laws to establish a system under which workers may purchase insurance to cover the costs of health insurance during periods of unemployment. | 3/9/93 Ways & Means |
| | HR 1272 | Petri | 20 | Multiple Employer Health Benefits Protection Act of 1993 | Allows the Secretary of Labor to exempt from state insurance regulations certain MEWAs which provide medical care benefits and which are not fully insured. | 3/10/93 Education & Labor |
| | HR 1280 | Ford | 114 | Comprehensive Safety and Health Reform Act of 1993 | Expands OSHA coverage to state and local employees. States would have to meet many of the updated federal standards, such as the requirements for safety and health programs, joint cmtes., reporting, nondiscrimination protection, and access to information. OSHA would investigate complaints against state plans. The bill allows states to adopt additional safety and health requirements to protect the general welfare. | 3/10/93 1. Education & Labor 2. Administration 4/28/93 Hearings held by Education & Labor 9/28/93 Hearings held by Education & Labor, Subcmte. on Labor Standards, Occupational Health & Safety 10/20/93 Hearings held by Education & Labor, Subcmte. on Labor Standards, Occupational Health & Safety 2/10/94 Hearings held by Education & Labor, Subcmte. on Labor Standards, Occupational Health & Safety 3/2/94 Markup by Education & Labor 3/9/94 and 3/10/94 Markup held by Education & Labor 3/10/94 Ordered to be reported by Education & Labor 10/3/94 Reported to House amended by House Cmte. on Education & Labor (HRpt 103-825) |
| | HR 2937 | Fawell | 13 | Occupational Safety and Health Reform Act | Extends OSHA coverage to state and local governments after three years. OSHA must provide assistance to states in developing state enforcement mechanisms. States must conform labeling, content and hazard information to federal requirements. Volunteer fire departments and similar public service providers are exempt. Also, any penalties assessed against state or local government may be credited against the cost of abating the hazard cited for the violation. State-issued work certificates must indicate restrictions on the times of day and maximum numbers the minor may be employed, and on the | 8/6/93 Education & Labor 6/17/94 Modified provisions of this measure are included in HR 4597, Occupational Safety and Health Reform Act |
| | S 86 | Metzenbaum | 2 | Child Labor Amendments of 1993 | | 1/21/93 Labor & Human Resources |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------------|------------------|-------------|----------|---|---|---|
| | S 575 | Kennedy | 12 | Comprehensive Occupational Safety and Health Reform Act | <p>Employment of minors in federally identified hazardous occupations. As part of the certification process, materials describing federal child labor laws will be made available to the minor.</p> <p>Extends OSHA coverage to state and local employees. The bill requires state plans to include provisions regarding employer safety and health programs, joint safety and health committees, reporting by employers, nondiscrimination and access to information which are at least as effective as those provided by federal law. When OSHA issues a new federal standard, state plans are required either to adopt a comparable standard within 6 months, or to enforce the federal standard until a comparable state standard is adopted. In addition, the bill requires OSHA to investigate complaints against state plans, and modifies the procedures for withdrawal of approval of a state plan.</p> | 3/11/93 Labor & Human Resources 2/9/94 Hearings completed by Labor & Human Resources 3/22/94 Hearings held and completed by Labor & Human Resources |
| | S 627 | Kennedy | 1 | Reform of Davis-Bacon | Increases the size threshold under the Davis-Bacon Act from the current level of \$2,000 for all construction contracts to \$100,000 for contracts for new construction and \$15,000 for contracts for repair, alteration, or demolition. State and local laws pertaining to payment of wages and benefits are pre-empted unless they conform with new requirements. | 3/22/93 Labor & Human Resources |
| | S 1661 | Durenberger | 4 | Worker Protection Warnings Act | To provide uniform federal warnings on personal protective equipment for occupational use. | 11/16/93 Labor & Human Resources |
| LEGISLATION | | | | | | |
| | S 235 | Reid | 26 | | To limit state taxation of certain pension income. | 1/27/93 Finance |
| | HR 411 | Stump | 12 | | To prohibit a state from imposing a tax on the pension income of individuals who are not residents or domiciliaries of that state. | 1/5/93 Judiciary 1/27/93 Related measure in the House (HR 702) |
| | HR 546 | Unsoeld | 88 | | Restrict state's right to tax pension benefits of former residents. | 1/25/93 Judiciary 9/28/94 Markup and approved by Judiciary, Subcmte. on Economic & Commercial Law 9/29-10/3/94 Amended and reported by Judiciary (HRpt 103-776) |
| | HR 525 | Murphy | 0 | | To require states to exclude National Guard and Reservist earnings from consideration (up to \$300) when computing the weekly unemployment benefit rate. | 10/3/94 Measure, as amended, passed in House 10/8/94 Referred to Senate Finance 1/21/93 Ways & Means |
| | HR 702 | Vucanovich | 114 | | To limit state taxation of certain pension income. | 1/27/93 Judiciary |
| | HR 1449 | Frank(MA) | 0 | | To prohibit any state or local government from requiring any disabled veteran to reside for a minimum period within the jurisdiction of such | 3/24/93 Judiciary |

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|-----------------------|------------------|--------------|----------|---|---|--|
| | HR 4245 | Rostenkowski | 0 | Social Security Long Range Solvency Act | government as a condition of receiving benefits under any real property tax relief of such government. Mandates Social Security coverage for all state and local government employees who are hired on or after January 1, 1995. | 4/19/94 Ways & Means 9/27/94 Hearings held by Subcmte. on Social Security |
| | PL 103-66 | | | Budget Reconciliation: Disclosure Restrictions | 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 Harley Duncan at the Federation of Tax Administrators, at 202-624-5890. | 8/10/93 Signed by the President |
| TRANSPORTATION | | | | | | |
| | HR 502 | Darden | 20 | | To prohibit the expenditure of federal funds on metric system highway signing. | 1/21/93 Public Works & Transportation |
| | HR 1043 | Byrne | 4 | | To prohibit the expenditure of federal funds for construction, positioning, or modifying highway signs that are expressed in metric system measurements. | 2/23/93 Public Works & Transportation |
| | HR 1048 | Clement | 39 | Vehicle Damage Disclosure Act | Any motor vehicle the ownership of which is transferred may not be licensed for use in any state unless the state discloses on the title whether records readily accessible to it indicate whether the vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'junk', 'reconstructed', or 'rebuilt' or that it has been damaged by flood, and, if it was issued such a title, which state first issued such a title. | 2/23/93 Energy & Commerce |
| | HR 1386 | Schiff | 2 | Drunk Driving Prevention Act of 1993 | Amend Title 23, U.S. Code, to require the Secretary of Transportation to withhold certain funds from states that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated. | 3/17/93 Public Works & Transportation |
| | HR 1824 | Kennedy | 6 | Bicycle & Pedestrian Transportation Improvement Act | Requires states to use 3% of their federal primary, secondary, and urban highway funds to improve bicycle and pedestrian activities. | 4/22/93 Public Works & Transportation |
| | HR 2225 | Kim | 1 | Highway Construction Private Investment Act | Requires states to enter into contracts with private persons to finance construction of toll facilities. States not doing this may lose part of ISTEA grants. | 5/2/93 Public Works & Transportation |
| | PL 103-305 | Oberstar | 3 | 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 | 10/13/93 Measure, as amended, passed House 6/16/94 Measure, as amended, passed Senate 8/5/94 Conference report filed in House (HRpt 103-677) |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|----------|----------|--|---|---|
| | HR 2939 | Flako | 4 | | with the new provisions or to replace lost license fee revenues. NCSL is working on legislation to delay the effective date for 1 year. | 8/8/94 Conference report agreed to in Senate 8/23/94 PL 103-305 108 Stat. 1569 |
| | HR 3365 | Moran | 46 | Driver Privacy Protection Act | If, at any time in a fiscal year beginning after September 30, 1996, a state does not have in effect a law which makes it unlawful for a person who is less than 21 years of age and who has a blood alcohol concentration level of 0.02 % or greater to drive a motor vehicle, the Secretary of Transportation shall withhold 3% of certain transportation funds under Title 23. It shall be unlawful for any person or other entity to disclose personal information derived from an individual's motor vehicle records to any other person or entity, other than to the individual, except as permitted under this chapter. If a state or agency thereof willfully violates this chapter, the state shall be subject to a civil penalty in the amount of \$10,000. | 10/26/93 Judiciary 2/4/94 Hearings held by Judiciary, Subcmte. on Civil & Constitutional Rights 4/20/94 Provisions are included in HR 4092 |
| | HR 4385 | Rahall | 3 | To Designate a National Highway System | Summary information was provided by American Assoc. of State Highway and Transportation Officials, from AASHTO Journal, May 13, 1994 Legislation contains new mandates states must meet in administering federal-aid highway projects, converting several studies or pilot projects of ISTEA into mandatory requirements. Requires life-cycle cost analysis and value engineering reviews for all federal-aid projects on the National Highway System. Requires contract warranties and requires work zone safety personnel on projects. Good news: Amendments approved. 1) to repeal current sanctions against states for failure to enact motorcycle laws. 2) would prohibit use of federal funds for the purposes of converting highway signs to metric. | 5/25/94 Measure, as amended, passed in House by yeas-nays vote: 412-12. 6/7/94 Referred to Senate Cmte. on Environment & Public Works 9/29/94 Other measure, S 1887, as amended by the House, passed the House in lieu. 9/29/94 HR 4385 was laid on the table by the House |
| | S 605 | Domenici | 0 | Drunk Driving Prevention Act of 1993 | Amend Title 23, U.S. Code, to require the Secretary of Transportation to withhold certain funds from states that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated. Five percent of formula highway funds would be withheld in the first year from states failing to adopt the standard; 10% in subsequent years. States adopting the .08 standard would immediately receive, without limitation on their uses, any funds then currently being withheld under this provision of law. For any state that continues to fail to pass the required standard, funds would be returned after being withheld for 3 years. In such cases, however, funds would be designated exclusively for drunk driving programs as approved by the Secretary of Transportation for uses including prevention, education, enforcement and prosecution. Require states to enact laws that would prohibit open containers of alcohol in vehicles. This legislation would withhold 5% of the | 3/17/93 Environment & Public Works |
| | S 809 | Dorgan | 0 | Alcohol Container Act | | 4/22/93 Environment & Public Works |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|----------|----------|---|--|--|
| | S 1232 | Gorton | 0 | Used Car Consumer Notification and Reporting Act | state's highway funds if the state fails to enact such laws. Requires all states to carry forward any salvage or lemon designation from one state to another. | 7/15/93 Commerce, Science & Transportation 8/3/93 Hearings held by Commerce, Science & Transportation |
| | S 1424 | Dorgan | 0 | National Police Pursuit Policy Act | Requires the enactment of state laws making it unlawful for the driver of a motor vehicle to take evasive action if pursued by police and would establish a standard minimum penalty of 3 months imprisonment and the seizure of the driver's vehicle. Requires each public agency in every state to establish a hot pursuit policy and provide that all law enforcement officers receive adequate training in accordance with that policy. | 8/6/93 Commerce, Science & Transportation |
| | S 1438 | Stevens | 0 | Safe Transit of Pedestrians Act | States that do not have laws ensuring that motor vehicles yield the right-of-way to pedestrians may lose their discretion to increase speed limits on interstate highways. | 8/6/93 Commerce, Science & Transportation |
| | S 1589 | Boxer | | Driver's Privacy Protection Act | It is unlawful for any state motor vehicle department or organization or person to disclose, or otherwise make available or use personal information about any individual except as referred in this legislation. Any state department of motor vehicles which willfully violates this chapter shall be subject to a civil penalty in the amount of \$10,000. Each day of noncompliance shall constitute a separate violation. | 10/26/93 Governmental Affairs |
| | S 1630 | Bingaman | 2 | Handguns in Schools Act | States are required to enact legislation that would 1) require the immediate revocation of an individual's drivers license if he or she brings a handgun into an elementary or secondary school zone; 2) stipulate for an individual under the state's legal driving age, that the period of revocation will be 5 years or until the age of 18, whichever is longer. The U.S. Department of Transportation will withhold 5% of a state's federal formula highway funds if the state does not adopt an instant license revocation law in the first fiscal year after enactment. In later years, 10% will be withheld. | 11/5/93 Environment & Public Works |
| | Sec.1038(d) | | | Intermodal Surface Transportation Efficiency Act PL 102-240 | Requires to states to use crumb rubber asphalt from recycled tires in a minimum percentage of asphalt surfacing laid each year. The mandated percentage begins at 5% in 1994 and increases to 20% by 1997. Funding sanctions are imposed if these percentages are not met. (See Wall Street Journal, 9/7/93, Editorial Page) | EXHIBIT <u>5</u> DATE <u>1-26-95</u> |
| | HR 1083 | Gallegly | 39 | | To prohibit federal financial assistance to localities whose officials refuse to cooperate in the arrest and deportation of an alien unlawfully present in the United States. | 2/24/93 Government Operations |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|---------|----------|---|--|---|
| | HR 140 | Condit | 219 | Federal Mandate Relief Act of 1993 | No state or local government shall be required to comply with federal requirements unless all funds necessary to pay the direct costs are provided by the federal government. This shall apply only to requirements which take effect on or after the date of the enactment of this legislation. | 7/25/94 HRes 489, a resolution providing for the consideration of HR 140, was submitted and referred to the House Committee on Rules. |
| | HR 369 | Snowe | 21 | | No state or local government shall be obliged to take any action required by federal law unless such expenses are funded by the federal government. This shall apply only to requirements which take effect on or after the date of the enactment of this legislation. | 1/5/93 Government Operations |
| | HR 410 | Stump | 21 | Intergovernmental Mandate Relief Act of 1993 | States and local governments shall be reimbursed for any additional direct costs of complying with mandates likely to cost all state and local governments more than \$25 million in any fiscal year. The provisions for reimbursement can be waived with 2/3 vote in both houses. | 1/5/93 1. Government Operations 2. Rules 3. Judiciary |
| | HR 799 | Snowe | 115 | | To amend Title 23, U.S. Code, to repeal a penalty for noncompliance by states with a program requiring the use of safety belts and motorcycle helmets. | 2/3/93 Public Works & Transportation |
| | HR 830 | Ewing | 251 | Regulatory Flexibility Act Amendments | Repeals ban on judicial review for agency compliance with the Regulatory Flexibility Act. | 2/5/93 Judiciary 11/18/93 Hearings in Judiciary, Subcmte. on Administrative Law & Governmental Relations |
| | HR 886 | Clinger | 60 | The Mandate and Community Assistance Reform Act | Addresses the resoring of federal-state responsibilities; strengthens cost estimation requirements for legislation and regulations. | 2/16/93 1. Government Operations 2. Rules 5/18/94 Hearings held by Government Operations, Subcmte. on Human Resources & Intergovernmental Relations |
| | HR 894 | Hefley | 29 | | To require the Congressional Budget Office to prepare estimates of the cost incurred by state and local governments in carrying out or complying with new legislation; to amend the Rules of the House of Representatives to require the inclusion of such estimates in committee reports on bills and joint resolutions; to amend the Rules of the House of Representatives to ensure that federal laws requiring activities by such governments shall not apply unless all amounts necessary to pay the direct costs of the activities are provided by the federal government. | 2/16/93 Rules |
| | HR 1006 | Shays | 22 | | Amends the Congressional Budget Act of 1974 to expand the requirement that legislation be accompanied by cost estimates of its impact on state and local governments. | 2/18/93 Rules |
| | HR 1036 | Berman | 125 | | SEE ALSO S 1580 | 2/23/93 Education & Labor |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|---|--|---|
| | HR 1088 | Baker | 16 | | A bill to amend the Employee Retirement Income Security Act to provide that such act does not pre-empt state laws with respect to prevailing wage, apprenticeship program standards and mechanic liens. | 3/24/93 Hearings held by Education & Labor, Subcmte. on Labor-Management Education and Labor, amended: 30-12 6/23/93 Markup and approved by Education and Labor, amended: 30-12 9/22/93 Reported the House (HRpt 103-253) 11/9/93 Passed House with a vote of 276-150 11/9/93 Referred to Senate 3/7/94 Hearings held by Senate Cmte. on Labor & Human Resources 4/13/94 Markup and approved by Labor & Human Resources 7/1/94 Reported to the Senate (SRpt 103-299) 2/24/93 1. Government Operations 2. Rules |
| | HR 1295 | Moran | 243 | Fiscal Accountability and Intergovernmental Reform Act | To require analysis and estimates of the likely impact of federal legislation and regulations upon the private sector and state and local governments. (Same as S 81) Requires the Congressional Budget Office to conduct an impact assessment on legislation that is reported out of committee for action on the floor. Legislation would be subject to a point of order if it is reported for consideration without the estimate. This estimate would include impact on state and local governments, private business, and economic growth. This legislation would also require agencies prior to the implementation of any rule or any other major federal action affecting the economy to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment. Requires that whenever there is more than one option, an agency must adopt the option with the least adverse economic impact or provide a statement of reasons why the agency's failure to do so is consistent with the purposes of the legislation. | 3/7/93 1. Government Operations 2. Rules 5/18/94 Hearings held by Government Operations, Subcmte. on Human Resources & Intergovernmental Relations |
| | HR 1309 | Andrews | 25 | Workplace Leave Fairness Act | Amends FLSA to provide that the length of an employee's leave of absence (including partial days) shall not disqualify that employee from the exemption from minimum wage and maximum hours requirement. | 3/7/93 Education & Labor 7/1/93 Hearings held by Education & Labor, Subcmte. on Labor Standards, Occupational Health & Safety. |
| | HR 1512 | Sarpalius | 0 | | To amend Title 23, U.S. Code, to repeal provisions establishing a national maximum speed limit. | 3/29/93 Public Works & Transportation |
| | HR 1599 | Roberts | 0 | The Fair Speed Limit Act of 1993 | To provide a fair and reasonable national standard for the setting of speed limits. | 4/1/93 Public Works & Transportation |
| | HR 2327 | Thomas | 15 | | To clarify the application of federal pre-emption of state and local laws and to preserve state and local legislative prerogatives. | 5/27/93 Government Operations |
| | HR 3421 | Smith (TX) | 79 | Federal Mandate Reduction, Reform, and Budget Act of 1993 | Institutes a federal mandate budget process to reduce the level of federal mandate expenses by 6.5% in each of 7 years and then cap it (as a percent of GDP, not to exceed 3%). Under this legislation, | 11/1/93 1. Government Operations 2. Rules 3. Judiciary |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|---|---|--|
| | HR 3429 | Heger | 2 | | The Budget committees will biannually allocate the cost of federal mandates to the appropriate authorizing committees. This bill requires federal agencies to include a cost/benefit analysis for each new mandate with an annual cost greater than \$10 million. | 11/2/93 Government Operations |
| | HR 3446 | DeLay | 4 | Economic and Employment Impact Act | | Makes unfunded federal mandates - current and future - optional. Modeled after S 81. Requires that all legislation considered by Congress, as well as all final and proposed regulations promulgated by executive branch agencies be accompanied by an economic and employment impact statement. These statements will include the positive and negative effects of any piece of legislation or any federal regulation on employment, the GDP, international competitiveness, cost to consumers, to businesses and to state and local governments. See S 648. Requires federal government to sufficiently fund any new mandates passed down by Congress or federal agencies. Allow state and local governments to be excused from complying with the orders if the federal government does not adequately fund new programs. Requires a report estimating the costs to state and local governments to accompany all bills in Congress that will impose federal mandates. |
| | HR 3504 | Torkildsen | 12 | | See S 648. Requires federal government to sufficiently fund any new mandates passed down by Congress or federal agencies. Allow state and local governments to be excused from complying with the orders if the federal government does not adequately fund new programs. Requires a report estimating the costs to state and local governments to accompany all bills in Congress that will impose federal mandates. | 11/10/93 1. Government Operations 2. Rules |
| | HR 3766 | Roberts | 0 | | A bill to prohibit any federal department or agency from requiring any state, or political subdivision thereof, to convert highway signs to metric units. | 2/24/94 Public Works & Transportation |
| | HR 3872 | Condit | 10 | | Requires the federal government to either reimburse states for the cost of incarcerating undocumented alien felons or to take custody of them and transfer them to federal facilities. | 2/22/94 Judiciary 2/23/94 Hearings held by Judiciary, Subcmte. on International Law, Immigration & Refugees |
| | HR 4006 | Cox | 0 | Economic and Employment Act | To provide economic and employment impacts of federal legislation and regulation on the private sector and state and local governments. | 3/10/94 1. Government Operations 2. Rules |
| | HR 4054 | Becerra | 14 | | To provide for federal incarceration of undocumented criminal aliens. | 3/16/94 Judiciary |
| | HR 4120 | Pombo | 0 | Criminal Alien Deportation and Native Country | To require the federal government to incarcerate, or to reimburse state and local governments for the cost of incarcerating criminal aliens, and to expedite the deportation and exclusion of criminal aliens. | 3/23/94 1. Judiciary 2. Foreign Affairs |
| | HR 4127 | Barca | 5 | Federal Mandate Compensation Act | To require the Secretary of the Treasury to biannually pay to state and local governments compensation for direct costs incurred by those government in complying with federal mandates. | 3/24/94 Government Operations |
| | HR 5128 | Conyers | 9 | Formerly HR 4771 | To end the practice by Congress and federal agencies of imposing unfunded mandates on states, localities and tribal governments without being fully aware of the costs and benefits of such mandates and without making an informed decision. Includes provisions for private sector cost analysis, and the creation of a commission to evaluate effectiveness of existing mandates. | 9/29/94 1. Government Operations 2. Rules 10/5/94 Amended and approved by Government Operations |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|------------|----------|---------------------------------------|---|---------------------------------|
| | HCRes 51 | Dreier | 24 | | Expresses the sense of Congress that unfunded mandates should be rescinded unless they are accompanied by sufficient funds to pay for them. | 2/24/93 Government Operations |
| | HJR 254 | Franks(NJ) | 13 | | A constitutional amendment to provide that no state shall be obligated by new federal law to perform any new or expanded program or service, unless the expenses of doing so are paid for by the federal government. | 8/6/93 Judiciary |
| | HJR 282 | Gillmor | 5 | | Proposing an amendment to the Constitution to prohibit Congress from enacting any law that has the effect of requiring any state or local government to expend non-federal funds to comply with any federal law unless the Congress reimburses the state or local government for the non-federal funds expended to comply with that federal law. | 10/26/93 Judiciary |
| | HRes 277 | Condit | 26 | | Resolved, that it is the sense of the House of Representatives that steps must be taken to alleviate the financial impact of unfunded federal mandates on state, county and municipal governments. | 10/15/93 Government Operations |
| | SJR 148 | Brown | 11 | | This amendment would: prohibit Congress from requiring state or local governments to take any action unless Congress pays for it, and, provide a safety valve for fiscal emergencies, as declared by a supermajority of Congress and the President, which does not last more than 180 days. | 10/27/93 Judiciary |
| | SRes 157 | Gregg | 5 | | Amend rules of the Senate so that bills containing unfunded mandates must: receive supermajority (2/3) vote to be reported out of committee, and, if so reported, be accompanied by an explanation of why the unfunded federal mandate is important enough to be imposed on state and local governments without attendant federal funding. The resolution would create a point of order against the floor consideration of any bill that has not satisfied the above requirements. A 2/3 vote in the Senate would be required to waive the point of order. | 10/27/93 Rules & Administration |
| | SRes 158 | Gregg | 5 | | Amend rules of the Senate to govern the consideration of legislation or amendments that contain unfunded federal mandates. The Senate could not consider a bill that contains one or more unfunded federal mandates, unless the provisions containing unfunded federal mandates are considered individually or en bloc (at the discretion of the Majority Leader or his designee). Such provisions must receive a supermajority (2/3 vote) to remain in the bill. An amendment containing unfunded federal mandates could become part of a bill only after receiving supermajority (2/3) approval. Points of order made against a bill or amendments pursuant to these provisions could be waived only by a 2/3 vote. | 10/27/93 Rules & Administration |
| | S 13 | Hatch | 5 | Regulatory Accountability Act of 1993 | Places a 3 year cap on the overall costs of regulation. Under this cap, in order for a new regulation to go into effect, the agency would be required to offset any new costs by equal regulatory savings | 1/21/93 Governmental Affairs |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|---------------|----------|---|--|---|
| | S 81 | Nickles | 17 | Economic and Employment Act of 1993 | achieved through revoking or revising existing regulations, streamlining the paperwork burden, or by any other regulatory offsets. After a regulation has undergone this offsetting process, it may then be promulgated. During this time, agencies promulgating new rules would be required to study the entire cost of compliance and outline effective alternative approaches. This act would sunset in 3 years. After 3 years, the effects of this process on different areas of the economy, including state and local governments, will be evaluated. | 1/21/93 Governmental Affairs 3/2/94 Provisions of this measure are included in S4, National Competitiveness Act, agreed to in the Senate on March 9, 1994 2/2/93 Environment & Public Works |
| | S 295 | Durenberger | 26 | | Requires federal legislation and regulations to be accompanied by economic and employment impact statements assessing their impact on the private sector and state and local gov'ts. (Same as HR 1088) | |
| | S 401 | Campbell | 15 | Motorcycle Safety Program Act of 1993 | To amend Title 23, U.S. Code, to remove the penalties for states that do not have in effect safety belt and motorcycle helmet traffic safety programs. | 2/18/93 Environment & Public Works |
| | S 480 | Levin | 1 | Pre-emption Clarification and Information Act of 1993 | To amend Title 23, U.S. Code, to DELAY the effective date for penalties for states that do not have in effect motorcycle helmet safety programs. Provides that not federal statute shall pre-empt any state and local law unless such pre-emption is specifically stated or there is a conflict which cannot be reconciled. Requires Congressional Research Service (CRS), at the end of each Congress, to compile a report on laws passed in which statutory pre-emption is explicit and on all federal cases in which pre-emption of state or local authority has been an issue. | 3/2/93 Governmental Affairs |
| | S 490 | Hatch | 0 | Regulatory Flexibility Amendments | To amend the Regulatory Flexibility Act to force agencies to fully and accurately consider the impact of their rules on smaller businesses, local governments and small entities. | 3/2/93 Judiciary |
| | S 563 | Moseley-Braun | 9 | | A bill to require CBO analysis of each bill or joint resolution reported in the Senate or the House to determine the impact of any federal mandates in the bill or resolution. | 3/11/93 1. Budget 2. Governmental Affairs |
| | S 648 | Gregg | 20 | Federal Mandates Relief Act of 1993 | To provide federal payments for federal mandates imposed upon state and local governments. Also contains cost estimation requirements and a pay-or-excuse mechanism. | 11/3/93 Hearings held by Governmental Affairs 3/24/93 Governmental Affairs 11/3/93 Hearings held by Governmental Affairs |
| | S 993 | Kempthorne | 49 | Community Regulatory Relief Act | To end the practice by Congress and federal agencies of imposing unfunded mandates on states, localities and tribal governments without being fully informed of the costs and benefits of such mandates and without making an informed decision. In enforcement mechanisms if legislation did not contain fiscal notes. Estimates would include private sector impact. | 5/20/93 Governmental Affairs 6/16/94 Markup by Governmental Affairs 6/16/94 Ordered reported with an amendment in the nature of a substitute. 10/6/94 Considered in the Senate. |
| | S 1188 | Coverdell | 3 | Federal Mandate Relief Act | An intergovernmental regulation may not be enforced against a state or local government with respect to a fiscal year unless 1) there has been made an appropriation of federal funds, and such funds have been made available, to all state and local governments for the fiscal year | 6/30/93 Governmental Affairs 11/3/93 Hearings held by Governmental Affairs |

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|--------------|------------------|-----------|----------|---|--|--|
| | S 1354 | Kassebaum | 3 | Workplace Leave Fairness Act | In an amount that is sufficient to reimburse all state or local governments for the total amount of additional costs that will be incurred by those governments in complying with the regulations during the fiscal year, or; 2) Congress approves by a 2/3 vote of the members of each House of Congress, a joint resolution that waives the prior subsection. Requires OMB to prepare a report detailing the cost to state and local governments in complying with intergovernmental regulation. | 8/4/93 Labor & Human Resources |
| | S 1580 | Specter | 1 | | Eliminates the Department of Labor's pay docking rule. This rule states that providing flexible leave to salaried employees eliminates their exemption from the overtime requirements of FLSA. Legislation is retroactive, so that the private sector and state and local governments would not be subject to past liability. | 10/21/93 Labor & Human Resources 3/10/94 Hearings held by Labor & Human Resources |
| | S 1592 | Dorgan | 7 | Fiscal Accountability and Intergovernmental Reform Act | Requires the Congressional Budget Office to conduct an impact assessment on legislation that is reported out of committee for action on the floor. This estimate would include impact on state and local governments, private business, and economic growth. Legislation would be subject to a point of order if it is reported for consideration without the estimate. This legislation would also require agencies prior to the implementation of any rule or any other major federal action affecting the economy to perform an assessment of the economic impact of the proposed rule or action. | 10/27/93 Governmental Affairs |
| | S 1604 | Glenn | 5 | Small Governments Regulatory Improvement and Innovation Act | Requires agencies to conduct a more thorough outreach program for small entities (governments having a population of less than 50,000) during the regulatory process. Requires agencies to conduct an initial regulatory flexibility analysis before making a determination on the economic impact of a regulation. | 10/29/93 Governmental Affairs 11/3/93 Hearings held by Governmental Affairs 6/16/94 Senate Governmental Affairs Cmte. Incorporated provisions of this bill in a substitute amendment to S 993. |
| | S 1606 | Sasser | 1 | Federal Mandate Funding Act of 1993 | 1. Requires Congress, before it passes significant legislation, to state specifically how much federal reimbursement or cost-sharing is authorized, and in no case will such reimbursement be less than 20%. 2. Imposes moratorium on new mandates to state and local governments for 2 years to assess the impact of current mandates already enacted, but not yet in effect. 3. Creates a fund to furnish additional mandate relief to hard-pressed states and local governments by supplementing any federal cost-sharing already in place. | 11/1/93 Governmental Affairs |
| | S 1819 | Kassebaum | 2 | Metric Mandate Relief Act | A bill to prohibit any federal department or agency from requiring any state, or political subdivision thereof, to convert highway | 2/2/94 Environment & Public Works |

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| Program Area | Bill/Reg. Number | Sponsor | Co-Spon. | Brief Title | Explanation & Programs Affected | Bill Status |
|--------------|------------------|----------|----------|--|--|-----------------------------------|
| | S 1842 | Campbell | 12 | Vehicle Safety Act | signs to metric units. To amend Title 23, US Code, to exempt a state from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the state has in effect a motorcycle safety program, and to delay the effective date of certain penalties for states that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws. | 2/9/94 Environment & Public Works |
| | S 1849 | Graham | 9 | Criminal Aliens Federal Responsibility Act | To require the federal government to incarcerate or to reimburse state and local governments for the cost of incarcerating criminal aliens. | 2/10/94 Judiciary |
| | S 2076 | Dorgan | 0 | | To prohibit the departments and agencies of the federal government from requiring that any state, or political subdivision thereof, utilize a metric system of measurement. | 5/4/94 Governmental Affairs |