

**FEDERALLY MANDATED
STATE PROGRAMS DURING
THE FISCAL BIENNUM
1993-1995**

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FOREWORD

This report was prepared in response to House Resolution 370, H.D. 1, adopted by the House of Representatives of the Seventeenth Legislature during the Regular Session of 1994. The resolution requests the Bureau to conduct a survey of government programs in the State that are mandated or were formerly mandated by the federal government.

The Bureau wishes to acknowledge the assistance of the state executive agencies, most of whom took the time to complete and return the survey needed to prepare this report. A list of the agency contact persons may be found in Appendix C.

Wendell K. Kimura
Acting Director

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Chapter 1

INTRODUCTION

House Resolution No. 370, H.D. 1, requests the Legislative Reference Bureau to conduct a survey of government programs in the State that are:

- (1) Mandated by the federal government but funded by the State;
- (2) Mandated by the federal government but require state matching funds;
- (3) Funded or partially funded by federal funds but scheduled to have these federal funds reduced or discontinued; or
- (4) No longer mandated, but continues to be supported by state funds. (See Appendix A.)

The House resolution noted the proliferation of federally-mandated state programs during the latter half of the 1980's. The federal government, struggling with new spending priorities and a rapidly expanding federal budget deficit, apparently opted to force the states to finance, administer, and implement the federal government's own new and costly programs and initiatives. In other words, the bulk of the administrative and financial burdens of these federal mandates were shifted over from the federal government to the states in these newer federal-state partnership agreements.¹ These newer burdens placed responsibilities on the states which were in addition to the ongoing and costly service requirements of the older federal-state programs. Furthermore, the added mandates came at a time when a significant number of states were themselves experiencing serious budgetary problems of their own.

The current federal-state partnership arrangement, according to the resolution, should eventually be re-examined (i.e., in all its political, economic, fiscal, and constitutional dimensions). For the present, the first step to be taken in that direction should be to estimate the extent to which federal mandates are part of the State of Hawaii's budget. Thus, the primary initiative should be to conduct a survey of state programs mandated by the federal government.² In particular, the survey should cover state programs mandated by the federal government but funded entirely or partially by the State and state programs formerly mandated but still state-funded, entirely or partially. Also, state programs should be pointed out for which federal funds are scheduled to be reduced or discontinued.

The Bureau is limiting the scope of the present survey to a retrospective look at federally mandated state programs and formerly mandated, state-supported programs found in the state executive budget acts and other executive branch appropriation acts passed by the Seventeenth Legislature for the fiscal biennium 1993-1995.³

Definitions of a state program and a federal mandate are as follows:

- A "state program" is a combination of resources and activities designed to achieve an objective or objectives.⁴
- A "federal mandate" evidently has no universally accepted definition. However, it potentially exists in the following types of policy instruments used by the federal government in its relationship with the states:

- (1) A federal statutory, regulatory, or judicial instruction that directs state governments to undertake a specific action or to perform an existing function in a particular way, or imposes additional financial burdens on them. Such orders may be supported by civil or criminal penalties against the governments or government officials responsible for compliance.
- (2) A partial preemption statute, in which the federal government exerts its constitutional authority to preempt a field of regulation and to establish minimum national standards. Subject to federal approval, regulatory administration may then be delegated to a state if the state adopts standards at least as stringent as the federal government's.
- (3) Conditions and requirements of a federal grant-in-aid program, where the conditions and requirements are integral to a state's activities, or the state cannot easily withdraw from the program for any of the following reasons:
 - (a) The state has already expended substantial start-up costs for the federal program;
 - (b) The state may have abolished its own program in favor of the federal initiative;
 - (c) The public may have come to rely on the benefits provided by the grant program; or
 - (d) The state's budget may now be heavily dependent on large sums of federal money.

The federally-created Advisory Commission on Intergovernmental Relations ("ACIR") identifies the first category as a direct mandate, but notes that the other two categories of federally induced costs produce the same fiscal effects on the states as the first: all three impose direct costs and prohibit the use of cost-effective alternatives.⁵ An overlapping of categories is possible.

(Furthermore, a federal statute is not considered to be a federal mandate if the statute has been adopted as part of the State Constitution.)⁶

The Bureau drafted a questionnaire for the eighteen executive branch departments⁷ and the offices of the Governor and the Lieutenant Governor (see Appendix B). Copies were sent out to them on August 31, 1994. Responses were received from nineteen of them for inclusion in the Bureau's report. Only the Department of Education did not respond.

The survey results are presented in the next chapter.

ENDNOTES

1. Incidentally, while unfunded federal mandates, from the federal government to the states, are not expressly prohibited under the United States Constitution, unfunded state mandates, on the other hand, from the State to its several counties, are prohibited under the State Constitution, at Hawaii Const. Art. VIII, sec. 5.

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2. Previously, the Hawaii legislature was not able to respond to at least two recent nationwide surveys on the costs of federal mandates. The first was a 1991 survey of cost estimates for several bills of the 102nd Congress which, if enacted, would have imposed mandates on the states. It was conducted by the National Association of Legislative Fiscal Officers and sent to state legislative fiscal officers. Forty-three of the states responded. National Conference of State Legislatures, "Fiscal Impact of Proposed Mandates from the 102nd Congress," by Martha A. Fabricius, Senior Policy Specialist, State-Federal Issue Brief, Vol. 4, No. 3, November 1991. The second was a fall 1993 survey of cost information on unfunded federal mandates, which was conducted by the National Conference of State Legislatures and sent to state legislative fiscal offices. Twenty-one of the states responded. "National Unfunded Mandates Day, National Conference of State Legislatures (NCSL) Survey Results", October 25, 1993.

It appears that the State's legislative fiscal office in question would have been the office of the legislative analyst. The analyst's duties would have included researching and analyzing current and projected state revenues and expenditures: in particular, the Governor's proposed levels of revenue and expenditures for biennial budgets, i.e., expenditures for federal mandates. See Hawaii Rev. Stat. ch. 21F on legislative fiscal and budget analysis. Created in 1990 through Act 347, Session Laws of Hawaii 1990, the office has remained to this day unimplemented and unfunded.

3. The two state budget acts for the current fiscal biennium are: (1) the General Appropriations Act of 1993, Act 289, Session Laws of Hawaii 1993, Seventeenth State Legislature, Regular Session of 1993; and (2) the Supplemental Appropriations Act of 1994, Act 252, Session Laws of Hawaii 1994, Seventeenth State Legislature, Regular Session of 1994.

These acts for the fiscal biennium are governed under Hawaii Const. Art. VII, sec. 9.

Program descriptions for the two acts are found in the accompanying budget proposals: (1) The Multi-Year Program and Financial Plan and Executive Budget For the Period 1993-1999 (Budget Period: 1993-95), Volumes I-III, Submitted to the Seventeenth State Legislature, State of Hawaii, December 1992; and (2) The Executive Budget Supplemental (Budget Period: 1993-95), Volumes I and II, Submitted to the Seventeenth State Legislature, State of Hawaii, December 1993.

The proposed executive budgets for a fiscal biennium are governed under Hawaii Const. Art. VII, sec. 8, and under Hawaii Rev. Stat. §§37-71 and 37-72 relating to the state budget.

4. This is the definition used in the state executive budget proposals. See e.g., The Multi-Year Program and Financial Plan and Executive Budget for the Period 1993-1999 (Budget Period: 1993-95), Vol. I, p. 47, Submitted to the Seventeenth State Legislature, State of Hawaii, December 1992; The Executive Budget Supplemental (Budget Period: 1993-95), Vol. I, p. 50, Submitted to the Seventeenth State Legislature, State of Hawaii, December 1993. It is based on the definition of "program" found in Hawaii Rev. Stat. §37-62, relating to the state budget.
5. U.S. Advisory Commission on Intergovernmental Relations, Federally Induced Costs Affecting State and Local Governments: Concepts, Experiences and the Question of Relief, draft copy, June 1994 (revised to reflect critics' session), pp. 4-6, 29 note 5, 35, 37 Table II-1, 39-40, 46-49.

In political debates, the direct mandate is what is commonly thought of as a federal mandate. However, the ACIR notes that defining a federal mandate as such would be problematic for the task of mandate reimbursement. Consequently, a more useful concept for exploring the fiscal dimensions of federal actions affecting state governments may be that of "federally induced costs." Id., at pp. 4-6, 29 note 5, 35.

The definition of a federal mandate as being a direct mandate is in turn broader than the one used by the commission in its previous reports. The narrower definition was that mandates arise from statutes,

constitutional provisions, court decisions, and administrative regulations or orders that demand action from "subordinate" governments under pain of civil or criminal sanctions. It had its own variations, too. A strict legal interpretation was that mandates are direct orders with a clear intent to demand positive action, allowing no legal choice but to carry out that action. A broader financial perspective would take into view a wide array of costs induced by a superior government. Advisory Commission on Intergovernmental Relations, "Mandates: Cases in State-Local Relations," M-173, September 1990, p. 2.

The ACIR was created by Congress in 1959 to monitor the operation of the American federal system and to recommend improvements to it. The commission is a permanent national bipartisan body representing the public and the executive and legislative branches of federal, state, and local government. Its purposes include providing a forum for discussing the administration and coordination of federal grants and other programs that require intergovernmental cooperation; giving critical attention to the conditions and controls involved in the administration of federal grant programs; and recommending the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government. See, generally, 42 U.S.C. §§4271 et seq. Among the commission members is United States Senator Daniel K. Akaka.

Several studies have been published by the commission over the past decade on the topic of federal mandates, a sub-topic of federalism. Discussions may be found in them concerning definitions and concepts, regulatory techniques, surveys, background and history, and constitutional theories. The following is a listing of those studies in chronological order:

- (1) Regulatory Federalism: Policy, Process, Impact and Reform, February 1984, A-95;
 - (2) Reflections on Garcia and its Implications for Federalism, February 1986, M-147;
 - (3) Mandates: Cases in State-Local Relations, September 1990, M-173;
 - (4) Federal Statutory Preemption of State and Local Authority: History, Inventory, and Issues, September 1992, A-121;
 - (5) Intergovernmental Perspective, Fall 1992, Vol. 18, No. 4, a special issue solely on the topic of regulatory federalism;
 - (6) Federal Regulation of State and Local Governments: The Mixed Record of the 1980s, July 1993, A-126;
 - (7) Characteristics of Federal Grant-in-Aid Programs to State and Local Governments: Grants Funded FY 1993, January 1994, M-188; and
 - (8) Federally Induced Costs Affecting State and Local Governments: Concepts, Experiences, and the Question of Relief, draft copy, June 1994.
6. The Hawaiian Homes Commission Act, 1920, as amended, was adopted under the Hawaii Const. Art. XII, sec. 1. Its provisions are to be construed as a state constitutional provision rather than as an Act of Congress. See A.G. Op. 81-4, at pp. 3-4, n.1 (March 25, 1981); Keaukaha-Panaewa Community Association v. Hawaiian Homes Commission, 588 F.2d 1216, 1226-1227 (9th. Cir. 1978).
 7. The eighteen principal departments--two short of the limit prescribed under Hawaii Const. Art. V, sec. 6--are listed at Hawaii Rev. Stat. §26-4, relating to the executive and administrative departments:

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- (1) Department of Human Resources Development ("PER");
- (2) Department of Accounting and General Services ("AGS");
- (3) Department of the Attorney General ("ATG");
- (4) Department of Budget and Finance ("BUF");
- (5) Department of Commerce and Consumer Affairs ("CCA");
- (6) Department of Taxation ("TAX");
- (7) University of Hawaii ("UOH");
- (8) Department of Education ("EDN");
- (9) Department of Health ("HTH");
- (10) Department of Human Services ("HMS");
- (11) Department of Land and Natural Resources ("LNR");
- (12) Department of Agriculture ("AGR");
- (13) Department of Hawaiian Home Lands ("HHL");
- (14) Department of Business, Economic Development, and Tourism ("BED");
- (15) Department of Transportation ("TRN");
- (16) Department of Labor and Industrial Relations ("LBR");
- (17) Department of Defense ("DEF"); and
- (18) Department of Public Safety ("PSD").

The departmental acronyms are the program identification letters used in the budget proposals and acts. The Office of the Governor is "GOV"; the Office of the Lieutenant Governor, "LTG". The acronyms are used to denote the expending agency authorized to expend specified appropriations made by the acts.

Chapter 2

SURVEY SUMMARY

As stated previously, responses to the Bureau's survey were received from the Offices of the Governor and of the Lieutenant Governor, and seventeen of the eighteen executive branch departments. Only the Department of Education did not respond in a seasonable manner.¹

Three departments--the Department of Commerce and Consumer Affairs, the Department of Hawaiian Home Lands,² and the Department of Taxation--reported that none of their programs were federally mandated.

All mandated programs, for the fiscal biennium 1993-1995, were part of the various program IDs' of the eleven program areas, around which the State's budget proposals and acts are organized.³ Mandated programs were reported in all program areas except area 08 (culture and recreation). Only one program, in area 03 (transportation), was reported as formerly mandated, but still supported by state funds: it deals with periodic motor vehicle inspections.

Overall funding totals are tabulated at the end of this chapter. The next chapter contains the funding totals for individual program areas. Some of the results of all these tabulations are described below. Funding figures represent the amounts which were appropriated or approved by the Legislature, budgeted by the Department of Budget and Finance, or absent these, determined by the responding agencies as the estimated, anticipated, or actual costs of mandated programs.

Operating Budget for Mandated Programs: Fiscal Year 1993-1994 (FY 1994)

In FY 1994 state and federal funds that supported present and former federally mandated programs amounted to about \$1,036,960,035. These mandate funds made up about 20.88 percent of the \$4,966,650,359 in the State's grand total operating budget. Based upon a total state resident population of 1,171,600 as of July 1, 1993, the per capita funding for mandated programs, in state and federal funds, was \$885. In comparison, the per capita funding based on the entire grand total operating budget was \$4,239.⁴

Of the \$1,036,960,035 in total mandate funds, state funds accounted for 43.50 percent, or \$451,105,826; federal, 56.50 percent, or \$585,854,209. Specifically, funding totals, by funding sources, could be broken down as follows:

- (1) Fully federally funded programs: \$197,812,318 federal, \$9,653,650 State;

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- (2) Fully state funded programs: \$50,932,683 State, \$0 federal;
- (3) Programs requiring state matching funds, or utilizing some other cost-sharing arrangements between the State and the federal government: \$389,319,493 State, and \$388,041,891 federal; and
- (4) Programs no longer mandated, but still supported by state funds: \$1,200,000 State; \$0 federal.

Reductions or discontinuations of federal funding were scheduled, anticipated, or did in fact occur in programs whose balance between total state and federal funds was \$18,171,087 State : \$175,501,233 federal. By how much the reductions or discontinuations might occur was not ascertained. Most of the impacted funds were from area 06 (social services). No reductions or discontinuations were scheduled in areas 07 (formal education), 08 (culture and recreation), 10 (individual rights), and 11 (government-wide support).

Operating Budget for Mandated Programs: Fiscal Year 1994-1995 (FY 1995)

In FY 1995 the dollar amounts were slightly larger but the percentages and ratios were nearly the same as in the prior year. State and federal funds that supported present and former federally mandated programs amounted to about \$1,194,592,176. These mandate funds made up about 22.73 percent of the \$5,255,167,032 in the grand total operating budget. Per capita amounts could not be computed, because July 1, 1994 population figures are not yet available.⁵

Of the \$1,194,592,176 in total mandate funds, state funds accounted for 42.45 percent, or \$507,053,828; federal, 57.55 percent, or \$687,538,348. Specifically, funding totals could be broken down, by funding sources, as follows:

- (1) Fully federally funded programs: \$218,518,557 federal, \$11,569,048 State;
- (2) Fully state funded programs: \$53,587,594 State, \$0 federal;
- (3) Programs requiring state matching funds, or utilizing some other cost-sharing arrangements between the state and the federal government: \$440,697,186 State, and \$469,019,791 federal; and
- (4) Programs no longer mandated, but still supported by state funds: \$1,200,000 State, \$0 federal.

Reductions or discontinuations of federal funding were scheduled, anticipated, or did in fact occur in programs whose balance between total state and federal funds was \$19,541,280

State : \$190,439,438 federal. By how much the reductions or discontinuations might occur was not ascertained. As in the prior year, most of the impacted funds were from program area 06 (social services). Also, no reductions or discontinuations were scheduled in the same areas as those from the year before--areas 07 (formal education), 08 (culture and recreation), 10 (individual rights), and 11 (government-wide support).

Program Area Operating Budgets for Mandated Programs During the Biennium

Among the eleven program areas, the two whose total operating budgets were most dominated by federal mandates were areas 02 (employment) and 06 (social services). Roughly 75 percent to 80 percent of their budgets, in state and federal funds, supported mandated programs.

For area 02, mandate funds made up 77.65 percent, or \$192,079,592, of the total operating budget of \$247,377,685, in FY 1994; and 75 percent, or \$199,813,598, of the total operating budget of \$266,433,324, in FY 1995. The major source of the funds was the federal government, which provided 96.63 percent, or \$185,604,454 of the \$192,079,592 of mandate funds in FY 1994; and 96.71 percent, or \$193,236,964 of the \$199,813,598 of mandate funds in FY 1995. The federal funds primarily supported the Department of Labor and Industrial Relations' unemployment compensation program, mandated by Title III of the Social Security Act. The program was allotted federal funds of \$152,170,670 in FY 1994, and \$167,628,374 in FY 1995.

For area 06, mandate funds made up 78.85 percent, or \$683,689,576, of the total operating budget of \$867,029,963, in FY 1994; and 80.16 percent, or \$819,166,828, of the total operating budget of \$1,021,851,735, in FY 1995. The funding amounts of \$683,689,576 in FY 1994 and \$819,166,828 in FY 1995 were also the largest in any program area. The funds went largely to matching funds programs, in roughly even contributions from the State and the federal government: \$342,307,900 in state funds, \$318,933,672 in federal, in FY 1994; \$390,371,469 State, \$405,132,954 federal, in FY 1995. The matching funds programs receiving the bulk of funds were two key Medicaid programs: \$231,949,073 in state funds and \$195,047,303 in federal funds were received in FY 1994; and \$273,121,431 State, \$275,197,695 federal, in FY 1995. (Exclusive of these figures are the funding amounts for Medicaid in three other program areas; see section below on **Federal Mandates: the ones most heavily funded.**)

For areas 01 (economic development), 03 (transportation), 07 (formal education), 08 (culture and recreation), 09 (public safety), 10 (individual rights), and 11 (government-wide support) less than 10 percent of each area's operating budget supported mandated programs in either biennium. Funding was provided primarily by the federal government, except to area 03, which tended to receive funding equally from the state and the federal government, and to area 11, which received state funds predominantly.

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Lastly, for areas 04 (environmental protection) and 05 (health), roughly 20-40 percent of each area's total operating budget supported mandated programs in each biennium; and the burden of funding in each area tended to fall slightly more on the State than on the federal government.

For area 04, state and federal funds for mandated programs made up 34.74 percent, or \$9,625,602, of a total operating budget of \$27,709,936 in FY 1994; and 36.83 percent, or \$11,955,535, of a total operating budget of \$32,457,686 in FY 1995. Of the \$9,625,602 in mandate funds in FY 1994, state funds made up 52.55 percent, or \$5,057,953; federal, 47.45 percent, or \$4,567,649; and of the \$11,955,535 in mandate funds in FY 1995, state funds made up 59.06 percent, or \$7,060,896; federal, 40.94 percent, \$4,894,639. Programs were implemented through the Department of Agriculture, the Department of Land and Natural Resources, and the Department of Health, the latter receiving the bulk of funds: \$3,763,157 in state funds, and \$3,607,639 in federal, in FY 1994; \$5,678,555 in State, \$3,607,639 federal, in FY 1995.

For area 05, state and federal funds for mandated programs made up 20.43 percent, or \$98,670,127, of a total operating budget of \$483,008,393 in FY 1994; and 20.70 percent, or \$106,616,425, of a total operating budget of \$515,124,080 in FY 1995. Of the \$98,670,127 in mandate funds in FY 1994, state funds made up 57.29 percent, or \$56,531,782; federal, 42.71 percent, or \$42,138,345; and of the \$106,616,425 in mandate funds in FY 1995, state funds made up 55.25 percent, or \$58,904,085; federal, 44.75 percent, or \$47,712,340. The most expensive area 05 programs were a fully federally funded program for nutrition mandated by the Child Nutrition and WIC Reauthorization Act of 1989; a fully state funded program for adult mental health mandated by a 1991 settlement agreement and order; and the matching funds programs for the community hospitals impacted by Medicaid. Altogether, these programs received state and federal funds in the following sums: \$38,635,156 State, \$25,972,564 federal in FY 1994; and \$41,230,238 State, \$31,378,938 federal in FY 1995.

Capital Improvement Projects Funding for Mandated Programs

During the biennium, funding amounts for capital improvements projects ("CIPs") were much less than for operating expenses. Whereas state funds for operating expenses averaged \$479,079,827 each fiscal year, state funds for CIPs averaged \$14,272,500. Likewise, whereas federal funds for operating expenses averaged \$636,696,278, federal funds for CIPs averaged \$10,920,147.⁶

In FY 1994 total funding for CIPs was \$30,133,474. To this figure the State contributed slightly more than the federal government did. State funds made up 53.10 percent, or \$16,001,000; federal funds, 46.90 percent, or \$14,132,474. Specifically, funding amounts could be broken down as follows:

FEDERALLY MANDATED STATE PROGRAMS DURING THE FISCAL BIENNIUM 1993-1995

- (1) Fully federally funded programs: \$0 federal;
- (2) Fully state funded programs: \$8,219,000 State; and
- (3) Programs requiring state matching funds: \$7,782,000 State, and \$14,132,474 federal.

Reductions or discontinuations of federal funds were scheduled for programs whose balance between state and federal funds was \$2,550,000 State : \$5,500,000 federal. Impacted were areas 01 (economic development) and 03 (transportation). By how much the reductions might occur was not ascertained.

In FY 1995 total funding for CIPs was \$20,251,820. Of this amount, 61.94 percent, or \$12,544,000 was from the State; 38.06 percent, or \$7,707,820, from the federal government. Evidently, the State's proportionate share of funding increased from the previous year although the State's actual contributions decreased. Funding amounts could be broken down as follows:

- (1) Fully federally funded programs: \$0 federal;
- (2) Fully state funded programs: \$10,519,000 State;
- (3) Programs requiring state matching funds: \$2,025,000 State, and \$7,707,820 federal.

Reductions or discontinuations of federal funding were scheduled for programs whose balance between state and federal funds was \$2,000,000 State : \$5,000,000 federal. As in the prior year, impacted were areas 01 (economic development) and 03 (transportation). By how much the reductions might occur was not ascertained.

In neither year of the biennium, then, were any CIPs fully federally funded. Projects were either fully state funded or required matching funds. No programs were federally mandated that required CIP funding in areas 02 (employment), 07 (formal education: lower), 08 (culture and recreation), and 10 (government-wide support).

The most heavily funded programs were, in area 01, the Department of Business, Economic Development, and Tourism's biomass project, mandated by cooperative agreements and contracts, requiring total matching funds of \$6,750,000 (\$2,000,000 State, \$4,750,000 federal) in FY 1994, and of \$7,000,000 (\$2,000,000 State, \$5,000,000 federal) in FY 1995, with federal funds scheduled for termination; in area 03, the Department of Transportation's airport programs, fully state funded, mandated by Federal Aviation regulations, and requiring \$6,747,000 of state funds in FY 1994, \$0, in FY 1995; in area 09,

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the Department of Defense's National Guard program, mandated by the National Defense Act of 1920, requiring total matching funds of \$8,739,000 (\$3,672,000 State, \$5,067,000 federal) in FY 1994, \$0, in FY 1995; and in area 11, the Department of Accounting and General Services' construction programs, fully state funded, mandated by the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act of 1970, requiring \$1,261,000 in FY 1994, and \$7,679,000 in FY 1995.

Federal Mandates: The Ones Most Heavily Funded

Among the most heavily funded federal mandates were the group of titles and sections associated with the Social Security Act, as amended, including Unemployment Insurance, Aid to Families with Dependent Children ("AFDC"), Job Opportunities and Basic Skills ("JOBS"), Supplemental Security Income, Independent Living, Maternal and Child Health Block Grants, Social Services Block Grants, Medicare, and Medicaid. These mandates were implemented through various programs of a number of state agencies, namely, the Department of Human Services, the Department of Health, the Department of Labor and Industrial Relations, the Department of Budget and Finance, and the Department of the Attorney General. All funds, state and federal, went to operational costs; and these amounted to about \$832,366,246 in FY 1994; and to about \$984,338,587 in FY 1995. Of this \$832,366,246 in Social Security mandate funds in FY 1994, 43.36 percent, or \$360,885,966, were state funds; 56.64 percent, or \$471,480,280 were federal. Of the \$984,338,587 in Social Security mandate funds in FY 1995, 41.73 percent, or \$410,801,281, were state funds; 58.27 percent, or \$573,537,306, were federal.

The Social Security Act mandates accounted for as much as 80.27 percent of the total funding of all mandated programs in all program areas in FY 1994, and as much as 82.40 percent, in FY 1995. Stated otherwise, these mandates alone accounted for 16.76 percent of the State's grand total operating budget in FY 1994, and for 18.73 percent in FY 1995.

Of the Social Security Act mandates, the costliest by far was Title XIX, Medicaid. Implemented through programs in the Department of Health, the Department of the Attorney General, the Department of Budget and Finance, and the Department of Human Services, Medicaid received roughly half of all Social Security Act mandate funding in each fiscal year: at least 51.60 percent, or \$429,488,571, in FY 1994; at least 56.01 percent, or \$551,353,350, in FY 1995. These funds, from the State and the federal government, amounted to at least \$232,448,607 in state funds and \$197,039,964 in federal funds in FY 1994; and to at least \$273,338,315 in State and \$278,015,035 in federal in FY 1995. Of the total funding for all mandated programs in all program areas, the Medicaid sums alone accounted for 41.42 percent in FY 1994, and 46.15 percent in FY 1995; in comparison, of the State's grand total operating budget, the Medicaid sums accounted for 8.65 percent in FY 1994, and 10.49 percent in FY 1995.

After Medicaid, the two most expensive mandates under the Social Security Act were Title III, Unemployment Insurance, and Title IVA, Aid to Families with Dependent Children ("AFDC"). Each required just over \$150,000,000 in combined federal and state funds in each year of the biennium. All funds were federal, for Title III, implemented through the Department of Labor and Industrial Relations. Funds were rather evenly apportioned between the State and the federal government for Title IVA, implemented through the Department of Human Services. These two mandates together received, in state and federal funds, 36.30 percent in FY 1994 and 33.21 percent in FY 1995, of the entire funding amounts for all the Social Security Act mandates.

(See Appendix D for a selected list of federal statutes, administrative rules, and judicial decrees, and their funding requirements.)

Federal Mandates: Their "Mandatoriness"

Finally, a return to definitions. As noted in the previous chapter, there is no universally accepted definition of a federal mandate. Included in this report are all the programs that the agencies reported as federally mandated. Among the agencies, interpretations of what constitutes a mandate may have differed. For example, civil rights programs in the Department of Human Services, the University of Hawaii, and the Office of the Lieutenant Governor were reported as federally mandated, but the enforcement activities of the civil rights commission in the Department of Labor and Industrial Relations was impliedly reported as not federally mandated, for the mandate was contained in state laws equivalent to the federal laws.

The firmness of a mandate can perhaps be felt from the sanctions imposed upon a state's noncompliance or nonparticipation. A commonly reported sanction was a loss or withholding of federal funds, usually to the same program in which the noncompliance or nonparticipation takes place, but not always. Reimbursement of funds received, civil fines, injunctions, exposure to civil lawsuits, and criminal penalties, either fines or imprisonment, were also reported, as were, in a few programs, the absence of sanctions. Loss of state regulatory powers, or jurisdiction, in certain areas, were also reported.

The loss of federal funds involves a twist, in the grant-in-aid condition known as a crossover sanction. The reduction or termination of funds is imposed on one program for a state's failure to comply with the federal requirements under another, separately authorized, program.⁷ This type of sanction was reported in the highway programs of area 03 (transportation) and the Social Security programs of area 06 (social services). In area 03, it appears that the same sanction hangs suspended above many programs: failure to comply in any one federal highway program triggers an across-the-board withholding of federal aid highway construction funds.

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In area 06, the crossover sanctions used in the Social Security Act and its related programs tend to form a matrix, interlocking one program with another. Noncompliance with the required payment levels of Title XVI, Supplemental Security Income, brings fiscal sanctions against funding under Title XIX, Medicaid. Nonparticipation in the Adoption Assistance and Child Welfare Act of 1980, Title IVE (Social Security Act, Section 1102), causes a loss of grant funds from Title IVA, Aid to Families with Dependent Children ("AFDC"); while nonparticipation in Title IVF, Job Opportunities and Basic Skills ("JOBS"), of the Social Security Act, disqualifies a state from AFDC participation. Lastly, a state could be disqualified from receiving grant funds under the Adoption Assistance and Child Welfare Act of 1980, Title IVB (Social Security Act, Section 1102), for failure to either comply with the grant conditions of the Child Abuse Prevention and Treatment Act or apply for certain funds under Title IVE, Independent Living, of the Social Security Act.

The partial preemption statute was defined in the previous chapter: federal laws set minimum national standards for certain activities, but responsibilities for administration and enforcement may be delegated to states or localities that meet federal criteria.⁸ In theory, states that do not have a program in an impacted area or do not wish to assume the costs of administration and enforcement can opt out and allow the federal government to enforce the standards.⁹ Thus, although the State would lose its regulatory powers, public services would continue, offered instead by the federal government.

Preemptory sanctions are used in the occupational safety and health program administered by the Department of Labor and Industrial Relations and mandated by the Occupational Safety and Health Act of 1970, in area 02 (employment). They are also used in several of the environmental protection programs of area 04. One of them, the pesticides program, is administered by the Department of Agriculture and mandated by the Federal Insecticide, Fungicide, and Rodenticide Act; some others are administered by the Department of Health: two are subprograms in environmental management, one mandated by the Clean Water Act, the other by the Safe Drinking Water Act of 1974. A final reported program, in area 10 (individual rights), on measurement standards, is administered by the Department of Agriculture and mandated by both the Federal Meat Inspection Act and the Poultry Products Inspection Act.

FUNDING TOTALS
FOR FEDERALLY MANDATED PROGRAMS FROM ALL PROGRAM AREAS

Key:

100% F 100% federally funded programs
 100% S 100% state funded programs
 Match Programs requiring State matching funds or other cost-sharing arrangements
 between the state and federal government
 Former Formerly mandated programs, still supported by State funds

Operating Budget**Operating Budget Funding Totals, By Funding Source**

Funding source:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% F	9,653,650	11,569,048	197,812,318	218,518,557
100% S	50,932,683	53,587,594	0	0
Match	389,319,493	440,697,186	388,041,891	469,019,791
Former	1,200,000	1,200,000	0	0
<u>Sum</u>	<u>451,105,826</u>	<u>507,053,828</u>	<u>585,854,209</u>	<u>687,538,348</u>

Federal funds for operating expenses are scheduled to be reduced or discontinued in programs whose overall balance between state and federal funds during the past biennium was as follows, listed by program area:

Program area:	FY 1993-94		FY 1994-95	
	State Funds	Fed. Funds	State Funds	Fed. Funds
01	30,000	3,460,010	30,000	3,144,904
02	0	152,214,562	0	167,628,374
03	0	0	--	--
04	685,796	263,010	726,341	500,000
05	288,424	1,005,339	0	621,985
06	16,327,411	17,597,754	16,602,837	18,066,175
07	0	0	0	0
08	0	0	0	0
09	839,456	960,558	2,182,102	478,000
10	0	0	0	0
11	0	0	0	0
<u>Sum</u>	<u>18,171,087</u>	<u>175,501,233</u>	<u>19,541,280</u>	<u>190,439,438</u>

SURVEY SUMMARY

Operating Budget for Mandated Programs

Program area:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
01	35,000	75,000	3,465,010	3,149,904
02	6,475,138	6,576,634	185,604,454	193,236,964
03	4,127,063	4,683,412	4,038,232	5,286,358
04	5,057,953	7,060,896	4,567,649	4,894,639
05	56,531,782	58,904,085	42,138,345	47,712,340
06	360,202,918	409,612,317	323,486,658	409,554,511
07 LE	650,000	650,000	0	0
07 HE	7,838,895	6,359,823	16,689,019	16,790,469
08	0	0	0	0
09	1,545,939	3,045,171	3,084,336	4,058,345
10	972,132	915,680	1,266,775	1,236,165
11	7,669,006	9,170,810	1,513,731	1,618,653
Sum	451,105,826	507,053,828	585,854,209	687,538,348

Operating Budget Ratios

	FY 1993-94	FY 1994-95
State funds (S)	451,105,826	507,053,828
Federal funds (F)	585,854,209	687,538,348
State + federal (S + F)	1,036,960,035	1,194,592,176
Grand total budget (T)	4,966,650,359	5,255,167,032
(S + F)/T x 100	20.88%	22.73%
S/(S + F) x 100	43.50%	42.45%
F/(S + F) x 100	56.50%	57.55%
State population (P)	1,171,600	not available
(S + F)/P	885	---
T/P	4,239	---

Capital Improvement Projects

Capital Improvement Projects Funding Totals, By Funding Source

Funding source:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% F	0	0	0	0
100% S	8,219,000	10,519,000	0	0
Match	7,782,000	2,025,000	14,132,474	7,707,820
Sum	16,001,000	12,544,000	14,132,474	7,707,820

Federal funds for capital expenditures are scheduled to be reduced or discontinued in programs whose balance between state and federal funds during the past fiscal biennium was as follows, listed by program area:

FEDERALLY MANDATED STATE PROGRAMS DURING THE FISCAL BIENNIUM 1993-1995

Program area:	FY 1993-94		FY 1994-95	
	State Funds	Fed. Funds	State Funds	Fed. Funds
01	2,000,000	4,750,000	2,000,000	5,000,000
02	0	0	0	0
03	550,000	750,000	0	0
04	0	0	0	0
05	0	0	0	0
06	0	0	0	0
07	0	0	0	0
08	0	0	0	0
09	0	0	0	0
10	0	0	0	0
11	0	0	0	0
<u>Sum</u>	<u>2,550,000</u>	<u>5,500,000</u>	<u>2,000,000</u>	<u>5,000,000</u>

Capital Improvement Projects Funding for Mandated Programs

Program area:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
01	2,000,000	2,000,000	4,750,000	5,000,000
02	0	0	0	0
03	7,497,000	2,730,000	2,355,474	2,707,820
04	60,000	25,000	0	0
05	0	110,000	0	0
06	1,500,000	0	1,960,000	0
07 LE	0	0	0	0
07 HE	11,000	0	0	0
08	0	0	0	0
09	3,672,000	0	5,067,000	0
10	0	0	0	0
11	1,261,000	7,679,000	0	0
<u>Sum</u>	<u>16,001,000</u>	<u>12,544,000</u>	<u>14,132,474</u>	<u>7,707,820</u>

Capital Improvement Projects Funding Ratio

	FY 1993-94	FY 1994-95
State funds (S)	16,001,000	12,544,000
Federal funds (F)	14,132,474	7,707,820
<u>State + federal (S + F)</u>	<u>30,133,474</u>	<u>20,251,820</u>
 S/(S + F) x 100	 53.10%	 61.94%
F/(S + F) x 100	46.90%	38.06%

Combined Operating and CIP Funding for Mandated Programs

	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
Operating	451,105,826	507,053,828	585,854,209	687,538,348
Capital	16,001,000	12,544,000	14,132,474	7,707,820
<u>Sum</u>	<u>467,106,826</u>	<u>519,597,828</u>	<u>599,986,683</u>	<u>695,246,168</u>

SURVEY SUMMARY

ENDNOTES

1. The Department of Education's responses were received on Dec. 20, 1994, too late for inclusion in this report. Additionally, materials submitted by the DOE appeared to be file copies of answers to a different mandate survey, conducted just over a year ago.
2. See chapter 1, note 6.
3. The eleven program areas are as follows:

01	Economic development	08	Culture and recreation
02	Employment	09	Public safety
03	Transportation	10	Individual rights
04	Environmental protection	11	Government-wide support
05	Health		
06	Social services		
07	Formal education		
	Lower education		
	Higher education		

4. The State grand total operating budget figures are from the Executive Supplemental Operating Budget Worksheets: H.B. 2500, H.D. 1, S.D. 1, C.D. 1, Fiscal Year 1994-95, House Committee on Finance, Senate Committee on Ways and Means, Hawaii State Legislature, May, 1994.

The figure for the total state resident population as of July 1, 1993 is from the State of Hawaii Data Book: 1993-94, A Statistical Abstract, Department of Business, Economic Development and Tourism, June, 1994, p. 15. No figure is available for July 1, 1994. "The resident population is defined as the number of persons whose usual place of residence is in an area, regardless of physical location on the estimate or census date. It includes military personnel stationed or homeported in the area but excludes persons of local origin attending school or in military service outside the area", at p. 15, note 1.

Also, funding figures from the Lieutenant Governor's Office could not be used in the individual fiscal year calculations. Figures had been provided only for the biennium; they could not be apportioned by fiscal year.

5. Ibid.
6. Unlike the operating budget worksheets, no comparable, overall budget document for capital improvement projects is distributed by the Legislature.
7. Federal Regulation of State and Local Governments: The Mixed Record of the 1980s, Advisory Commission on Intergovernmental Relations, July 1993, A-126, p. 7; Regulatory Federalism: Policy, Process, Impact and Reform, Advisory Commission on Intergovernmental Relations, February 1984, A-95, p. 8-9; Federally Induced Costs Affecting State and Local Governments: Concepts, Experiences, and the Question of Relief, draft copy, Advisory Commission on Intergovernmental Relations, June 1994 (revised to reflect critics' session), pp. 41-45.
8. Federal Regulation of State and Local Governments, p. 7.

See also, Federal Statutory Preemption of State and Local Authority: History, Inventory, and Issues, Advisory Commission on Intergovernmental Relations, September 1992, A-121, pp. 16-17.
9. Federally Induced Costs, p. 49.

Chapter 3

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Introduction

The survey results from the previous chapter are here set out in greater detail, each individual program presented in a catalogue-type format, grouped by program area. Each program area group concludes with a section on funding totals for the mandated programs. Within each program area the programs are subgrouped by their funding sources, by whether they were 100 percent federally funded, 100 percent state funded, or required state matching funds, during the fiscal biennium 1993-1995. The matching funds category also includes programs that were supported by both state and federal funds, but perhaps not through a match requirement. Programs with federal funding are further subdivided according to whether the program's federal funds were scheduled to be reduced or discontinued. The funds were deemed to be, even if the reduction or discontinuation had already in fact occurred, or was only reported to be at risk of occurring. Within each grouping the order in which the programs are listed generally follows the order used in the budget documents (the proposals, the acts, and the operating budget worksheets).

Each program entry is organized around the program ID number, the subprogram (an LRB expedient), the name of the federal mandate, a description of the mandate and its sanctions, the name of the federal oversight or funding agency, a warning of any scheduled reductions or discontinuations of federal funding, and a breakdown between federal and state funding for each year of the fiscal biennium 1993-1995, by operating expenses and capital expenditures (capital improvement project funds, or CIP's).

The funding figures in each program entry represent the amounts appropriated or approved by the Legislature, budgeted by the Department of Budget and Finance, or determined by the responding agencies as either the estimated, anticipated, or actual costs of a mandated program. The potential problem of double-counting either interagency funds (funds appropriated or budgeted to a primary agency for disbursement to a secondary one) or intra-agency funds (a block of funds disbursed throughout more than one division of an agency) was not a concern in this report.

Supplementary descriptions of the federal oversight agencies were gleaned from the *United States Government Manual: 1994/95*, Office of the Federal Register, National Archives and Records Administration (Revised July 1, 1994). Figures for the total operating budget of a program area were found in the *Executive Supplemental Operating Budget Worksheets: H.B. 2500, H.D. 1, S.D. 1, C.D. 1, Fiscal Year 1994-95*, House Committee on Finance, Senate Committee on Ways and Means, Hawaii State Legislature (May 1994). A keywords list of the agencies and their program identification letters is located at note 7, chapter 1.

PROGRAM AREA O1: ECONOMIC DEVELOPMENT

100% FEDERALLY FUNDED PROGRAMS

Federal Funds Not Scheduled to be Reduced or Discontinued

None.

Federal Funds Scheduled to be Reduced or Discontinued

BED 120 Energy Development and Management

Subprogram: Hawaii Energy Strategy Program

Federal

Mandate: Name: (1) Department of Energy Organization Act of 1977, PL 95-91, as amended. (2) Federal Grant and Cooperative Agreement Act of 1977, Feb. 3, 1978, PL 95-224.

Description: Under cooperative agreement No. DE-FC03-92SF19168, the Hawaii Energy Strategy Program, the State promises to develop an integrated state energy strategy that addresses the availability and practicability of using native energy resources (like fossil fuel reserves), potential alternative fossil fuel technologies, and potential energy efficiency measures which could lead to demand reductions.

Sanctions for nonparticipation or noncompliance: Loss of resources to continue at developing and refining the Hawaii Energy Strategy, and to develop comprehensive biennial energy plans. Additional federal funding could be jeopardized.

Federal oversight/funding agency: Department of Energy

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$330,928	\$108,224

Federal funds scheduled to be reduced or discontinued: Upon completion of the cooperative agreement in early 1995, the burden of funding the policy development program and the biennial planning process must either shift to the State or be met through other available federal funds.

100% STATE FUNDED PROGRAMS

BED 120 Energy Development and Management

Federal

Mandate: Name: Energy Policy Act of 1992, PL 102-486.

Description: Requires certain state fleets, when making their annual purchases of new vehicles, to successively increase the proportion, each year, of new vehicles that should be alternatively fueled. State fleets affected

nationwide are those fleets in metropolitan statistical areas with populations greater than 250,000, in 1980. All State of Hawaii departments with vehicle fleets on Oahu fall into such a statistical area. The annual percentage of new vehicles purchased that must be alternatively fueled rises from 10% in 1995, to 75% in 1999, and each year thereafter.

Federal funding of up to \$10,000,000 per year was authorized to assist states affected by the Act that have prepared and submitted an eligible state alternative fuels plan. The plan, in part, addresses costs compliance.

Federal regulations are currently under development by the U.S. Department of Energy, and are not expected in final form until after mid-1995.

Sanctions for nonparticipation or noncompliance: \$5,000 per violation. \$10,000 per "willful" violation. \$50,000 per violation, that follows a prior history of fines. "Violation" is not yet administratively defined. Fines may be attached per vehicle.

Federal oversight/funding agency: Department of Energy

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$40,000

The \$40,000 is to be used to develop an alternative fuels plan. No federal funds have yet been allocated to the State.

The requisite amount of future funding for this mandate depends upon the number of alternatively fueled vehicles that must be purchased over the years. The specific number is currently unknown. Estimates for the model year 1996 range from seven to twenty-five vehicles; for model year 2000, from 54 to 165. Unknown too is the incremental cost per vehicle. Current incremental costs for the following types of alternatively fueled vehicles are estimated as follows: (1) for a flexibly-fueled ethanol or methanol vehicle, between \$0 and \$400; (2) for a propane vehicle, between \$1,000 and \$2,500; but (3) for an electric vehicle, nothing is known. The costs of equipment and facilities for refueling could also turn out to be significant, but, being size and site specific, are currently unknown.

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

BED 120 Energy Development and Management

Subprogram: Institutional Conservation Program

Federal
Mandate: Name: National Energy Conservation Policy Act of 1978, PL 95-619, Title III, as amended.

Description: Requires the State to act as an intermediary for the receipt and disbursement of federal funds to hospitals and schools (including universities and colleges), whether state or private nonprofit, to be expended by them at reducing their energy use and costs, if they fall into a tax group that would otherwise not benefit from tax deductions for installing energy-saving equipment.

Sanctions for nonparticipation or noncompliance: Federal funds to Hawaii would be redirected to other states.

Federal oversight/funding agency: Department of Energy

Matching requirements: 50% Federal, 50% State, for the administrative costs of disbursing the federal funds to participating schools and hospitals.

The schools and hospitals are themselves subject to a 50% matching rate to be able to receive the federal funds. The current dollar level of funding to Hawaii, about \$190,000 per year, is expected to continue, or rise slightly. By and large, the federal grants were matched by the nonprofit institutions. With them the program, a voluntary one, has been much more successful than it has been with state institutions. State institutions must return any dollar savings to the state general fund; no incentive is there to reduce utility costs.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,000	\$5,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,000	\$5,000

Federal Funds Scheduled to be Reduced or Discontinued

BED 120 Energy Development and Management

Subprogram: State Energy Conservation Program

Federal
Mandate: Name: Energy Policy and Conservation Act, Dec. 22, 1975, PL 94-163, Title III, Part C, as amended; 42 USC §6321 et seq. 53 CFR §52390.

Description: Requires states to do as follows: (1) establish mandatory lighting efficiency standards for public buildings; (2) promote car pools, van pools, and public transportation; (3) incorporate energy efficient criteria into procurement procedures; (4) implement mandatory thermal-efficiency standards for new and renovated buildings; (5) permit right turns at red lights; and (6) develop energy emergency plans.

Sanctions for nonparticipation or noncompliance: Serious reduction in the BED energy division staff. Seventeen federally funded positions would be affected.

Federal oversight/funding agency: Department of Energy

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Matching requirements: 80% Federal, 20% State, under the formula grant, for the State's administration of moneys received from the Petroleum Violation Escrow funds. Under the formula grant, the State received administrative funds of \$150,000 each year of the biennium.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$3,129,082	\$3,036,680
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$30,000	\$30,000

Federal funds scheduled to be reduced or discontinued: The Petroleum Violation Escrow funds is expected to be depleted by fiscal year 1999. The burden of funding the seventeen (presently) federally funded personnel positions as well as the related project benefits would then shift to the State.

BED 120 Energy Development and Management

Subprogram: Biomass Gasification Scale-Up Facility (BGF)

Federal
Mandate: Name: Cooperative agreement between the Department of Energy and the nonprofit Pacific International Center for High Technology Research (PICHTR); together with separate contracts between PICHTR and the State. No specific federal mandate applies.

Description: The cooperative agreement between the Department of Energy and PICHTR envisions the design, engineering, construction, and operation of a biomass gasification scale-up facility in Maui. The facility is intended to demonstrate the commercial feasibility of biomass technology, and serve as a centerpiece for the Department of Energy's ongoing research on biomass gasification and product gas applications, including the synthesis of methanol. Under the separate contracts between PICHTR and the State, the State is supplying funds for the equipment and construction related to phases I and II of the project.

Sanctions: Funding and construction of phase III of the project could be jeopardized, if the State withholds funds.

Federal oversight/funding agency: Department of Energy

Matching requirements: Not involved.

In a prior fiscal biennium, 1989-91, the State previously appropriated \$4 million in capital improvement project funds for phase I, the construction of the biomass facility. The Department of Energy, the major funding partner, contributed \$5 million and the private sector partners, \$156,904. The total cost of phase I was approximately \$10 million.

For the present biennium, 1993-95, the State appropriated \$4 million for phase II, the operation and testing of a hot gas cleanup unit and the generation of electricity from the product biogas through a combustion turbine

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

system. The Department of Energy is expected to contribute \$9.75 million and the private sector partners, \$11.25 million. Success at phase II could facilitate the commercialization of utility-scale electricity generation. The total cost of phase II is estimated at \$25 million.

For the fiscal biennium 1995-97 the State intends to request an additional \$4.5 million in capital improvement project funds for phase III, the construction of facilities to convert biogas fuel into liquid methanol and produce fuel cell electrical energy. The funds are necessary to secure \$8 million in cost-sharing from the federal government and \$4.37 million, from the private sector. Funding and construction of phase III is necessary to maintain program continuity with phases I and II. The estimated total cost of phase III is \$16.87 million.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$4,750,000	\$5,000,000
 <u>State funds:</u>	 <u>FY 1993-94</u>	 <u>FY 1994-95</u>
Capital	\$2,000,000	\$2,000,000

Federal funds scheduled to be reduced or discontinued: Phase III ends the federal government's cost-sharing responsibilities in the project.

PROGRAM AREA 01 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS**Operating Budget for Mandated Programs**

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			330,928	108,224
100% State	0	40,000		
Match	35,000	35,000	3,134,082	3,041,680
Total	35,000	75,000	3,465,010	3,149,904

Federal funds for operating expenses are scheduled to be reduced or discontinued in the following programs:

- (1) One 100% federally funded program (BED 120 Energy Development and Management: the Hawaii Energy Strategy Program), whose federal funds during the past biennium were as follows:

	Federal
FY 1993-94	330,928
FY 1994-95	108,224

- (2) One matching funds program (BED 120 Energy Development and Management: the State Energy Conservation Program), whose balance between state and federal funds during the past biennium was as follows:

	State	Federal
FY 1993-94	30,000	3,129,082
FY 1994-95	30,000	3,036,680

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	35,000	75,000
Federal funds(F)	3,465,010	3,149,904
S + F	3,500,010	3,224,904
Total 01 budget (T)	89,881,264	92,374,387
(S + F)/T x 100	3.89%	3.49%
S/(S + F) x 100	1.00%	2.33%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal	0	0		
100% State	0	0		
Match	2,000,000	2,000,000	4,750,000	5,000,000
Total	2,000,000	2,000,000	4,750,000	5,000,000

Federal funds for capital improvement projects are scheduled to be reduced or discontinued in one matching funds program (BED 120 Energy Development and

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Management: Biomass Gasification Scale-Up Facility), whose balance between federal and state funds during the past biennium was as follows:

	<u>State</u>	<u>Federal</u>
FY 1993-94	2,000,000	4,750,000
FY 1994-95	2,000,000	5,000,000

Capital Improvement Projects Funding Ratio

Mandated programs:	<u>FY 1993-94</u>	<u>FY 1994-95</u>
State funds (S)	2,000,000	2,000,000
Federal funds(F)	4,750,000	5,000,000
<u>S + F</u> 6,750,000	<u>7,000,000</u>	
 S/(S + F) x 100	 29.63%	 28.57%

PROGRAM AREA 02: EMPLOYMENT

100% FEDERALLY FUNDED PROGRAMS

Federal Funds Not Scheduled to be Reduced or Discontinued

LBR 111 Placement Services

Federal

Mandate 1:

Name: (1) Wagner-Peyser Act of 1933, PL 73-30, as amended by PL 97-300, Oct. 13, 1982. (2) Social Security Act of 1935, PL 74-271, as amended.

Description: Effective July 1, 1993, states must provide job search and placement services for job seekers, and appropriate recruitment services and special technical services for employers.

Sanctions for nonparticipation or noncompliance: Unspecified.

Federal oversight/funding agency: Department of Labor, Employment and Training Administration

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,825,867	\$2,933,814

Federal

Mandate 2:

Name: (1) Immigration and Nationality Act of 1952, PL 82-414. (2) Wagner-Peyser Act of 1933, PL 73-30, as amended by PL 97-300, Oct. 13, 1982. (3) Immigration Act of 1990, PL 101-649.

Description: Effective October 1, 1993, states must assist the U.S. Department of Labor in determining the availability of U.S. workers and the potential adverse effect on wages and working conditions caused by the admission of alien workers. States must also provide prevailing wage determinations for employers.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Labor, Employment and Training Administration

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$304,489	\$304,489

Federal

Mandate 3:

Name: 38 USC ch. 41, Job Counseling, Training, and Placement Services for Veterans.

Description: Effective October 1, 1993, states in the grant program must ensure that their disabled veterans' outreach program specialists and local veterans' employment representatives present eligible veterans and other eligible persons with maximum opportunities in employment and training. Disabled veterans and veterans of the Vietnam era must be given priority.

Sanctions for nonparticipation or noncompliance: Grant modifications, for noncompliance.

Federal oversight/funding agency: Department of Labor, Office of the Assistant Secretary for Veterans' Employment and Training

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$858,000	\$1,177,000

LBR 135 Commission on Employment & Human Resources

Subprogram: Hawaii State Council on Vocational Education

Federal
Mandate: Name: Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, PL 101-392.

Description: Through a grant program, the Act requires the State to establish a council on vocational education as a prerequisite to receiving federal assistance of about \$5.4 million dollars a year. LBR acts as an intermediary for the receipt and disbursement of those funds, from the U.S. Department of Education, and to the vocational education programs in local high schools and the community colleges.

The Act has been reauthorized by Congress, once every five years, since 1968. The state council, the Hawaii State Council on Vocational Education, is required to advise the State Board for Vocational Education (the University of Hawaii Board of Regents) on policies and the administration of vocational education in the State. It must also evaluate the statewide delivery system for vocational education as well as the employment training programs funded by the Job Training Partnership Act.

Sanctions for nonparticipation or noncompliance: Loss of the annual \$5.4 million in federal assistance, for failure to establish the state council on vocational education.

Federal oversight/funding agency: Department of Education

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$191,596	\$191,596

Federal Funds Scheduled to be Reduced or Discontinued

LBR 111 Placement Services

Federal
Mandate: Name: Revenue Act of 1978, Nov. 6, 1978, PL 95-600, Section 321, as amended.

Description: Effective October 1, 1993, states must grant a tax credit incentive to employers who hire individuals from any one of nine target groups which traditionally have had difficulties in obtaining and securing jobs. LBR

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

determines applicant eligibility and issues tax credit certifications to the employers.

Sanctions for nonparticipation or noncompliance: Penalties and sanctions are not indicated in the Act or its regulations. A common penalty is the federal government's withholding of funds or the state's being obliged to return any funds received.

Federal oversight/funding agency: Department of Labor, Employment and Training Administration.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$43,892	\$10,826

Federal funds scheduled to be reduced or discontinued: The federal funds are scheduled to be reduced in FY 1994-95, because the program is scheduled to terminate on December 31, 1994.

LBR 171 Unemployment Compensation

Mandate: Name: Social Security Act of 1935, Title III.

Description: Grants from the Federal Unemployment Fund are available to the states for the necessary costs of administering unemployment compensation programs, processing benefit payments to eligible jobless workers and collecting payroll taxes from employers.

Title III specifies the conditions that must be enacted into state law before the Secretary of Labor can certify the payment of administrative funds.

Sanctions for nonparticipation or noncompliance: Loss of administrative funds to operate the state unemployment insurance program. Without the federal grants, state general funds would be needed to maintain the program.

Federal oversight/funding agency: Department of Labor

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$152,170,670	\$167,617,548

Federal funds scheduled to be reduced or discontinued: Possible, since the allocation of federal funds to the states is based on actual workload costs. Also possible, if Congress chooses to reduce federal spending across the board rather than reduce the national deficit.

100% STATE FUNDED PROGRAMS

None.

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

LBR 131 Employment and Training Programs

Federal

Mandate 1: Name: Job Training Partnership Act, Oct. 13, 1982, PL 97-300, as amended by the Job Training Reform Amendments of 1992, PL 102-367.

Description: Grant-in-aid conditions and requirements. Federal funds are allotted to the states for developing locally administered job training programs to serve persons who are economically disadvantaged, chronically unemployed or underemployed, or terminated or laid off from their jobs due to economic conditions. About \$12 million in federal funds are received annually under the Act.

Sanctions for nonparticipation or noncompliance: Unmatched funds for the education coordination and grants program must be returned to the Department of Labor. The return of these funds, about \$345,000 a year, could result in the loss of educational services for anywhere between 1 and 249 economically disadvantaged persons.

Federal oversight/funding agency: Department of Labor

Matching requirement: 50% Federal, 50% State, for only one of the programs under the Act, the education coordination and grants program. For this program the State receives an annual allotment of about \$345,000, which must be matched dollar-for-dollar with non-federal funds. The University of Hawaii community college system, the primary recipient of the allotment, provides the required match.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$20,905,265	\$10,419,981
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$345,000	\$345,000

Federal

Mandate 2: Name: Older Americans Act of 1965, PL 89-73, Title V, as amended by the Older Americans Act Technical Amendments of 1993, PL 103-171. The Senior Community Services Employment Program.

Description: Grant-in-aid conditions and requirements. Federal funds are allotted to the states to develop subsidized employment programs for low-income older individuals, aged 55 and older. About \$1,800,000 in federal funds is received in a year.

Sanctions for nonparticipation or noncompliance: Loss of eligibility to receive grant funds, for failure to provide the required match in the grant proposal. The loss of funds could mean the loss of about 280 subsidized job positions for low-income elderly individuals.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal oversight/funding agency: Department of Labor

Matching requirements: 90% Federal, 10% State. The state contribution may be in cash, in kind, or in a combination of the two.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,710,997	\$1,782,400
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$312,458	\$312,458

LBR 143 Occupational Safety & Health

Federal
Mandate 1: Name: Occupational Safety and Health Act (OSHA) of 1970, PL 91-596, as amended. 29 CFR §§1901, 1902.

Description: Requires states to be as effective as the federal government in assuring so far as possible safe and healthful working conditions for every working man and woman in the nation. Requires adequate staffing (benchmark staffing), prompt standards promulgation, appropriate compulsory process, and effective sanctions against any offending entities among employers, building/facility owners, and manufacturers of hazardous chemicals.

Sanctions for nonparticipation or noncompliance: Federal preemption of the State's regulatory powers in the areas of occupational safety and health, even in the marginal areas. The State would be decertified by the Occupational Safety and Health Administration, and the federal act enforced out of San Francisco. Incidentally, federal funding would be lost, and monetary penalties imposed.

Federal oversight/funding agency: Department of Labor, Occupational Safety and Health Administration

Matching requirements: The following formulas apply: 50% Federal, 50% State, for grant 23(g), 90% Federal, 10% State, for contract 7(c)(1), 100% Federal, 0% State, for the training of OSH advisors.

Additional funding is available from time to time. Awards are made dependent upon a state's performance. The Occupational Safety and Health Administration would like to see state performance tied to the grant as a general rule, beginning with fiscal year 1996, but has met resistance from Congress.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,393,002	\$1,405,959
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,356,058	\$1,375,668

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

HMS 802 Vocational Rehabilitation

Federal

Mandate: Name: Rehabilitation Act of 1973, PL 93-112, as amended.

Description: States must submit a state plan in order to receive federal funds for assistance in meeting the rehabilitation needs of eligible persons with disabilities and in enabling those persons to obtain employment. Eligible persons are those whose disabilities act as a barrier to their employment.

Sanctions for nonparticipation or noncompliance: Loss of some federal funds, for failure to maintain the State's level of expenditure. Loss of all funds, for refusal to submit the required state plan.

Federal oversight/funding agency: Department of Education, Rehabilitation Services Administration

Matching formula: 78.7% Federal, 21.3% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,054,473	\$7,244,956

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$4,247,344	\$4,325,013

LBR 901 DLIR-Data Gathering, Research and Analysis

Federal

Mandate 1: Name: Occupational Safety and Health Act (OSHA) of 1970, PL 91-596, as amended.

Description: Cooperative agreements under Section 24(b)(2) of the Act obligate states with an approved state plan to conduct surveys in order to ensure that employers covered by the plan maintain records, make reports to the Assistant Secretary for federal OSHA, and provide the state with data for plan evaluation.

Sanctions for nonparticipation or noncompliance: Failure to produce the statistical reports of the survey is a grounds for plan withdrawal and the loss of federal matching funds.

(A crossover.) Federal matching funds would also be lost from the OSHA grant program 23(g).

Federal oversight/funding agency: Department of Labor

Matching requirements: Evidently, 50% Federal, 50% State. Based upon an allocation formula, the State did not qualify for an increase in federal funding such as was received by most of the other states.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$84,003	\$84,003

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$84,003	\$84,003

During the recent state budget reductions, vacant positions cut from the budget included five survey positions, 2.5 State, 2.5 federal.

Federal
Mandate 2:

Name: Job Training Partnership Act (JTPA) of 1982, PL 97-300, Section 125, as amended.

Description: Standardizes available federal and state multi-agency administrative records; and directs survey data sources to produce an employment and economic analysis, with state projections on the growth or decline of geographic and occupational areas, and an assessment of such growth or decline on individuals, industries, and communities.

Sanctions for nonparticipation or noncompliance: Loss of federal funds. Possible adverse impacts to the Hawaii career information delivery systems and the Hawaii state occupational information coordinating committee.

Federal oversight/funding agency: Department of Labor

Matching requirements: 50% Federal, 50% State, for the Occupational Safety and Health statistical program. 100% State, for the Hawaii career information delivery system.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$62,200	\$64,392

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$130,275	\$134,492

Federal Funds Scheduled to Be Reduced or Discontinued

None.

PROGRAM AREA 02 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS

Operating Budget for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			156,394,514	172,235,273
100% State	0	0		
Match	6,475,138	6,576,634	29,209,940	21,001,691
Total	6,475,138	6,576,634	185,604,454	193,236,964

Federal funds for operating expenses are scheduled to be reduced or discontinued in two 100% federally funded programs (LBR 111 Placement Services: the Revenue Act; and LBR 171 Unemployment Compensation), whose total federal funds during the past biennium were as follows:

	Federal
FY 1993-94	152,214,562
FY 1994-95	167,628,374

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	6,475,138	6,576,634
Federal funds(F)	185,604,454	193,236,964
S + F	192,079,592	199,813,598
Total 02 budget (T)	247,377,685	266,433,324
(S + F)/T x 100	77.65%	75.00%
S/(S + F) x 100	3.37%	3.29%

Capital Improvement Projects Funding for Mandated Programs

None for the fiscal biennium 1993-95.

PROGRAM AREA 03: TRANSPORTATION

100% FEDERALLY FUNDED PROGRAMS

None.

100% STATE FUNDED PROGRAMS

TRN 102 Honolulu International Airport

Subprogram: Security system, phase III

Federal
Mandate: Name: Federal Aviation Regulation §107.14, Federal Aviation Administration.
Airport Security Access Control System, dated March 11, 1988.

Description:

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Transportation, Federal
Aviation Administration

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$4,322,000	\$0

Subprogram: Asbestos abatement

Federal
Mandate: Name: 40 CFR Part 61, National Emission Standards for Hazardous Air
Pollution.

Description:

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$0	\$2,730,000

TRN 195 Airports Administration

Subprogram: Statewide airport security system, phase II

Federal
Mandate: Name: Federal Aviation Regulation 107.14, Federal Aviation Administration.
Airport Security Access Control System, dated March 11, 1988.

Description:

Sanctions for nonparticipation or noncompliance:

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal oversight/funding agency: Department of Transportation, Federal Aviation Administration

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$2,425,000	\$0

TRN 301	Honolulu Harbor/
TRN 303	Barbers Point Harbor/
TRN 305	Kewalo Basin/
TRN 311	Hilo Harbor/
TRN 331	Kahului Harbor/
TRN 361	Nawiliwili Harbor

Federal
Mandate: Name: 33 CFR Part 158, Reception Facilities for Oil, Noxious Liquid Substances, and Garbage.

Description: States that receive ships must equip their ports and terminals with reception facilities for oil, noxious liquid substances, and garbage. In Hawaii, reception facilities are needed only for oil and garbage.

In order to continue receiving ships, a port or terminal must hold one or more Certificates of Adequacy as evidence of the following:

- (1) A port or terminal has a reception facility that meets Subpart B of Part 158 (Criteria for Reception Facilities: Residues and Mixtures Containing Oil), a requirement applicable if the port or terminal receives ocean-going tankers or other ocean-going ships of at least 400 gross tons that carry residues and mixtures with oil;
- (2) Each port or terminal under the jurisdiction of the United States, including a commercial fishing facility, a mineral and oil shorebase, and a recreational boating facility, has a reception facility which meets Subpart D of Part 158 (Criteria for Adequacy of Reception Facilities: Garbage).

Sanctions for nonparticipation or noncompliance: Ships would have to be denied entry to all commercial ports in the State. Consequently, the State would incur a substantial loss of revenues. And the cost of consumer goods would rise, because all tangible materials would then need to be air-freighted in.

Federal oversight/funding agency: Department of Transportation, United States Coast Guard.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$61,932	\$113,220

TRN 595	Highways Administration
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Subprogram: Land Transportation Facilities and Services Support

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal
Mandate:

Name: Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), June 30, 1948, 62 Stat. 1155, ch. 758, as amended. The National Pollutant Discharge Elimination System (NPDES), 40 CFR Part 122.

Description: The Act prohibits the discharge of pollutants into navigable waters of the United States unless the discharge is authorized by an NPDES permit.

Sanctions for nonparticipation or noncompliance: Citations from HTH, of up to \$10,000 a day.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

No moneys were appropriated or budgeted.

TRN 597 Highway Safety

Subprogram: Commercial Driver's License (CDL) Program

Federal
Mandate:

Name: Commercial Motor Vehicle Safety Act of 1986, PL 99-570, Title XII; 49 USC §§521, 2304, 2701-2716.

Description: Requires states to implement a commercial driver's license program for drivers of vehicles that fall into one of the following categories: (1) the vehicle's gross vehicle weight rating is in excess of 26,000 pounds; (2) the vehicle holds at least sixteen occupants; or (3) it carries hazardous materials in such quantities as would necessitate vehicle placarding. The program must be implemented in accordance with federal requirements, including: giving knowledge and practical tests to driver applicants, prior to licensure; enforcing minimum physical criteria for drivers; and having a license issued from one state only.

In Hawaii there are approximately 23,000 CDL holders.

Sanctions for nonparticipation or noncompliance: Withholding of 5% of Federal aid highway construction funds, about \$4.4 million, for the first year of noncompliance. Withholding of 10% of the funds, about \$8.8 million, for each subsequent year of noncompliance.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,188,597	\$1,226,046
Capital	\$200,000	\$0

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

The one-time CIP funds cover both years. Federal grants were available at one time for starting up the licensing program, but after the program became operational in 1989, no funds have since been made available to maintain it.

Subprogram: Land Transportation Safety Administration

Federal

Mandate: Name: Federal-Aid Highway Act of 1978, PL 95-599, 92 Stat. 2689, 23 USC §141 (size and weight laws). 23 CFR Part 657.

Description: Requires states to make annual certifications to the Federal Highway Administration (FHWA) that the federal size and weight laws are being enforced, for the weighing of commercial vehicles over 10,000 pounds. Requires states to evaluate their own enforcement programs.

Sanctions for nonparticipation or noncompliance: Loss of 10% of the highway funds that would otherwise have been apportioned to the State the next fiscal year, for failure to certify enforcement of the laws.

Federal oversight/funding agency: Department of Transportation, Federal Highway Administration

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$439,648	\$439,648

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

TRN 595 Highways Administration/
TRN 995 General Administration

Subprogram: Oahu Metropolitan Planning Organization (OMPO)

Federal

Mandate: Name: Federal Transit Act, July 9, 1964, PL 88-365, Section 8, as amended. 23 USC §134, as amended by PL 102-240, Dec. 18, 1991, and PL 102-388, Oct. 6, 1992. Metropolitan Planning, 23 CFR Part 450, 49 CFR Part 613.

Description: Grant-in-aid conditions and requirements. States may receive annual allocations of federal transportation assistance.

Sanctions for nonparticipation or noncompliance: Loss of federal assistance through capital and operating funds for transit and surface transportation projects.

Federal oversight/funding agency:

Matching requirements: 80% Federal, 10% State, 10% local.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
Planning Fund	\$174,752	\$153,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$50,000	\$50,000

Subprogram: Federal Transit Administration

Federal
Mandate: Name: Federal Transit Act, July 9, 1964, PL 88-365, Section 18, as amended.

Description: Grant-in-aid conditions and requirements. Section 18 of the Act authorizes the Secretary of Transportation to apportion funds for planning, and capital, operating, and administrative assistance to state agencies, local public bodies, and operators of public transportation services.

Sanctions for nonparticipation or noncompliance: Compliance is a prerequisite to receiving federal assistance.

Federal oversight/funding agency: Department of Transportation, Federal Transit Administration

Matching requirements: Federal funds are matched, not from the State, but from the local governments (county, and also private sources). The following formulas apply:

	<u>Federal</u>	<u>Local</u>
State administration	100%	0%
Project administration	80%	20%
Capital	80%	20%
Operation	50%	50%

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$236,189	\$355,772
Capital	\$1,321,860	\$2,385,000

These figures represent the federal share of funds for distribution to the counties of only Kauai, Maui, and Hawaii. They do not include project administration or RTAP funds. Funds for RTAP and state administration require no match. The capital expenditure figures include funding from the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Other: The ISTEA established the Surface Transportation Program (STP) as a source of flexible funding for both highways and transit. At a state's discretion, STP funds may be used for transit capital projects designed to meet the specific needs of elderly persons and persons with disabilities.

Subprogram: Federal Transit Administration

Federal
Mandate:

Name: Federal Transit Act, July 9, 1964, PL 88-365, Section 16, as amended.

Description: Grant-in-aid conditions and requirements. Section 16 of the Act authorizes the Secretary of Transportation to make grants to these following entities: (1) nonprofit corporations and associations, specifically for assistance in delivering transportation services to accomodate the special needs of both elderly persons and persons with disabilities for whom mass transportation services are otherwise unavailable, insufficient, or inappropriate; (2) public bodies approved by the State to coordinate such services for the elderly and persons with disabilities; and (3) public bodies which certify to the governor that there are no nonprofit corporations available in a given area to provide such services.

Section 16 declares that it is the national policy that elderly persons or persons with disabilities shall have the same right as others to use mass transportation facilities and services, and that special efforts shall go into the planning and designing of those facilities and services so as to assure that the facilities and services are rendered available to those persons.

Sanctions for nonparticipation or noncompliance: Compliance is a prerequisite to receiving federal assistance.

Federal oversight/funding agency: Department of Transportation, Federal Transit Administration

Matching requirements: Federal funds are matched, not from the State, but from local private nonprofit organizations. For these organizations, the match formula for capital acquisition is 80% Federal, 20% local.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0
Capital	\$283,614	\$322,820

Other: The Intermodal Surface Transportation Efficiency Act of 1991 established the Surface Transportation Program (STP) as a source of flexible funding for both highways and transit. At the State's discretion, STP funds may be used for transit capital projects designed to meet the specific needs of elderly persons and persons with disabilities.

Subprogram: Land Transportation/General Administration

Federal
Mandate:

Name: Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, PL 102-240, Section 1025; 23 USC §135.

Description: Grant-in-aid conditions and requirements. States must have a statewide planning process, a statewide transportation plan, and a statewide transportation improvement program.

Sanctions for nonparticipation or noncompliance: Withholding of 10% of the funds apportioned under ISTEA, Title 23, and the Federal Transit Act.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal oversight/funding agency:

Matching requirements: 80% Federal, 20% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,200,000	\$1,200,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$300,000	\$300,000

TRN 595 Highways Administration

Subprogram: Highway Safety Improvement Program (HSIP)

Federal
Mandate: Name: Highway Safety Act of 1973, PL 93-87, Section 203, as amended; 23 USC §§105(f), 152, 315, and 402. 49 CFR §1.48.

Description: Requires each state to develop, implement, and maintain a highway safety improvement program (HSIP). The overall objective of HSIP is to reduce the number and severity of highway accidents, and the potential for accidents to occur.

Sanctions for nonparticipation or noncompliance: Loss of 10% of Federal highway funds.

Federal oversight/funding agency:

Matching requirements: 70% Federal, 30% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$668,000	\$1,558,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$287,000	\$669,000

Subprogram: Certification of Speed Limit Enforcement

Federal
Mandate: Name: Certification of Speed Limit Enforcement, 23 CFR Part 659.

Description: Requires states to evaluate, monitor, [6~ and comply with the national maximum speed limits of 65 miles per hour and 55 miles per hour. States must submit certifications of compliance to the Secretary of Transportation.

Sanctions for nonparticipation or noncompliance: Transfer of the greater of 1.5% of the federal construction funds or the total amount of Section 402 funds, to Section 402 programs.

Federal oversight/funding agency: Department of Transportation, Federal Highway Administration

Matching requirements: 70% Federal, 30% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$9,800	\$9,800
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$4,200	\$4,200

Subprogram: Safety Management System (SMS)

Federal
Mandate:

Name: 23 USC §303, added by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, PL 102-240, Title I, Section 1034(a).

Description: Requires states to develop and implement a safety management system, designed to reduce the number and severity of traffic crashes. To be organized and coordinated through the system are safety efforts in education, engineering, enforcement, and emergency medical services.

Sanctions for nonparticipation or noncompliance: Loss of 10% of Federal highway funds.

Federal oversight/funding agency: Department of Transportation, Federal Highway Administration

Matching requirements: 80% Federal, 20% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$114,000	\$342,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$28,500	\$85,500

Subprogram: SCOUR Evaluation Program

Federal
Mandate:

Name: 23 CFR Part 650, Bridges, Structures, and Hydraulics.

Description: Requires the State, by January 1997, to access and analyze for SCOUR, all bridges under its jurisdiction.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Transportation, Federal Highway Administration

Matching requirements: 80% Federal, 20% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$26,440	\$43,504

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$6,610	\$10,876

Per diem, air fare, and freight for FY 1994-95 cost an additional, miscellaneous sum of \$16,920.

Subprogram: Land Transportation Management Systems

Federal

Mandate: Name: Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, PL 102-240, Section 1034.

Description: Grant-in-aid conditions and requirements. States must develop, establish, and implement six management systems.

Land Transportation Management Systems, through the Statewide Transportation Office (STP), is responsible for three of the six systems--congestion, intermodal transportation management systems, and public transportation management systems.

Sanctions for nonparticipation or noncompliance: Withholding of 10% of the funds apportioned under ISTEA, Title 23, and the Federal Transit Act.

Federal oversight/funding agency:

Matching requirements: 80% Federal, 20% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,500,000	\$1,500,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$350,000	\$350,000

Subprogram: HWY-L

Federal

Mandate: Name: Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, PL 102-240, Section 1038.

Description: Requires states to increase the proportion of recycled rubber in their asphalt pavements, from a minimum of 10% in 1995, to 15% in 1996, and to 20% in 1997 and each subsequent year.

Sanctions for nonparticipation or noncompliance: Withholding of a percentage of the apportionments.

Federal oversight/funding agency: Department of Transportation

Matching requirements: The applicable formula depends on whether the highways are interstate or 3R.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

No state funds were expended, because of the moratorium placed on enforcing this mandate.

TRN 597 Highway Safety

Subprogram: Highway Safety Program

Federal

Mandate: Name: Highway Safety Act of 1966, PL 89-564, Title I; 23 USC §402.

Description: Requires states to implement a highway safety program designed to reduce the incidence of traffic crashes, fatalities, injuries, and associated costs. "Pass-through" federal grants, requiring annual reauthorizations by Congress, are offered to the states for assistance in implementing the program. The State uses these grants, an overall sum of about \$600,000 per year, to improve highway safety, by developing reimbursement project grants with agencies of state and local government. The grantee incurs the costs, then applies for federal reimbursement.

Sanctions: Withholding of 10% of the State's federal aid highway construction funds, about \$8.8 million a year, for every year of noncompliance.

Federal oversight/funding agency:

Matching requirements: States must soft match 25% of the Section 402 grant funds. No match is needed for the Section 153 transfer funds.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$109,051	\$109,051

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$163,576	\$163,576

TRN 995 General Administration

Subprogram: Bicycle and Pedestrian Coordinator

Federal

Mandate: Name: Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240; 23 USC §§217(d).

Description: Each state receiving an apportionment under 23 USC Section 104(b)(2) and (3) must use as much of those funds as may be necessary to establish within its transportation department a position of bicycle and pedestrian coordinator. The coordinator promotes and facilitates the

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

increased use of nonmotorized modes of transportation, developing facilities for pedestrian and bicyclist use and holding public education and promotional and safety programs on the use of those facilities.

Sanctions for nonparticipation or noncompliance: Withholding of federal funds for highway construction and related projects, if the coordinator position is not established.

Federal oversight/funding agency:

Matching requirements: 80% Federal, 20% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$15,231

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$22,846

Subprogram: Disadvantaged Business Enterprise (DBE) Program

Federal
Mandate: Name: 49 CFR Part 23, Participation by Minority Business Enterprise in Department of Transportation Programs. Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, PL 102-240.

Description: Authorizes the U.S. Department of Transportation to include in its financial assistance agreements and assisted contracts with state transportation agencies a clause declaring that it is the recipient state agency's policy to assure maximum participation by disadvantaged business enterprises in all agency contracts financed in whole or in part by federal funds. Disadvantaged business enterprises are those firms owned and controlled by socially and economically disadvantaged individuals.

Sanctions for nonparticipation or noncompliance: Termination of the agreement, or other measures, that could affect the ability of the State to obtain future federal funds.

Federal oversight/funding agency: Department of Transportation, Federal Highway Administration

Matching requirements: Administration of the DBE program is funded entirely by the State. The construction grants are available at a match. Many of the projects associated with the grants are funded at 80% or 90% by the federal government; others, at 100%.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$47,000	\$48,500

Subprogram: Employee Safety and Health

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal
Mandate: Name: Occupational Safety and Health Act (OSHA) of 1970, PL 91-596, as amended.

Description: Requires states, as employers, to comply with federal laws regarding safe places of employment and safe employment practices, and to do everything reasonable and necessary to protect the life, health, and safety of their employees.

Sanctions for nonparticipation or noncompliance: Citations and fines.

Federal oversight/funding agency:

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

Federal Funds Scheduled to be Reduced or Discontinued

TRN 102 Honolulu International Airport

Subprogram: Uniform Federal Accessibility Standards upgrade

Federal
Mandate: Name: Americans with Disabilities Act (ADA) of 1990, PL 101-336, Title II, as amended.

Description:

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Transportation, Federal Aviation Administration

Matching requirements: Up to 75% for project costs, from FAA grant moneys, on eligible items at the larger airports. Up to 90%, at the smaller ones.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$750,000	\$0
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$550,000	\$0

Federal funds scheduled to be reduced or discontinued: A reduction in amount is anticipated this fiscal year.

TRN 597 Highway Safety

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Subprogram: Problem Driver Pointer System (PDPS)

Federal

Mandate: Name: Commercial Motor Vehicle Safety Act of 1986, PL 99-570, Title XII. "Procedures for Participation in and Receiving Data from the National Driver Register Problem Driver Pointer System; Final Rule," Federal Register, August 20, 1991.

Description: States must participate in the problem driver pointer system (PDPS) in order to use the National Driver Register (NDR). Using the NDR is required under the Act. PDPS is a nationwide electronic clearinghouse for reporting and identifying problem drivers, those drivers with license denials, disqualifications, or serious traffic violations.

The states must implement the PDPS in accordance with federal standards. In order to meet these standards, Hawaii must do the following:

- (1) Perform State of Record functions by reporting problem drivers (pointers) to the NDR and by maintaining pointer data on adverse licensing actions and serious violations. These functions in turn require the State to replace the ANSI D-20 Conviction and Withdrawal codes with the AAMVAnet Code Dictionary, after April 30, 1995. A pointer remains on the NDR file a minimum of ten years for a mandatory reportable offense, a minimum of five years for a minor reportable offense, and during the period that the action remains open.
- (2) Communicate with the NDR and other states on-line interactively. This allows the State to respond to on-line requests from the NDR for status records on individuals.
- (3) Perform State of Inquiry functions for driver licensing and driver improvement, making inquiries, at the very least, on all first-time, non-minimum age applicants for a driver's license.
- (4) Perform State of Inquiry functions (driver histories or abstracts) for transportation safety, on behalf of other authorized users.

Sanctions: Withholding of 5% of highway construction funds, about \$4.4 million, for the first year of noncompliance. Withholding of 10%, about \$8.8 million, for each subsequent year of noncompliance.

Federal oversight/funding agency:

Matching requirements: No match formula is used. The State received \$127,747 in federal aid to set up the PDPS. The total estimated start-up costs is \$300,000.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	unknown	unknown
 <u>State funds:</u>	 <u>FY 1993-94</u>	 <u>FY 1994-95</u>
Operating	unknown	unknown

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Operating costs for the PDPS are unknown at this time. The program implementation date is set for April 30, 1995.

Federal funds scheduled to be reduced or discontinued: After the start-up federal grant of \$127,747 is expended, the State is expected to support the PDPS entirely by state funds. The operational costs are expected to be absorbed into the costs of the commercial driver's license (CDL) program. Since the process for implementing the system can be readily assimilated into existing tasks, it is possible that the State will not be billed for any operational costs at all, except for computer maintenance.

PROGRAMS NO LONGER MANDATED, BUT STILL SUPPORTED BY STATE FUNDS

TRN 597 Highway Safety

Former
Federal
Mandate:

Name: Highway Safety Act of 1966, PL 89-564, as amended.

Description: The original Act mandated the states to implement a periodic motor vehicle inspection program. As of October 1, 1988, the mandate was withdrawn. Federal moneys are no longer available.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,200,000	\$1,200,000

PROGRAM AREA 03 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS

Operating Budget for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	1,690,177	1,778,914		
Match	1,236,886	1,704,498	4,038,232	5,286,358
Former mandate	1,200,000	1,200,000	0	0
Total	4,127,063	4,683,412	4,038,232	5,286,358

Federal funds for operating expenses are scheduled to be reduced or discontinued in one matching funds program (TRN 597 Highway Safety: Problem Driver Pointer System), whose state and federal funds during the past biennium were not determinable.

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	4,127,063	4,683,412
Federal funds(F)	4,038,232	5,286,358
S + F	8,165,295	9,969,770
Total 03 budget (T)	440,135,975	469,078,168
(S + F)/T x 100	1.85%	2.12%
S/(S + F) x 100	50.54%	46.98%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	6,947,000	2,730,000		
Match	550,000	0	2,355,474	2,707,820
Total	7,497,000	2,730,000	2,355,474	2,707,820

Federal funds for capital improvement projects are scheduled to be reduced or discontinued in one matching funds program (TRN 102 Honolulu International Airport: Uniform Federal Accessibility Standards upgrade), whose balance between federal and state funds during the past biennium was as follows:

	State	Federal
FY 1993-94	550,000	750,000
FY 1994-95	0	0

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Capital Improvement Projects Funding Ratio

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	<u>7,497,000</u>	<u>2,730,000</u>
Federal funds(F)	<u>2,355,474</u>	<u>2,707,820</u>
<u>S + F</u>	<u>9,852,474</u>	<u>5,437,820</u>
 S/(S + F) x 100	 76.09%	 50.20%

PROGRAM AREA 04: ENVIRONMENTAL PROTECTION

100% FEDERALLY FUNDED PROGRAMS

Federal Funds Not Scheduled to be Reduced or Discontinued

HTH 840 Environmental Management

The following subprograms under this program ID are 100% federally funded. State funds, though, are also used, and sometimes in larger amounts.

Subprogram: Clean Air Branch

Federal

Mandate 1: Name: (1) Toxic Substances Control Act (TSCA) of 1986, PL 99-419, as amended. (2) Clean Air Act of 1970, PL 91-604, as amended.

Description: Grants are given under each Act to have the states administer each Act's federal regulations.

For the TSCA, the regulations, pertaining to asbestos and PCB control, are as follows: (a) 40 CFR Part 61, National emission standards for hazardous air pollutants; (b) 40 CFR Part 763, Asbestos; and (c) 40 CFR Part 761, Polychlorinated biphenyls (PCBs) manufacturing, processing, distribution in commerce, and use prohibitions.

For the Clean Air Act, the regulations are as follows: (a) 40 CFR §52.21, Prevention of significant deterioration (PSD) of air quality; (b) 40 CFR Part 60, Standards of performance for new stationary sources (NSPS); (c) 40 CFR Part 61, National emission standards for hazardous air pollutants (NESHAP); (d) 40 CFR Part 70, state operating permit programs; and (e) 40 CFR Part 63, National emission standards for hazardous air pollutants for source categories.

Sanctions for nonparticipation or noncompliance: Withholding of federal air grants and highway funds, which could cause a reduction in federally funded staff positions.

Federal oversight/funding agency: Environmental Protection Agency (independent executive branch agency)

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$915,169	\$915,169
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$886,003	\$885,503
special fund		\$1,800,000

The figure of \$1,800,000 represents the ceiling established for the Clean Air Special Fund.

Subprogram: Clean Water Branch

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal

Mandate: Name: Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), June 30, 1948, ch. 758, 62 Stat. 1155, as amended by the Clean Water Act of 1977, PL 95-217, Section 402(p).

Description: Delegates to the states the authority to issue permits for the National Pollutant Discharge Elimination System (NPDES). Grant assistance is provided. The State was delegated NPDES permitting authority in November 1974, for point sources of pollutants, and in August 1992, for storm water and construction-related discharges produced by industrial activities and municipal separate storm water systems. The State also issues water quality certifications pursuant to Section 401.

Sanctions for nonparticipation or noncompliance: Rescission, or decertification, of the State's NPDES authority. Enforcement and permitting authority would then need to be assumed by the Environmental Protection Agency. Federal funds would be withheld, causing a cutback to the State's federally funded staff positions. In addition, the secondary waivers for the Sand Island and Honouliuli wastewater treatment facilities, of the City and County of Honolulu, could be withdrawn, leaving the State with the task of upgrading those facilities at a cost of over \$200 million, exclusive of additional annual costs for operations and maintenance.

Federal oversight/funding agency: Environmental Protection Agency (independent executive branch agency)

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$322,042	\$322,042
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$930,359	\$1,074,176

Subprogram: Safe Drinking Water Branch

Federal

Mandate: Name: Safe Drinking Water Act of 1974, PL 93-523, as amended by the Safe Drinking Water Act Amendments of 1986, PL 99-339. 40 CFR Parts 35, state and local assistance, and 142, national primary drinking water regulations implementation.

Description: Requires each state to administer a program to ensure that the public water systems supply water that is fully acceptable under the drinking water standards known as "maximum contaminant levels" (mcls). Each state must evaluate and approve of new requirements pertaining to treatment techniques, groundwater protection, and lead abatement. Each state must also administer a state revolving fund for system improvements. Grants are provided.

Sanctions for nonparticipation or noncompliance: Relinquishment of primary authority to enforce a safe drinking water program capable of protecting the public health. Loss of the delegated authority would initiate both an unnecessary system upgrade, which could cost up to \$300 million, and a loss

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

of treatment flexibility. The Environmental Protection Agency, upon assuming enforcement powers, would not likely lend any technical assistance to the regulated community. Also, federal grant funding would be withheld, forcing a cutback to the State's federally funded staff positions.

Federal oversight/funding agency: Environmental Protection Agency
(independent executive branch agency)

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$682,783	\$682,783

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$802,296	\$799,796

Subprogram: Solid and Hazardous Waste Branch

Federal

Mandate: Name: (1) Resource Conservation and Recovery Act (RCRA) of 1976, PL 94-580, Subtitles C and I; and the Hazardous and Solid Waste Amendments of 1984, PL 98-616. (2) Superfund Amendments and Reauthorization Act (SARA) of 1986, PL 99-499, as amended.

Description: States are required to administer the following federal regulations under the Acts: (1) under Subtitle C of the RCRA, the hazardous waste management system regulations, 40 CFR Parts 260-266, 270, 271, and 279; (2) under Subtitle I of the RCRA, the underground storage tank program regulations, 40 CFR Parts 280 and 281, subtitles A through D, and G; and (3) under SARA, the regulations on leaking underground storage tanks, 40 CFR Parts 280 and 281, subtitles E, F, and G. Grants are provided.

Sanctions for nonparticipation or noncompliance: Loss of grant funding, and a reduction in federally funded staff positions. Delays could be sustained while obtaining a fully delegated program from the federal government. Management costs for solid waste facilities would rise.

Federal oversight/funding agency: Environmental Protection Agency
(independent executive branch agency)

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$540,682	\$540,682

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$689,025	\$663,806

Subprogram: Wastewater Branch

Federal

Mandate: Name: Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), June 30, 1948, ch. 758, 62 Stat. 1155, as amended by the Water Quality Act of 1987, PL 100-4, Title VI.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Description: Grants are given to each state to capitalize a revolving fund from which low interest loans can be made to the state's various counties, for the construction of wastewater treatment facilities. States must track loan repayments, approve planning documents, and design plans and specifications, etc.

Sanctions for nonparticipation or noncompliance: Reimbursement of federal funds, and a reduction in federally funded staff positions.

Federal oversight/funding agency: Environmental Protection Agency (independent executive branch agency)

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,146,963	\$1,146,963
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$455,474	\$455,274

Federal Funds Scheduled to be Reduced or Discontinued

None.

100% STATE FUNDED PROGRAMS

None.

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

LNR 402 Forests and Wildlife Resources

Federal
Mandate: Name: Endangered Species Act of 1973, PL 93-205, as amended; 16 USC §§1531-1543.

Description: Authorizes the Fish and Wildlife Service to enter into a cooperative agreement with any state which establishes and maintains an adequate and active program for the conservation of endangered species. Federal assistance is provided, some in the form of a grant-in-aid. Grant funds are made available through an annual competitive award process based on need and merit.

Sanctions for nonparticipation or noncompliance: Loss of \$550,000 in federal funds, for non-participation. Unless lost federal funds were replaced with state funds, cutbacks would occur in the endangered species conservation program, reducing the overall operating budget and staff. Such a reduction would likely clear the path toward the extinction of more and more endangered species in the State.

Federal oversight/funding agency: Department of the Interior, United States Fish and Wildlife Service

Matching requirements: 75% Federal, 25% State

Although no change is anticipated with the match requirement, federal funding amounts are expected to increase in the future. State expenditures typically amount to about 60% of the funding necessary to execute the program.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$697,000	\$787,000
Capital	\$0	\$0
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$609,000	\$656,000
Capital	\$60,000	\$25,000

Federal Funds Scheduled to be Reduced or Discontinued

AGR 846 Pesticides

Federal
Mandate: Name: Federal Insecticide, Fungicide, and Rodenticide Act, Oct. 21, 1972, PL 92-516, as amended; 7 USC §136. 40 CFR Parts 150-180.

Description: Federal-state agreements require states to license the distribution and use of pesticides, test the competency of restricted-use pesticide applicators, and educate and monitor pesticide distributors and applicators. The Act is intended to ensure the efficient and safe use of pesticides in order to minimize any adverse effects on the environment.

Sanctions for nonparticipation or noncompliance: Federal preemption of the State's powers of regulation. The State would have to relinquish its powers to set priorities, service constituents, and respond to complaints. In place of the State, the Environmental Protection Agency would be required to step in and carry out in Hawaii a federal pesticides program, initiating federal applicator certification and enforcement programs. On the whole, state implementation, of federal program activities, provides greater flexibility at meeting state needs.

Federal oversight/funding agency: Environmental Protection Agency (independent executive branch agency).

Matching requirements: 50% Federal, 50% State, for pesticide certification agreements. 85% Federal, 15% State, for pesticide enforcement agreements.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$263,010	\$500,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$685,796	\$726,341

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal funds scheduled to be reduced or discontinued: The level of federal funding is scheduled to be reduced in some areas. Groundwater program development funds have already been decreased from \$88,000 to \$50,000 per year.

PROGRAM AREA 04 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS**Operating Budget for Mandated Programs**

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal	3,763,157	5,678,555	3,607,639	3,607,639
100% State	0	0		
Match	1,294,796	1,382,341	960,010	1,287,000
<u>Total</u>	<u>5,057,953</u>	<u>7,060,896</u>	<u>4,567,649</u>	<u>4,894,639</u>

Federal funds for operating expenses are scheduled to be reduced or discontinued in one matching funds program (AGR 846 Pesticides), whose balance between state and federal funds during the past biennium was as follows:

	State	Federal
FY 1993-94	685,796	263,010
FY 1994-95	726,341	500,000

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	5,057,953	7,060,896
Federal funds(F)	4,567,649	4,894,639
<u>S + F</u>	<u>9,625,602</u>	<u>11,955,535</u>
Total 04 budget (T)	27,709,936	32,457,686
(S + F)/T x 100	34.74%	36.83%
S/(S + F) x 100	52.55%	59.06%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	0	0		
Match	60,000	25,000	0	0
<u>Total</u>	<u>60,000</u>	<u>25,000</u>	<u>0</u>	<u>0</u>

No federal funds for capital improvement projects are scheduled to be reduced or discontinued.

Capital Improvement Projects Funding Ratio

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	60,000	25,000
Federal funds(F)	0	0
<u>S + F</u>	<u>60,000</u>	<u>25,000</u>
S/(S + F) x 100	100.00%	100.00%

PROGRAM AREA 05: HEALTH

100% FEDERALLY FUNDED PROGRAMS

Federal Funds Not Scheduled to be Reduced or Discontinued

HTH 121 STD/AIDS Prevention Services

Federal

Mandate: Name: Three cooperative agreements with the federal government for STD prevention, HIV prevention, and AIDS surveillance and HIV seroprevalence. No specific federal law applies.

Description: Three grants, under the three cooperative agreements, support the State's efforts at STD prevention, HIV prevention, and AIDS surveillance and HIV seroprevalence. Specific activities funded include HIV/STD counseling and testing, HIV/STD education, and risk reduction.

Sanctions for nonparticipation or noncompliance: Loss of funding, and termination of currently funded prevention services.

Federal oversight/funding agency:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,206,116	\$2,206,116
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,890,493	\$5,890,493

State funds, then, are evidently needed in a fully federally funded program.

HTH 160 Nutrition

Subprogram: Special Supplemental Food Program for Women, Infants and Children (WIC Program)

Federal

Mandate: Name: Child Nutrition and WIC Reauthorization Act of 1989, PL 101-147.

Description: Offers states grants to administer programs created to improve prenatal and early childhood outcomes, through good nutrition and good health, and through nutrition education and healthy foods. Program beneficiaries are income-eligible women, pregnant, nursing, or early postpartum, and children of up to five years of age.

Sanctions for nonparticipation or noncompliance: None against the State. But monthly nutrition education and healthy foods for 25,500 individuals would be terminated. Fiscal year 1995 revenues to grocery vendors would be cut back about \$18 million; revenues to other vendors and employees, about \$5 million.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal oversight/funding agency: Department of Agriculture, Food and Nutrition Service.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$24,378,969	\$29,071,149

Federal funding in 1996 for food and administrative costs is expected to increase.

HTH 440 Alcohol & Drug Abuse/
HTH 495 Behavioral Health Services Administration

Federal
Mandate: Name: Public Health Service Act, July 1, 1944, ch. 373, 58 Stat. 682, as amended by the ADAMHA Reorganization Act, July 10, 1992, PL 102-321.

Description: Assists the states at supporting and implementing services and programs for the prevention, treatment and rehabilitation of alcohol and drug abuse.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,296,942	\$5,810,235

State funds are also expended, as a "maintenance of efforts."

Federal Funds Scheduled to be Reduced or Discontinued

None.

100% STATE FUNDED PROGRAMS

HTH 420 Adult Mental Health

Federal
Mandate: Name: United States v. Hawaii, Civil No. 91-00137 (DAE) (D. Hawaii Sept. 19, 1991) (settlement agreement and order, with the Department of Justice).

Description: Requires the State to ensure that conditions of confinement at the Hawaii State Hospital meet constitutional standards.

Sanctions for nonparticipation or noncompliance: Contempt order.

Federal oversight/funding agency: Department of Justice

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$18,292,741	\$18,761,669
Capital		\$110,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Pursuant to the settlement agreement, the Hawaii State Hospital is expected to expend excess, unbudgeted funds on nursing agencies, ranging from \$2.3 million to \$3.6 million, in fiscal year 1995.

Also, through a release of conditions, unbudgeted expenditures for the fire and life/safety stipulations in the agreement amounted to \$683,448 for fiscal year 1994.

HTH 540 School Health Services

Subprogram: School Health Services, Nursing

Federal
Mandate: Name: Education for All Handicapped Children Act of 1975, PL 94-142; reauthorized as the Individuals with Disabilities Education Act (IDEA), Oct. 30, 1990, PL 101-476, as amended. Rehabilitation Act of 1973, PL 93-112, Section 504, as amended.

Description: Requires states to provide handicapped children, three to twenty years of age, with access to a free and appropriate public education, consisting of special education and "related services", in the "least restrictive environment." Without special education there can be no related services, one of which is special needs nursing, for school health services.

Sanctions for nonparticipation or noncompliance: Exposure to litigation. Unsafe health care. Increased fragmentation.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$636,917	\$682,696

Subprogram: Occupational and Physical Therapy

Federal
Mandate: Name: Individuals with Disabilities Education Act (IDEA), Oct. 30, 1990, PL 101-476. Rehabilitation Act of 1973, PL 93-112, Section 504, as amended.

Description: Requires states to provide, in the educational setting, physical and occupational therapy and related services to students with special health needs, of ages three to twenty-one years.

Sanctions for nonparticipation or noncompliance: (A crossover.) The loss of \$95,600 in Maternal and Child Health block grant funds under Title V of the Social Security Act, to support two job positions. Exposure to litigation.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,343,486	\$2,343,486

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

The program is funded by the State almost entirely. The only federal funds received is the fixed grant of \$95,600 under Title V.

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

HTH 101 Tuberculosis/Hansen's Disease Control/
HTH 111 Hansen's Disease Institutional Services

Federal

Mandate: Name: Public Health Service Act, July 1, 1944, ch. 373, 58 Stat. 682, as amended by the Health Services Amendments of 1985, PL 99-117.

Description: Assists the states with the care and treatment of persons with Hansen's disease.

Sanctions for nonparticipation or noncompliance: Exposure to litigation, due to the unchecked spread of the disease.

Federal oversight/funding agency:

Matching requirements: None. Federal reimbursement funds are available for outpatient and institutional services, based on a formula derived from the operating costs per patient per patient day. For outpatient services, about 70% of the costs is reimbursed; for institutional services, about 76%.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
outpatient	\$585,971	\$585,971
institutional	\$3,100,000	\$3,100,000
<u>Sum</u>	<u>\$3,685,971</u>	<u>\$3,685,971</u>
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
outpatient	\$207,034	\$148,628
institutional	\$3,084,400	\$3,176,589
<u>Sum</u>	<u>\$3,291,434</u>	<u>\$3,325,217</u>

HTH 211 Hilo Hospital/
HTH 212 Honokaa Hospital/
HTH 213 Ka'u Hospital/
HTH 214 Kohala Hospital/
HTH 215 Kona Hospital/
HTH 221 Maui Memorial Hospital/
HTH 222 Hana Medical Center/
HTH 223 Kula Hospital/
HTH 224 Lanai Community Hospital/
HTH 231 Kauai Veterans Memorial Hospital/
HTH 232 Samuel Mahelona Memorial Hospital/
HTH 241 Maluhia Hospital/
HTH 242 Leahi Hospital

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Subprogram: Division of Community Hospitals

Federal

Mandate: Name: Social Security Act, Title XVIII, Medicare, and Title XIX, Medicaid.

Description: Requires community hospitals that voluntarily participate in the Medicare and Medicaid programs to follow federal program rules and regulations.

Other federal mandates also govern the hospitals. They involve monitoring, screening, preparing annual reports, maintenance, and modifying hospital policies. Most of the costs are for personnel training, report preparation, and reviews of charts.

Sanctions for nonparticipation or noncompliance: Reduction in revenues from Medicare/Medicaid sources, for noncompliance with rules and regulations.

Federal oversight/funding agency:

Matching requirements: None indicated. Making up over 40% of all the revenues of the community hospitals are the federal cost reimbursements under Medicare and Medicaid for patient care services.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
Medicare	\$522,689	\$141,102
Medicaid	\$1,070,906	\$2,166,687
<u>Total</u>	<u>\$1,593,595</u>	<u>\$2,307,789</u>

For fiscal year 1993-94 the reimbursement cost figures are the actual costs; for fiscal year 1994-95, they are estimates.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$20,342,415	\$22,468,569

The state funding amounts were estimated as ten per cent of the community hospitals' total operating expenditures for fiscal year 1993-94, and as ten per cent of their total budgets for fiscal year 1994-95.

HTH 720 Medical Facilities--Standards, Inspection, Licensing

Subprogram: Medicare Section

Federal

Mandate: Name: Social Security Act, Sections 1864, 1874, and related sections, as amended.

Description: Requires states to follow federal standards when conducting on-site surveys of medical facilities and when certifying whether health care providers and suppliers may be reimbursed through Medicare (Title XVIII) or Medicaid (Title XIX). Providers and suppliers include hospitals, nursing facilities, ICF/MR facilities, home health agencies, outpatient physical

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

therapists, CORF, hospices, laboratories, end-stage renal disease units, rural health clinics, ambulatory surgical centers, and physical therapists in independent practice.

Sanctions for nonparticipation or noncompliance: None against the State. But health care providers and suppliers would not be reimbursed, if they lacked state certification.

Federal oversight/funding agency: Department of Health and Human Services, Health Care Financing Administration.

Matching requirements: 80% Federal, 20% State. More of a consequence than a condition. The federal funds are all used for the training costs of federal certification activities only. State funds are supplemental, used for state licensing activities and converting what would otherwise be part-time federally funded positions into full-time ones both federally and state funded.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,382,920	\$1,382,920
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$92,562	\$83,285

HTH 907 General Administration

Federal
Mandate: Name: Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, PL 103-230.

Description: States that establish and maintain state developmental disabilities councils are given assistance at promoting the development of a consumer and family-centered comprehensive system of services for individuals with developmental disabilities.

Sanctions for nonparticipation or noncompliance: Loss of about \$420,000 in federal funds; termination of jobs; and discontinuation of the analysis of programs and model projects.

Federal oversight/funding agency:

Matching requirements: 75% Federal, 25% State. Thirty-five percent of the state match must be in-kind. Annual federal funding under the Act continues to increase.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$450,000	\$450,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$159,618	\$159,618

HTH 530 Family Health Services

Subprogram: Children with Special Health Needs Branch--medical services

Federal

Mandate: Name: Social Security Act, Title V, Maternal and Child Health Block Grant.

Description: Assists the states at developing comprehensive family-centered, community-based systems of services for children with special health needs.

Sanctions for nonparticipation or noncompliance: Loss of the Maternal and Child Health block grants. Loss of interstate networking.

Federal oversight/funding agency:

Matching requirements: 25% Federal, 75% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$638,493	\$676,175

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,466,890	\$2,227,218

Subprogram: Children with Special Health Needs Branch--(1) zero-to-three services section; and (2) infant and toddler services section

Federal

Mandate: Name: Individuals with Disabilities Education Act Amendments of 1991, PL 102-119, Part H.

Description:

- (1) Assists the states at developing statewide early intervention systems for infants and toddlers with developmental delays.
- (2) Requires each state to provide, as a component of the statewide early intervention system, early intervention services for infants and toddlers with developmental delays, zero to three years of age. These component services, though, are fully state funded.

Sanctions for nonparticipation or noncompliance: Loss of Part H funds.

Federal oversight/funding agency:

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
(1)	\$1,500,000	\$1,500,000
(2)	\$0	\$0
Sum	\$1,500,000	\$1,500,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
(1)	\$633,373	\$869,485
(2)	\$2,093,429	\$2,092,349
Sum	\$2,726,802	\$2,961,834

Federal Funds Scheduled to be Reduced or Discontinued

HTH 530 Family Health Services

Subprogram: Perinatal Health Services

Federal
Mandate: Name: Social Security Act, Title V, Maternal and Child Health Block Grant.

Description: Assists the states at developing, administering, and coordinating programs and services to meet the preventive and primary care needs of women, infants, children, and families.

Sanctions for nonparticipation or noncompliance: Loss of funding.

Federal oversight/funding agency:

Matching requirements: 25% Federal, 75% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$716,915	\$621,985

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	not available	

Federal funds scheduled to be reduced or discontinued: The allotments under Title V were reduced.

Subprogram: Healthy Start

Federal
Mandate: Name: Social Security Act, Title XIX, Medicaid.

Description: Assists the states at providing family support services for the prevention of child abuse and neglect.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency:

Matching requirements: 50% Federal, 50% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$288,424	\$0

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

<u>State funds:</u>	<u>FY 1993-9</u>	<u>FY 1994-95</u>
Operating	\$288,424	\$0

The \$288,424 in federal funds for fiscal year 1993-94 is what the State expects as reimbursement for the total \$576,848 the State paid out in Medicaid benefits for the period April 1993 to July 1994.

Federal funds scheduled to be reduced or discontinued: With the implementation of Health Quest in August 1994, the State can no longer claim reimbursement under Title XIX for targeted case managements.

PROGRAM AREA 05 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS**Operating Budget for Mandated Programs**

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal	5,890,493	5,890,493	31,882,027	37,087,500
100% State	21,273,144	21,787,851		
Match	29,368,145	31,225,741	10,256,318	10,624,840
<u>Total</u>	<u>56,531,782</u>	<u>58,904,085</u>	<u>42,138,345</u>	<u>47,712,340</u>

Federal funds for operating expenditures are scheduled to be reduced or discontinued in two matching funds program (HTH 530 Family Health Services: Perinatal Health Services; and Healthy Start), whose balance between state and federal funds during the past biennium was as follows:

	State	Federal
FY 1993-94	288,424	1,005,339
FY 1994-95	0	621,985

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	56,531,782	58,904,085
Federal funds(F)	42,138,345	47,712,340
<u>S + F</u>	<u>98,670,127</u>	<u>106,616,425</u>
Total 05 budget (T)	483,008,393	515,124,080
(S + F)/T x 100	20.43%	20.70%
S/(S + F) x 100	57.29%	55.25%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	0	110,000		
Match	0	0	0	0
<u>Total</u>	<u>0</u>	<u>110,000</u>	<u>0</u>	<u>0</u>

No federal funds for capital improvement projects were allocated during the past biennium.

Capital Improvement Projects Funding Ratio

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	0	110,000
Federal funds(F)	0	0
<u>S + F</u>	<u>0</u>	<u>110,000</u>
S/(S + F) x 100	--	100.00%

PROGRAM AREA 06: SOCIAL SERVICES

100% FEDERALLY FUNDED PROGRAMS

Federal Funds Not Scheduled to be Reduced or Discontinued

HMS 301 Child Welfare Services

Subprogram 1: Children's Justice Act Grant

Federal

Mandate: Name: (1) Child Abuse Prevention and Treatment Act, Jan. 31, 1974, PL 93-247, Section 109(a)-(f), as amended; 42 USC §5101 et seq. (2) Victims of Crime Act of 1984, PL 98-473, as amended; 42 USC §10601 et seq.

Description: Grant-in-aid conditions and requirements. The grant requires the state to establish a statewide task force that develops a three-year plan aimed at improving the following: the manner in which child abuse and neglect cases are dealt with, so as to minimize the trauma to the child victim; the handling of child abuse and neglect-related fatalities; and the investigation and prosecution of child abuse and neglect cases. Grant funds should also be used to implement the task force recommendations.

Sanctions for nonparticipation or noncompliance: Loss of grant funds, about \$148,816 per fiscal biennium, to support local and statewide planning efforts at improving the State's services for victims of child abuse and neglect. Services lost would include developing statewide medical, legal, and investigative protocols for child abuse and neglect cases; assembling child fatality review teams; implementing statewide training programs for professionals in the area of child abuse and neglect; monitoring a juvenile offender pilot project; and establishing a statewide legislative review committee to advocate improved investigative, administrative, and judicial handling of cases.

Federal oversight/funding agency:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$74,908	\$74,908

Subprogram 2: State Child Abuse and Neglect Grant (The Basic State Grant)

Federal

Mandate: Name: Child Abuse Prevention and Treatment Act, Jan. 31, 1974, PL 93-247, Sections 107(a), (b), (c), and (g), as amended; 42 USC §5101 et seq. 45 CFR Part 1340.

Description: Grant-in-aid conditions and requirements. The grant requires states to do the following: (1) enact a child abuse and neglect (CAN) law, with provisions for CAN reports and immunity for the reporter; (2) investigate CAN reports and offer protection to child victims; (3) maintain trained staff, administrative and training procedures, programs, services, and facilities to deal effectively with CAN cases; (4) provide for confidentiality and disclosure of records; (5) ensure that child victims are represented by a guardian ad litem in

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

judicial proceedings; (6) extend a base level of support to programs or projects related to CAN; (7) adopt and implement procedures for responding to medical neglect; and (8) submit a state plan every four years on improvements to the State's CAN system and services.

Sanctions for nonparticipation or noncompliance: Loss of about \$120,000 in annual grant funds. Services lost could include improving the CPS system in areas such as intake, investigation, case management, multidisciplinary teams, automation systems, prevention, treatment, and research.

(A crossover.) Failure to comply with the grant requirements could render the State ineligible for Title IVB match funding under the Adoption Assistance and Child Welfare Act of 1980.

Federal oversight/funding agency:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$118,767	\$121,295

The federal funding formula is based upon the number of children in the State under the age of eighteen.

HMS 206 Other Federal Assistance Payments

Subprogram: Food Stamp Program

Federal

Mandate: Name: Food Stamp Act of 1977, PL 95-113, as amended; 7 USC §§2011-2031.

Description: Through an agreement between the State and the Department of Agriculture, the State opts to operate and administer a food stamp program in accordance with the Act, its regulations, and the state plan of operations approved by the Food and Nutrition Service.

Furthermore, PL 99-198, added Dec. 23, 1985, prohibits states from participation in the program if state or local taxes are collected, effective October 1, 1986, on food purchased with food stamps.

Locally, the Food Stamp Act is intended to benefit households with a gross income of less than 130% of the federal poverty level for Hawaii, or with a net income of less than 100% of the federal poverty level.

Sanctions for nonparticipation or noncompliance: Loss of federal funding, for choosing not to participate. Reimbursement of any misspent federal funds, for noncompliance with any program requirements.

Federal oversight/funding agency: Department of Agriculture, Food and Nutrition Service.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$147,149,411	> \$156,000,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

These figures represent the value of Food Stamp benefits issued by the State during the biennium: an actual value, for the first year; an anticipated one, for the second.

However, no figures actually appear in the state budget as the amounts of federal funds received by the State for distribution as Food Stamp coupons. That is, the value of the coupons does not appear in the budget.

Funds for food stamp coupons have increased annually each October, based on increases in the federal poverty levels for Hawaii.

The State's administrative costs for the program are incorporated in HMS 236 and HMS 903. Federal funds for administration, unlike for coupons, have been reduced.

HMS 238 Disability Determination

Federal
Mandate: Name: Social Security Act, Title XVI.

Description: States must process applications and render eligibility determinations for Social Security Disability Insurance and Supplemental Insurance benefits.

Sanctions for nonparticipation or noncompliance: Loss of funds, for failure to comply with program standards.

Federal oversight/funding agency:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,831,510	\$2,831,510

Federal Funds Scheduled to be Reduced or Discontinued

HMS 206 Other Federal Assistance Payments

Subprogram: Low Income Home Energy Assistance Program (LIHEAP)

Federal
Mandate: Name: Low Income Home Energy Assistance Act of 1981, PL 97-35, Title XXVI, as amended by PL 98-558, Title VI, Oct. 30, 1984; PL 99-425, Title V, Sept. 30, 1986; PL 101-501, Title VII, Nov. 3, 1990. 42 USC §8621 et. seq.

Description: An agreement between the State and the federal government calls for the submittal and federal approval of a state plan to assist low income households with the high cost of energy consumption (for electricity and gas). Low income households are those with gross incomes less than 150% of the federal poverty level for Hawaii, that are indebted to pay for electricity and gas consumption.

Sanctions for nonparticipation or noncompliance: Loss of federal funding, for choosing not to participate. Reimbursement of any misspent funds, for noncompliance with any program requirements.

Federal oversight/funding agency: Department of Health and Human Services, Administration for Children and Families

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,527,801	\$1,393,844

These figures represent the grant amounts. They also represent the total costs of the program.

Federal funds scheduled to be reduced or discontinued: The low-income home energy assistance program funds require reauthorization by Congress and remain in constant jeopardy of being reduced or terminated. Warm weather states like Hawaii, whose households are generally not heavily dependent on heating and cooling costs, tend to receive minimal funding.

100% STATE FUNDED PROGRAMS

HMS 202 Payments to Assist the Aged, Blind, & Disabled

Federal
Mandate: Name: Social Security Act, Title XVI, Sections 1611-1635 (earliest sections added Oct. 30, 1972, PL 92-603); 42 USC §§1381-1383d.

Description: States that make supplementary security income payments on or after June 30, 1977 must enter into an agreement with the Secretary of Health and Human Services to maintain such payments at required levels. PL 98-21, added Apr. 20, 1983, requires the State to maintain supplementary payments at the March 1983 adjusted level. For states that opt to continue utilizing the services of the Social Security Administration for administering state supplementary security income benefits, PL 103-66, added Aug. 10, 1993, imposes processing fees of \$1.67 per monthly payment in FY 1994; \$3.33, in FY 1995; and \$5.00 thereafter.

Supplementary security income benefits are for individuals who have attained age 65 years, are blind, or are disabled.

Sanctions for nonparticipation or noncompliance: (A crossover.) Fiscal sanctions against the Title XIX Medicaid program, for failure to maintain the Supplemental Security Income (SSI) State supplement at the March 1983 level. Sanction amounts are based upon Medicaid's total federal funding.

Federal oversight/funding agency: Department of Health and Human Services, Social Security Administration

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$17,877,142	\$19,222,972

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Fiscal year 1993-94 state funds of \$18,627,996, appropriated in Act 289, Session Laws of Hawaii 1993, were decreased by \$750,854 in Act 2, Session Laws of Hawaii 1994.

The fiscal year 1993-94 figure also includes the SSI state payment of \$11,297,400. The rate of payment for those in adult residential care homes was legislatively established above the federally mandated minimum rate. The figure also includes the SSI processing fee of \$331,261.

The fiscal year 1994-95 figure includes the SSI state payment of \$11,945,212 and the SSI processing fee of \$564,892.

HMS 904? General Administration (DSSH)

Federal

Mandate 1: Name: 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity; Policies and Procedures.

Description: Department of Justice rules and regulations require states to conduct post-approval compliance reviews of all federally-assisted programs. States must act to protect civil rights and ensure that federally-funded state services are provided in a non-discriminatory manner.

Sanctions for nonparticipation or noncompliance: Citation, from the federal agencies, for noncompliance. Termination of federal funds, for continued noncompliance.

Federal oversight/funding agency: Department of Justice

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$7,718	\$7,718

Federal

Mandate 2: Name: Civil Rights Act of 1964, PL 88-352, Title VI, as amended. Food and Nutrition Service Instruction 113-7.

Description: States that participate in the Food Stamp program must provide the food stamps in a nondiscriminatory manner. States must conduct compliance reviews at the various food stamp offices to ensure that the program is being properly administered.

Sanctions for nonparticipation or noncompliance: Citations, from the federal agencies, for noncompliance. Termination of federal funds, for continued noncompliance.

Federal oversight/funding agency: Department of Agriculture, Food and Nutrition Service.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$6,785	\$6,785

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal

Mandate 3: Name: Executive Order No. 11246, Equal Opportunity in Federal Employment, Sept. 24, 1965, 30 FR 12319, as amended; 42 USC §2000e note.

Description: State agencies with federal government contracts must develop and implement an annual affirmative action plan; equal employment opportunities must be extended to minorities and women in the available work force.

Sanctions for nonparticipation or noncompliance: Citation, from the federal agencies, for noncompliance. Termination of federal funds, for continued noncompliance.

Federal oversight/funding agency: Department of Labor, Office of Federal Contract Compliance Programs.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$3,373	\$3,373

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

HMS 301 Child Welfare Services/
HMS 303 Child Foster Care Services/
HMS 601 Community Long Term Care Services

Subprogram: Title XX Social Services Block Grant

Federal

Mandate: Name: Social Security Act, Title XX, as added by the Social Services Block Grant Act, Aug. 13, 1981, PL 97-35, as amended; 42 USC §1397.

Description: Grant-in-aid conditions and requirements. The Social Services block grant funds are intended to be used for the following: (1) assist low-income and other vulnerable persons at achieving self-support, self-sufficiency, and protection against abuse or neglect; (2) prevent those persons from being institutionalized; but (3) provide them with appropriate institutional care when needed.

Sanctions for nonparticipation or noncompliance: Loss of funds. Staff and services for eligible children and adults would be reduced. For HMS 601, the reduction would affect staff salaries for the licensing of foster care homes.

Federal oversight/funding agency: Department of Health and Human Services

Matching requirements: None used.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
HMS 301	\$7,184,418	\$7,277,670
HMS 303	\$260,249	\$260,249

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

<u>HMS 601</u>	<u>\$3,306,117</u>	<u>\$3,306,120</u>
Total	\$10,750,784	\$10,844,039

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

There was no match in state funds.

HMS 301 Child Welfare Services/
HMS 303 Child Foster Care Services

Subprogram: Title IVE Foster Care Maintenance Payments and Adoption Assistance

Federal
Mandate:

Name: (1) Adoption Assistance and Child Welfare Act of 1980, PL 96-272, Title IVE; 42 USC §670 et seq., 94 Stat. 501, §620 et seq., 94 Stat. 516 et seq. (2) Social Security Act, Section 1102, as amended; 42 USC §1302.

Description: Grant-in-aid conditions and requirements. Title IVE makes federal funds available to the states for child foster care. The funds are intended to be used to benefit children who are AFDC eligible, judicially determined to be in need of foster care, in receipt of services rendered to prevent placement, in the custody of the department of human services, placed in licensed foster homes, and given case plans and periodic reviews.

Sanctions for nonparticipation or noncompliance: (A crossover.) Possible loss of grant funds under Title IVA, Aid to Families with Dependent Children (AFDC). Federal approval of the Title IVA state plan is contingent upon the state's participation in the Title IVE grant program, or its compliance with program requirements. Consequently, a loss of funds would reduce staff and services for families otherwise eligible for AFDC benefits.

Federal oversight/funding agency: Department of Health and Human Services

Matching formula: (1) For foster care--35% Federal, 65% State. But varies. (2) For adoption--18% Federal, 82% State. But varies.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$7,600,000	\$8,400,000 (estimated)

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$3,100,000	\$3,300,000 (estimated)

The state funds for fiscal year 1994 were returned to the state general funds and are not available to the program.

HMS 301 Child Welfare Services

Subprogram: Title IVB, Section 427, Incentive Funds

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Federal

Mandate:

Name: (1) Adoption Assistance and Child Welfare Act of 1980, PL 96-272, Title IVB, Section 427; 42 USC §670 et seq., 94 Stat. 501, §620 et seq., 94 Stat. 516 et seq. (2) Social Security Act, Section 1102, as amended; 42 USC §1302.

Description: Grant-in-aid conditions and requirements. Incentive funds are provided under Title IVB, Section 427, to states which meet additional requirements aimed at preventing the placement of children, returning them expeditiously to their own homes, or placing them for adoption or permanent out-of-home care. The following must be established and maintained: an inventory of all children in out-of-home care; a statewide system to track children in out-of-home care; a case review system, including one for the judicial review of the child's status; a case plan for the child, including an Independent Living Program transition plan for youths aged sixteen and older; and placement and reunification services. After the funds are released, periodic federal compliance reviews are conducted.

The requirements pertaining to these incentive funds have been enacted into state law.

Sanctions for nonparticipation or noncompliance: Loss of \$500,000 in Title IVB incentive funds.

Federal oversight/funding agency: Department of Health and Human Services.

Matching formula: 75% Federal, 25% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$462,723	\$462,723
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$115,681	\$115,681

Subprogram: Family Violence Prevention and Services

Federal

Mandate:

Name: Family Violence Prevention and Services Act, Oct. 9, 1984, PL 98-457, Title III; 42 USC §10401 et seq.; as reauthorized and amended by the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, PL 102-295, Title III.

Description: Grant-in-aid conditions and requirements. Seventy percent of the grant funds must be used toward providing shelter and safe homes to victims of family violence and their dependents. Twenty-five percent must be used toward preventing further family violence, through the offering of community education. Five percent may be used for administration.

Sanctions for nonparticipation or noncompliance: Loss of funds. 108 fewer families would be served by the shelters, a drop of 6.5% of the total number of families currently served.

Federal oversight/funding agency:

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Matching requirements:

1st year: 20% Federal, 55% State, 25% private
 2nd year: 35% Federal, 40% State, 25% private
 3rd year + : 50% Federal, 25% State, 25% private

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$169,785	\$189,471
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

There was no match in state funds.

HMS 302 Child Day Care Services

Subprogram: Transitional Child Care

Federal

Mandate: Name: (1) Family Support Act of 1988, PL 100-485. (2) Social Security Act, Sections 402, 403, and 1102, as amended. 45 CFR §256 and §233.20(a)(11).

Description: Requires the state Title IVA agency to guarantee child assistance to families that are no longer eligible for assistance under the Aid to Families with Dependent Children program, since their work hours or earnings from their employment have increased, or because of a loss of income disregard due to expired time limits.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Health and Human Services, Administration for Children and Families

Matching requirements: 50% Federal, 50% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$67,034	\$90,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$67,034	\$90,000

HMS 303 Child Foster Care Services

Subprogram: Federal Independent Living Program

Federal

Mandate: Name: Social Security Act, Apr. 7, 1986, PL 99-272, Title IVE, Sections 472, 474, 475, and 477, as amended by the Omnibus Budget Reconciliation Act of 1993, PL 103-66.

Description: Grant-in-aid conditions and requirements. The grant supports states' efforts at assisting youths, aged 16 and older, presently or formerly in foster care, in making a successful transition to adult independent living. The

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grant requires in part that youths in foster care be given a written independent living transitional plan that describes the programs and services developed to assist them in making the transition out of foster care. The plan must be included in the youth's case plan.

Sanctions for nonparticipation or noncompliance: Reimbursement of Independent Living grant funds, if an audit shows that independent living transitional plans were not given to the youths and included in their case plans.

(A crossover.) Failure to apply for the nonmatching, base funds jeopardizes grant funding under Title IVB, Adoption Assistance and Child Welfare Act of 1980. Both the basic grant and the incentive funds would be impacted.

Federal oversight/funding agency: Department of Health and Human Services

Matching requirements: None for the basic grant. 50% Federal, 50% State, for additional federal funds.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$21,507	\$20,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$6,300	\$6,300

Subprogram: Child Welfare Services

Federal

Mandate:

Name: (1) Adoption Assistance and Child Welfare Act of 1980, PL 96-272, Title IVB; 42 USC §670 et seq., 94 Stat. 501, §620 et seq., 94 Stat. 516 et seq. (2) Social Security Act, Section 1102, as amended; 42 USC §1302.

Description: Grant-in-aid conditions and requirements. A basic grant under Title IVB for child welfare services is made available to a state, once the Title IVB state plan is approved. The state must deliver services, based upon need, not upon financial condition, or length of residency in the state.

Sanctions for nonparticipation or noncompliance: The loss of \$1.2 million, in basic grant funds; the additional loss of \$500,000, in incentive funds. The incentive funds are handled through HMS 301.

Federal oversight/funding agency: Department of Health and Human Services

Matching requirements: 75% Federal, 25% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$741,000	\$741,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$185,250	\$185,250

HMS 601

Community Long Term Care Services

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Subprogram: Foster Grandparent Program

Federal

Mandate: Name: National and Community Service Trust Act of 1993, PL 103-82. The Senior Service Corps, formerly under the Domestic Volunteer Service Act of 1973, PL 93-113, as amended.

Description: Grant-in-aid conditions and requirements. The dual purpose of the foster grandparent program is to provide daily part-time stipended community service opportunities for low-income seniors aged 60 and older, and to provide supportive person-to-person services to children under age 21 who have disabilities and other exceptional and special needs.

Sanctions for nonparticipation or noncompliance: Termination of stipended work for approximately 115 low-income seniors, and of services for approximately 500 special needs children.

Federal oversight/funding agency: Corporation for National and Community Service

Matching requirements: 90% Federal, 10% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$254,470	\$275,498
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$273,770	\$273,685

Subprogram: Senior Companion Program

Federal

Mandate: Name: National and Community Service Trust Act of 1993, PL 103-82. The Senior Service Corps, formerly under the Domestic Volunteer Service Act of 1973, PL 93-113, as amended.

Description: Grant-in-aid conditions and requirements. The dual purpose of the Senior Companion program is to create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over, and to offer supportive person-to-person services to the homebound, frail elderly so that premature institutionalization may be prevented.

Sanctions for nonparticipation or noncompliance: Termination of stipended work for approximately 100 low-income seniors, and of services to approximately 336 homebound elders.

Federal oversight/funding agency: Corporation for National and Community Service

Matching requirements: 90% Federal, 10% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$305,087	\$236,786

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<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$211,807	\$187,008

Subprogram: Respite Companion Program

Federal

Mandate: Name: 20 CFR Part 641, and 29 CFR Part 89, Senior Community Service Employment Program (SCSEP), 41 FR 9066, March 2, 1976.

Description: Grant-in-aid conditions and requirements. The SCSEP is an employment and training program for low-income elderly persons who are 55 years or older and physically able to work a maximum of 19 hours per week. Respite companions provide relief to family caregivers so that disabled family members may continue to be cared for at home, and not be prematurely institutionalized.

Sanctions for nonparticipation or noncompliance: Termination of employment training for approximately 36 low-income seniors, and of services for approximately 117 homebound elders.

Federal oversight/funding agency: Department of Labor

Matching requirements: 90% Federal, 10% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$207,454	\$215,295

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$49,806	\$61,365

HMS 501 Youth Services Administration

Federal

Mandate: Name: Juvenile Justice and Delinquency Prevention Act of 1974, PL 93-415, as amended; 42 USC §5601 et seq. Title II formula grant program.

Description: Grant-in-aid conditions and requirements. Under Title II of the Act, states (and local governments) may receive formula grant funds for assistance in planning, establishing, operating, coordinating, and evaluating projects set up in preparation to develop treatment and rehabilitation programs addressing juvenile delinquency and juvenile justice. At issue are juveniles in custody, including non-offenders, status offenders, and other offenders.

States must do the following: (1) submit a three-year plan for carrying out the four mandates of the Act; (2) amend the plan annually to include new programs; and (3) submit annual performance reports to the Administrator, of the Office of Juvenile Justice and Delinquency Prevention.

The four mandates in the Act, found at Section 223(a), are as follows:

- (1) Section 223(a)(12)(A), Deinstitutionalization of Status Offenders. Prohibits states from placing a juvenile into a secure detention or

correctional facility if the juvenile is charged with or has committed any offense that would not constitute either a criminal offense if committed by an adult or a violation of a valid court order, or if the juvenile is a non-offender.

- (2) Section 223(a)(13), Sight and Sound Separation of Juveniles and Adults in Jails and Lockups. Prohibits states from confining a juvenile in any institution where sight and sound contact can be made with an adult incarcerated while awaiting a criminal trial or after being convicted.
- (3) Section 223(a)(14), Jail and Lockup Removal. Prohibits states from securely detaining or confining in an adult jail and lockup any juvenile, including a status offender charged with, or tried for, violating a valid court order.
- (4) Section 223(a)(23), Disproportionate Minority Confinement. Requires states to reduce the proportion of those juveniles detained or confined in secure detention facilities, secure correctional facilities, and jails and lockups, that are members of a minority group, if their proportion to others in the facility exceeds the proportion of the minority group to the general population.

Sanctions for nonparticipation or noncompliance: (1) Loss of the annual \$600,000 under the Title II formula grant allocation; (2) jeopardizing of any eligibility for programs under the Act; and (3) exposure to civil liability, since state and federal statutes would be violated.

Federal oversight/funding agency: Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Matching requirements: 100% match against the budget allocation for planning and administration. Not more than 10% of the total federal annual allotment to the State shall be available for planning and administration.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$688,876	\$683,600
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

DEF 112

Service to Veterans

Federal
Mandate:

Name: 38 USC ch. 24, National Cemeteries and Memorials, §2408.

Description: Provides aid to the states for establishing, expanding, and improving veterans cemeteries.

The State needs the federal funds available under Title 38 to develop alternative burial sites for resident veterans, because of the burial limitations at Punchbowl.

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Sanctions for nonparticipation or noncompliance: Loss of funds, for noncompliance.

Federal oversight/funding agency: Department of Veterans Affairs.

Matching requirements: The federal government may grant up to 50% of the total value for land acquisition, improvements, or development.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$1,960,000	\$0

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$1,500,000	\$0

<u>County funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$460,000	\$0

HMS 201 Payments to Assist Families with Dependent Children

Federal
Mandate: Name: Social Security Act, August 14, 1935, Title IV, Part A, Sections 402-416, 49 Stat. 620, ch. 531, as amended; 42 USC §§601-616.

Description: Requires a state to obtain federal approval of a Title IVA state plan before it can participate in the Aid to Families with Dependent Children (AFDC) program.

The State uses AFDC funds to provide financial assistance to families whose dependent children are deprived of parental support and care due to the death, absence, incapacity, or unemployment of one or both parents, and whose gross income is less than 185% of the federal poverty level for Hawaii, or whose net income is less than 100% of the federal poverty level for Hawaii.

Parents, or the relatives that the dependent child lives with, are thereby encouraged to continue their child care efforts, strengthen their family life, and strive for maximum self-support and personal independence.

Sanctions for nonparticipation or noncompliance: Total loss of AFDC federal funds, for failure to implement the Title IVA state plan. Partial loss of funds, based on the quality control error rate and federal management/fiscal audit findings, for noncompliance with a particular program requirement.

Federal oversight/funding agency: Department of Health and Human Services, Administration for Children and Families

Matching requirements: 50% Federal, 50% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$74,448,296	\$79,005,086

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$75,256,895	\$79,005,086

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Fiscal year 1993-94 state funds of \$67,244,628, appropriated in Act 289, Session Laws of Hawaii 1993, were supplemented \$8,282,267 in Act 2, Session Laws of Hawaii 1994.

HMS 230 Health Care Payments/
HMS 902 General Support for Health Care Payments

Federal
Mandate: Name: Social Security Act, Title XIX, as added July 30, 1965, PL 89-97, as amended.

Description: Title XIX creates the Medicaid program as a cooperative venture between the federal government and the states to assist the states at providing better medical assistance to eligible needy persons (those with low incomes and resources). States are required to provide Medicaid coverage to both recipients of federal and/or state assistance payments and non-recipient, related groups.

HMS 230 covers payments for providers. HMS 902 covers administrative costs.

Sanctions for nonparticipation or noncompliance: Loss of federal funds, of about \$500,000 per year, for discontinuing Medicaid. No other sanctions.

Federal oversight/funding agency: Department of Health and Human Services, Health Care Financing Administration.

Matching formula: 50% Federal, 50% State, generally.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
HMS 230	\$192,460,937	\$266,194,941
HMS 902	\$2,586,366	\$9,002,754
Total	\$195,047,303	\$275,197,695
 <u>State funds:</u>	 <u>FY 1993-94</u>	 <u>FY 1994-95</u>
Operating		
HMS 230	\$229,712,872	\$263,998,399
HMS 902	\$2,236,201	\$9,123,032
Total	\$231,949,073	\$273,121,431

HMS 701 JOBS Program

Federal
Mandate: Name: Family Support Act of 1988, PL 100-485, Title II. (Social Security Act, Title IV-F.)

Description: State IV-A agencies must initiate a Job Opportunities and Basic Skills (JOBS) program, under a plan approved by the Secretary of Health and Human Services, no later than October 1, 1990; in the alternative, states must make the program available in each subdivision of the State, where feasible, by October 1, 1992.

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Title II of the Act establishes the JOBS program under Title IV-F of the Social Security Act. JOBS was established to ensure that needy families with children obtain the kind of education, training, and employment that makes it possible for those families to avoid long-term welfare dependence. As a supplement to these employment, education, and training activities, Title III of the Family Support Act also authorizes child care and other services.

Sanctions for nonparticipation or noncompliance: (A crossover.) Failure to institute a JOBS program could disqualify the State from participating in the Aid to Families with Dependent Children (AFDC) grant program. Also, failure to comply with the required participation rates of the JOBS program could cause the program's federal matching rates to be reduced.

Federal oversight/funding agency: Department of Health and Human Services

Matching formula: 50% Federal, 50% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,317,532	\$5,317,562

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$8,743,904	\$8,326,047

HMS 702 Food Stamp Employment & Training

Federal
Mandate:

Name: Food Security Act of 1985, PL 99-198, as amended.

Description: Requires states to implement, no later than April 7, 1987, an employment and training program for food stamp recipients developed by the state and approved by the Secretary of Agriculture. Through the program able-bodied recipients are encouraged to become involved in meaningful work-related activities such as would lead them to paid employment and lessen their dependency on assistance programs.

Sanctions for nonparticipation or noncompliance: Loss of funds, for failure to implement the employment and training program. See 7 CFR Part 276.

Federal oversight/funding agency: Department of Agriculture, Food and Nutrition Service.

Matching formula: 50% Federal, 50% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$755,630	\$755,630

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$756,549	\$745,201

GOV 602 Planning, Program Development and Coordination of Services for Elderly

Office: Executive Office on Aging

Federal
Mandate:

Name: Older Americans Act of 1965, PL 89-73, Titles I, II, III, and VII, as amended; 42 USC §§3001-3030r, 3058-3058ee. 45 CFR Part 1321.

Description: Grant-in-aid conditions and requirements. Requires the development and administration of a state plan on aging that is based on local area plans on aging for a two, three, or four year period; is subject to approval by the United States Department of Health and Human Services, Administration on Aging; and encompasses assurances of compliance with all provisions applicable to the designated state agency on aging.

The states must develop and implement a comprehensive and coordinated system of services for older individuals (aged sixty years and over) in order to do the following:

- (1) Secure and maintain maximum independence and dignity in a home environment for older individuals capable of self-care, augmented with appropriate supportive services;
- (2) Remove individual and social barriers to the economic and personal independence of older individuals;
- (3) Provide a continuum of care for vulnerable older individuals; and
- (4) Secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

Priority for services must be given to those older individuals with the greatest economic and social needs, particularly, low-income minority individuals.

Sanctions for nonparticipation or noncompliance: Withholding of funds. Older individuals throughout the State have come to rely heavily on the services provided by the grant program. Services provided include, but are not limited to: Access Services, such as transportation, outreach, case management, and information and assistance; In-Home Services, such as chore/housekeeping, personal care, Alzheimer's support, shopping assistance, etc.; Legal Assistance; congregate and home-delivered meals and nutrition education; and the services of senior centers.

Federal oversight/funding agency: Department of Health and Human Services, Administration on Aging.

Matching requirements: The matching formulas are as follows:

For state agency administration:

75% Federal, 25% State.

For area agency administration:

75% Federal, 25% local.

For services under Title III:

75% Federal, 10% other non-federal, 5% State.

Matching state funds are not required for Title VII of the Act and the USDA Cash Subsidy for the Nutrition (Meal) Service program. However, allotments

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under the Title VII mandates are insufficient to fund all of the Title VII programs.

Entirely state-funded is the legal assistance developer, which provides state leadership in developing legal assistance programs for older individuals throughout the State.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,327,948	\$5,327,948

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$7,666,130	\$7,653,288

HMS 904 General Administration (DSSH)

Federal
Mandate:

Name: Social Security Act, Titles XIX and XX.

Description: Requires states to administer and oversee their Medicaid and social service assistance programs.

HMS 904 furnishes general policy, accounting, quality assurance, computer programming, and other administrative assistance to all programs under HMS, in particular, Medicaid, Aid to Families with Dependent Children, and Food Stamps.

Sanctions for nonparticipation or noncompliance: Noncompliance, in general, invites sanctions and eventual termination of federal funding. The extent to which noncompliance within HMS 904 justifies an overall noncompliance status under any of the federal mandates varies with the mandate.

Federal oversight/funding agency:

Matching requirements: Unspecified. The state match is at least 50%.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$698,290	\$698,290

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	≥ \$698,290	≥ \$698,290

Federal Funds Scheduled to be Reduced or Discontinued

HMS 301 Child Welfare Services

Subprogram: Emergency Assistance to Needy Families with Children

Federal
Mandate:

Name: Social Security Act, Title IV, Part A. 45 CFR § 233.120.

Description: Grant-in-aid conditions and requirements. To receive FFP, the State must have an approved plan which specifies eligibility conditions,

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emergency needs, services provided, claim procedures, and time frames for service authorization and delivery, for families at risk of experiencing an immediate out-of-home placement of one of its children.

Sanctions: Loss of \$600,000 in federal matching funds for staff time and services.

Federal oversight/funding agency:

Matching formula: 50% Federal, 50% State. Currently, the federal government allows open-ended entitlement.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$152,776	\$635,000
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$152,776	\$635,000

Federal funding scheduled to be reduced or discontinued: In the future, there may be a cap placed on the program, and a change made in the allocation formula over a ten-year period, as was proposed in the President's "Work and Responsibility Act of 1994."

HMS 236
HMS 903

Eligibility Determination/
General Support for Public Welfare

These two programs implement the HMS administration budget for the income maintenance programs HMS 201 Payments to Assist Families with Dependent Children, HMS 202 Payments to Assist the Aged, Blind or Disabled, and HMS 206 Other Federal Assistance Payments. The administration budget covers the operating expenses and salaries for the eligibility determination staff and the state administrative staff.

Sanctions for nonparticipation or noncompliance: Proportionate loss of federal funding, for non-participation in either Aid to Families with Dependent Children, or Payments to Assist the Aged, Blind or Disabled.

Matching requirements:

HMS 236 About 43% Federal, 57% State.
HMS 903 About 35%-40% Federal, 60%-65% State.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
HMS 236	\$10,834,723	\$10,634,187
HMS 903	\$5,082,454	\$5,403,144
Total	\$15,917,177	\$16,037,331
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
HMS 236	\$10,977,464	\$10,760,719
HMS 903	\$5,197,171	\$5,207,118
Total	\$16,174,635	\$15,967,837

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Federal funds scheduled to be reduced or discontinued: Regarding the Food Stamp program, PL 103-66, added Aug. 10, 1993, reduced the federal funding rate, effective April 1, 1994, from 63% to 50% for the management information systems, and from 75% to 50% for fraud and abuse control activities. The reduction in the rate for fraud and abuse control activities caused revenues to drop by approximately \$100,000.

Regarding the AFDC program, PL 103-66 reduced the federal funding rate, effective April 1994, from 90% to 50% for management information systems, and from 75% to 50% for fraud and abuse control activities. The reduction in the rate for the automated management systems caused revenues to drop by approximately \$275,000.

The loss of revenues have necessitated some cutbacks in operating expenditures.

PROGRAM AREA 06 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS**Operating Budget for Mandated Programs**

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			4,552,986	4,421,557
100% State	17,895,018	19,240,848		
Match	342,307,900	390,371,469	318,933,672	405,132,954
Total	360,202,918	409,612,317	323,486,658	409,554,511

Federal funds for operating expenses are scheduled to be reduced or discontinued in the following programs:

- (1) One 100% federally funded program (HMS 206 Other Federal Assistance Programs: Low Income Home Energy Assistance Program), whose federal funds during the past biennium were as follows:

	Federal
FY 1993-94	1,527,801
FY 1994-95	1,393,844

- (2) Three matching funds programs (HMS 301 Child Welfare Services: Emergency Assistance to Needy Families with Children; HMS 236 Eligibility Determination; and HMS 903 General Support for Welfare), whose balance between state and federal funds during the past biennium was as follows:

	State	Federal
FY 1993-94	16,327,411	16,069,953
FY 1994-95	16,602,837	16,672,331

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	360,202,918	409,612,317
Federal funds(F)	323,486,658	409,554,511
S + F	683,689,576	819,166,828
Total 06 budget (T)	867,029,963	1,021,851,735
(S + F)/T x 100	78.85%	80.16%
S/(S + F) x 100	52.68%	50.00%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	0	0		
Match	1,500,000	0	1,960,000	0
Total	1,500,000	0	1,960,000	0

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

No federal funds for capital improvement projects are scheduled to be reduced or discontinued.

Capital Improvement Projects Funding Ratio

Mandated programs:	<u>FY 1993-94</u>	<u>FY 1994-95</u>
State funds (S)	1,500,000	0
Federal funds(F)	1,960,000	0
<u>S + F</u>	<u>3,460,000</u>	<u>0</u>
$S/(S + F) \times 100$	43.35%	--

PROGRAM AREA 07: FORMAL EDUCATION

LOWER EDUCATION

100% FEDERALLY FUNDED PROGRAMS

--No response from the Department of Education.--

100% STATE FUNDED PROGRAMS

--No response from the Department of Education.--

AGS 808 Student Transportation

Division: Central Services/Student Transportation

Federal
Mandate: Name: (1) Rehabilitation Act of 1973, PL 93-112, Section 504, as amended. (2) Education for All Handicapped Children Act of 1975, PL 94-142; reauthorized as the Individuals with Disabilities Education Act, Oct. 30, 1990, PL 101-476, as amended. (3) Education of the Handicapped Act Amendments of 1986, PL 99-457; reauthorized as the Individuals with Disabilities Education Act Amendments of 1991, PL 102-119. (4) Americans with Disabilities Act of 1990, PL 101-376, as amended by PL 102-166, Nov. 21, 1991.

Description: School systems must expand special education services to accomodate a greater range of children with disabilities. Transportation for intervention activities, i.e., Individualized Education Program (IEP), is mandated for children, at earlier ages. All disabled public school students must be afforded an opportunity to use the program's transportation services to attend off-campus IEP directed activities.

Sanctions for nonparticipation or noncompliance: Exposure to civil suits brought by private parties.

Federal oversight/funding agency: (1) Department of Health and Human Services. (2) Department of Education. (3) Department of Transportation.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$650,000	\$650,000

PROGRAMS REQUIRING STATE MATCHING FUNDS

--No response from the Department of Education.--

HIGHER EDUCATION**100% FEDERALLY FUNDED PROGRAMS****Federal Funds Not Scheduled to be Reduced or Discontinued**

UOH 102 Organized Research - UOH, Manoa

Subprogram: Regional Research Fund

Federal
Mandate: Name: Hatch Act, PL 84-352.

Description: Stimulates and facilitates interstate cooperation in regional and national research, by supporting cooperative regional research projects of state agricultural experiment stations, provided that funds are used only for projects that are recommended by a regional committee that is approved by the Secretary of Agriculture. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$366,538	\$368,912

UOH 103 Public Service - UOH, Manoa

Subprogram: Expanded Food and Nutrition Education Program

Federal
Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), May 8, 1914, ch. 79, 38 Stat. 372, Section 3(D), as amended; 7 USC §341.

Description: Requires land grant colleges to assist low-income families at becoming more efficient and effective users of available food and nutrition resources. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$432,476	\$439,528

Subprogram: Pesticide Impact Assessment Program

Federal
Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), May 8, 1914, ch. 79, 38 Stat. 372, Section 3(D), as amended; 7 USC §341.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Description: Requires land grant colleges to make available to farmers, homeowners, the pesticide industry, and federal agencies, objective and accurate data for defining and evaluating the benefits and risks of selected pesticides used in agriculture and forestry. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: None.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$20,585	\$21,313

Subprogram: Farm Safety Program

Federal

Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), May 8, 1914, ch. 79, 38 Stat. 372, Section 3(D), as amended; 7 USC §341.

Description: Requires each land grant college to coordinate an effective educational program, gathering information on safety standards and procedures promulgated by federal, state, and local agencies, and disseminating the information among farmers and agricultural experiment stations. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$41,346	\$41,691

Subprogram: Integrated Pest Management Program

Federal

Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), May 8, 1914, ch. 79, 38 Stat. 372, Section 3(D), as amended; 7 USC §341.

Description: Requires land grant colleges to develop interdisciplinary programs for farmers and homeowners on controlling infestation of crop and animal commodities by insects, diseases, weeds, and parasites. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$95,005	\$96,445

Subprogram: Renewable Resources

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal

Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), Section 3(D), as amended by the Renewable Resources Extension Act of 1978, PL 95-306, as amended.

Description: Requires land grant colleges to offer comprehensive extension programs on forests and rangelands to farmers and agribusinesses. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$88,274	\$90,475

Federal Funds Scheduled to be Reduced or Discontinued

UOH 103 Public Service - UOH, Manoa

Subprogram: Urban Home Gardening

Federal

Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), May 18, 1914, ch. 79, 38 Stat. 372, Section 3(D), as amended.

Description: Requires land grant colleges to teach and demonstrate gardening and 4-H type work to homeowners and landscaping companies. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

Federal funding scheduled to be reduced or discontinued: The College of Tropical Agriculture and Human Resources is presently expending a carryover balance of \$211,698 in federal funds from previous years. Present federal funding has ceased.

100% STATE FUNDED PROGRAMS

UOH 102 Organized Research - UOH, Manoa

Subprogram: Laboratory Animal Services: Organized Research

Federal

Mandate 1: Name: Laboratory Animal Act of 1965, Aug. 24, 1966, PL 89-544, as amended in 1985.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Description: Requires each animal research facility to appoint an institutional animal committee to review and approve both proposed activities involving the care and use of animals in research, testing, and teaching procedures, and all subsequent, significant changes in ongoing activities. Requires each facility to provide humaneness training to staff and personnel involved with animal care and treatment. Requires each facility to establish a program on adequate veterinary care in enumerated categories pertaining to facilities, personnel and equipment, diagnostic and treatment methodology, procedures for anesthetics, analgesia and euthanasia, and pre- and post-procedural care. Requires annual reports.

Federal

Mandate 2: Name: Health Research Extension Act of 1985, PL 99-158.

Description: Each animal research institution that uses animals in projects sponsored by the Public Health Service (PHS) must give acceptable written letters of assurance that it complies with the PHS Policy on Human Care and Use of Laboratory Animals. A letter of assurance must describe the institution's program for the care and use of animals, the institution's status, and the institution's animal care and use committee.

For both mandates:

Sanctions for nonparticipation or noncompliance: Fines against the institution; suspension or forfeiture of ongoing animal research and teaching at the institution; and possible imprisonment of institution officials.

Federal oversight/funding agency: Department of Agriculture, for the Laboratory Animal Welfare Act. Department of Health and Human Services, for the Public Health Service Policy Health Research Extension Act.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$769,357	\$803,042

UOH 102 Organized Research - UOH, Manoa/
UOH 104 Academic Support - UOH, Manoa

Subprogram: College of Education

Federal

Mandate: Name: OMB Circulars A-21, A-88, and A-133.

Description:

Sanctions for nonparticipation or noncompliance: Reinstatement against the University of the threat of a complete suspension of all federal funds.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$36,619	\$57,624

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

UOH 105 Student Services - UOH, Manoa

Subprogram: Student Health Services

Federal

Mandate 1: Name: Occupational Safety and Health Act of 1970, PL 91-596, as amended.
29 CFR Part 1910, Occupational safety and health standards.

Description: Requires that occupational exposure to bloodborne pathogens and other potentially infectious materials be minimized by the adhering to OSHA standards pertaining to the handling of specimens, materials, equipment, and supplies, the training and education of staff, the development of an emergency response plan, and the reporting of accidental exposures.

Sanctions for nonparticipation or noncompliance: Fines, and possible closure of the Student Health Services Clinic.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,050	\$5,050

Federal

Mandate 2: Name: Americans with Disabilities Act of 1990, PL 101-336.

Description: Requires states to provide facilities and services that ensure equal access to individuals with disabilities. Requires states to upgrade their facilities to make them wheelchair-accessible and equipped with telephones that serve the hearing-impaired.

Sanctions for nonparticipation or noncompliance: Loss of the Women's Health Clinic's eligibility for Title X funding.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$300	\$200

Federal

Mandate: Name: Clinical Laboratory Improvement Amendment of 1988, PL 100-578.

Description: Laboratories which examine human specimens must meet specific performance requirements.

Sanctions for nonparticipation or noncompliance: Withdrawal of Title X funding for the Women's Health Clinic program.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,500	\$1,500

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

UOH 105? Student Services - UOH, Manoa

Subprogram: International Student Services

Federal

Mandate: Name: Immigration laws of 1983, 1987, and 1993.

Description: Accredited institutions enrolling foreign students must comply with admissions criteria, enrollment data keeping, and regulations related to transfers, employment and travel.

Sanctions for nonparticipation or noncompliance: The University of Hawaii would lose its privilege of legally enrolling or employing foreign students. Students who enroll would potentially be considered illegal aliens rather than legal non-immigrants.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$14,000	\$137,442

UOH 106 Institutional Support - UOH, Manoa

Subprogram: Campus Operations, Environmental Health & Safety

Federal

Mandate: Name: CFR Title 40, Protection of the environment.

Description: Regulates activities involving hazardous wastes, underground storage tanks, asbestos, and toxic substances.

Sanctions for nonparticipation or noncompliance: Varies.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$110,277	\$150,000

Federal

Mandate 2: Name: 10 CFR chap. 1, Nuclear Regulatory Commission.

Description: Regulates the use, storage, and disposal of radioactive materials.

Sanctions for nonparticipation or noncompliance: Varies.

Federal oversight/funding agency: Nuclear Regulatory Commission (independent regulatory agency)

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$93,343	\$98,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Subprogram: Campus Operations Facilities Planning & Management

Federal

Mandate: Name: (1) Americans with Disabilities Act of 1990, PL 101-336, Title II, Nondiscrimination in public services. (2) Rehabilitation Act of 1973, PL 93-112, Section 504, as amended by the Rehabilitation Act Amendments of 1992, PL 102-569. (3) Uniform Federal Accessibility Standards.

Description: Requires the State to remove architectural barriers at the University of Hawaii at Manoa.

Sanctions for nonparticipation or noncompliance: Fines of up to \$300,000.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	\$0	\$0

Capital improvement project funds of \$25,000,000 is requested for fiscal biennium 1995-97.

UOH 901 Academic Support - UOH, System-Wide Support

Subprogram: Procurement and Property Management Office

Federal

Mandate: Name: Small Business Act, July 30, 1953, ch. 282, Title II, 67 Stat. 232, as amended by PL 95-507, Oct. 24, 1978.

Description: Any entity that wishes to perform services for the federal government worth over \$800,000 (or, \$1,000,000, if the services involve construction), under a contract that holds subcontracting potential, must submit a plan aimed at obtaining subcontract work from small and small disadvantaged businesses.

For this mandate, the University has implemented a small and small disadvantaged business utilization program which tries to identify potential subcontractors, keeps records to assess whether goals are being met, and files federal reports.

Sanctions for nonparticipation or noncompliance: No federal contracts.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Capital	unknown	unknown

UOH 902 Student Services - UOH, System-Wide Support/
UOH 903 Institutional Support - UOH, System-Wide Support

Subprogram: Office of Planning and Policy

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal

Mandate 1: Name: Student Right-to-Know and Campus Security Act, Nov. 8, 1990, PL 101-542, as amended by the Higher Education Technical Amendments of 1991, PL 102-26.

Description: Requires every postsecondary institution participating in the Title IV programs of the Higher Education Act to disclose statistics on the graduation (or completion) rates of both students entering the institution and intercollegiate athletes, and to disclose information on campus security.

Sanctions for nonparticipation or noncompliance: Loss of Title IV funds.

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,000	\$5,000
Capital	\$11,000	

The CIP funds were expended to develop a student tracking system and database at UH-West Oahu. Previously a sum of \$67,000 had been spent on similar projects at UH-Manoa, UH-Hilo, and the community colleges. Altogether the total one-time costs of developing these tracking systems and data bases for the UH system was \$78,000.

An amount in the sum of \$5,000 for operating costs is needed each year to administer the student tracking questionnaire, which is aimed at capturing supplementary data not currently in the campus student information systems. Annual personnel costs are involved, but are not quantifiable.

Subprogram: Equal Employment Opportunity and Affirmative Action Office

Federal

Mandate 1: Name: Civil Rights Act of 1964, PL 88-352, Title VII, as amended by the Equal Employment Opportunity Act of 1972, PL 92-261, and the Civil Rights Act of 1991, PL 102-166.

Description: Prohibits employers from engaging in employment discrimination, over matters such as hirings, terminations, upgrades, and other terms, conditions and privileges of employment, on the basis of race, color, religion, national origin, or sex.

Federal

Mandate 2: Name: Equal Pay Act of 1963, PL 88-38, as amended.

Description: Prohibits employers from engaging in employment discrimination, on the basis of sex, over matters pertaining to compensation, such as wage rates, overtime pay, sick and vacation pay, and fringe benefits such as insurance coverage, pension and retirement benefits, profit sharing, bonus plans and credit union memberships.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal

Mandate 3: Name: Age Discrimination in Employment Act of 1967, PL 90-202, as amended.

Description: Prohibits employers from engaging in employment discrimination against individuals forty years of age and older, over matters pertaining to hirings, terminations, upgrades, salaries, benefits, training, and other terms, conditions, and privileges of employment.

Federal

Mandate 4: Name: Americans with Disabilities Act of 1990, PL 101-336.

Description: Prohibits employers from engaging in employment discrimination against disabled individuals, over matters such as hirings, terminations, upgrades, salaries, benefits, training, and other terms, conditions, and privileges of employment.

For mandates (1) to (4):

Federal oversight/funding agency: Equal Employment Opportunity Commission

Federal

Mandate 5: Name: Executive Order No. 11246, Sept. 28, 1965, 30 FR 12319, Equal Employment Opportunity, as amended by Executive Order No. 11375, Oct. 17, 1967, 32 FR 14303, and Executive Order No. 12086, Oct. 5, 1978, 43 FR 46501.

Description: Requires, as a corollary to Title VII of the Civil Rights Act of 1964, that certain groups of employers take affirmative action to ensure that all employment decisions are made in a non-discriminatory manner. Covered under the order are contractors and subcontractors performing under government contracts worth over \$10,000 in a year, entities with government bills of lading in any amount, federal depositories, and agents that issue and pay U.S. Savings Bonds and Notes.

Federal

Mandate 6: Name: Rehabilitation Act of 1973, PL 93-112, Section 503.

Description: Prohibits employers from engaging in employment discrimination against otherwise qualified persons with disabilities, and from failing to make reasonable accommodations for them.

Federal

Mandate 7: Name: Vietnam Era Veterans' Readjustment Assistance Act of 1974, PL 93-508, Section 402.

Description: Prohibits employers from engaging in employment discrimination against qualified special disabled veterans, with a 30% or greater VA disability rating, or a discharge granted for a service-connected disability; and against veterans of the Vietnam era.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

For mandates (5) to (7):

Federal oversight/funding agency: Office of Federal Contract Compliance Programs

Federal

Mandate 8: Name: Civil Rights Act of 1964, PL 88-352, Title VI.

Description: Prohibits discrimination on the basis of race, color, or national origin.

Federal

Mandate 9: Name: Education Amendments of 1972, PL 92-318, Title IX.

Description: Prohibits discrimination against students and employees on the basis of sex.

Federal

Mandate 10: Name: Rehabilitation Act of 1973, PL 93-112, Section 504.

Description: Prohibits discrimination on the basis of disability.

Federal

Mandate 11: Name: Age Discrimination Act of 1975, PL 94-135, Title III.

Description: Prohibits discrimination on the basis of age, in services provided for housing, admissions, financial aid, counseling, etc.

For mandates (8) to (11):

Federal oversight/funding agency: Office for Civil Rights

Federal

Mandate 12: Name: Immigration Reform and Control Act of 1986, PL 99-603, as amended.

Description: Prohibits employers from engaging in employment discrimination, on the basis of citizenship status or national origin, over matters such as hirings, terminations, upgrades, salaries, benefits, training, and other terms, conditions, and privileges of employment. Requires employers to maintain certain records pertaining to the citizenship status of new employees.

Federal oversight/funding agency: Department of Justice, Office of Special Counsel.

For all twelve mandates under the EEO/AA Office:

Sanctions for nonparticipation or noncompliance: Debarment of all federal funds to the University of Hawaii.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$244,319	\$263,223

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

UOH 903 Institutional Support - UOH, System-Wide Support

Subprogram: Fiscal Services Office

Federal
Mandate: Name: OMB Circular A-133.

Description: Requires the University of Hawaii to have an annual audit performed, by an external auditor, of the University's financial statements and overall compliance with applicable federal laws and regulations.

Sanctions for nonparticipation or noncompliance: Loss of eligibility for federal awards.

Federal oversight/funding agency: (1) Department of Defense, Department of the Navy, Office of Naval Research. (2) Department of Defense, Defense Contract Audit Agency.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,068,600	\$0

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

UOH 102 Organized Research - UOH, Manoa

Subprogram: McIntire-Stennis Fund

Federal
Mandate 1: Name: McIntire-Stennis Act of 1962, PL 87-788, as amended.

Description: Encourages land-grant colleges, agricultural experiment stations, and schools of forestry to engage in forestry research, in order to stimulate the development and utilization of forest and rangeland resources. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Reapportionment of the fund-sharing responsibilities between the State and the federal government.

Federal oversight/funding agency: Department of Agriculture

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$160,746	\$162,529
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$160,746	\$162,529

Subprogram: Hatch Fund

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal

Mandate 2: Name: Hatch Act of 1887, ch. 314, amended by Act of August 11, 1955, ch. 790, 69 Stat. 671.

Description: Promotes efficiency in the production, market distribution, and utilization of farm products.

Sanctions for nonparticipation or noncompliance: Withholding of funds, for failure to make funds available for research.

Federal oversight/funding agency: Department of Agriculture

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,435,918	\$1,467,009

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,345,918	\$1,377,009

Subprogram: Animal Health Fund

Federal

Mandate 3: Name: Food and Agriculture Act of 1977, Sept. 29, 1975, PL 95-113, Subtitle E, Animal Health and Disease Research, Section 1433.

Description: Supports research on animal health and diseases. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Reapportionment of federal funds to other states.

Federal oversight/funding agency: Department of Agriculture

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$9,763	\$10,251

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$9,763	\$10,251

Subprogram: Water Resources Institute Program

Federal

Mandate: Name: Water Resources Research Act of 1984, PL 98-242, Section 104, as amended by PL 101-397, Sept. 28, 1990.

Description: Supports the research efforts of land grant colleges at developing newer technologies and more efficient methods to resolve local, state, and national water resources problems. Supports on-the-job research training of water scientists and engineers. Supports the facilitation of water

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

research coordination and the dissemination and application of research results.

Sanctions for nonparticipation or noncompliance: Loss of program accreditation, loss of federal funding.

Federal oversight/funding agency: Department of the Interior

Matching requirements: \$2 non-federal for every \$1 federal.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$100,500	\$105,500

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$201,000	\$211,000

Subprogram: Hawaii Space Grant College and Fellowships Program

Federal

Mandate: Name: National Space Grant College and Fellowship Act, Oct. 30, 1987, PL 100-147.

Description: Supports educational outreach programs of space grant colleges for their surrounding communities. Through the Hawaii program, a wide range of activities are offered at UH Manoa, UH Hilo, Leeward Community College, and Windward Community College, and at the public schools.

Sanctions for nonparticipation or noncompliance: Loss of all federal funds, for failure to achieve the required state match.

Federal oversight/funding agency: National Aeronautical and Space Administration

Matching requirements: The required state match is \$170,000 per year, in order to receive federal funds of \$330,000 per year.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$330,000	\$330,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$170,000	\$170,000

Only \$93,000 a year in state funds is granted approval in the budget. The shortage in the required amount of state funds is made up from elsewhere within the University and through a waiver of indirect costs. Fulfilling match requirements through savings in indirect costs is a cause of concern to NASA.

Subprogram: Sea Grant College Program

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal

Mandate: Name: National Sea Grant College and Program Act of 1966, PL 89-688, as amended.

Description: Promotes the national development of marine resources by sea grant colleges, through conservation, proper management, and maximum social and economic utilization.

Sanctions for nonparticipation or noncompliance: Termination of federal support, if the match requirement is not met.

Federal oversight/funding agency: National Science Foundation (independent agency). Department of Commerce.

Matching requirements: \$2 Federal, \$1 State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,490,000	\$1,639,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$582,213	\$582,213

Subprogram: Joint Institute for Marine & Atmospheric Research

Federal

Mandate: Name: Memorandum of Understanding, dated Sept. 1977.

Description: Promotes, through the establishment of the Joint Institute for Marine and Atmospheric Research, a close multidisciplinary collaboration among scientists and technologists, of the University and the federal National Oceanic and Atmospheric Administration, in research on oceanic, atmospheric, and geophysical matters.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Commerce, National Oceanic and Atmospheric Administration

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$3,500,000	\$3,500,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$130,000	\$130,000

Additional amounts of \$200,000 in state funds each year were granted to the University for an overhead exemption.

UOH 103 Public Service - UOH, Manoa

Subprogram: Smith Lever Funds

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal

Mandate: Name: Smith-Lever Act (or, the Agricultural Extension Work Act), May 8, 1914, ch. 79, 38 Stat. 372, Sections 3(B) and 3(C), as amended; 7 USC §341.

Description: Requires states to disseminate among farmers, homeowners, and agribusinesses useful and practical information on agriculture and home economics, and to encourage them to make use of such information. Not a grant-in-aid.

Sanctions for nonparticipation or noncompliance: Reduction in the total federal appropriation, for a non-offset of Section 3(B) and 3(C) funds.

Federal oversight/funding agency: Department of Agriculture

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,326,709	\$2,374,240
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,278,855	\$1,305,429

UOH 102 Organized Research - UOH, Manoa

Subprogram: Social Science Research Institute: the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT)

Federal

Mandate: Name: Unidentified appropriations act, circa 1990.

Description: Requires the State to establish and maintain a management staff and basic operations for the Honolulu PEACESAT terminal at the University of Hawaii at Manoa.

Sanctions for nonparticipation or noncompliance: None specified.

Federal oversight/funding agency:

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$60,815	\$62,829
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$696,000	unknown

UOH 105 Student Services - UOH, Manoa

Subprogram: Financial Aid Services, Office of Student Affairs

Federal

Mandate 1: Name: Higher Education Amendments of 1992, PL 102-325, Title IV.

Description:

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Sanctions for nonparticipation or noncompliance: None against the University.

Federal oversight/funding agency: Department of Education

Matching requirements: 8/9 Federal, 1/9 State, for the Federal Perkins loans. 75% Federal, 25% State, for the Federal Work Study program. 100% State, for the A-133 annual audits.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
Perkins loans	\$250,576	\$249,136
Work study	\$584,427	\$414,936
	<u>\$835,003</u>	<u>\$664,072</u>
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
Perkins loans	\$31,322	\$31,142
Work study	\$194,809	\$138,312
A-133 audit	\$57,450	\$57,450
	<u>\$283,581</u>	<u>\$226,904</u>

Federal
Mandate 2:

Name: Public Health Service Act, July 1, 1944, ch. 373, 58 Stat. 682, as amended by the Health Professions Training Assistance Act of 1985, PL 99-129.

Description:

Sanctions for nonparticipation or noncompliance: None against the University.

Federal oversight/funding agency: Department of Health and Human Services

Matching requirements: 8/9 Federal, 1/9 State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$15,576
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$1,947

UOH 105? Student Services - UOH, Manoa

Subprogram: Office of Student Affairs, Children's Center, Food and Nutrition Program

Federal
Mandate:

Name: National School Lunch Act, June 4, 1946, ch. 281, 60 Stat. 230, as amended; 42 USC §§1758, 1759a, 1762a, 1765, and 1766.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Description: Requires each state educational agency to provide annual staff training on food safety and on Department of Agriculture guidelines. Much of the training is related to food handling--training parent and student kitchen workers to prepare snacks, distribute hot lunches in dishes for family-style service, sanitize work areas, and use proper dishwashing techniques. Information collecting, record keeping, and menu review and revision are also required.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Agriculture

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$21,500	\$21,500

The Children's Center receives \$19,000 to \$24,000 a year in food reimbursement from the federal government.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,325	\$5,325

UOH 900 UOH, Systemwide Support

Subprogram: Personnel Management Office

Federal
Mandate: Name: Drug-Free Workplace Act of 1988, PL 100-690, Title V. Drug-Free Schools and Communities Act Amendments of 1989, PL 101-226.

Description: Requires institutions of higher education to establish drug awareness programs for officers, employees, and students. At the University, the mandate is carried out by various offices, rather than centrally. Annual drug awareness notices are sent to employees and students.

Sanctions for nonparticipation or noncompliance: Loss of federal funding.

Federal oversight/funding agency: (1) Executive Office of the President, the Office of Management and Budget, for the Drug-Free Workplace Act. (2) Department of Education, for the Drug-Free Schools and Communities Act Amendments.

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	unknown	unknown

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	> \$325	> \$325

Subprogram: Center for Adults Returning to Education; Veterans Affairs

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal
Mandate:

Name: Veterans' Benefits, Aug. 27, 1958, PL 85-782, as amended.

Description: Requires UH Manoa to certify its veterans' enrollments for veterans eligible to receive veterans' benefits. Requires the UH to keep records and report student status changes, in order to prevent benefit overpayments.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Veterans Affairs

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$625	\$655

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$11,304	\$12,210

UOH 903 Institutional Support - UOH, System-Wide Support

Subprogram: Fiscal Services Office

Federal
Mandate:

Name: Federal Student Loan Program

Description:

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency:

Matching requirements: 2/3 Federal, 1/3 State, for the Perkins loan. 8/9 Federal, 1/9 State, for the Nursing and Health Professional loan programs.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$373,216	\$378,944

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating		
loan sums	\$41,000	\$69,000
admin.	\$162,500	\$162,500
	\$203,500	\$231,500

UOH 904 Vocational Education, Statewide Coordination

Federal
Mandate:

Name: Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, PL 101-392.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Description: Any state desiring to participate in the vocational education program authorized by the Act must designate or establish a state board of vocational education which shall be the sole state agency responsible for the administration or supervision of the state vocational education program. Designated legislatively as the the state board for Hawaii is the University of Hawaii Board of Regents.

The purpose of this federal assistance Act is "to make the United States more competitive in the world economy by developing more fully the academic and occupational skills of all segments of the population."

Sanctions for nonparticipation or noncompliance: Disallowable costs, complete loss of federal assistance, fines and penalties.

Federal oversight/funding agency: Department of Education

Matching requirements: 95% Federal, 5% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$5,000,000	\$5,000,000
 <u>State funds:</u>	 <u>FY 1993-94</u>	 <u>FY 1994-95</u>
Operating	\$412,000	\$412,000

The required state match amount was \$250,000 per fiscal year.

Federal Funds Scheduled to be Reduced or Discontinued

None.

**PROGRAM AREA 07 HIGHER EDUCATION FUNDING TOTALS FOR
FEDERALLY MANDATED PROGRAMS**

Operating Budget for Mandated Programs

Program type:	State Funds		Federal Funds	
	<u>FY 1993-94</u>	<u>FY 1994-95</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
100% federal			<u>1,044,224</u>	<u>1,058,364</u>
100% State	2,348,365	1,521,181		
Match	<u>5,490,530</u>	<u>4,838,642</u>	<u>15,644,795</u>	<u>15,732,105</u>
Total	<u>7,838,895</u>	<u>6,359,823</u>	<u>16,689,019</u>	<u>16,790,469</u>

Federal funds for operating expenses are scheduled to be reduced or discontinued in one 100% federally funded program (UOH 103 Public Service - UOH, Manoa: Urban Home Gardening). The program received no federal funds this past biennium.

Operating Budget Funding Ratios

Mandated programs:	<u>FY 1993-94</u>	<u>FY 1994-95</u>
State funds (S)	<u>7,838,895</u>	<u>6,359,823</u>
Federal funds(F)	<u>16,689,019</u>	<u>16,790,469</u>
<u>S + F</u>	<u>24,527,914</u>	<u>23,150,292</u>
Total 07 HE budget (T)	474,929,867	483,485,165
(S + F)/T x 100	5.16%	4.79%
S/(S + F) x 100	31.96%	27.47%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	<u>FY 1993-94</u>	<u>FY 1994-95</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
100% federal				
100% State	11,000	0		
Match				
Total	<u>11,000</u>	<u>0</u>		

No federal funds for capital improvement projects were allocated during the past biennium.

Capital Improvement Projects Funding Ratio

Mandated programs:	<u>FY 1993-94</u>	<u>FY 1994-95</u>
State funds (S)	<u>11,000</u>	<u>0</u>
Federal funds(F)	<u>0</u>	<u>0</u>
<u>S + F</u>	<u>11,000</u>	<u>0</u>
S/(S + F) x 100	100.00%	--

PROGRAM AREA 08: CULTURE AND RECREATION

No programs were reported that fall into this program area.

PROGRAM AREA 09: PUBLIC SAFETY

100% FEDERALLY FUNDED PROGRAMS

None.

100% STATE FUNDED PROGRAMS

PSD 407 Oahu Community Correctional Center/
 PSD 409 Women's Community Correctional Center

Federal
 Mandate: Name: Spear v. Ariyoshi, No. 84-1104 (D. Hawaii June 12, 1985) (consent decree, concluding a lawsuit filed by the American Civil Liberties Union).

Description: Requires the State to make improvements in the areas of correctional overcrowding, sanitation, medical and mental health services, recreation, education, and food services.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: United States District Court for the District of Hawaii

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$156,079	\$147,000
Capital	\$0	\$0

PSD was previously authorized a total of \$5,300,000 in 1991 and 1992 for capital improvement projects (CIP's) designed to meet court-decreed living space and fire safety standards for Oahu Community Correctional Center. Another \$14,000,000 in CIP funds was authorized in 1991 for the construction of replacement facilities at the Women's Community Correctional Center.

ATG 231 State Criminal Justice Information and Identification

Federal
 Mandate: Name: Crime Control Act of 1990, PL 101-647, as amended.

Description: Requires states, when requested by federal agencies or facilities, to conduct local criminal history background checks on individuals hired or contracted by the federal government to provide child care services, at federal facilities and agencies, to children under eighteen years of age.

Sanctions:

Federal oversight/funding agency:

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	--	--

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

ATG 231 State Criminal Justice Information and Identification

Subprogram: Hawaii Criminal Justice Data Center

Federal

Mandate 1: Name: Brady Handgun Violence Prevention Act, Nov. 23, 1993, PL 103-159.

Description: Establishes a waiting period for handgun purchases during which background checks are completed on the prospective buyer. Establishes a National Instant Check System (NICS). Requires states to achieve a minimum of 80% disposition reporting for the last five years, in their computerized criminal history files.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: Department of Justice, Bureau of Justice Statistics.

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	--	--

The federal funding amount for Hawaii has not yet been determined.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	--	--

No state moneys were budgeted.

Federal

Mandate 2: Name: National Child Protection Act of 1993, PL 103-209.

Description: Requires state criminal justice agencies to report felony and serious misdemeanor child abuse information to the Federal Bureau of Investigation's criminal record system. Requires states to achieve at least an 80% completion rate of final dispositions for the last five years, in its computerized criminal history file, and to take steps to achieve 100% reporting no later than December 1998.

Sanctions for nonparticipation or noncompliance: (A crossover.) A 10% reduction in the State's funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant program. The grant was established under Section 506 of the Omnibus Crime Control and Safe Streets Act of 1968, PL 90-351, as amended. The Attorney General advises that while the Byrne grant itself is not a mandate, it does involve state matching funds and impacts state legislation.

Federal oversight/funding agency: Department of Justice, Bureau of Justice Statistics

Matching requirements:

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	--	--

The federal funding amount for Hawaii has not yet been determined.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	--	--

No state moneys were budgeted.

DEF 110 Amelioration of Physical Disasters

Subprogram: Hawaii National Guard

Federal
Mandate: Name: National Defense Act of 1920, also known as the Dick Act, ch. 227, 41 Stat. 765, 787.

Description: While the State Constitution and state statutes provide for a state militia, the National Guard in this State ("State militia", when not on federal active duty) and the several states have long been under federal statutory controls. The National Defense Act of 1920 is regarded as the enabling legislation which brought the militias of the several states more fully into the federal military reserve system without undermining their state status. This Act expanded federal resource commitments to state militias, to prepare them for federal active duty, should the need arise.

Sanctions for nonparticipation or noncompliance: Loss of federal support for the Hawaii National Guard. Trained military personnel and equipment would be unavailable to ameliorate state disasters and other civil emergencies. Replacement costs for the Hawaii National Guard, or other alternatives, would likely be cost prohibitive or less effective. The State is dependent upon federal resource support for carrying out the federal mandate; noncompliance could significantly and adversely affect the State's ability to meet public safety needs.

Federal oversight/funding agency: National Guard Bureau

Matching requirements: The federal government retains direct control over 90% of the costs related to the National Guard. However, there are some operating and capital improvement costs which the federal government shares with the State. These include various types of maintenance and support service contracts and military construction projects all of which take place on state-owned property.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$2,123,778	\$3,580,345
Capital	\$5,067,000	\$0
<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$550,404	\$716,069
Capital	\$3,672,000	\$0

Federal Funds Scheduled to be Reduced or Discontinued

DEF 110 Amelioration of Physical Disasters

Subprogram: State Civil Defense

Federal

Mandate: Name: Federal Civil Defense Act of 1950, Jan. 12, 1951, ch. 1228, 64 Stat. 1245, as amended.

Description: States receive full, or on a cost share basis, federal support to manage, plan, train, and exercise civil defense systems which are designed and operated in accordance with federal standards.

The original purpose of the Act was to support nuclear attack defense planning and preparedness. Over the years the Act has evolved to include preparation of responses to other disasters and emergencies brought on by natural or technological causes.

Sanctions for nonparticipation or noncompliance: Loss of federal funds and a consequently greater reliance on state fiscal resources; a weakening of the civil defense infrastructures, and a lower level of system readiness in responding to disasters. Civil defense infrastructure maintenance, hazard mitigation evaluations, hazardous materials training, and evacuation shelter surveys, etc. are integral to the State's civil defense system: they would be critically impaired.

Federal oversight/funding agency: Federal Emergency Management Agency (independent executive branch agency)

Matching requirements: Not indicated. Federal funds cover 100% of the costs for certain activities--the Emergency Operating Center, its administration, the earthquake program, the hazard mitigation study, population protection planning, and hazardous materials training.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$960,558	\$478,000

Of these funds, \$346,767 in the first year, and \$684,142 in the second year, were for 100% federally funded activities.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$839,456	\$2,182,102

Federal funds scheduled to be reduced or discontinued: Congress was considering whether to repeal this Act. A repeal means that the activities now being funded 100% by the federal government (the Emergency Operating Center, etc.) would need to be funded instead on a cost-share basis under an amended Stafford Act, which would then serve as the substitute enabling legislation. Current 100% federal funding for these activities amounted to \$346,767 in fiscal year 1993-94 and \$684,142 in fiscal year 1994-95.

PROGRAM AREA 09 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS

Operating Budget for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	156,079	147,000		
Match	1,389,860	2,898,171	3,084,336	4,058,345
Total	1,545,939	3,045,171	3,084,336	4,058,345

Federal funds for operating expenses are scheduled to be reduced or discontinued in one matching funds program (DEF 110 Amelioration of Physical Disasters: State Civil Defense), whose balance between state and federal funds during the past biennium was as follows:

	State	Federal
FY 1993-94	839,456	960,558
FY 1994-95	2,182,102	478,000

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	1,545,939	3,045,171
Federal funds(F)	3,084,336	4,058,345
S + F	4,630,275	7,103,516
Total 09 budget (T)	108,934,575	118,040,897
(S + F)/T x 100	4.25%	6.02%
S/(S + F) x 100	33.39%	42.87%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	0	0		
Match	3,672,000	0	5,067,000	0
Total	3,672,000	0	5,067,000	0

No federal funds for capital improvement projects are scheduled to be reduced or discontinued.

Capital Improvement Projects Funding Ratio

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	3,672,000	0
Federal funds(F)	5,067,000	0
S + F	8,739,000	0
S/(S + F) x 100	42.02%	--

PROGRAM AREA 10: INDIVIDUAL RIGHTS

100% FEDERALLY FUNDED PROGRAMS

None.

100% STATE FUNDED PROGRAMS

AGR 812 Measurement Standards

Federal

Mandate 1: Name: Petroleum Marketing Practices Act, June 19, 1978, PL 95-297, as amended by PL 102-486, Oct. 24, 1992; 15 USC §2821. 16 CFR Part 306.

Description: Requires states to monitor whether gasoline retailers display the octane ratings of gasoline in a clear and conspicuous manner on service station gasoline dispensers.

Sanctions for nonparticipation or noncompliance: No federal agency would step in to enforce the Act, if the State chooses not to enforce it. The Federal Trade Commission maintains in Hawaii neither an office nor any field inspectors.

Federal oversight/funding agency: Federal Trade Commission (independent administrative agency)

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,500	\$1,500

Federal

Mandate 2: Name: (1) Federal Meat Inspection Act, Dec. 15, 1967, PL 90-201, as amended. (2) Poultry Products Inspection Act, Aug. 28, 1957, PL 85-172, as amended. 9 CFR Parts 317 and 381.

Description: Establishes uniform criteria for federal, state, and local agencies to use when inspecting and testing scales. Requires states to monitor whether the meat and poultry industries (packing houses, warehouses, and retailers) follow uniform net weight labeling requirements and uniform procedures for determining the net content of containers. Reasonable variations are permitted the industries regarding the label statements of the net weight contents of containers.

Sanctions for nonparticipation or noncompliance: No federal agency would step in to enforce the Acts, if the State chooses not to enforce them.

Federal oversight/funding agency: Department of Agriculture, Food Safety and Inspection Service

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$10,000	\$10,000

Federal

Mandate 3: Name: Fair Packaging and Labeling Act, Nov. 3, 1966, PL 89-755; 15 USC §1451. 21 CFR Parts 101, 201, 701, and 801.

Description: Requires states to monitor whether manufacturers, packers, and producers of consumer commodities adhere to basic labeling and net content requirements for the packaging of consumer commodities. Establishes uniform net weight labeling requirements, allowing reasonable variations for label statements of the net weight contents of containers, as long as the quantity of the contents is accurately represented to the ultimate consumer.

Sanctions for nonparticipation or noncompliance: No federal agency would step in to enforce the Act, if the State chooses not to enforce it. The Federal Trade Commission does not maintain an office in Hawaii, and the Food and Drug Administration gives packaging and labeling activities very low priority.

Federal oversight/funding agency: Department of Health and Human Services, Food and Drug Administration; for food, drugs, and cosmetics. For all other items, the Federal Trade Commission (an independent administrative agency).

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$100,000	\$100,000

PROGRAMS REQUIRING STATE MATCHING FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

AGR 810 Testing and Certification of Consumer Goods

Federal

Mandate: Name: (1) Federal Meat Inspection Act, Dec. 15, 1967, PL 90-201, as amended by PL 102-571, Oct. 29, 1992; 21 USC §601; 9 CFR Parts 301-335. (2) Poultry Products Inspection Act, Aug. 28, 1957, PL 85-172, as amended by PL 90-492, Aug. 18, 1968; 21 USC §451; 9 CFR Part 381. (3) Compliance General Workplan No. 115-B-1983. (4) Cooperative Agreements covering federal-state cooperation on meat and poultry inspection: No. 12-37-A-303 (cross utilization); No. 12-37-A-304 (Talmadge-Aiken Act); No. 12-37-A-305 (Federal Meat Inspection Act and Poultry Products Inspection Act).

Description: The two federal Acts require government inspectors to make daily inspections of wholesale slaughterers and meat and poultry processors in order to ensure that the meat, meat food products, poultry, and poultry food products distributed to consumers are wholesome, not adulterated, and properly marked, labeled, and packaged.

The Acts call for federal inspections, but stipulate that if a state chooses to maintain its own meat and poultry inspection program, then the state program must be conducted on par with a federal program. State participation is voluntary.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

The State volunteered by enacting the Hawaii Meat Inspection Act, Hawaii Revised Statutes, chapter 159, and the Hawaii Poultry Inspection Act, Hawaii Revised Statutes, chapter 161.

Sanctions for nonparticipation or noncompliance: Federal preemption. If the State is deemed noncompliant, the federal government, through the Food Safety and Inspection Service, would be required to assume jurisdiction over meat and poultry inspection operations in Hawaii. A noncompliance status can be triggered through inadequate staffing or through failure to provide matching state funds.

Some concern was expressed that the Hawaii inspection program is experiencing difficulty in maintaining an adequate number of staff to operate on par with the federal program.

Federal oversight/funding agency: Department of Agriculture, Food Safety and Inspection Service

Matching requirements: 50% Federal, 50% State

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$1,266,775	\$1,236,165
 <u>State funds:</u>	 <u>FY 1993-94</u>	 <u>FY 1994-95</u>
Operating	\$860,632	\$804,180

Federal Funds Scheduled to be Reduced or Discontinued

None

PROGRAM AREA 10 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS**Operating Budget for Mandated Programs**

Program type:	State Funds		Federal Funds	
	<u>FY 1993-94</u>	<u>FY 1994-95</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
100% federal			0	0
100% State	111,500	111,500		
Match	860,632	804,180	1,266,775	1,236,165
<u>Total</u>	<u>972,132</u>	<u>915,680</u>	<u>1,266,775</u>	<u>1,236,165</u>

No federal funds for operating expenses are scheduled to be reduced or discontinued.

Operating Budget Funding Ratios

Mandated programs:	<u>FY 1993-94</u>	<u>FY 1994-95</u>
State funds (S)	972,132	915,680
Federal funds(F)	1,266,775	1,236,165
<u>S + F</u>	<u>2,238,907</u>	<u>2,151,845</u>
 Total 10 budget (T)	 34,513,235	 45,664,092
(S + F)/T x 100	6.49%	4.71%
S/(S + F) x 100	43.42%	42.55%

Capital Improvement Projects Funding for Mandated Programs

None for the fiscal biennium 1993-95.

PROGRAM AREA 11: GOVERNMENT-WIDE SUPPORT

100% FEDERALLY FUNDED PROGRAMS

None.

100% STATE FUNDED PROGRAMS

LTG 100 Office of the Lieutenant Governor

For the state funding amounts listed below, only biennial figures were available, because of the cyclical nature of election operations.

Federal

Mandate 1: Name: Voting Rights Act of 1965, PL 89-110, as amended by the Voting Rights Language Assistance Act of 1992, PL 102-344; 42 USC §1973 et seq.

Description: Prohibits states from employing discriminatory voting laws; discriminatory redistricting plans and electoral systems, which dilute minority group strength; and literacy tests and other devices, as a condition for voter registration. Requires states to enforce residency requirements for Presidential and Vice Presidential elections, and provide voter assistance.

In particular, the State and the counties of Honolulu, Kauai, and Maui have been determined by the Bureau of the Census (of the Department of Commerce) as being subject to the minority language assistance requirements of Section 203 of the Voting Rights Act, with respect to Filipino Americans and Japanese Americans.

The Act is intended to protect racial minority and language minority groups in accordance with the 15th Amendment of the U.S. Constitution.

Sanctions for nonparticipation or noncompliance: A fine of up to \$5,000, imprisonment of up to five years, or both, for individuals violating the law.

For certain "covered" states and jurisdictions, the following preemptive actions could take place in order to terminate racial or language minority discrimination practiced by state or local governments: (1) the state or jurisdiction is prohibited from executing new election laws and procedures without pre-clearance from the U.S. Attorney General or the U.S. District Court in the District of Columbia; and (2) the U.S. Office of Personnel Management appoints federal examiners (to register voters) and election observers.

Federal oversight/funding agency: Department of Justice

<u>State funds:</u>	<u>FY 1993-95</u>
Operating	\$130,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal

Mandate 2: Name: Voting Accessibility for the Elderly and Handicapped Act, September 28, 1984, PL 98-435.

Description: Requires registration facilities and polling places for federal elections to be more accessible to handicapped and elderly individuals.

Sanctions for nonparticipation or noncompliance: Action for declaratory or injunctive relief.

Federal oversight/funding agency: Department of Justice

<u>State funds:</u>	<u>FY 1993-95</u>
Operating	< \$1,000

Federal

Mandate 3: Name: Uniformed and Overseas Citizens Absentee Voting Act, Aug. 28, 1986, PL 99-410.

Description: A state must allow members of the uniformed services and merchant marine, their spouses and dependents, and civilian U.S. citizens residing abroad, to use absentee registration procedures and to vote by absentee ballots for all federal elections, provided that the registration and applications for an absentee ballot are received by the appropriate state official not less than thirty days before the election.

Sanctions for nonparticipation or noncompliance: Fines or five years imprisonment, or both.

Federal oversight/funding agency: Department of Justice

<u>State funds:</u>	<u>FY 1993-95</u>
Operating	< \$1,000

Federal

Mandate 4: Name: National Voter Registration Act of 1993, PL 103-31.

Description: States must establish procedures to increase the number of eligible citizens registering to vote in federal elections, and ensure the accuracy and currency of voter registration rolls.

Sanctions for nonparticipation or noncompliance: Declaratory or injunctive relief. Attorney's fees. Fines, maximum five years imprisonment, or both.

Federal oversight/funding agency: Federal Election Commission, for implementation. Department of Justice, for enforcement.

<u>State funds:</u>	<u>FY 1993-95</u>
Operating	\$46,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal

Mandate 5: Name: Civil Rights Act of 1960, PL 86-449; 42 USC ch. 20, subch. II, Federal Election Records, §§1974-1974e.

Description: Election officials in all jurisdictions, and for all elections in which a federal candidate is on a ballot, must preserve for 22 months "all records and papers which came into (their) possession relating to an application, registration, payment of a poll tax, or other act requisite to voting."

The Department of Justice considers this law as covering all voter registration records, all poll lists and similar documents reflecting the identity of voters casting ballots at the polls, all applications for absentee ballots, all envelopes in which absentee ballots are returned for tabulation, all documents containing oaths of voters, all documents relating to challenges to voters or absentee ballots, all tally sheet and canvass reports, all records reflecting the appointment of persons entitled to act as poll officials or poll watchers, and all computer programs used to tabulate votes electronically. In addition, the Department of Justice construes the phrase "other act requisite to voting" as requiring the retention of the ballots themselves, at least in those jurisdictions where a voter's electoral preference is manifested by the voter's marking a piece of paper or punching holes in a computer card.

Sanctions for nonparticipation or noncompliance: A fine of up to \$1,000, imprisonment of up to one year, or both, against an individual willfully destroying election documentation.

Federal oversight/funding agency: Department of Justice

<u>State funds:</u>	<u>FY 1993-95</u>
Operating	\$64,800

Leasing costs, budgeted separately with AGS.

AGS 104 Internal Post Audit

Division: Audit

Federal

Mandate: Name: Single Audit Act of 1984, PL 98-502.

Description: Units of state and local governments that receive \$100,000 or more in federal financial assistance in a year must have an audit performed for that year in accordance with OMB Circular A-128. The single audit may be conducted on a departmental basis.

Sanctions for nonparticipation or noncompliance: Loss of federal funds.

Federal oversight/funding agency: National Foundation on the Arts and the Humanities (an independent agency), National Endowment for the Arts.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$95,000	\$95,000

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

BUF 115 Financial Administration Division

Federal

Mandate 1: Name: Cash Management Improvement Act of 1990, PL 101-453, as amended.

Description: Requires states, for agreements executed with the federal government, to pay interest to the federal government on any federal funds drawn and held by the states, until the funds have been repaid.

Sanctions for nonparticipation or noncompliance: Failure to pay the amount of interest due constitutes default. The amount can be levied.

Federal oversight/funding agency: Department of the Treasury

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$500,000

Federal

Mandate 2: Name: Statewide Cost Allocation Plan, Federal Circular OMB A-87.

Description: Requires states to prepare and submit for federal review, annual statewide cost allocation plans that abide by federal accounting requirements, in order to recover certain costs expended by them on behalf of federal grants, contracts, and programs.

Sanctions for nonparticipation or noncompliance: Loss to the State of approximately \$8.5 million in federal indirect cost recovery, if the plans are not approved by the Department of Health and Human Services.

Federal oversight/funding agency: Department of Health and Human Services

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$82,500	\$82,500

PER 102 Work Force Attraction, Selection, Classification & Effectiveness

Federal

Mandate 1: Name: (1) Fair Labor Standards Act of 1938, June 25, 1938, ch. 676, 52 Stat. 1060, as amended. (2) Family and Medical Leave Act of 1993, PL 103-3.

Description: Establishes minimum requirements for employers, including departments and agencies of the states, on matters relating to wages, hours, and working conditions.

As the central personnel agency, PER provides the other departments and agencies of the State with guidelines, training, and advice and consultation regarding uniform compliance with these Acts.

Sanctions for nonparticipation or noncompliance: Penalties and lawsuits, for noncompliance.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

Federal oversight/funding agency: Department of Labor

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	No figures available	

PER's assistance efforts are not budgeted separately. Furthermore, each department and agency assumes the costs of its own efforts at compliance, i.e., posting, recordkeeping, and other requirements.

Federal

Mandate 2:

Name: Omnibus Transportation Employee Testing Act of 1991, PL 102-143, Title V. 49 CFR Part 40.

Description: Requires federal, state, and local governments, as employers, to conduct alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad and mass transit industries. Administrative rules under the Act require anti-drug alcohol misuse prevention programs to be implemented and conducted by large-size employers, beginning January 1, 1995, and by small-size employers, beginning January 1, 1996. Large-size employers are those with fifty or more safety-sensitive employees. The Federal Highways Administration, responsible for enforcing these rules, has not yet published any guidelines or procedures.

Sanctions for nonparticipation or noncompliance: Fines, for noncompliance. Examples: (1) \$1,000 per trip of a commercial motor vehicle driven by an untested driver, for the failure to conduct a pre-employment test; (2) \$10,000 to \$250,000 per driver, for the failure to conduct random testing. 49 USC §521B.

Not impacted, for noncompliance with the rules, are federal highway funds to the State.

Federal oversight/funding agency: Department of Transportation, Federal Highway Administration

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	No figures available	

The departments affected by the Act assume the costs of their own compliance.

Federal

Mandate 3:

Name: Clean Air Act Amendments of 1990, PL 101-549, Section 608, as amended. 58 FR 28660, May 14, 1993.

Description: Requires states to establish mandatory technician certification programs for state and county employees who work on air conditioning and refrigeration equipment. For certification, technicians are required to pass an EPA-approved test, given by an EPA-approved certifying organization.

Sanctions for nonparticipation or noncompliance: Fines of up to \$25,000 per day, for violation of the regulations.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal oversight/funding agency: Environmental Protection Agency
(independent executive branch agency)

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	No figures available	

The departments affected by the Act assume the costs of their own compliance.

BUF 141 Retirement

Division: Employees' Retirement System

Federal
Mandate: Name: Omnibus Budget Reconciliation Act of 1990, PL 101-508, as amended.

Description: States must participate in the Social Security program for their public sector employees that are not members of a state or county system. Employees affected locally include emergency, temporary, part-time, casual, and A+ hires.

Sanctions for nonparticipation or noncompliance:

Federal oversight/funding agency: (1) Department of the Treasury, Internal Revenue Service. (2) Department of Health and Human Services, Social Security Administration.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$6,600,000	\$7,600,000

BUF 142 Health and Life Insurance Benefits

Division: Hawaii Public Employees Health Fund

Federal
Mandate 1: Name: Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, PL 99-272, as amended.

Description: Requires states, as employers, to give certain former employees, retirees, spouses, and dependent children the right to a temporary continuation of health insurance coverage at the group rates.

Sanctions for nonparticipation or noncompliance: Excise tax of \$100 per day per qualified beneficiary--regardless of the number of qualified beneficiaries affected by the violation--but no more than \$200 per day per family, for the duration of the noncompliance period.

Federal oversight/funding agency: Department of Health and Human Services, Public Health Service.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$30,900	\$32,800

Federal

Mandate 2: Name: Omnibus Budget Reconciliation Act of 1993 (OBRA '93), PL 103-66.

Description: Requires states, as employers, to provide the Medicare and Medicaid coverage data bank, created under the Act, with the Social Security numbers of, and dates of medical plan coverage for, all their employees, retirees, spouses, and dependents. The data bank was set up to assist Medicare in determining the primary payer on certain claims, and Medicaid in collecting reimbursements owed by group health plans under state laws.

Sanctions for nonparticipation or noncompliance: Civil penalties of up to \$1,000, imposed by the Department of Labor, for each violation per participant or beneficiary, not per group of employees. Also, the Social Security Act Amendments impose the same penalties as are imposed for failure to file information returns: \$50 per violation; \$100 per willful violation, no limit.

Federal oversight/funding agency: (1) Department of Health and Human Services, Health Care Financing Administration. (2) Department of Labor.

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$0	\$0

OBRA '93 was enacted subsequent to the submittal of the fiscal biennium 1993-95 budget requests. Budget constraints precluded an obtaining of supplemental funds.

AGS 221

Construction

Federal

Mandate 1: Name: (1) Occupational Safety and Health Act (OSHA) of 1970, PL 91-596, as amended. (2) National Environmental Policy Act of 1969, Jan. 1, 1970, PL 91-190, as amended.

Description: Statewide health and safety requirements. Requires states to do the following: (1) remove, contain, and dispose of asbestos during the undertaking of any renovation project that causes a disturbance to the existing asbestos; (2) comply with OSHA requirements when sanding, drilling, or removing lead base paint; (3) comply with EPA requirements when disposing of materials that contain lead; (4) retrofit or replace any storage tank or can that contains toxic fluids (fuel, solvents, etc.); and (5) remove, ship, and dispose of soil contaminated by leaks from nearby tanks.

Sanctions for nonparticipation or noncompliance: Fines, for noncompliance. Criminal penalties, for willful and knowing non-compliance.

Federal oversight/funding agency: (1) Department of Labor, Occupational Safety and Health Administration. (2) Environmental Protection Agency (independent executive branch agency).

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

State funds:	FY 1993-94	FY 1994-95
Capital	\$761,000	\$6,179,000

Federal

Mandate 2: Name: Americans with Disabilities Act of 1990, PL 101-336, as amended by PL 102-166, Nov. 21, 1991.

Description: Requires states, when renovating government buildings, to render them physically accessible to the disabled. Requires states, by 1995, to make buildings accessible that would not otherwise have been renovated.

Sanctions for nonparticipation or noncompliance: Exposure to civil suits, and county refusals to issue building permits.

Federal oversight/funding agency: Department of Justice

State funds:	FY 1993-94	FY 1994-95
Capital	\$500,000	\$1,500,000

The CIP funds were for the State Capitol District Asbestos Mitigation, Air Conditioning, and Other Improvements Project.

PROGRAMS REQUIRING MATCHING STATE FUNDS

Federal Funds Not Scheduled to be Reduced or Discontinued

GOV 103 Statewide Plan and Coordination

Office: Office of State Planning

Federal

Mandate: Name: Coastal Zone Management Act of 1972, PL 92-583, as amended.

Description: The Act sets forth the framework by which states develop and implement coastal zone management (CZM) programs for the wise use, protection, and development of land and water use resources in the coastal zone. It requires state enforceable objectives and policies to achieve federal and state goals. Hawaii's program is found at chapter 205A, Hawaii Revised Statutes.

The 1990 amendments to the Act require the State to develop and implement a coastal nonpoint pollution control program, with enforceable policies. This water quality control umbrella program builds upon the existing point and nonpoint source pollution programs of the federal Clean Water Act.

Sanctions for nonparticipation or noncompliance: Regardless of nonparticipation, the State would still be obligated to comply with numerous federal functional mandates. But because of the nonparticipation, the mandates would no longer be conveniently interrelated under a federal or state umbrella program such as CZM. Also, no fiscal resources would be available to help the State fulfill its role as steward over its natural resources.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-1995

And without a federal consistency review program, federal agency decisions would no longer need to be consistent with federally-approved CZM policies.

Failure to abide by the 1990 amendments would invite fiscal penalties against the State's CZM program and HTH, possible decertification of the CZM program, and the loss of the federal consistency review program.

Federal oversight/funding agency: Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management.

Matching requirements: 1-1 Federal, State match

However, Section 309 activities are funded entirely by Federal funds. These activities are guided by congressional objectives dealing with wetlands, coastal hazards, public access, marine debris, cumulative and secondary impacts, special area management planning, ocean resources, and government and energy-related facilities siting and activities. Qualifying for Section 309 funds requires federal approval of the State's Section 309 assessment and strategy.

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$880,400	\$968,000

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$649,496	\$643,626

ATG 100 Legal Services

Federal
Mandate:

Name: Medicaid Fraud Control, 42 CFR §455 et seq. and §1002 et seq.

Description: Any state that receives Medicaid funding must establish a Medicaid fraud control unit within a department other than the one for public assistance. The unit must investigate and prosecute cases of health care fraud and patient abuse in the Medicaid program.

Sanctions: Loss of Medicaid funds, for the lack of an anti-fraud unit.

Federal oversight/funding agency: Department of Health and Human Services, Office of the Inspector General.

Matching requirements: Federal 75%, State 25%

<u>Federal funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$633,331	\$650,653

<u>State funds:</u>	<u>FY 1993-94</u>	<u>FY 1994-95</u>
Operating	\$211,110	\$216,884

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL BIENNIUM 1993-95

Federal Funds Scheduled to be Reduced or Discontinued

None

PROGRAM AREA 11 FUNDING TOTALS FOR FEDERALLY MANDATED PROGRAMS**Operating Budget for Mandated Programs**

Note: The overall funding figures for the 100% state-funded programs do not include those for LTG 100, because the LTG 100 amounts were given in biennial form and could not be apportioned by fiscal year. The reported biennial amount was \$242,800.

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	6,808,400	8,310,300		
Match	860,606	860,510	1,513,731	1,618,653
<u>Total</u>	<u>7,669,006</u>	<u>9,170,810</u>	<u>1,513,731</u>	<u>1,618,653</u>

No federal funds for operating expenses are scheduled to be reduced or discontinued.

Operating Budget Funding Ratios

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	7,669,006	9,170,810
Federal funds(F)	1,513,731	1,618,653
<u>S + F</u>	<u>9,182,737</u>	<u>10,789,463</u>
Total 11 budget (T)	1,253,532,316	1,258,198,423
(S + F)/T x 100	0.73%	0.86%
S/(S + F) x 100	83.51%	85.00%

Capital Improvement Projects Funding for Mandated Programs

Program type:	State Funds		Federal Funds	
	FY 1993-94	FY 1994-95	FY 1993-94	FY 1994-95
100% federal			0	0
100% State	1,261,000	7,679,000		
Match	0	0	0	0
<u>Total</u>	<u>1,261,000</u>	<u>7,679,000</u>	<u>0</u>	<u>0</u>

No federal funds for capital improvement projects were allocated during the past biennium.

Capital Improvement Projects Funding Ratio

Mandated programs:	FY 1993-94	FY 1994-95
State funds (S)	1,261,000	7,679,000
Federal funds(F)	0	0
<u>S + F</u>	<u>1,261,000</u>	<u>7,679,000</u>
S/(S + F) x 100	100.00%	100.00%

HOUSE OF REPRESENTATIVES
SEVENTEENTH LEGISLATURE, 1994
STATE OF HAWAII

H.R. NO.

370
H.D. 1

HOUSE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A SURVEY
OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE
FEDERAL GOVERNMENT.

1 WHEREAS, federal mandates that impose costs on the states
2 are increasing at an alarming rate, in terms of frequency as well
3 as cost; and

4
5 WHEREAS, the explosion of federally-mandated programs began
6 during the latter half of the 1980s when the federal government,
7 struggling with new spending priorities and a rapidly expanding
8 federal budget deficit, chose to require the states to finance,
9 administer, and implement these new and costly responsibilities;
10 and

11
12 WHEREAS, in 1990 alone, the federal government imposed at
13 least twenty additional mandates on the states at an aggregate
14 cost of more than \$15,000,000,000, to the states; and

15
16 WHEREAS, these mandates included requiring states to enforce
17 new standards for smog and acid rain reduction, enforce new
18 transportation requirements for hazardous waste, expand state
19 Medicaid coverage for certain households and individuals, and
20 enforce driver's license revocation requirements for certain drug
21 offenses; and

22
23 WHEREAS, the 1991 Budget Reconciliation Act was another
24 source of "hidden costs" to the states--where approximately
25 \$13,300,000,000 in unfunded obligations have been passed on from
26 the federal government to the states; and

27
28 WHEREAS, in addition to these new mandates imposed on the
29 states by the federal government, state governments must also
30 contend with the never-ceasing problem of keeping pace with the
31 current service requirements of ongoing federal-state programs
32 that require state matching funds for federal grants; and

33
34 WHEREAS, while the merits of each program should be examined
35 on an individual basis, these mandates are almost always costly
36 to the states, and inappropriately intrude upon or preempt the
37 rights and powers of state government; and

1 WHEREAS, forcing the states to comply with and contribute to
2 the cost of implementing federally-developed programs and
3 initiatives offers the federal government a convenient method of
4 taking credit for expanding and developing new programs while
5 exporting the burden of cost and administration to the states;
6 and
7

8 WHEREAS, due to the fact that a significant number of states
9 are now facing serious budgetary problems, the current
10 federal-state partnership arrangement for the administration of
11 federally-mandated programs should be reexamined; and
12

13 WHEREAS, a survey of programs mandated by the federal
14 government but funded or partially funded by the State should be
15 the first step in better understanding the magnitude of this
16 situation; now, therefore,
17

18 BE IT RESOLVED by the House of Representatives of the
19 Seventeenth Legislature of the State of Hawaii, Regular Session
20 of 1994, that the Legislative Reference Bureau conduct a survey
21 of government programs in the State that are:
22

- 23 (1) Mandated by the federal government but funded by the
24 State;
25
26 (2) Mandated by the federal government but require State
27 matching funds;
28
29 (3) Funded or partially funded by federal funds but
30 scheduled to have these federal funds reduced or
31 discontinued; or
32
33 (4) No longer mandated, but continues to be supported by
34 state funds;
35

36 and
37

38 BE IT FURTHER RESOLVED that the Legislative Reference Bureau
39 submit the survey to the Legislature no later than twenty days
40 prior to the convening of the Regular Session of 1995; and
41

42 BE IT FURTHER RESOLVED that a certified copy of this
43 Resolution be transmitted to the Director of the Legislative
44 Reference Bureau.

Appendix B

QUESTIONS ON FEDERALLY MANDATED STATE PROGRAMS

Note: This questionnaire is being distributed to all the principal state executive branch departments in response to the attached H.R. No. 370, H.D. 1, which requests the Legislative Reference Bureau to take the first step and conduct a survey of government programs in the State that are mandated by the federal government or were formerly mandated but are still supported by State funds. The Bureau is limiting the scope of the survey to executive branch programs funded for the fiscal biennium 1993-1995 by appropriation acts passed in 1993 and 1994 by the Seventeenth Legislature.

For purposes of this survey, please use the following definitions:

"State government program" means: A combination of resources and activities designed to achieve an objective or objectives. This is the definition used in the executive budget proposals and in chapter 37, Hawaii Revised Statutes, relating to the state budget. For purposes of this survey, please include programs funded by any state appropriation act. Also, consider a program as belonging to your department if your department is identified in the appropriation act as the responsible agency or as an expending agency.

A "federal mandate" evidently has no universally accepted definition but potentially exists in the following types of policy instruments used by the federal government in its relationship with the states:

- (1) A federal statutory, regulatory, or judicial instruction that directs state governments to undertake a specific action or to perform an existing function in a particular way, or imposes additional financial burdens on them. Such orders may be supported by civil or criminal penalties against the governments or government officials responsible for compliance.
- (2) A partial preemption statute, in which the federal government exerts its constitutional authority to preempt a field of regulation and to establish minimum national standards. Subject to federal approval, regulatory administration may then be delegated to a state if the state adopts standards at least as stringent as the federal government's.
- (3) Conditions and requirements of a federal grant-in-aid program, where the conditions and requirements are integral to a state's activities, or the state cannot easily withdraw from the program for any of the following reasons:
 - (a) Substantial start-up costs have already been expended by the state;
 - (b) The state may have abolished its own program in favor of the federal initiative;
 - (c) The public may have come to rely on the benefits provided by the grant program; or
 - (d) The state's budget may now be heavily dependent on large sums of federal money.

While the Advisory Commission on Intergovernmental Relations identifies the first category as a direct mandate, it notes that the other two categories of federally induced costs produce the same fiscal effects on the states as the first: all three impose direct costs and prohibit the use of cost-effective alternatives. An overlapping of categories is possible. Please advise us if your understanding of the term is different. Also, please do not interpret a federal statute as being a mandate if the statute has been adopted as part of the state constitution.

- (1) The name of your department. The names, titles, and phone numbers of the persons responsible for overseeing the completion of this questionnaire.
- (2) Identify each of your department's program IDs in Act 289, Session Laws of Hawaii 1993 ("General Appropriations Act of 1993") and in Act 252, Session Laws of Hawaii 1994 ("Supplemental Appropriations Act of 1994") that implements one or more federal mandates. Include program IDs for which you are an expending agency but the ID designates a different department. Identify the federal mandates by name and by official citation to federal statutes, administrative rules, and court orders or decrees. Indicate whether the statute or rule structures the mandate in the form of conditions or requirements of a grant-in-aid program. Provide a brief description of the mandate: its requirements and objectives, its target group, the name of the federal oversight or funding agency. If your department has several program IDs stemming from the same federal mandates, these programs may be treated together.
- (3) Identify all other programs found in other appropriation acts enacted in 1993 and 1994 for the fiscal biennium 1993-1995 that implement one or more federal mandates. Include acts enacted in 1994 for the 1993-1994 fiscal year, but exclude appropriation acts enacted in 1993 for the 1992-1993 fiscal year. If any of these programs have since been given IDs for inclusion in the next executive budget proposal, please provide those program IDs. Identify the federal mandates by name and by official citation to federal statutes, administrative rules, and court orders or decrees. Indicate whether the statute or rule structures the mandate in the form of conditions or requirements of a grant-in-aid program. Provide a brief description of the mandate: its requirements and objectives, its target group, the name of the federal oversight or funding agency.
- (4) For each program, provide figures for the operating costs and capital expenditures appropriated, or budgeted, to your department to implement each of the program's federal mandates for the fiscal biennium 1993-1995.
- (5) For each federal mandate affecting your department, state the consequences of the State's nonparticipation or noncompliance with the mandate. Discuss, as applicable, any sanctions and penalties, loss of funds for the state program, loss of continuing federal funds or new federal funds, loss of funds to other state programs, or preemption of power or jurisdiction to regulate in a particular area. If a grant or cooperative agreement is involved, discuss the disadvantages of not having moneys from the grant or agreement. If an appropriation out of state general bond funds had been deemed necessary to qualify for federal aid financing and reimbursement, discuss either the necessity of qualifying for such financing and reimbursement or the consequences of not seeking such federal aid. Also, identify every program or program ID of your department that implements the mandate.

- (6) For each program, identify which of the federal mandates are funded entirely by the State.
- (7) For each program, identify which of the federal mandates are funded entirely by the federal government. Consider federal funds to include reimbursement funds. Discuss: (a) whether the funds are scheduled by the federal government to be reduced or discontinued; and (b) whether the reduction or discontinuation shifts any burden of funding onto the State.
- (8) For each program, identify which of the federal mandates are funded by state and federal matching funds. Include reimbursement funds as federal funds. Identify the match formula for each of the federal mandates. Discuss: (a) whether these funds are scheduled by the federal government to be reduced or discontinued; (b) whether the reduction or discontinuation shifts any burden of funding onto the State; and (c) whether the reduction or discontinuation results from a change in the match formula, from a change in the factors, external events, and situations to which the match formula is applied, or from other anticipated changes relating to the levels of federal funding authorized or appropriated by the federal government.
- (9) Discuss whether any of your department's programs are mandated by the federal government but were not discussed under the previous three questions, numbers (6), (7), and (8). These mandates might include federal funding that does not involve a match formula.
- (10) Identify which of your department's programs or program IDs in the General Appropriations Act of 1993 and the Supplemental Appropriations Act of 1994 were appropriated moneys for federal mandates which no longer exist. Do the same for other appropriation acts of the Seventeenth Legislature relating to the same fiscal biennium. Discuss the former mandates and their termination dates. For the purposes of this question, a former mandate includes both a federal statute which is no longer authorized to provide federal funds to the states and a federal statute which is still authorized to provide those funds but no longer appropriates them. Provide figures for the operating costs and capital expenditures appropriated, or budgeted, to your department to implement each of the program's former federal mandates for the fiscal biennium 1993-1995.
- (11) Sum up the operating costs and capital expenditures appropriated, or budgeted, to your department to implement all federal mandates in all of your department's programs and program IDs.
- (12) Sum up the operating costs and capital expenditures appropriated, or budgeted, to your department to implement all former federal mandates in all of your department's programs and program IDs.
- (13) Sum up the totals of items (11) and (12).
- (14) Indicate the total operating costs and capital expenditures appropriated to your department for the fiscal biennium 1993-1995.

- (15) Please feel free to make any other comments or remarks that relate to the matters concerned in the Resolution that you feel should be pointed out to the Legislature.

PLEASE SEND THE COMPLETED QUESTIONNAIRE TO DEAN SUGANO, LEGISLATIVE REFERENCE BUREAU, STATE CAPITOL, HONOLULU, HI 96813, BY OCTOBER 17, 1994.

Appendix C

AGENCY CONTACT PERSONS

Office of the Governor

Douglas S.Y. Tom, Chief, Coastal Zone Management Program, Office of State Planning
Jeanette C. Takamura, Ph.D, Director, Executive Office on Aging

Office of the Lieutenant Governor

Wayne Kimura, Researcher

Department of Accounting and General Services

Gordon Matsuoka, State Public Works Engineer
George Okano, School Bus Transportation Officer V, Central Services/Student Transportation
Stanley Shin, Chief, Planning Branch
James I. Yamamura, Audit Administrator, Audit Division

Department of Agriculture

Robert Boesch
Richard R. Lawton, D.V.M., Manager, Meat Inspection Branch
James E. Maka

Department of the Attorney General

Dewey Kim, Supervisor, Medicaid Investigations Division
Liane Moriyama, Administrator, Hawaii Criminal Justice Data Center
Adrian Kwock, Criminal Justice Planning Specialist, Resource Coordination Division
Lari Koga, Administrator, Resource Coordination Division

Department of Budget and Finance

E. Ann Nishimoto, Administrator, Financial Administration
Bert Nishihara, Accountant, Hawaii Public Employees Health Fund
David Shimabukuro, Assistant Administrator, Employees' Retirement System

Department of Business, Economic Development and Tourism

Jeff Pang, Energy Division
John Tantilinger, Energy Division

Department of Commerce and Consumer Affairs

Clifford K. Higa, Director

Department of Defense

Tom Moriyasu, Fiscal Officer
James Toyama, Management Analyst

Department of Education

--No respondents.--

Department of Hawaiian Home Lands

Rodney Lau, Administrative Services Officer

Department of Health

Sharon Abe, Budget Officer, Administrative Services Office
Scott Cunningham, Supervisor, School Health Support Services Section
Dan Eineker, Accountant
Gladys D. Harding, Section Supervisor
Russell Kamemoto, Supervisor, Perinatal Health Services Section
Jully Lim, Public Health Administrative Officer
Harvalee Limm, Management Analyst
Michael Maruyama, Planner/Administrator
Robert W. Rhein, Public Health Administrative Officer
Patrick Sonoda, PHAO, HQAD
Robin Springer, PHAO
Alan Taniguchi, M.D., Chief, Children with Special Health Needs Branch
Diana C. Tizard, Executive Director
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Peter Whitar, Branch Chief
Amy Yamaguchi, Accountant
Helen K. Yoshimi, Branch Chief

Department of Human Resources Development

Steven Kamaura, Personnel Management Specialist, Budgeting and Supporting Services Office

Department of Human Services

Carol Chang, SSSSD/CCPO
Carol Imanaka, Juvenile Justice Program Specialist, Office of Youth Services
Gail M. Kikudome, Employment and Training Program Office Administrator, Self-Sufficiency and Support Services Division
Melanie Martin, Civil Rights Compliance Officer
Patricia Murakami, Income Maintenance Program Administrator
John Noland, Assistant Administrator, Vocational Rehabilitation and Services for the Blind Division
Judith Ooka, Administrative Assistant, Office of the Director
Brian Pang, Finance Officer, Med-QUEST Division
James Pratt, Budget Analyst
Mitsuo Shito, Executive Director, Hawaii Housing Authority
Patricia Snyder, Acting Services Program Development Administrator
Linda Yoneyama, Assistance Program Administrator
Robert S.N. Young, Planner

Department Labor and Industrial Relations

Goldrino Balatico, Accountant
Judith Gordon, Research Statistician
Claire Hane, Research Statistician V, Research and Statistics Office
Naomi Harada, Research Statistician VI, Research and Statistics Office
Ellen Kondo, ATS Branch Manager
Sybil Kyi, Executive Director, Commission on Employment and Human Resources
Nelson Liu, Program Supervisor
Frederick Pang, Research and Statistics Officer, Research and Statistics Office
Jennifer Shishido, Administrator
Linda C. Tseu, Executive Director, Hawaii Civil Rights Commission
Miles Yasui, Program Development Officer

Department of Land and Natural Resources
Paul Conry

Department of Public Safety
Darin Kawazoe

Department of Taxation
Richard F. Kahle, Jr., Director

Department of Transportation
Nell Cammack, Oahu Metropolitan Planning Organization
Paul Hamamoto, Staff Traffic Engineer, Highways Division, Traffic Office
Daniel Iyo, Management Analyst, Business Management Office
Alexander K. Kaonohi, Motor Carrier Safety Manager, Highways Division, Motor Vehicle Safety Office
Walter Kuroiwa, Engineering Program Manager, HWY-L
John Lovstedt, Highway Safety Manager, Highways Division, Motor Vehicle Safety Office
Gregg Matsushima, Planner V, Statewide Transportation Planning Office
Dean Nakagawa, Planner VII, Statewide Transportation Planning Office
Mitch Niiya, Project Coordinator, Airports Division
Bert Nishimura, Business Management Officer, Business Management Office
Francis Nishioka, Engineer VI, Highways Division
Shelli Oye, PPB
Randolph J. Sykes, Manager, Transportation Demand Management Office
Calvin M. Tsuda, Deputy Director of Transportation, Harbors Division
Eleanor Young, Training/Safety Officer, Personnel Division, Staff Office

University of Hawaii
Nancy Ellen Brown, Assistant to the Vice President for Research and Graduate Education, UH Manoa
Beth E. Byerly, Asst. Director, C.A.R.E., UH Manoa
Carol M. Eastman, Executive Vice Chancellor, UH Manoa
Andy Fegan, Administrator, Student Health Service, UH Manoa
Annabelle C. Fong, Director, Financial Aid Services, UH Manoa
Edward Fountain, EEO Officer, EEO/AA, UH
Peter Garrod, Acting Director, Office of Research Administration, UH Manoa
Vivian Halverson, Director, Children's Center, UH Manoa
Alan Kohan, State Director for Vocational Education, UH
Julia Leung, Cancer Research Center of Hawaii, UH Manoa
Mary McSorley, Acting Director, Co-curricular Activities, Programs & Services, UH Manoa
Peter Mougini-Mark, Director, Hawaii Space Grant College, UH Manoa
June C. Naughton, Director, International Student Services, UH Manoa
Evelyn Nowaki, Associate Director, Personnel Management Office, UH
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Dennis Taga, Policy and Program Officer, Office of Planning and Policy, UH
Roy Takekawa, Director, Environmental Health and Safety Office, UH Manoa
Allyson M. Tanouye, Interim Director, Center for Student Development, UH Manoa
William Thomas, Special Assistant to the Vice President for University Relations, UH
Donald M. Topping, Director, Social Science Research Institute, UH Manoa

Edgar Torigoe, UH Hilo
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Ruddy Wong, Director of Administrative Services, CTAHR, UH Manoa
Myrtle Yamada, Director, Administrative Services, College of Education, UH Manoa
Norman Yamamura, Director of Financial Operations, Fiscal Services Office, UH
Edward Yuen, Director of Human and Material Resources, Procurement and Property
Management Office, UH

Appendix D

A SELECT LIST OF FEDERAL MANDATES IMPLEMENTED IN STATE PROGRAMS

STATUTES

Americans with Disabilities Act (ADA) of 1990, PL 101-336, as amended.

Implementing State programs: AGS 221, TRN 102, UOH 105, UOH 106, UOH 902, UOH 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Capital	750,000	0
<u>State funds:</u>		
Operating	300	300
Capital	1,050,000	1,500,000
Subtotal	1,050,300	1,500,300
Total	1,800,000	1,500,300

Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, PL 101-392.

Implementing State programs: LBR 135, UOH 904

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	5,191,596	5,191,596
<u>State funds:</u>		
Operating	412,000	412,000
Total	5,603,596	5,603,596

Cash Management Improvement Act (CMIA) of 1990, PL 101-453, as amended.

Implementing State programs: BUF 115

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
<u>State funds:</u>		
Operating	0	500,000

Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, PL 102-295.

Implementing State programs: HMS 301

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	169,785	189,471
<u>State funds:</u>		
Operating	0	0

Child Abuse Prevention and Treatment Act, 1974, PL 93-247, as amended. Victims of Crime Act of 1984, PL 98-473, as amended.

Implementing State programs: HMS 301

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	193,675	196,203
<u>State funds:</u>		
Operating	0	0

Child Nutrition and WIC Reauthorization Act of 1989, PL 101-147.

Implementing State programs: HTH 160

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	24,378,969	29,071,149
<u>State funds:</u>		
Operating	0	0

Civil rights, equal employment opportunity, and affirmative action statutes, rules, and executive orders: Civil Rights Act of 1960, PL 86-449; Civil Rights Act of 1964, PL 88-352, as amended; Equal Pay Act of 1963, PL 88-38, as amended; Age Discrimination in Employment Act of 1967, PL 90-202, as amended; Age Discrimination Act of 1975, PL 94-135; Vietnam Era Veterans' Readjustment Assistance Act of 1974, PL 93-508; Education Amendments of 1972, PL 92-318; Immigration Reform and Control Act of 1986, PL 99-603, as amended; Voting Rights Act of 1965, PL 89-110, as amended; Voting Accessibility for the Elderly and Handicapped Act, 1984, PL 98-435; Uniformed and Overseas Citizens Absentee Voting Act, 1986, PL 99-410; National Voter Registration Act of 1993, PL 103-31; 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunities; Executive Order No. 11246, Equal Opportunity in Federal Employment, 1965, as amended.

Implementing State programs: HMS 904, LTG 100, UOH 902, UOH 903

	<u>FY 1993-95</u>
<u>Federal funds:</u>	
Operating	0

<u>State funds:</u>	
Operating	786,094

Clean Air Act of 1970, PL 91-604, as amended; ,Toxic Substances Control Act (TSCA) of 1986, PL 99-419, as amended.

Implementing State programs: HTH 840, PER 102

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	915,169	915,169
<u>State funds:</u>		
Operating	886,003	885,503
special fund		1,800,000
Subtotal		2,685,503
Total	1,801,172	3,600,672

Clinical Laboratory Improvement Amendment of 1988, PL 00-578.

Implementing State programs: UOH 105

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
<u>State funds:</u>		
Operating	1,500	1,500

Coastal Zone Management (CZM) Act of 1972, PL 92-583, as amended.

Implementing State programs: GOV 103

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	880,400	968,000
<u>State funds:</u>		
Operating	649,496	643,626
Total	1,529,896	1,611,626

Commercial Motor Vehicle Safety Act of 1986, PL 99-570.

Implementing State programs: TRN 597

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	--	--

<u>State funds:</u>		
<u>Operating</u>	1,188,597	1,226,046
<u>Capital</u>	200,000	0
<u>Total</u>	<u>1,388,597</u>	<u>1,226,046</u>

Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, PL 99-272, as amended.

Implementing State programs: BUF 142

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Operating</u>	0	0
<u>State funds:</u>		
<u>Operating</u>	30,900	32,800

Department of Energy Organization Act of 1977, PL 95-91, as amended. Federal Grant and Cooperative Agreement Act of 1977, PL 95-224.

Implementing State programs: BED 120

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Operating</u>	330,928	108,224
<u>State funds:</u>		
<u>Operating</u>	0	0

Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, PL 103-230.

Implementing State programs: HTH 907

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Operating</u>	450,000	450,000
<u>State funds:</u>		
<u>Operating</u>	159,618	159,618
<u>Total</u>	<u>609,618</u>	<u>609,618</u>

Endangered Species Act of 1973, PL 93-205, as amended.

Implementing State programs: LNR 402

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Operating</u>	697,000	787,000
<u>State funds:</u>		
<u>Operating</u>	609,000	656,000

<u>Capital</u>	60,000	25,000
<u>Sub-total</u>	669,000	681,000
Total	, 1,366,000	1,468,000

Energy Policy Act of 1992, PL 102-486.

Implementing State programs: BED 120

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
<u>State funds:</u>		
Operating	0	40,000

Energy Policy and Conservation Act, 1975, PL 94-163, as amended.

Implementing State programs: BED 120

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	3,129,082	3,036,680
<u>State funds:</u>		
Operating	30,000	30,000
Total	3,159,082	3,066,680

Federal-Aid Highway Act of 1978, PL 95-599.

Implementing State programs: TRN 597

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
<u>State funds:</u>		
Operating	439,648	439,648

Federal Civil Defense Act of 1950, ch. 1228, 64 Stat. 1245, as amended.

Implementing State programs: DEF 110

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	960,558	478,000
<u>State funds:</u>		
Operating	839,456	2,182,102
Total	1,800,014	2,660,102

Federal Insecticide, Fungicide, and Rodenticide Act, 1972, PL 92-516, as amended.

Implementing State programs: AGR 846

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	263,010	500,000
<u>State funds:</u>		
Operating	685,796	726,341
Total	948,806	1,226,341

Federal Meat Inspection Act, 1967, PL 90-201, as amended; Poultry Products Inspection Act, 1957, PL 85-172, as amended.

Implementing State programs: AGR 810

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,266,775	1,236,165
<u>State funds:</u>		
Operating	870,632	814,180
Total	2,137,407	2,050,345

Federal Transit Act, 1964, PL 88-365, as amended.

Implementing State programs: TRN 595, TRN 995

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	410,941	508,772
Capital	1,605,474	2,707,820
Sub-total	2,016,415	3,216,592
<u>State funds:</u>		
Operating	50,000	50,000
Total	2,066,415	3,266,592

Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), 1948, ch. 758, 62 Stat. 1155, as amended.

Implementing State programs: HTH 840, TRN 595

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,469,005	1,469,005
<u>State funds:</u>		
Operating	1,385,833	1,529,450
Total	2,854,838	2,998,455

Food Stamp Act of 1977, PL 95-113, as amended, including the Food Security Act of 1985, PL 99-198, as amended.

Implementing State programs: HMS 206, HMS 702, HMS 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	755,630	755,630
Coupons (not reflected in the State's budget)	147,149,411	156,000,000
<u>State funds:</u>		
Operating	756,549	745,201
Total	148,661,590	157,500,831

Hatch Act of 1887, ch. 314, amended by Act of August 11, 1955, ch. 790.

Implementing State programs: UOH 102

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,802,456	1,835,921
<u>State funds:</u>		
Operating	1,345,918	1,377,009
Total	3,148,374	3,212,930

Highway Safety Act of 1966, PL 89-564; Highway Safety Act of 1973, PL 93-87.

Implementing State programs: TRN 595, TRN 597

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	777,051	1,667,051
<u>State funds:</u>		
Operating	1,650,576	2,032,576
Total	2,427,627	3,699,627

Immigration and Nationality Act of 1952, PL 82-414, as amended.

Implementing State programs: LBR 111, UOH 105, UOH 902, UOH 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	304,489	304,489
<u>State funds:</u>		
Operating	14,000	137,442
Total	318,489	441,931

Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, PL 102-240.

Implementing State programs: TRN 595, TRN 995

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	2,814,000	3,057,231
<u>State funds:</u>		
Operating	725,500	806,846
Total	3,539,500	3,864,077

Job Training Partnership Act (JTPA), 1982, PL 97-300, as amended.

Implementing State programs: LBR 131, LBR 901

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	20,967,465	10,484,373
<u>State funds:</u>		
Operating	475,275	479,492
Total	21,442,740	10,963,865

Juvenile Justice and Delinquency Prevention Act of 1974, PL 93-415, as amended.

Implementing State programs: HMS 501

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	688,876	683,600
<u>State funds:</u>		
Operating	0	0

Laboratory Animal Act of 1965, PL 89-544, as amended; Health Research Extension Act of 1985, PL 99-158.

Implementing State programs: UOH 102

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
<u>State funds:</u>		
Operating	769,357	803,042

Low Income Home Energy Assistance Act of 1981, PL 97-35, as amended.

Implementing State programs: HMS 206, HMS 236, HMS 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,527,801	1,393,844
<u>State funds:</u>		
Operating	0	0

National and Community Service Trust Act of 1993, PL 103-82.

Implementing State programs: HMS 601

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	559,557	512,284
<u>State funds:</u>		
Operating	485,577	460,693
Total	1,045,134	972,977

National Cemeteries and Memorials, 38 USC ch. 24, §2408.

Implementing State programs: DEF 112

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Capital	1,960,000	0
<u>State funds:</u>		
Capital	1,500,000	0
<u>County funds:</u>		
Capital	460,000	0
Total	3,920,000	0

National Defense Act of 1920 (also known as the Dick Act), ch. 227, 41 Stat. 765, 787.

Implementing State programs: DEF 110

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	2,123,778	3,580,345
Capital	5,067,000	0
Sub-total	7,190,778	3,580,345
 <u>State funds:</u>		
Operating	550,404	716,069
Capital	3,672,000	0
Sub-total	4,222,404	716,069
 Total	11,413,182	4,296,414

National Energy Conservation Policy Act of 1978, PL 95-619, as amended.

Implementing State programs: BED 120

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	5,000	5,000
 <u>State funds:</u>		
Operating	5,000	5,000
 Total	10,000	10,000

National School Lunch Act, 1946, ch. 281, 60 Stat. 230, as amended.

Implementing State programs: UOH 105

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	21,500	21,500
 <u>State funds:</u>		
Operating	5,325	5,325
 Total	26,825	26,825

Occupational Safety and Health Act (OSHA) of 1970, PL 91-596, as amended.

Implementing State programs: AGS 221, LBR 143, LBR 901, TRN 995, UOH 105

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,477,005	1,489,962

<u>State funds:</u>		
Operating	1,445,111	1,464,721
Capital	761,000	6,179,000
Sub-total	2,206,111	7,643,721
Total	3,683,116	9,133,683

Older Americans Act of 1965, PL 89-73, as amended.

Implementing State programs: GOV 602, HMS 601, LBR 131

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	7,246,399	7,325,643
<u>State funds:</u>		
Operating	8,028,394	8,027,111
Total	15,274,793	15,352,754

Public Health Service Act, 1944, ch. 373, 58 Stat. 682, as amended.

Implementing State programs: HTH 101, HTH 111, HTH 440, HTH 495, UOH 105

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	8,982,913	9,511,782
<u>State funds:</u>		
Operating	3,291,434	3,327,164
Total	12,274,347	12,838,946

Rehabilitation Act of 1973, PL 93-112, as amended; Individuals with Disabilities Education Act (IDEA), 1990, PL 101-476, as amended.

Implementing State programs: AGS 808, HMS 802, HTH 530, HTH 540, UOH 106, UOH 902, UOH 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	6,554,473	8,744,956
<u>State funds:</u>		
Operating	10,604,549	10,963,029
Total	17,159,022	19,707,985

Resource Conservation and Recovery Act (RCRA) of 1976, PL 94-580; Hazardous and Solid Waste Amendments of 1984, PL 98-616; and Superfund Amendments and Reauthorization

Act (SARA) of 1986, PL 99-499, as amended.

Implementing State programs: HTH 840

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	540,682	540,682
<u>State funds:</u>		
Operating	689,025	663,806
Total	1,229,707	1,204,488

Revenue Act of 1978, PL 95-600, as amended.

Implementing State programs: LBR 111

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	43,892	10,826
<u>State funds:</u>		
Operating	0	0

Safe Drinking Water Act of 1974, PL 93-523, as amended.

Implementing State programs: HTH 840

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	682,783	682,783
<u>State funds:</u>		
Operating	802,296	799,796
Total	1,485,079	1,482,579

Smith-Lever Act, 1914, ch. 79, as amended.

Implementing State programs: UOH 103

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	3,004,395	3,063,692
<u>State funds:</u>		
Operating	1,278,855	1,305,429
Total	4,283,250	4,369,121

Social Security Act, 1935, ch. 531, 49 Stat. 620, as amended. Various sections and titles:

Sections 402, 403, 1102. Family Support Act of 1988, PL 100-485.

Implementing State programs: HMS 302

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	67,034	90,000
<u>State funds:</u>		
Operating	67,034	90,000
Total	134,068	180,000

Section 1102. Adoption Assistance and Child Welfare Act of 1980, PL 96-272, Titles IVB and IVE.

Implementing State programs: HMS 301, HMS 303

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	8,803,723	9,603,723
<u>State funds:</u>		
Operating	300,931	3,600,931
Total	9,104,654	13,204,654

Title III, Unemployment Insurance.

Implementing State programs: LBR 171

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	152,170,670	167,617,548
<u>State funds:</u>		
Operating	0	0

Title IVA, Aid to Families with Dependent Children (AFDC).

Implementing State programs: HMS 201, HMS 236, HMS 301, HMS 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	74,601,072	79,640,086
<u>State funds:</u>		
Operating	75,409,671	79,640,086
Total	150,010,743	159,280,172

Title IVE, Independent Living.

Implementing State programs: HMS 303

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	21,507	20,000
<u>State funds:</u>		
Operating	6,300	6,300
Total	27,807	26,300

Title IVF, Job Opportunities and Basic Skills (JOBS).

Implementing State programs: HMS 701

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	5,317,532	5,317,562
<u>State funds:</u>		
Operating	8,743,904	8,326,047
Total	14,061,436	13,643,609

Title V, Maternal and Child Health Block Grant.

Implementing State programs: HTH 530

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,355,408	1,298,160
<u>State funds:</u>		
Operating	2,466,890	2,227,218
Total	3,822,298	3,525,378

Title XVI, Supplemental Security Income.

Implementing State programs: HMS 202, HMS 236, HMS 238, HMS 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	2,831,510	2,831,510
<u>State funds:</u>		
Operating	17,877,142	19,222,972
Total	20,708,652	22,054,482

Title XVIII, Medicare.

Implementing State programs: BUF 142, HTH 211-215, HTH 221-224, HTH 231-232, HTH 241-242, HTH 720

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	1,905,609	1,524,022
<u>State funds:</u>		
Operating	92,562	83,285
Total	1,998,171	1,607,307

Title XIX, Medicaid.

Implementing State programs: ATG 100, BUF 142, HMS 230, HMS 902, HMS 904, HTH 211-215, HTH 221-224, HTH 231-232, HTH 241-242, HTH 530

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	197,039,964	278,015,035
<u>State funds:</u>		
Operating	232,448,607	273,338,315
Total	429,488,571	551,353,350

Title XX, Social Services Block Grant.

Implementing State programs: HMS 301, HMS 303, HMS 601, HMS 904

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	10,750,784	10,844,039
<u>State funds:</u>		
Operating	0	0

Miscellaneous: Administrative costs of Titles IVA, XVI, XIX, and XX; Retirement benefits under OBRA 1990.

Implementing State programs: BUF 141, HMS 236, HMS 903, HMS 904

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	16,615,467	16,735,621
<u>State funds:</u>		
Operating	23,472,925	24,266,127
Total	40,088,392	41,001,748

Social Security Act, as amended:

Total federal	471,480,280	573,537,306
<u>Total State</u>	<u>360,885,966</u>	<u>410,801,281</u>
Total	832,366,246	984,338,587

Student Right-to-Know and Campus Security Act, 1990, PL 101-542, as amended.

Implementing State programs: UOH 902, UOH 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
Capital	0	0
<u>State funds:</u>		
Operating	5,000	5,000
Capital	11,000	0
<u>Total</u>	<u>16,000</u>	<u>5,000</u>

Veterans' Benefits, 1958, PL 85-782, as amended.

Implementing State programs: UOH 900

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	625	655
<u>State funds:</u>		
Operating	11,304	12,210
Total	11,929	12,865

Wagner-Peyser Act of 1933, PL 73-30, as amended.

Implementing State programs: LBR 111

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	2,825,867	2,933,814
<u>State funds:</u>		
Operating	0	0

Water Resources Research Act of 1984, PL 98-242, as amended.

Implementing State programs: UOH 102

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	100,500	105,500

<u>State funds:</u>		
<u>Operating</u>	201,000	211,000
Total	301,500	316,500

OTHER: ADMINISTRATIVE, JUDICIAL

Administrative:

Federal Aviation Regulation §107.14, Federal Aviation Administration.

Implementing State programs: TRN 102

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Capital</u>	0	0
<u>State funds:</u>		
<u>Capital</u>	6,747,000	0

OMB Circulars A-21, A-87, A-88, A-128, A-133.

Implementing State programs: AGS 104, BUF 115, UOH 102, UOH 104, UOH 903

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Operating</u>	0	0
<u>State funds:</u>		
<u>Operating</u>	1,282,719	235,124

Reception Facilities for Oil, Noxious Liquid Substances, and Garbage, 33 CFR Part 158.

Implementing State programs: TRN 301, TRN 303, TRN 305, TRN 311, TRN 331, TRN 361

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
<u>Operating</u>	0	0
<u>State funds:</u>		
<u>Operating</u>	61,932	113,220

Judicial:

Spear v. Ariyoshi, No. 84-1104 (D. Hawaii June 12, 1985) (consent decree, following a lawsuit filed by the American Civil Liberties Union).

Implementing State programs: PSD 407, PSD 409

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
<u>State funds:</u>		
Operating	156,079	147,000

United States v. Hawaii, Civil No. 91-00137 (D. Hawaii Sept. 19, 1991) (settlement agreement and order, following a lawsuit filed by the Department of Justice).

Implementing State programs: HTH 420

	<u>FY 1993-94</u>	<u>FY 1994-95</u>
<u>Federal funds:</u>		
Operating	0	0
Capital	0	0
<u>State funds:</u>		
Operating	18,292,741	18,761,669
Capital	0	110,000
<u>Total</u>	<u>18,292,741</u>	<u>18,871,669</u>