

OFFICE OF THE GOVERNOR

STATE OF MONTANA



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'21B - Memo 4

To: Centralized Service Administrators of all State Agencies

From: Dan Villa, Budget Director  
Office of Budget and Program Planning

Subject: Federal Mandates Report

Title 2, Chapter 1, part 4, MCA, the Federal Mandates Act, requires state programs to implement federal statutes and, at the same time, to challenge and scrutinize the extent and scope of authority asserted by federal agencies that may be inconsistent with Montana policy. Two years ago the OBPP surveyed state agencies regarding federal mandates and used that information to publish the report required in 2-1-407, MCA, for the 65<sup>th</sup> Legislative Assembly.

In an effort to make this task as easy as possible, a two-part survey has been designed in Excel and saved in <H:\Federal Mandates\template.xltx>. You may use your response (if any) from last session as a starting point in the file <\\govquest\obppquest\Federal Mandates\2017 Fed Mandates Summary 17 bien.xls> to copy into your survey and edit or amend as necessary. Save your survey in your agency folder located at [\\govquest\obppquest\federal\\_mandates](\\govquest\obppquest\federal_mandates), save as **XXXX\_FM.xls** where XXXX is your four-digit agency code.

The survey is in two parts. **Section A** is a list of the federal mandates and an estimate of the annual cost to your agency. Designate with an asterisk if the cost is one-time. Please edit what has been copied into the form from your last response; add to the list and delete those that no longer apply. If you have no federal mandates, please indicate none and copy into your folder. If you will have a present law adjustment or a new proposal in your budget request due to one of these federal mandates, please note that as well.

**Section B** is for you, first, to recommend any changes to state statutes that would create savings or mitigate federal mandates if enacted by the next legislature. If none, please indicate. Second, please indicate any savings that have been achieved by your agency through the development of state policies that meet the intent of applicable federal statutes but do not necessarily meet all federal guidelines or policies.

Please go to the guest directory and complete this one-page form **by May 31**.

For your background reference, the OBPP defines the term federal mandate based upon the federal **Unfunded Mandate Reform Act of 1995** which states:

“The term ‘Federal intergovernmental mandate’ means...any provision in legislation, statute, or regulation that

- (5)(A)(i) would impose an enforceable duty upon States, local governments, or tribal governments . . . ; or
- (5)(A)(ii) would reduce or eliminate the amount of authorization of appropriations for
  - (I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or . . .
  - (5)(B)(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or
  - (II) would place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding to State, local, or tribal governments under the programs; and
  - (5)(B)(II)(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing services that are affected by the legislation, statute or regulation.”