

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

Date: April 18, 2024
To: Agency Directors
From: Lieutenant Governor Kristen Juras
Subject: Federal Mandates Report

The Montana Federal Mandates Act (MCA § 2-1-405) requires, as a part of the budget process, that state agencies provide the Governor's Office of Budget and Program Planning (OBPP) certain information so that OBPP can analyze whether there are more cost-effective and less burdensome means available to implement federal laws our state agencies are required to administer. This year we are focusing on burdensome federal regulations adopted by the federal government.

I have worked with OBPP to provide updated instructions and templates for agencies to use in complying with the Montana Federal Mandates Act. Please file your report with OBPP **by May 30, 2024**.

As a starting point, we have included a list of federal rules adopted since January 1, 2022, that potentially impose significant costs upon state and local governments. You may add to your agency list any rules with significant impact that we may have overlooked.

In completing your report, your agency will be asked:

- To identify, starting with the attached list, those federal rules that your agency is responsible for implementing. If we have missed any rules with a significant impact on your agency, you should add those rules to your agency list.
- To provide a brief analysis of whether **any monetary savings for the state** could be achieved through the development of Montana-specific policies that "meet the intent" of the federal legislation or rule even though they "do not necessarily follow" all applicable federal regulations, guidelines, or policies. If so, you will be asked to describe those policies, the estimated savings they could generate, and whether any changes to existing Montana statutes will be required to authorize your agency to implement those policies.
- To provide a brief analysis of whether **regulatory burdens on state or local governments and Montana citizens** could be achieved through the development of Montana-specific policies that "meet the intent" of the federal rule even though they "do not necessarily follow" all applicable federal regulations, guidelines, or policies. If so, you will be asked to describe those policies, the estimated savings they could generate, and whether any changes to existing Montana statutes will be required to authorize you to implement those policies.

You are **not** expected to estimate one-time-only or recurring costs in implementing all federal programs that you administer. To make this a meaningful exercise, we are narrowing the focus to identifying more cost-effective or less burdensome methods of implementing recent federal rulemaking. Based on your input, the Governor will then issue a report, as required by MCA § 2-1-407, that will include appropriate recommendations to the 69th Legislature providing Montana-made solutions to efficiently administering costly or burdensome federal mandates.