

**OFFICE OF THE GOVERNOR**  
**BUDGET AND PROGRAM PLANNING**  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



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HELENA, MONTANA 59620-0802

**'23B - Memo 4**  
**1 Attachment**

**M E M O R A N D U M**

**TO: Directors, Centralized Services Administrators, & Interested Parties**

**FROM:** Tom Livers, Budget Director  
Office of Budget and Program Planning

**DATE:** April 15, 2020

**SUBJECT: EXECUTIVE PLANNING PROCESS FOR THE 2023 BIENNIUM**

The 2023 biennium executive planning process (EPP) is underway. Agencies must submit all EPP requests by June 5 and budget requests by September 1, 2020. We are in unprecedented times, and the affects of the COVID 19 Pandemic on the state budget are yet to be fully understood. With that in mind, agencies should use restraint in developing budget requests. Focus on a present law budget maintaining existing levels of service and maximizing efficiencies.

Agencies should continue to be mindful that the role of government is to serve on behalf of the people of Montana as well as the taxpayers, and Montana citizens expect us to be responsible fiscal stewards of public funds and Montana's economy. Please ensure that requests for financial resources of the state are in line with Governor Bullock's charge of growing Montana's economy by helping businesses create more high-paying jobs, bettering our education system, and operating an efficient and cost-effective government.

# 1. EPP BASICS

## A. Training and Resources

IBARS EPP training will be conducted by the OBPP. Also, the LSD (Legislative Services Division) will provide bill drafting training again. Training opportunities related to preparation for the next legislative session will include:

**EPP/IBARS** training by the OBPP will be conducted via videos (communication regarding training will come from Gerry Murphy)

**Bill Drafting** training conducted by the LSD to be scheduled in June

**Budget Request/IBARS** training by the OBPP August 17,18, and 19

**Fiscal Note** training by the OBPP in early December, State Capitol

All OBPP memos, training guides, and instructions are available on the OBPP guest directory and on the web at: <http://budget.mt.gov> .

## B. Definitions of Terms

1. **Base Budget** means "the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature." [17-7-102(4), MCA] The base budget for 2023 biennium budget development and analysis purposes will be: FY 2021 appropriated budgets for HB 2, NAPROP, and statutory appropriations. These budgets will be extracted from the SABHRS standard budget ledger and validated against FY 2021 SABHRS control budgets. These may also referred to as the **Starting Point**. Agencies should have these Standard Budgets completed on SABHRS for FY 2021 by June 1<sup>st</sup>.

2. **Present Law Base (PL)** means "that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to: (a) changes resulting from legally-mandated workload, caseload, or enrollment increases or decreases; (b) changes in funding requirements resulting from constitutional or statutory schedules or formulas; (c) inflationary or deflationary adjustments; and (d) elimination of nonrecurring appropriations.

3. **New Proposals (NP)** means "requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal." [17-7-102(10), MCA]

4. **One-Time-Only Appropriations (OTOs)** refers to funding authorized by the previous legislature which was assigned a separate subclass by the OBPP due to a statement of legislative intent that a specific amount of the funding/FTE was not to be included in the base budget for the next biennium or because the authority was administratively created.

5. **Reporting Levels (RLs)** are a tool used to group expenditure and budget data for reporting and analysis. There are up to five (5) different levels within a given RL, designated by a seventeen-digit string. Level 4 (RL4) is the analytical level at which agencies submit budgets and at which both the OBPP and LFD analyze, adjust, and maintain approved data. RL3s and RL4s are used sparingly for clearly-defined functions within a state government program, primarily when funding sources and/or constraints are different for that function than for other functions within the program, but also to distinguish HB 2, proprietary, and statutory authority. Mapping each budget organization/project to a 17-

byte RL string will be required for budget development. Agencies will complete the final agency/OBPP/LFD agreement on reporting level 4s and have a first round of all reporting level mappings completed by May 15th. RL maintenance will be required through FYE whenever new orgs and project grants are created.

### C. **Implementation of Definitions Discussion of Base Budget**

The actual FY 2020 expenditures will be available in IBARS for informational purposes and may be displayed in the Executive Budget (EB) tables. The FY 2021 Starting Point will be including in the EB tables. Based upon legislative action for each agency, and subsequent agency transactions, adjustments may include any or all of the following:

1. **Reorganization** - The FY 2021 Starting Point will include all agency reorganizations **submitted to the OBPP by April 1, 2020** and subsequently approved.
2. **Program Transfers** - The FY 2021 Starting Point will include FY 2021 program transfers (PTs) processed through June 1, 2020.
3. **Encumbrances (A-accruals)** – Encumbrances as recorded in SABHRS will be included in the displayed FY 2020 actual expenditures.
4. **Reviewing Statutory, Language, and OTO Authority** – Each statutory appropriation with a separate statutory reference will require a separate RL4. OTOs will be excluded from agency program tables. Carry-forward authority established in accordance with 17-7-304, MCA, for whatever purpose, is considered OTO, as is all language, all administratively established authority, budget amendments, and most cat and dog bills. OBPP will send out a list of the OTOs for review and concurrence. The list will be reviewed by the agency and both the OBPP and LFD analysts. The target date for completion is May 15.
5. **Biennial Appropriations** – Actual FY 2020 expenditures of biennial appropriations will be displayed in the FY 2020 actual expenditures column in IBARS. The amount of the biennial appropriations that is in FY 2020 will be included in the FY 2020 Starting Point. It will not include the balance remaining in the biennial appropriation at the end of FY 2020. These balances are rolled forward each year following fiscal year end closing with a journal reference number of Continuing Approp (CA). The FY 2021 Starting Point will be captured from SABHRS before these CA journals are processed. If adjustments are required to the amount in the FY 2021 starting point, a change package will be required.

Requests for biennial appropriations should be estimated appropriately between fiscal years as the agency anticipates that the funds would be spent. Please do not put the entire appropriation in the first year unless the agency anticipates spending the entire amount in the first year. Adjustments can be made with a BCD later, if the agency needs to move funds into the first year of the biennium from a biennial appropriation.

6. **Proprietary Funds** - Passage and approval of HB 576 in 1995 eliminated the requirement that internal service and enterprise funds collected in return for the provision of a service or product be appropriated. (NOTE: MBARS referred to these funds as HB 576 for the last time. IBARS refers to these funds as NAPROP). There will be no more systematic reference to HB 576. The Alcoholic Beverage Control Division and the Montana Lottery are budgeted in HB 2, based on subsequent legislative decisions. In lieu of appropriation for all other proprietary funds, 17-8-101, MCA, states:

“(6) Fees and charges for services deposited in the internal service fund type must be based upon commensurate costs. The legislative auditor, during regularly scheduled audits of state agencies, shall audit and report on the reasonableness of internal service fund type fees and

charges and on the fund equity balances.

“(7) The creation of accounts in the enterprise fund or the internal service fund must be approved by the department (of Administration), using conformity with generally accepted accounting principles as the primary approval criteria. The department shall report annually to the office of budget and program planning and the legislative fiscal analyst on the nature, status, and justification for all new accounts in the enterprise fund and the internal service fund. The report must be provided in electronic format

“(8) Enterprise and internal service funds must be appropriated if they are used as a part of a program that is not an enterprise or internal service function and that otherwise requires an appropriation. An enterprise fund that is required by law to transfer money to the general fund or to any other appropriated fund is subject to appropriation. The payment of funds into an internal service fund must be authorized by law.”

The form of the Executive Budget required by 17-7-123(1), MCA, includes:

“(f) A report on:

(i) enterprise funds not subject the requirements of subsections (1)(a) through (1)(e), including retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

(ii) fees and charges in the internal service fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund type must be approved by the legislature in the general appropriations act. Fees and charges in a biennium may not exceed the level approved by the legislature in the general appropriations act effective for that biennium.”

Proprietary functions funded by HB 2 may be included in an RL4 with other HB 2 funds or may have a separate RL4. Proprietary functions funded outside HB 2 must have a distinct RL4. In accordance with 17-8-101(8), MCA, the EB program tables will show only those proprietary funds that are part of a program that requires an appropriation. **For EPP purposes, if planned actions would affect the rates charged to budgeted programs, then the action requires an EPP request. The justification should describe the impact the request would have on rates.** The rate approved by the legislature for the 2021 biennium will be present law base, as will the three adjustments common to all agencies, discussed immediately below, i.e., personal services, inflation/deflation, and fixed costs. Any issue that changes the legislatively-adopted rate for those internal service funds that are not considered a fixed cost must be submitted during the EPP process.

Guidelines for submission of **enterprise and internal service funds funded outside HB 2** will be distributed by the OBPP on May 1. Agencies will prepare financial statements directly in IBARS for these funds. Requirements will be discussed further in the May 1 guidelines. Agencies will submit these budget requests by no later than September 1.

7. **Fixed Costs and Special Purpose Schedules** - Costs and schedules prepared by one agency which substantially affect the budgets of other agencies will be submitted no later than July 9, 2020, by provider agencies to the OBPP, for example, SITSD, rent, warrant writer, agency legal services. Guidelines for submission of these schedules will be distributed May 1. By delaying the submittal date until July 9, it is expected that the final requests will be based on the best possible expenditure data. On Aug 3, the OBPP and requesting agencies will host an informational workshop on the proposed fixed cost rates. The approved fixed cost and informational schedules, including any changes approved during EPP for the program providing the service, will be distributed to state agencies with the August budget request materials and will be used to prepare statewide present law change packages in all agencies.

#### **D. Discussion of Present Law Base**

Consistent with substantive law, for 2023 biennium budget development and analysis, the present law

base will be **expenditures, funding, and FTE required to maintain operations and services at the level authorized by the previous legislature, including legally-mandated workload, caseload, or enrollment increases or decreases, but excluding funding shifts** which must be new proposals in accordance with 17-7-102(10), MCA.

**The present law base will include three adjustments common to all agencies statewide:**

1. **Personal Services** - OBPP will prepare FY 2022 and FY 2023 personal services budgets to reflect workers comp, unemployment insurance, FICA, retirement contribution rates, number of hours each fiscal year, longevity adjustments, and health insurance rates. Personal services schedules will be included in the present law base for current level positions that are authorized for FY 2021. There will be an opportunity to include the budgeted FY 2021 amount for overtime and differential pay in the calculations for FY 2022 and FY 2023. So, change packages for these items will only be needed if an amount above the FY 2021 budgeted amount is being requested.
2. **Inflation/Deflation** - OBPP will develop independent inflationary/deflationary adjustments and develop recommendations on selected adjustments for inclusion in the 2023 biennium present law base. These items will be inflated from the FY 2021 Starting Point and will require some manual entry by agencies of FY 2021 data in IBARS.
3. **Fixed Costs** - Charges to agencies by other agencies will be allocated and funded by each agency in its August budget request. The following third-level expenditure accounts will be included:

<u>Account</u>	<u>Fixed Cost Item</u>
62104	DofA Insurance
62113	DofA Warrant Writing Fees
62114	DofA Payroll Service Fees
62114A	DofA Workers' Comp Bureau Fees
62122	Legislative Audit Fees
62148	DofA SABHRS costs
62xxx	DofA Information Technology Fees
62307	DofA "Deadhead" Messenger Services
62527	DofA Rent and Grounds Maintenance
62770	DofA Grounds maintenance
62888	DofA Statewide Cost Allocation Plan (SWCAP)

In August, the OBPP will distribute a schedule showing the amounts by year for each expenditure code listed above that an agency will allocate for FY 2021, FY 2022, and FY 2023. Additional instructions will be provided at that time. **Do NOT prepare change packages for these fixed costs during EPP.**

**All Other Adjustments** - Each agency will need to request all other present law change packages (adjustments)--regardless of cost--related to workload increases or decreases, equipment needs based on replacement schedules or workload, and other functional adjustments. **All present law increases/decreases that differ from the FY 2021 Starting Point** [except the three statewide PLs outlined above] **are to be submitted by each agency during EPP.** [See the examples that follow.] These EPP requests may be adjusted based upon actual experience/updated data as part of an agency budget request in August, when limited additional present law change packages also may be submitted. In an effort to keep the present law adjustments consistent with substantive law, the continuing policy is that FTE increases or decreases related to workload change packages will be submitted in EPP present law requests.

**E. EPP Present Law Requests and New Proposals**

For purposes of EPP, each agency will prepare and prioritize together at an agency-wide level, all present law increases/decreases and all new proposals. All changes from the FY 2021 Starting Point need to be

submitted as change packages. Since FY 2020 actual expenditures can help determine the total calculated need for a budgetary item, many of the adjustments requested during EPP will be zero dollar “placeholders”. All approved and pending change packages will be returned to an agency in August for final adjustment and refinement.

The new proposals (NPs) and present law adjustments (PLs) will be submitted using the EPP module of IBARS as outlined in the following section. New Proposals may be submitted in the form of a zero dollar “placeholder” as well when the agency may need additional information to finalize a proposal. EPP requests must be prioritized for the entire agency, not by program. Each EPP request change package will be attached to a RL4 string by the OBPP. Each EPP request must be coded either NP (new proposal) or PL (present law adjustment).

PL and NP requests developed during EPP may include but are not limited to:

1. **PL Adjustments** - Present law increases or decreases that currently are projected require a PL adjustment change package (CP). **Group these adjustments into the largest, most logical common denominator packages.** The name for each request should be clear, unique by program, and communicate the subject to legislators and the public. IBARS will enable all approved and pending PL adjustments to be copied into the agency version and returned to the requesting agency for review and modification during the August budget request time frame. Be prepared to answer questions regarding what is in your FY 2021 Starting Point, especially if there are material amounts for contracts, equipment, or other accounts.
2. **Funding Shifts** - If an agency will lose all or a portion of a state grant or federal special revenue and wishes to request a funding shift, this must be a New Proposal. If there is a recommendation for a statutory change, for example, to provide state special fee-for-service revenue to replace general fund, this is a NP. If a temporary funding shift of one-time monies was approved for the 2021 biennium to maintain or create a program, an EPP request for ongoing funding may be requested as a NP, in the event that an effort will be made to make the program permanent.
3. **Modified FTE** – If an agency is requesting modified FTE established in the 2021 biennium and funded with HB 2 authority to become permanent, provide complete justification for the NP. Use the same position number that was approved in FY 2020 in your request.
4. **Program Revisions Linked to Legislation** – When a request is tied to a proposed law change that will require 2021 legislative action, it must be a NP and may be either a negative or a positive budget adjustment. Please prepare EPP requests for budgetary impacts of proposed legislation. For these types of requests, select the “1-Legislation” option from the Change Package Category selection box on the Request Details tab in IBARS that indicates it is tied to pending legislation. Including these requests in IBARS makes tracking the budget status at the statewide level much easier.
5. **Match Rate Changes** - If federal participation in mandated programs is changing, for example from 75 percent federal/25 percent general fund appropriated for FY 2021 to 60 percent federal/40 percent general fund for FY 2022 - FY 2023, this would be a PL request. Funding shifts in discretionary programs must be NPs.
6. **Contract Rate Changes** - Some ongoing contracts may require PL adjustment change packages for rate increases/decreases for persons, businesses, and organizations providing services to the state. Provider rate increases will be NPs.
7. **Increasing Tuition Costs** - When tuition decisions of the Board of Regents affect non-university system Executive Branch agencies, this may require a PL request.
8. **Change Program Services** - If agency analysis indicates a more cost-effective manner to provide services, for example, changing from state employees to independent private contractors,

from independent contractors to state employees, restructuring units/bureaus/divisions, co-location of a regional office with another state agency, or combining regional offices, this type of change would likely be a PL. Likewise, some activities authorized by the last legislature were phased in, so the FY 2021 Starting Point may not reflect the full annualized operating expenses. A PL change package would be required for annualization.

9. **New Services/FTE** - New services can be requested during EPP. A new FTE, whether related to a NP or a PL workload adjustment, must include the amount of full-time equivalency, classification job code/Gr/Descr, workers comp code, and other benefit amounts. An hourly rate of 83% of the market midpoint for the job code should be used.
10. **Phased-in 2021 Biennium Modifications** – The 2019 Legislature may have phased-in a program for the current biennium. You may need a PL request and justification to provide for operating expenses for the entire 2023 biennium, if the program will be ongoing. Adjustments to your PL may be required in August based on actual FYE data.
11. **Training Assignments** – No EPP request is required if your agency routinely uses training assignments for entry level. There will be an opportunity during the EB request to add a training assignment adjustment to the PL personal services total by program and to fund it, when it is known that such assignments are to occur during FY 2021.
12. **Caseload/Workload Adjustments** - All legally mandated workload adjustments to the FY 2021 Starting Point will be PL change packages, for example, foster care, inmates, some inspections, some permit processing, public school enrollments, and Primary Care.
13. **Equipment** - A PL request will be required if a program needs replacement or workload equipment that exceeds the FY 2021 Starting Point. A NP (separate) request will be required if a program has new, major equipment needs that most likely will be treated as one-time authority to purchase a significant item. Note that if the request is for IT equipment, then the additional requirements related to IT requests must be met.
14. **State Motor Pool Lease Vehicles** – Agencies with permanently assigned vehicles are encouraged to take advantage of the state motor pool operated by the Department of Transportation. The OBPP survey of agencies during EPP will determine the numbers and types of permanently assigned state motor pool vehicles to be purchased by the Dept. of Transportation and leased to agencies in lieu of each agency purchasing and maintaining its own replacement vehicles. Agencies will use the 62510 expenditure account for recording motor pool leased vehicles in the August budget request. If it is anticipated that vehicles will be returned to the Motor Pool fleet during the next biennium, please indicate the information on the survey forms.
15. **Already-approved Budget Amendments** - If information is available that a budget amendment (BA) will be continuing through the 2023 biennium and into the 2025 biennium, the projected request is to be submitted during EPP in accordance with 17-7-402(6), MCA.

The NP change package request name should be clear. The BCD reference number, subclass number and name must be included in the narrative justification. If there are any FTE, the current SABHRS position number and attributes must be used.

Continue to submit all BA BCDs as soon as possible throughout budget development and the legislative session.

Processing BA BCDs up until the Legislature Convenes (January 7, 2021)

**IF:** The BA is a one-time award that will not extend beyond September 30, 2021.

**THEN:** Agency and OBPP do not need to put any authority into HB 2 (General Appropriations Act) or HB 4 (Budget Amendment Bill). 17-7-402(1)(f) allows the budget amendment to extend to

the end of the federal fiscal year.

**IF:** The BA is a one-time award that goes past the end of the federal fiscal year (September 30, 2021), but does not continue beyond the federal FY 2023.

**THEN:** OBPP will include language in HB 4 for "...all remaining federal authority from FY 2021 can continue into FY 2022."

**IF:** This is an award that extends beyond the 2023 Biennium.

**THEN:** In most cases, the agency should request the amount in IBARS for HB 2.

Again, continue to submit all BA BCDs **as soon as possible** throughout the legislative session.

Processing BA BCDs after the Legislature convenes but before Senate Finance Claims meets to hear HB 4 (approx. April 7, 2021)

For all BAs received during the legislative session, regardless of duration: OBPP will draft an amendment to HB 4, and HB 2 if necessary. BCDs will not be processed until after the Governor has signed HB 4. If an agency receives a federal award during the legislative session and does not submit a BA BCD for inclusion in HB 4, OBPP **can not** approve or process the BCD after session.

Processing BA BCDS after Senate and Finance Committee Meets to hear HB 4 (approx April 7, 2021)

Submit BCDs as usual. The agency may not have had knowledge of the award prior to this date, or OBPP **can not** approve the BCD.

16. **Reauthorization of an OTO** - If a program, activity, or funding for a function sunsets, an EPP request will be required for reauthorization consideration. **If the sunset provision is in HB 2 or another appropriations bill, for example an OTO designation, and there is ongoing statutory authority for the function, the request would be a PL adjustment.** If the sunset provision is in substantive law, then a NP would be required, together with a related legislation concept request. A reauthorization request with FTE should include the current position number and the amount of full-time equivalency, classification title/grade/job code, workers comp code, and other benefit amounts.

#### **F. Writing Narrative for PL and NP Change Packages**

Please follow the narrative style sheet, which is Attachment 1 to this memo. Use the IBARS "**Narr**" tab to complete the required narrative. NOTE: To access the Narr tab, you must have a project selected, navigate to the Request Details tab, and then to the Narr tab. See the IBARS EPP Training Manual for further instruction.

Begin with a paragraph that states the what, where, when, why, who, and how of the item(s) proposed. The cost or savings should be stated as a total biennial amount with an indication of how much general fund, if any, supports the DP. Please write this paragraph clearly and concisely. If your request is a placeholder, this information can be input during the August budget submission process.

In the second and following paragraphs, include additional information that explains the development of the request, detailed justification, the demographics, the funding details, and whatever else will provide an explanation of the request, how it relates to mission and goals, what will occur if the item is not approved, and so forth. Categorization and justification of requests that are based on program needs will have more meaning to legislators and will have a better chance of favorable consideration than those listing account expenditure categories. Statistics, charts, or other information can be copied into the Narr tab.

For all approved and pending CPs, the request justification will be sent back to the agency as CP



**“Narrative” in August.** The EB instructions may contain some additional information on finalizing the narrative.

## **G. FTE Screen Technical Details**

The EPP FTE screen in IBARS will provide you with FTE costs for the position requested. For FTE that are requested in both years of the biennium, one record is required for each fiscal year. Notes are provided regarding some of the data elements on the position screen. Other fields may not be mentioned as they will be defaulted by the system. Please reference the IBARS EPP Training Manual for further instruction.

Pos Info Tab:

1. **Position Numbers** – New positions require an eight-digit number, the first three of which are the HR system agency code and the fourth digit should be assigned by the agency. If a position already exists in SABHRS, use the SABHRS position number. A position number can ONLY be used once in an agency. If dividing a position between programs, assign a different position number in the second program.
2. **FTE** – Positive and negative FTE amounts can be entered in either year. When an agency is adding several FTE that are all the same job code and same type of work, the FTE are to be aggregated, up to a maximum of 99.99 FTE for one position for each job code. Populate the FTE field to indicate the total.
3. **Rate** – Type in the hourly rate that is 83% of the market midpoint for the job code of the position.
4. **Job Code**– select the appropriate job code for the position.
5. **Sub Sched Ind** – Select EPP.
6. **Posts To** – Select the correct EPP Request.
7. **SAVE Your Work**

Pos Benefits Tab

1. Select the appropriate Workers Comp, Retirement, Unemployment, and Vacancy Savings rates.
2. **SAVE Your Work**

You must click the Position Detail Data checklist item for the position costs to post to your EPP request.

## **2. ADDITIONAL REQUIREMENTS**

### **H. Agency Goals and Objectives**

OBPP and Governor’s Office policy staff will work with agencies throughout the budget development process to develop and/or revise agency goals and objectives for consistency with Governor Bullock’s vision and direction.

### **I. Information Technology Special Provisions**

Agencies have until June 1, to complete the detailed project-level information in the IT Initiative Supplement and provide it to SITSD. The IT Initiative Supplement will be the source document for the state budgeting process for IT investments. The EPP Requests information will be entered into the IBARS EPP module.

All IT investments, projects, or initiatives must be described regardless of their cost and regardless of their source of funding (ie. base budget or new funding request). Projects will be ranked based upon the justification submitted. If additional funding is required, the request should be included in the EPP Module. By statute, if a project is not included in the agency IT plan it may not be funded in the Executive Budget. Total project costs include all hardware, software, telecommunications, maintenance, training, consulting, agency staff time (IT and non-IT staff), SITSD services, and other associated

expenditures necessary to complete the project.

Major IT budget requests will still be evaluated on the soundness of their estimates. Agencies should work closely with DOA/SITSD in developing accurate funding requests for high-risk and high expenditure IT projects.

Depending on the size of IT projects and available funding, projects may be presented to the Legislature for consideration in HB 10, the IT bill (similar to HB 5 for building projects), or in HB 2.

SITSD will use the SABHRS 66 IT expenditure accounts to prepare the statewide summary of all budget recommendations. Please make every effort to ensure accurate coding of your base year expenditures using these 66 account codes. Further instructions will be forthcoming from OBPP regarding presentation of IT budgets to the legislature in Volume 10.

SITSD and OBPP will be using three primary sources of information to review the merits of IT projects and construct the Governor's budget.

- IT Projects information in IBARS
- IT Initiative Supplements
- EPP IBARS module

Detailed IT project justifications are to be entered into the IT Initiative Supplements for HB 10 requests. These sources constitute a significant portion of your agency IT plan. Please ensure that your agency IT information is clear, concise, and to the point.

## J. 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 66<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 [govquest\Federal Mandates\TEMPLATE.xltx](#). You may use your response (if any) from last session as a starting point in the file in the [govquest\Federal Mandates\Agency Surveys 2019](#), edit or amend as necessary and save your survey in your agency folder located at [\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 save to your agency folder. If you will have an EPP present law adjustment or a new proposal 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.

We request that you go to the guest directory and complete this one-page form **by May 29** with your EPP submission.

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

- (i) would impose an enforceable duty upon States, local governments, or tribal governments...;or
- (ii) would reduce or eliminate the amount of authorization of appropriations for 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...
- (iii) would increase the stringency of conditions of assistance...; or
- (iv) would place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding...; and
- (v) the... 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.”

#### **K. EPP Interim/Study Committee Cost Projections Memo**

During the EPP, it is important for agencies and the OBPP to continue planning in anticipation of reports and recommendations from interim committees and advisory councils that will be completing studies later in the year. We are requesting a memo from all agencies that are working with any such interim committees to provide your "best-guess" cost outcome that may be anticipated, whenever there could be a 2023 biennium fiscal impact. Please attach this memo to your June 5 completion e-mail.

### **3. Submission of EPP Requests and Other Information**

Send an e-mail message to your executive budget analyst with a copy to Jeanne Nevins at the OBPP when your IBARS work is complete and the A01 Version has been submitted. The deadline is June 5, 2020. Include in or attach to the message:

- notice that the Federal Mandates Report survey has been updated and saved on the guest directory;
- Memo on Interim/Study Committee Cost Projections

The electronic IBARS copy will be the official copy of all EPP submitted requests. There will be an OBPP working version. In addition, your electronic copy as submitted will be available in a read-only public version for state agencies, the media, legislators, and interested persons.