

## **Federal Mandates Report** [Excerpt from pages 12-13 of the Executive Planning Process Instructions to all state agencies sent by the budget director]

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 57<sup>th</sup> Legislative Assembly.

In an effort to make this task as easy as possible, we have designed a two-part survey and copied your response (if any) from last session as a starting point. The survey form is in Excel and saved in **guest\ federal mandates\XXXX\XXXX-FM.xls** where XXXX is your (old) 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. 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 April 15** 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.”