

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 11-83

Executive Order designating a "Single Point of Contact" for Intergovernmental Review under the Provisions of Presidential Executive Order No. 12372 and Authorizing the Lieutenant Governor to Proceed with and Report on Transitional Implementation.

WHEREAS, President Reagan on July 14, 1982, signed Executive Order No. 12372 titled "Intergovernmental Review of Federal Programs" calling for reform in intergovernmental consultation processes through greater Federal responsiveness to state and local elected officials' concerns, modifications in Federally required state plan submissions, flexibility in the design of individual state's review processes, and revocation of OMB Circular A-95 effective April 30, 1983; and

WHEREAS, an amendment was signed by the President on April 8, 1983, to provide an extension until September 30, 1983, for implementation of E.O. 12372; and

WHEREAS, final rules implementing E.O. 12372 were published by numerous federal agencies in the June 24, 1983 Federal Register--including lists of federal programs and activities (especially financial assistance and direct federal developments) eligible for coverage under E.O. 12372--and subsequent information on the federal role has been, and will continue to be, released from those federal agencies and the President's Office of Management and Budget (OMB); and

WHEREAS, each state, through its Governor, must certify with the Director of OMB by September 30, 1983, if it intends to implement a state review process to be complied with by federal agencies in accordance with the provisions of E.O. 12372 and attendant federal agency rules; and

WHEREAS, through its appropriations process in 1983, the Montana Legislature transferred the position of A-95 Clearinghouse Manager from Montana's Office of Budget and Program Planning to the Office of the Lieutenant Governor to integrate the intergovernmental review function with other state-local relations coordination responsibilities previously assigned by the Governor to the Lieutenant Governor; and

WHEREAS, the Lieutenant Governor has endeavored to keep state agencies and local government officials--through communications with their state organizations' staff and with direct mailings to local jurisdictions--informed of the status of federal implementation of E.O 12372 and simultaneous phase-out of OMB Circular A-95 procedures; and

WHEREAS, the Lieutenant Governor invited consultation, through task forces composed of state agency representatives and local government elected officials and staff--representing the Montana Association of Counties, the Montana League of Cities and Towns, and the Urban Coalition--who unanimously concurred that maintaining review/comment privileges and a central clearinghouse would be their preferred choice; and

WHEREAS, several policy and procedural issues remain in need of clarification at both the federal and state levels with respect to the mechanics of implementing E.O. 12372 given substantial new flexibility among federal agencies and state-process design options.

NOW, THEREFORE, I, TED SCHWINDEN, in accordance with the authority vested in me as Governor by the laws and the Constitution of the State of Montana, do hereby order that the existing A-95 Clearinghouse be retitled the Intergovernmental Review Clearinghouse to be regarded as the "single point of contact" by federal agencies and declare that Montana chooses to include in its state intergovernmental review process all federal programs and activities listed as eligible for coverage under E.O. 12372 except those which are unique to another state's boundaries.

FURTHER, in the transition from OMB Circular A-95 procedures to the provisions of E.O. 12372, I authorize the Lieutenant Governor to:

1. convene, on an ad hoc basis, a panel generally representative of local government and state agency officials, to assist his office with the development of Intergovernmental Review Clearinghouse procedures as transitional questions emerge and to give counsel in the resolution or formulation of official recommendations, as requested, that are submitted under the provisions of E.O. 12372; and
2. encourage state agencies to use the Clearinghouse to notify local government officials and others of state-funded, state-administered programs and activities as appropriate; and

3. foster the development of a range of public review options and the coordination of consultation requirements wherever possible.

The Lieutenant Governor shall report to me no later than October 1, 1984, on the Clearinghouse's experiences and any issues associated with the transition, including recommendations for future actions.

Nothing in this Order should be interpreted by federal agencies to replace, only to supplement, the on-going communications they maintain with state and local officials in Montana regarding pending or proposed federal activities.


This Order is effective immediately.

GIVEN under my hand and the
GREAT SEAL of the State of Montana,
this 29th day of September, in the year
of our Lord One Thousand Nine Hundred
and Eighty-Three.



TED SCHWINDEN, Governor

ATTEST:



JIM WALTERMIRE, Secretary of State