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HOUSE BILL NO. 632

INTRODUCED BY F. GARNER, E. BUTTREY

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE AMERICAN RESCUE PLAN ACT; PROVIDING APPROPRIATIONS OF FEDERAL FUNDS AND OTHER FUNDS AVAILABLE BECAUSE OF THE RECEIPT OF FEDERAL FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2021; ALLOWING APPROPRIATIONS TO CONTINUE INTO THE 2023 BIENNium AND 2025 BIENNIUMS; PROVIDING CONDITIONS AND RESTRICTIONS ON THE USE OF FUNDS; CREATING ADVISORY COMMISSIONS RELATED TO INFRASTRUCTURE, COMMUNICATIONS, ECONOMIC STABILIZATION, AND HEALTH; PROVIDING DEADLINES AND OTHER CONDITIONS RELATED TO THE GRANT PROCESS; REQUIRING THE USE OF MATCHING FUNDS FOR CERTAIN GRANTS; PROVIDING FOR AN OUTREACH TEAM TO ASSIST LOCAL GOVERNMENTS IN THE GRANT PROCESS; PROVIDING FOR FUNDING FOR STATE CAPITAL PROJECTS AND GRANTS FOR WATER AND WASTEWATER PROJECTS; PROVIDING FOR A GRANT PROCESS FOR COMMUNICATIONS AND ECONOMIC STABILIZATION PROJECTS; PROVIDING COORDINATION INSTRUCTIONS TO FUND QUALIFYING LONG-RANGE PROJECTS WITH FEDERAL FUNDS; PROVIDING THE EXECUTIVE THE AUTHORITY TO MODIFY AND REPORT MODIFICATIONS TO APPROPRIATIONS AND PARAMETERS OF PROGRAMS TO THE LEGISLATIVE FINANCE COMMITTEE; ~~PROVIDING FOR A REDUCTION TO GRANT AWARDS TO LOCAL GOVERNMENTS BASED ON HEALTH REGULATIONS THAT ARE MORE STRICT THAN THOSE OF THE STATE;~~ AMENDING SECTION 2-17-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **Section 1. Infrastructure advisory commission.** (1) There is an American Rescue Plan infrastructure advisory commission.

1 (2) The commission consists of nine members, who must be appointed as follows:

2 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
3 president;

4 (b) three representatives, two from the majority party and one from the minority party, appointed by the
5 speaker of the house; and

6 (c) three members appointed by the governor.

7 (3) The commission shall review applications for funding for state capital projects and state and local
8 government water and wastewater projects and shall provide recommendations to the executive on which
9 projects should be funded. Projects approved by the 67th legislature for funding in House Bill No. 5, 6, 7, 11, or
10 14 are not submitted to the commission.

11 (4) Appointed members of the commission must be compensated and receive travel expenses as
12 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
13 or service as a commission member.

14
15 **NEW SECTION. Section 2. Appropriations for capital projects and water and wastewater**
16 **projects -- matching funds.** (1) There are federal funds received pursuant to the American Rescue Plan Act of
17 2021, Public Law 117-2, appropriated to the office of budget and program planning for state infrastructure
18 projects and local infrastructure grants as follows:

19 Amount	ARPA Section
20 500,000,000	602
21 119,300,000	604

22 (2) For any water or wastewater grant awarded to a local government with these funds, a local
23 government must provide matching funds.

24 (3) For the purposes of [this act], "local government" means any tribe, city, town, county, consolidated
25 city-county, or school district.

26 (4) For the purposes of [this act], " state infrastructure projects" includes projects for state-owned
27 buildings and facilities as well as within the Montana university system, including community colleges in the
28 state.

1 (5) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act
2 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 or section
3 604.

4
5 **NEW SECTION. Section 3. Eligibility -- submission deadline -- priority -- approval of**
6 **recommendations.** (1) State and local governments shall submit grant requests and supporting materials,
7 including the amount of matching funds available, to the applicable agency by July 1, 2021, in order to be
8 eligible for funding under [section 2]. The agency will review grant applications, rank projects, and issue a list of
9 recommended projects to the advisory commission by August 15, 2021.

10 (2) The applicable agency shall submit a list of recommended state capital projects to the advisory
11 commission by August 15, 2021.

12 (3) The advisory commission shall review the lists of recommended projects and issue a final list of
13 recommended projects to the executive by September 1, 2021.

14 (4) In preparing recommendations, for capital projects, preference must be given to projects that carry
15 out critical capital projects directly enabling work, education, and health monitoring, including remote options, in
16 response to the public health emergency with respect to COVID-19. For local government grants, preference
17 may also be given to projects that provide a higher match rate.

18 (5) The recommendations of the advisory commission must be considered by the governor and
19 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
20 recommendations and shall provide the final list of approved projects to the legislative finance committee by
21 October 15, 2021. If it is later determined that a project cannot be completed, the governor may authorize
22 another project and provide a report to the legislative finance committee. If it is determined at any time that a
23 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in
24 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the
25 federal government pursuant to the American Rescue Plan Act, the governor may authorize another project and
26 provide a report to the legislative finance committee.

27
28 **NEW SECTION. Section 4. Outreach team -- grant application and engineering assistance.** (1)

1 The department of commerce shall assemble an outreach team to notify local governments, with an emphasis
2 on rural local governments, of the funding opportunities provided for in this bill related to communications,
3 economic stabilization, and infrastructure projects.

4 (2) The outreach team shall also assist local governments in the application process and offer
5 engineering assistance.

6 (3) The department may hire modified FTE or contract to create the outreach team.

7 (4) There must be an appropriation of administrative funds.

8

9 **NEW SECTION. Section 5. Communications advisory commission.** (1) There is an American
10 Rescue Plan communications advisory commission.

11 (2) The commission consists of nine members, who must be appointed as follows:

12 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
13 president;

14 (b) three representatives, two from the majority party and one from the minority party, appointed by the
15 speaker of the house; and

16 (c) three members, appointed by the governor.

17 (3) The commission shall review applications for funding for grants for communications projects and
18 provide recommendations to the executive on which projects should be funded.

19 (4) Appointed members of the commission shall be compensated and receive travel expenses as
20 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
21 or service as a commission member.

22

23 **NEW SECTION. Section 6. Appropriations for communications project grants.** (1) There are
24 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to
25 the office of budget and program planning and allocated to the governor for the fiscal year beginning July 1,
26 2020, for communications project grants as follows. Appropriation authority is intended to be allocated to the
27 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

28 Amount ARPA Section

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67th Legislature

Drafter: Julie Johnson, 406-444-4024

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1 250,000,000 9901, 602

2 (2) Communication projects are those related to broadband, cell towers, or public safety.

3 (3) For any grant awarded with these funds, a local government or private entity must provide matching
4 funds.

5 (4) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act
6 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 or section
7 604.

8
9 **NEW SECTION. Section 7. Eligibility -- submission deadline -- preference -- approval of**

10 **recommendations.** (1) Local governments and private entities shall submit grant requests and supporting
11 materials, including the amount of matching funds available, to the applicable state agency by July 1, 2021, in
12 order to be eligible for funding under [section 6]. The agency will review grant applications, rank projects, and
13 issue a list of recommended projects to the advisory commission by August 15, 2021.

14 (2) The advisory commission shall review the lists of recommended projects and issue a final list of
15 recommended projects to the executive by September 1, 2021.

16 (3) In preparing recommendations, preference must be given to projects that provide broadband access
17 to underserved and high needs areas. Preference may also be given to projects that provide a higher match
18 rate.

19 (4) The recommendations of the advisory commission must be considered by the governor and
20 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
21 recommendations and shall provide the final list of approved projects to the legislative finance committee by
22 October 15, 2021. If it is later determined that a project cannot be completed, the governor may authorize
23 another project and provide a report to the legislative finance committee. If at any time it is determined that a
24 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in
25 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the
26 federal government pursuant to the American Rescue Plan Act, the governor may authorize another project and
27 provide a report to the legislative finance committee.

28

1 NEW SECTION. Section 8. Economic stabilization commission. (1) There is an American Rescue
2 Plan economic stabilization advisory commission.

3 (2) The commission consists of nine members, who must be appointed as follows:

4 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
5 president;

6 (b) three representatives, two from the majority party and one from the minority party, appointed by the
7 speaker of the house; and

8 (c) three members appointed by the governor.

9 (3) The commission shall review applications for funding for economic stabilization projects and provide
10 a list of recommendations to the executive.

11 (4) Appointed members of the commission must be compensated and receive travel expenses as
12 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
13 or service as a commission member.

14
15 NEW SECTION. Section 9. Appropriations for economic stabilization grants. There are federal
16 funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office
17 of budget and program planning and allocated to the governor for the fiscal year beginning July 1, 2020, for
18 economic stabilization grants or loans as follows. Appropriation authority is intended to be allocated to the
19 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

Amount	ARPA Section
150,000,000	9901, 602

20
21
22
23 NEW SECTION. Section 10. Eligibility -- submission deadline -- preference -- approval of
24 **recommendations.** (1) Businesses shall submit grant requests and supporting materials to the applicable state
25 agency by July 1, 2021, in order to be eligible for funding under [section 9]. The agency will review grant
26 applications, rank grant applications, and issue a list of recommended grants to the advisory commission by
27 August 15, 2021.

28 (2) The advisory commission shall review the lists of recommended grants and other proposed uses of

1 the funds and issue a final list of recommended grants and uses of funds to the executive by September 1,
2 2021.

3 (3) The recommendations of the advisory commission must be considered by the governor and
4 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
5 recommendations and shall provide the final list of approved projects to the legislative finance committee by
6 October 15, 2021. If it is later determined that a project cannot be completed, the governor may authorize
7 another project and provide a report to the legislative finance committee. If at any time it is determined that a
8 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in
9 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the
10 federal government pursuant to the American Rescue Plan Act, the governor may authorize another project and
11 provide a report to the legislative finance committee.

12
13 **NEW SECTION. Section 11. Appropriations for housing and workforce training programs.** (1)

14 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,
15 appropriated to the office of budget and program planning and allocated to the department of commerce as
16 follows for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
17 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

18 Amount	Purpose	ARPA Section
19 50,000,000	Mortgage Assistance	3206, 3208
20 11,000,000	Revolving Fund for Low-Income Housing	3205
21 152,400,000	Emergency Rental Assistance	3201, 3202, 3204
22	Workforce	

23 (2) Grants and other uses of funds must be targeted to industries with workforce shortages and
24 promoting high-demand, high-wage jobs, and short-term training to be delivered in the private sector.

25 (3) For Emergency Rental Assistance, funds may be used to pay rent or rental arrears to any place
26 where someone pays on a periodic basis for shelter, including but not limited to nursing homes, senior assisted
27 living, group homes, low-income housing, workforce housing, transitional housing, and correctional facilities.

28 (4) The economic stabilization commission shall provide oversight to the department on the use of

1 funds in this section.

2 (5) The department of commerce or applicable agency is encouraged to use existing programs, where
3 feasible, to implement the programs provided for in this section.

4
5 **NEW SECTION. Section 12. State Small Business Credit Initiative insert.** There is appropriated to
6 the department of commerce up to \$65 million in federal funds received pursuant to section 3301 of the
7 American Rescue Plan Act of 2021, Public Law 117-2, for the State Small Business Credit Initiative. Funds are
8 to be distributed in accordance with department of treasury guidelines and as detailed in the department of
9 commerce application specific to the program. The appropriation is for the fiscal year beginning July 1, 2020,
10 and is authorized to continue through the biennium beginning July 1, 2031.

11
12 **NEW SECTION. Section 13. Appropriations to department of labor and industry.** (1) There are
13 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to
14 the department of labor and industry for the fiscal year beginning July 1, 2020, that are authorized to continue
15 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following
16 items.

17	Amount	Purpose	ARPA Section
18	5,500,000	Workforce	2206
19	5,200,000	Unemployment Administration	9031, 9032

20 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
21 2021, Public Law 117-2.

22
23 **NEW SECTION. Section 14. Appropriations to department of transportation -- grants.** (1) There
24 are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated
25 to the department of transportation for the fiscal year beginning July 1, 2020, that are authorized to continue
26 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following
27 items.

28	Amount	Purpose	ARPA Section
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67th Legislature

Drafter: Julie Johnson, 406-444-4024

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1 600,000 Grants to Airports 7102

2 800,000 Grants for Rural Transit 3401

3 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
4 2021, Public Law 117-2.

5
6 **NEW SECTION. Section 15. Health advisory commission.** (1) There is an American Rescue Plan
7 health advisory commission.

8 (2) The commission consists of nine members, who must be appointed as follows:

9 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
10 president;

11 (b) three representatives, two from the majority party and one from the minority party, appointed by the
12 speaker of the house; and

13 (c) three members appointed by the governor.

14 (3) The commission shall recommend how funds allocated to the department of public health and
15 human services are to be used.

16 (4) Appointed members of the commission must be compensated and receive travel expenses as
17 provided for in 2-15-124 for each day in attendance at commissions meetings or in the performance of any duty
18 or service as a commission member.

19
20 **NEW SECTION. Section 16. Deadlines -- meetings -- recommendations -- approval.** (1) The
21 committee shall meet on or before June 1, 2021, and shall report its recommendations to the director of the
22 department of public health and human services on or before June 15, 2021.

23 (2) The recommendations of the advisory commission must be considered by the executive. The
24 department shall provide reports to the commission on implementation.

25
26 **NEW SECTION. Section 17. Appropriations to department of public health and human**
27 **services.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
28 117-2, appropriated to the department of public health and human services for the fiscal year beginning July 1,

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1 2020, and continuing into the biennium beginning July 1, 2021. Appropriations are authorized to continue
2 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following
3 items. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021,
4 Public Law 117-2.

5	Amount	Program	ARPA Section
6	13,000,000	SNAP	1101,1102
7	200,000	Commodity Supplemental Food Program	1104
8	900,000	Family Violence Prevention	2204
9	1,111,000	Child Abuse Prevention	2205
10	22,500,000	Vaccine Distribution and Supply	2301
11	143,400,000	Testing and Contact Tracing	2401
12	111,000,000	Child Care Stabilization & Block Grants	2201, 2202
13	1,700,000	State Veterans' Homes	8004
14	23,000,000	Public Health Workforce	2501
15	20,000,000	Rapid Retraining Jobs Training	9901/602
16	17,000,000	SAMHSA/Mental Health and Substance Use Disorder	
17		Mental Health Block Grant	2701
18		Substance Abuse Prevention and Treatment	2702
19		Block Grant	
20		Mental and Behavioral Health Training	2703
21		Grants for Healthcare Providers to Promote	2705
22		Mental and Behavioral Health	
23		Community-based Funding for Local	
24		Substance Use Disorder Services	2706
25		Community-based Funding for	2707
26		Local Behavioral Health Needs	
27	21,000,000	LIHEAP/Water Assistance	2911, 2912
28	1,000,000	Supporting Older Americans and Families	2921

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1		Home and Community-Based Supportive	2921
2		Services for Blind News Service	
3	930,000	Emergency Food and Shelter Program	4007, 4008
4	2,726,000	Pandemic Emergency Assistance	9201
5		Elder Justice Programs	9301
6		Maternal, Infant, and Early Childhood	9101
7		Home Visiting	
8		WIC	1105

9 (2) For SNAP, the appropriation is to be used for the 15% benefit extension, for administration, and for
10 contracted private sector workforce training.

11 (3) For Rapid Retraining Jobs Training, funding is appropriated to the department of health and human
12 services for contracted private sector workforce training. This training is to prioritize short-term training for high-
13 demand occupations. The department will use pay-for-performance contracts and require quarterly reporting
14 that follows up on individual job placements for 1 full year after training.

15 (4) For SAMHSA, it is the intent of the legislature that the executive consider use of the SAMHSA funds
16 above for the purposes of the HEART fund and for suicide prevention, including the use of the Utah model for
17 suicide prevention that includes social media outreach, and for potential use in the department of corrections.

18 (5) For Child Care Stabilization block grants provided for in section 2201 of the American Rescue Plan
19 Act of 2021, Public Law 117, the department shall use the funds for a subgrant system, prioritized to child care
20 deserts for one-time equipment and necessary infrastructure, property improvements, worksite child care, and
21 employee training.

22
23 **NEW SECTION. Section 18. Appropriation to the judicial branch.** There is appropriated \$944,721
24 in federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2 (602), to the
25 judicial branch to support court operations impacted by the pandemic by streamlining the resolution of family
26 law cases through early mediation and simplified proceedings in judicial districts with heavy caseloads or in
27 remote areas of the state.

28

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1 **NEW SECTION. Section 19. Appropriation to department of justice.** There are federal funds
2 received from the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the department of
3 justice for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
4 following items. Appropriations are authorized to continue in the biennium beginning July 1, 2023. References
5 to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public Law 117-2.

6	Amount	Program	ARPA Section
7	1,000,000	Freezer, Morgue, and Refrigeration Space	9901, 604
8	1,000,000	Crime Lab Facility Space	9901, 602

9
10 **NEW SECTION. Section 20. Appropriations to office of public instruction.** (1) There are federal
11 funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office
12 of public instruction for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated
13 to the following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.
14 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public
15 Law 117-2.

16	Amount	Purpose	ARPA Section
17	343,817,312	Basic Allocation to School Districts	2001
18	3,400,000	Supplemental Allocation to School Districts	2001
19	120,000	Allocation to Other Educational Institutions	2001
20	555,234	Education Leadership in Montana	2001
21	5,475,248	OPI Database Modernization	2001
22	1,910,096	Administration	2001
23	19,100,962	State Learning Loss	2001
24	3,820,192	State Summer Enrichment	2001
25	3,820,192	State Afterschool Programs	2001
26	7,000,000	Assistance to Nonpublic Schools	2002
27	10,200,000	Individual with Disabilities Act	2014

28 (2) The appropriations to the office of public instruction in subsection (1) are restricted as follows:

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1 (a) For Basic Allocation to School Districts, the amount allocated by the office of public instruction to
2 school districts must be as required by federal law. The office of public instruction shall distribute funds via
3 grants for expenses that are consistent with section 2001(e) of ESSER III.

4 (b) For Supplemental Allocation to School Districts, the office of public instruction shall allocate the
5 funds as follows:

6 (i) a school district with fewer than 6 quality educators receives \$10,000;

7 (ii) a school district with 6 or more quality educators that receives less than an amount equal to \$10,000
8 times the number of the district's quality educators in the basic allocation receives an amount for every quality
9 educator plus an additional \$50 for every quality educator that the district is below the statewide average of
10 quality educators for each district;

11 (iii) the amount for every quality educator must be calculated to use the \$3.4 million appropriation; and

12 (iv) the office of public instruction shall distribute the funds in the same manner as used for the basic
13 allocation.

14 (c) For Allocation to Other Educational Institutions, an allocation to the school for the deaf and blind,
15 Pine Hills youth correctional facility, and the youth academy must be made on a per-quality-educator basis. The
16 office of public instruction shall distribute the funds in the same manner as used for the basic allocation.

17 (d) For Education Leadership in Montana, the office of public instruction shall create a system to build
18 the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the
19 covid-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to
20 reach their full educational potential.

21 (e) For OPI Database Modernization, funds must be used by the office of public instruction to repair,
22 improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions
23 taken must be consistent with 20-7-104.

24 (f) For Administration, funds must be used by the office of public instruction for administration of
25 ESSER III activities.

26 (g) For State Learning Loss, State Summer Enrichment, and State Afterschool Programs, funds may be
27 used at the discretion of the office of public instruction for purposes allowed by federal law and may include
28 grants to school districts. A school district may use these funds to provide allowable support to a special

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1 education cooperative of which it is a member. Any funds granted to school districts must be distributed in the
2 same manner as used for the basic allocation.

3
4 **NEW SECTION. Section 21. Appropriations to commissioner of higher education, state library,**
5 **and Montana arts council.** (1) There are federal funds received pursuant to the American Rescue Plan Act of
6 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies
7 listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
8 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.
9 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public
10 Law 117-2.

11	Agency	Amount	Purpose	ARPA Section
12	Office of the Commissioner			
13	of Higher Education			
14		7,500,000	Montana Research and Economic	
15			Development Initiative	602rr
16		1,000,000	Teacher Education Programs	602rr
17		1,000,000	Workforce Recovery COVID-19	602rr
18		2,000,000	Accelerate Montana	602rr
19		1,500,000	Cyber Hub	8006
20		2,000,000	Center for Translational Medicine	602rr
21		2,000,000	Rapid Retraining for Veterans	8006
22	Montana Arts Council	764,000		2021
23	State Library	120,000	Newsline	2921
24		1,235,444	Hot Spot Lending Program	2023
25		1,000,000	E-Learning Digital Content	2023

26 (2) For Teacher Education Programs, the purpose is to retool teacher education programs to train
27 teachers on proficiency education success in a virtual world.

28

1 **NEW SECTION. Section 22. Authorization to modify or increase appropriations and**
2 **authorizations -- report of modifications or changes.** (1) The governor, or the budget director under the
3 direction of the governor, is authorized to redirect appropriations and authorizations to other projects or
4 appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and guidance
5 issued by federal agencies.

6 (2) (a) If a proposed line-item transfer or a fund switch in [this act] exceeds \$100,000, the budget
7 director shall submit a legal analysis and detailed description of the requested line-item transfer or fund switch
8 to the legislative fiscal analyst 30 days prior to the next scheduled meeting of the legislative finance committee.

9 (b) For the purposes of this section, the following definitions apply:

10 (i) "Line-item transfer" means the transfer of appropriation authority from one line-item to a different
11 line-item.

12 (ii) "Fund switch" means a change in a line-item fund source or account to another fund source or
13 account.

14 (3) The legislative finance committee shall review the proposed line-item transfer or fund switch at the
15 next meeting. A representative of the office of budget and program planning shall be present at the meeting to
16 discuss the proposal. The legislative finance committee may take up to 15 days following its meeting to review
17 and comment on the proposal. The office of budget and program planning may provide a response to the
18 comments within 15 days of receiving the committee's comments.

19 (4) The governor, or the budget director at the direction of the governor, is authorized to adjust the
20 parameters of a program or service appropriated in [this act] to ensure conformity with applicable federal laws,
21 regulations, and guidance issued by federal agencies. If the parameters of a program are adjusted, the office of
22 budget and program planning shall notify the legislative finance committee of the change at its next scheduled
23 meeting. The legislative finance committee may take up to 15 days following its meeting to review and
24 comment on the proposal. The office of budget and program planning may provide a response to the comments
25 within 15 days of receiving the committee's comments.

26 (5) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program or
27 service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible
28 and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to

1 review the proposal and provide comment. The meeting may be held in a virtual setting.

2 (6) If additional funds are received by the state from the federal government above the levels
3 appropriated in [this act], House Bill No. 3, or House Bill No. 630, the approving authority as defined in 17-7-102
4 may authorize a budget amendment as defined in Title 17, chapter 7, part 4, and the requirements of 17-7-
5 402(1)(e) do not apply. If a federal appropriation is not included in [this act], House Bill No. 3, or House Bill No.
6 630, for a specific grant authorized by the federal government or in an amount sufficient to appropriate the
7 entire amount received from a federal agency to deploy funds authorized by the federal government, the
8 requirements of 17-7-402(1)(e) do not apply.

9
10 **NEW SECTION. Section 23. Dissemination of information -- reporting and accountability. (1)**

11 The office of budget and program planning shall promote the funding opportunities afforded in [this act] and
12 offer an online portal that directs prospective grantees to the various grant programs available pursuant to [this
13 act].

14 (2) The office of budget and program planning shall provide quarterly reports to the legislative finance
15 committee throughout the interim on the implementation of [this act].

16
17 ~~**NEW SECTION. Section 24. Reduction in funding -- health regulations. If a local government is**~~
18 ~~**awarded grant funds pursuant to [this act], the amount of the grant is reduced by 20% if that local government**~~
19 ~~**or any of its authorized agents have issued health regulations related to COVID-19 that are more strict than**~~
20 ~~**those imposed by the state.**~~

21
22 **NEW SECTION. Section 24. Consideration of select committee proposals.** The work of the select
23 committee on House Bill No. 632 and its subcommittees must be considered by the advisory commissions
24 established in [this act] when preparing final recommendations to the executive.

25
26 **Section 25.** Section 2-17-603, MCA, is amended to read:
27 **"2-17-603. Government competition with private internet services providers prohibited --**
28 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state

1 may not directly or through another agency or political subdivision be an internet services provider.

2 (2) (a) An agency or political subdivision may act as an internet services provider if:

3 (i) no private internet services provider is available within the jurisdiction served by the agency or
4 political subdivision; or

5 (ii) the agency or political subdivision provided services prior to July 1, 2001.

6 (b) An agency or political subdivision may act as an internet services provider when providing
7 advanced services that are not otherwise available from a private internet services provider within the
8 jurisdiction served by the agency or political subdivision.

9 (c) If a private internet services provider elects to provide internet services in a jurisdiction where an
10 agency or political subdivision is providing internet services, the private internet services provider shall inform
11 the agency or the political subdivision in writing at least 30 days in advance of offering internet services.

12 (3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall notify
13 its subscribers within 30 days of the intent of the private internet services provider to begin providing internet
14 services and may choose to discontinue providing internet services within 180 days of the notice.

15 (4) Nothing in this section may be construed to prohibit an agency or political subdivision from:

16 (a) offering electronic government services to the general public; or

17 (b) acquiring access to the internet from a private internet services provider in order to offer electronic
18 government services to the general public; or

19 (c) investing in infrastructure to improve, construct, extend, expand, or maintain internet service as
20 determined appropriate by the political subdivision. Investment in infrastructure permitted in this section must
21 be:

22 (i) in cooperation with a private internet service provider; or

23 (ii) provided through an agreement or contract with a private internet service provider."

24
25 **NEW SECTION. Section 26. Notification to tribal governments.** The secretary of state shall send
26 a copy of [this act] to each federally recognized tribal government in Montana.

27
28 **COORDINATION SECTION. Section 27. Coordination instruction -- House Bill No. 5.** (1) If both

1 House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning
2 Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill
3 No. 5 are void and there is appropriated to the office of budget and program planning and allocated to the
4 department of administration \$2,050,000 from federal funds received pursuant to the American Rescue Plan
5 Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section
6 602), for those projects.

7 (2) If both House Bill No. 5 and [this act] are passed and approved, then the appropriations for the
8 following projects in [section 2(1)] of House Bill No. 5 are void and there is appropriated to the office of budget
9 and program planning and allocated to the department of administration \$5,310,000 from federal funds received
10 pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the
11 Social Security Act to include section 604), for those projects:

- 12 (a) MSU Haynes Hall Lab Ventilation Upgrades;
- 13 (b) MSU BLGS Art Annex Safety and System Upgrades;
- 14 (c) UM-HC Donaldson Building HVAC Upgrades;
- 15 (d) MSU-N Auto Tech Building System Improvements;
- 16 (e) MSDB Card Lock System; and
- 17 (f) MSU-N Brockmann Center HVAC and Energy Project.

18
19 **COORDINATION SECTION. Section 28. Coordination instruction -- House Bill No. 6.** (1) If both
20 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of
21 House Bill No. 6 must read:

22 "(1) For the biennium beginning July 1, 2021, there is appropriated to the office of budget and program
23 planning and allocated to the department of natural resources and conservation from federal funds received
24 pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the
25 Social Security Act to include section 602), up to:"

26 (2) If both House Bill No. 6 and [this act] are passed and approved, then [section 1(2)] of House Bill No.
27 6 must read:

28 "(2) The amount of \$4,500,000 is appropriated to the office of budget and program planning and

1 allocated to the department of natural resources and conservation from federal funds received pursuant to the
2 American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security
3 Act to include section 602), for the biennium beginning July 1, 2021. The funds referred to in this subsection
4 must be awarded by the department to the named entities for the described purposes and in the grant amounts
5 listed in subsection (4), subject to the conditions set forth in [sections 2 and 3] and the contingencies described
6 in the renewable resource grant and loan program January 2021 report to the 67th legislature titled:
7 "Governor's Executive Budget Fiscal Years 2021-2023 Volume 6".

8
9 COORDINATION SECTION. **Section 29. Coordination instruction -- House Bill No. 7.** If both
10 House Bill No. 7 and [this act] are passed and approved, then [section 1(2)] of House Bill No. 7 must read:

11 "(2) The amount of \$3,273,833 is appropriated to the office of budget and program planning and
12 allocated to the department of natural resources and conservation from the natural resources projects state
13 special revenue account established in 15-38-302 and the amount of \$429,000 is appropriated to the office of
14 budget and program planning and allocated to the department of natural resources and conservation from
15 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901
16 (amending Title VI of the Social Security Act to include section 602), for grants to political subdivisions and local
17 governments during the biennium beginning July 1, 2021. The funds in this subsection must be awarded by the
18 department to the named entities for the described purposes and in the grant amounts set out in subsection (4)
19 subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the reclamation and
20 development grants program report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years
21 2021-2023 Volume 5".

22
23 COORDINATION SECTION. **Section 30. Coordination instruction -- House Bill No. 11.** If both
24 House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

25 "(1) There is appropriated to the office of budget and program planning and allocated to the department
26 of commerce \$9,869,800 for the biennium beginning July 1, 2021, from federal funds received pursuant to the
27 American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security
28 Act to include section 602), to finance treasure state endowment program grants authorized by subsection (2)."

1 (2) If both House Bill No. 11 and [this act] are passed and approved, then [section 5] of House Bill No.

2 11 must read:

3 "There is appropriated \$100,000 from federal funds received pursuant to the American Rescue Plan
4 Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section
5 602), to the office of budget and program planning and allocated to the department of commerce for the
6 biennium beginning July 1, 2021, for the purpose of providing local governments, as defined in 90-6-701, with
7 emergency grants for infrastructure projects, as defined in 90-6-701."

8 (3) If both House Bill No. 11 and [this act] are passed and approved, then [section 6] of House Bill No.

9 11 must read:

10 "There is appropriated \$900,000 from federal funds received pursuant to the American Rescue Plan
11 Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section
12 602), to the office of budget and program planning and allocated to the department of commerce for the
13 biennium beginning July 1, 2021, for the purpose of providing local governments, as defined in 90-6-701, with
14 the infrastructure planning grants for infrastructure projects, as defined in 90-6-701."

15 (4) If both House Bill No. 11 and [this act] are passed and approved, then [section 7(1)] of House Bill
16 No. 11 must read:

17 "There is appropriated \$5,000,000 from the federal funds received pursuant to the American Rescue
18 Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include
19 section 602), to the office of budget and program planning and allocated to the department of natural resources
20 and conservation for the biennium beginning July 1, 2021, to finance the state's share of regional water system
21 projects authorized in subsection (2) and as set forth in 90-6-715."

22

23 COORDINATION SECTION. Section 31. Coordination instruction -- House Bill No. 14. (1) If both
24 House Bill No. 14 and [this act] are passed and approved, then there is appropriated from the federal funds
25 received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI
26 of the Social Security Act to include section 604), to the office of budget and program planning and allocated to
27 the department of administration:

28 (a) \$26,200,000 for the MT Veterinarian Diagnostic & Ag Analytical Labs;

1 (b) \$6,500,000 for Liquor Warehouse Expansion; and

2 (c) \$4,800,000 for the UM-W Block Hall Renovation.

3 (2) If both House Bill No. 14 and [this act] are passed and approved, then [section 5(1)] of House Bill
4 No. 14 must read:

5 "(1) There is appropriated to the office of budget and program planning and allocated to the department
6 of commerce \$13,707,898 for the biennium beginning July 1, 2021, from federal funds received pursuant to the
7 American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security
8 Act to include section 602), to finance treasure state endowment program grants authorized by subsection (2)."

9 (3) If both House Bill No. 14 and [this act] are passed and approved, then [section 9(1)] of House Bill
10 No. 14 must read:

11 "(1) There is appropriated from federal funds received pursuant to the American Rescue Plan Act of
12 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602), to
13 the office of budget and program planning and allocated to the department of natural resources and
14 conservation up to \$4,720,788 for grants to political subdivisions and local governments for the biennium
15 beginning July 1, 2021. The funds referred to in this subsection must be awarded by the department to the
16 named entities for the described purposes and in the grant amounts listed in subsection (3), subject to the
17 conditions set forth in [sections 11 and 12] and the contingencies described in the renewable resource grant
18 and loan program January 2021 report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years
19 2021-2023 Volume 6"."

20
21 COORDINATION SECTION. Section 32. Coordination instruction -- House Bill No. 497. If both
22 House Bill No. 497 and [this act] are passed and approved, then [section 15 of this act] must be amended to
23 read:

24 "~~Section 15. Health advisory commission and human services budget committee --~~
25 ~~recommendations.~~ (1) ~~There is an American Rescue Plan health advisory commission.~~

26 (2) ~~The commission consists of nine members, who must be appointed as follows:~~

27 (a) ~~three senators, two from the majority party and one from the minority party, appointed by the senate~~
28 ~~president;~~

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1 ~~(b) three representatives, two from the majority party and one from the minority party, appointed by the~~
2 ~~speaker of the house; and~~

3 ~~(c) three members appointed by the governor.~~

4 ~~(3) The commission shall recommend how funds allocated to the department of public health and~~
5 ~~human services are to be used. The health and human services budget committee established pursuant to~~
6 ~~House Bill No. 497 shall recommend how funds appropriated to the department of public health and human~~
7 ~~services are to be used.~~

8 ~~(4)(2) Appointed members of the commission committee must be compensated and receive travel~~
9 ~~expenses as provided for in 2-15-124 for each day in attendance at commissions committee meetings or in the~~
10 ~~performance of any duty or service as a commission committee member.~~

11 ~~(3) If both House Bill No. 497 and [this act] are passed and approved, all references to the health and~~
12 ~~human services commission must be replaced with references to the committee.~~

13

14 ~~NEW SECTION. Section 33. Effective date. [This act] is effective on passage and approval.~~

15

- END -