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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 BIENNIAL 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 GRANTS TO REGIONAL WATER AUTHORITIES; 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

1 Plan infrastructure advisory commission.

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

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

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

7 (c) three members appointed by the governor.

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

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

15

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

| Amount      | ARPA Section |
|-------------|--------------|
| 500,000,000 | 602          |
| 119,300,000 | 604          |

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

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

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

1 state.

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

5

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

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

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

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

19 (5) 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 it is determined at any time 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 4. Grants to regional water authorities -- matching funds -- uses.** (1) Of  
2 the appropriation made in [section 2] of coronavirus state fiscal recovery funds, \$10 million is allocated to the  
3 department of natural resources and conservation to provide each regional water authority a grant of \$2.5  
4 million.

5            (2) For a grant under this section, a regional water authority must provide one-to-one matching funds  
6 to be comprised of loans secured by coal severance tax bonds made pursuant to House Bill No. 8.

7            (3) The regional water authority must use grant funds and loans secured by bonds to serve as  
8 matching funds for federal grants.

9  
10        **NEW SECTION. Section 5. Outreach team -- grant application and engineering assistance.** (1)  
11 The department of commerce shall assemble an outreach team to notify local governments, with an emphasis  
12 on rural local governments, of the funding opportunities provided for in this bill related to communications,  
13 economic stabilization, and infrastructure projects.

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

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

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

18  
19        **NEW SECTION. Section 6. Communications advisory commission.** (1) There is an American  
20 Rescue Plan communications advisory commission.

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

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

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

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

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

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

5 **NEW SECTION. Section 7. Appropriations for communications project grants.** (1) There are  
6 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to  
7 the office of budget and program planning and allocated to the governor for the fiscal year beginning July 1,  
8 2020, for communications project grants as follows. Appropriation authority is intended to be allocated to the  
9 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

|    |             |              |
|----|-------------|--------------|
| 10 | Amount      | ARPA Section |
| 11 | 250,000,000 | 9901, 602    |

12 (2) Communication projects are those related to broadband, cell towers, or public safety.  
13 (3) For any grant awarded with these funds, a local government or private entity must provide matching  
14 funds.  
15 (4) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act  
16 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 or section  
17 604.  
18

19 **NEW SECTION. Section 8. Eligibility -- submission deadline -- preference -- approval of**  
20 **recommendations.** (1) Local governments and private entities shall submit grant requests and supporting  
21 materials, including the amount of matching funds available, to the applicable state agency by July 1, 2021, in  
22 order to be eligible for funding under [section-6 7]. The agency will review grant applications, rank projects, and  
23 issue a list of recommended projects to the advisory commission by August 15, 2021.

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

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

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

10

11 **NEW SECTION. Section 9. Economic stabilization commission.** (1) There is an American Rescue  
12 Plan economic stabilization advisory commission.

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

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

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

18 (c) three members appointed by the governor.

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

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

24

25 **NEW SECTION. Section 10. Appropriations for economic stabilization grants.** There are federal  
26 funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office  
27 of budget and program planning and allocated to the governor for the fiscal year beginning July 1, 2020, for  
28 economic stabilization grants or loans as follows. Appropriation authority is intended to be allocated to the

1 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

|   |        |              |
|---|--------|--------------|
| 2 | Amount | ARPA Section |
|---|--------|--------------|

|   |             |           |
|---|-------------|-----------|
| 3 | 150,000,000 | 9901, 602 |
|---|-------------|-----------|

4

5 **NEW SECTION. Section 11. Eligibility -- submission deadline -- preference -- approval of**  
6 **recommendations.** (1) Businesses shall submit grant requests and supporting materials to the applicable state  
7 agency by July 1, 2021, in order to be eligible for funding under [section-9,10]. The agency will review grant  
8 applications, rank grant applications, and issue a list of recommended grants to the advisory commission by  
9 August 15, 2021.

10 (2) The advisory commission shall review the lists of recommended grants and other proposed uses of  
11 the funds and issue a final list of recommended grants and uses of funds to the executive by September 1,  
12 2021.

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

22

23 **NEW SECTION. Section 12. Appropriations for housing and workforce training programs.** (1)  
24 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,  
25 appropriated to the office of budget and program planning and allocated to the department of commerce as  
26 follows for the fiscal year beginning July 1, 2020. 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 | Purpose | ARPA Section |
|----|--------|---------|--------------|

**Amendment - 2nd Reading - Requested by: Jerry Schillinger**

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.2.3

|   |             |                                       |                  |
|---|-------------|---------------------------------------|------------------|
| 1 | 50,000,000  | Mortgage Assistance                   | 3206, 3208       |
| 2 | 11,000,000  | Revolving Fund for Low-Income Housing | 3205             |
| 3 | 152,400,000 | Emergency Rental Assistance           | 3201, 3202, 3204 |
| 4 |             | Workforce                             |                  |

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

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

10 (4) The economic stabilization commission shall provide oversight to the department on the use of  
11 funds in this section.

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

14  
15 **NEW SECTION. Section 13. State Small Business Credit Initiative insert.** There is appropriated to  
16 the department of commerce up to \$65 million in federal funds received pursuant to section 3301 of the  
17 American Rescue Plan Act of 2021, Public Law 117-2, for the State Small Business Credit Initiative. Funds are  
18 to be distributed in accordance with department of treasury guidelines and as detailed in the department of  
19 commerce application specific to the program. The appropriation is for the fiscal year beginning July 1, 2020,  
20 and is authorized to continue through the biennium beginning July 1, 2031.

21  
22 **NEW SECTION. Section 14. Appropriations to department of labor and industry.** (1) There are  
23 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to  
24 the department of labor and industry for the fiscal year beginning July 1, 2020, that are authorized to continue  
25 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following  
26 items.

| 27 | Amount    | Purpose   | ARPA Section |
|----|-----------|-----------|--------------|
| 28 | 5,500,000 | Workforce | 2206         |



Amendment - 2nd Reading - Requested by: Jerry Schillinger

1           5,200,000                           Unemployment Administration                           9031, 9032

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

4  
5           NEW SECTION. Section 15. Appropriations to department of transportation -- grants. (1) There  
6 are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated  
7 to the department of transportation for the fiscal year beginning July 1, 2020, that are authorized to continue  
8 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following  
9 items.

| 10 | Amount  | Purpose                  | ARPA Section |
|----|---------|--------------------------|--------------|
| 11 | 600,000 | Grants to Airports       | 7102         |
| 12 | 800,000 | Grants for Rural Transit | 3401         |

13           (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of  
14 2021, Public Law 117-2.

15  
16           NEW SECTION. Section 16. Health advisory commission. (1) There is an American Rescue Plan  
17 health advisory commission.

- 18           (2) The commission consists of nine members, who must be appointed as follows:
- 19           (a) three senators, two from the majority party and one from the minority party, appointed by the senate  
20 president;
- 21           (b) three representatives, two from the majority party and one from the minority party, appointed by the  
22 speaker of the house; and
- 23           (c) three members appointed by the governor.

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

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

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**NEW SECTION. Section 17. Deadlines -- meetings -- recommendations -- approval.** (1) The committee shall meet on or before June 1, 2021, and shall report its recommendations to the director of the department of public health and human services on or before June 15, 2021.

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

**NEW SECTION. Section 18. Appropriations to department of public health and human services.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the department of public health and human services for the fiscal year beginning July 1, 2020, and continuing into the biennium beginning July 1, 2021. Appropriations are authorized to continue through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following items. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public Law 117-2.

| Amount      | Program   | ARPA Section |
|-------------|---|--------------|
| 13,000,000  | SNAP  | 1101,1102    |
| 200,000     | Commodity Supplemental Food Program             | 1104         |
| 900,000     | Family Violence Prevention                      | 2204         |
| 1,111,000   | Child Abuse Prevention                          | 2205         |
| 22,500,000  | Vaccine Distribution and Supply                 | 2301         |
| 143,400,000 | Testing and Contact Tracing                     | 2401         |
| 111,000,000 | Child Care Stabilization & Block Grants         | 2201, 2202   |
| 1,700,000   | State Veterans' Homes                           | 8004         |
| 23,000,000  | Public Health Workforce                         | 2501         |
| 20,000,000  | Rapid Retraining Jobs Training                  | 9901/602     |
| 17,000,000  | SAMHSA/Mental Health and Substance Use Disorder |              |
|             | Mental Health Block Grant                       | 2701         |
|             | Substance Abuse Prevention and Treatment        | 2702         |

**Amendment - 2nd Reading - Requested by: Jerry Schillinger**

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.2.3

|    |            |  |            |
|----|------------|--|------------|
| 1  |            | Block Grant                                |            |
| 2  |            | Mental and Behavioral Health Training      | 2703       |
| 3  |            | Grants for Healthcare Providers to Promote | 2705       |
| 4  |            | Mental and Behavioral Health               |            |
| 5  |            | Community-based Funding for Local          |            |
| 6  |            | Substance Use Disorder Services            | 2706       |
| 7  |            | Community-based Funding for                | 2707       |
| 8  |            | Local Behavioral Health Needs              |            |
| 9  | 21,000,000 | LIHEAP/Water Assistance                    | 2911, 2912 |
| 10 | 1,000,000  | Supporting Older Americans and Families    | 2921       |
| 11 |            | Home and Community-Based Supportive        | 2921       |
| 12 |            | Services for Blind News Service            |            |
| 13 | 930,000    | Emergency Food and Shelter Program         | 4007, 4008 |
| 14 | 2,726,000  | Pandemic Emergency Assistance              | 9201       |
| 15 |            | Elder Justice Programs                     | 9301       |
| 16 |            | Maternal, Infant, and Early Childhood      | 9101       |
| 17 |            | Home Visiting                              |            |
| 18 |            | WIC  | 1105       |

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

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

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

28 (5) For Child Care Stabilization block grants provided for in section 2201 of the American Rescue Plan

**Amendment - 2nd Reading - Requested by: Jerry Schillinger**

1 Act of 2021, Public Law 117, the department shall use the funds for a subgrant system, prioritized to child care  
2 deserts for one-time equipment and necessary infrastructure, property improvements, worksite child care, and  
3 employee training.

4  
5 **NEW SECTION. Section 19. Appropriation to the judicial branch.** There is appropriated \$944,721  
6 in federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2 (602), to the  
7 judicial branch to support court operations impacted by the pandemic by streamlining the resolution of family  
8 law cases through early mediation and simplified proceedings in judicial districts with heavy caseloads or in  
9 remote areas of the state.

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

| Amount    | Program                                  | ARPA Section |
|-----------|--|--------------|
| 1,000,000 | Freezer, Morgue, and Refrigeration Space | 9901, 604    |
| 1,000,000 | Crime Lab Facility Space                 | 9901, 602    |

19  
20 **NEW SECTION. Section 21. Appropriations to office of public instruction.** (1) There are federal  
21 funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office  
22 of public instruction for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated  
23 to the following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.  
24 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public  
25 Law 117-2.

| Amount      | Purpose                                     | ARPA Section |
|-------------|---|--------------|
| 343,817,312 | Basic Allocation to School Districts        | 2001         |
| 3,400,000   | Supplemental Allocation to School Districts | 2001         |

**Amendment - 2nd Reading - Requested by: Jerry Schillinger**

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.2.3

|   |            |  |      |
|---|------------|--|------|
| 1 | 120,000    | Allocation to Other Educational Institutions | 2001 |
| 2 | 555,234    | Education Leadership in Montana              | 2001 |
| 3 | 5,475,248  | OPI Database Modernization                   | 2001 |
| 4 | 1,910,096  | Administration                               | 2001 |
| 5 | 19,100,962 | State Learning Loss                          | 2001 |
| 6 | 3,820,192  | State Summer Enrichment                      | 2001 |
| 7 | 3,820,192  | State Afterschool Programs                   | 2001 |
| 8 | 7,000,000  | Assistance to Nonpublic Schools              | 2002 |
| 9 | 10,200,000 | Individual with Disabilities Act             | 2014 |

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

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

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

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

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

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

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

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

27 (d) For Education Leadership in Montana, the office of public instruction shall create a system to build  
28 the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the

**Amendment - 2nd Reading - Requested by: Jerry Schillinger**

1 covid-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to  
2 reach their full educational potential.

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

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

8 (g) For State Learning Loss, State Summer Enrichment, and State Afterschool Programs, funds may be  
9 used at the discretion of the office of public instruction for purposes allowed by federal law and may include  
10 grants to school districts. A school district may use these funds to provide allowable support to a special  
11 education cooperative of which it is a member. Any funds granted to school districts must be distributed in the  
12 same manner as used for the basic allocation.

13  
14 **NEW SECTION. Section 22. Appropriations to commissioner of higher education, state library,**  
15 **and Montana arts council.** (1) There are federal funds received pursuant to the American Rescue Plan Act of  
16 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies  
17 listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the  
18 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.  
19 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public  
20 Law 117-2.

| 21 | Agency                     | Amount    | Purpose                       | ARPA Section |
|----|----------------------------|-----------|-------------------------------|--------------|
| 22 | Office of the Commissioner |           |                               |              |
| 23 | of Higher Education        |           |                               |              |
| 24 |                            | 7,500,000 | Montana Research and Economic |              |
| 25 |                            |           | Development Initiative        | 602rr        |
| 26 |                            | 1,000,000 | Teacher Education Programs    | 602rr        |
| 27 |                            | 1,000,000 | Workforce Recovery COVID-19   | 602rr        |
| 28 |                            | 2,000,000 | Accelerate Montana            | 602rr        |

**Amendment - 2nd Reading - Requested by: Jerry Schillinger**

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.2.3

|   |                      |           |                                   |       |
|---|----------------------|-----------|-----------------------------------|-------|
| 1 |                      | 1,500,000 | Cyber Hub                         | 8006  |
| 2 |                      | 2,000,000 | Center for Translational Medicine | 602rr |
| 3 |                      | 2,000,000 | Rapid Retraining for Veterans     | 8006  |
| 4 | Montana Arts Council | 764,000   |                                   | 2021  |
| 5 | State Library        | 120,000   | Newslite                          | 2921  |
| 6 |                      | 1,235,444 | Hot Spot Lending Program          | 2023  |
| 7 |                      | 1,000,000 | E-Learning Digital Content        | 2023  |

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

10  
11 **NEW SECTION. Section 23. Authorization to modify or increase appropriations and**  
12 **authorizations -- report of modifications or changes.** (1) The governor, or the budget director under the  
13 direction of the governor, is authorized to redirect appropriations and authorizations to other projects or  
14 appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and guidance  
15 issued by federal agencies.

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

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

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

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

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

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

8 (5) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program or  
9 service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible  
10 and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to  
11 review the proposal and provide comment. The meeting may be held in a virtual setting.

12 (6) If additional funds are received by the state from the federal government above the levels  
13 appropriated in [this act], House Bill No. 3, or House Bill No. 630, the approving authority as defined in 17-7-102  
14 may authorize a budget amendment as defined in Title 17, chapter 7, part 4, and the requirements of 17-7-  
15 402(1)(e) do not apply. If a federal appropriation is not included in [this act], House Bill No. 3, or House Bill No.  
16 630, for a specific grant authorized by the federal government or in an amount sufficient to appropriate the  
17 entire amount received from a federal agency to deploy funds authorized by the federal government, the  
18 requirements of 17-7-402(1)(e) do not apply.

19  
20 **NEW SECTION. Section 24. Dissemination of information -- reporting and accountability.** (1)  
21 The office of budget and program planning shall promote the funding opportunities afforded in [this act] and  
22 offer an online portal that directs prospective grantees to the various grant programs available pursuant to [this  
23 act].

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

26  
27 **NEW SECTION. Section 25. Reduction in funding -- health regulations.** If a local government is  
28 awarded grant funds pursuant to [this act], the amount of the grant is reduced by 20% if that local government



1 or any of its authorized agents have issued health regulations related to COVID-19 that are more strict than  
2 those imposed by the state.

3  
4 **NEW SECTION. Section 26. Consideration of select committee proposals.** The work of the select  
5 committee on House Bill No. 632 and its subcommittees must be considered by the advisory commissions  
6 established in [this act] when preparing final recommendations to the executive.

7  
8 **Section 27.** Section 2-17-603, MCA, is amended to read:

9 **"2-17-603. Government competition with private internet services providers prohibited --**  
10 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state  
11 may not directly or through another agency or political subdivision be an internet services provider.

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

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

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

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

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

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

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

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

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

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

- 4            (i) in cooperation with a private internet service provider; or  
5            (ii) provided through an agreement or contract with a private internet service provider."  
6

7            **NEW SECTION. Section 28. Notification to tribal governments.** The secretary of state shall send  
8 a copy of [this act] to each federally recognized tribal government in Montana.

9  
10           **COORDINATION SECTION. Section 29. Coordination instruction -- House Bill No. 5.** (1) If both  
11 House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning  
12 Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill  
13 No. 5 are void and there is appropriated to the office of budget and program planning and allocated to the  
14 department of administration \$2,050,000 from federal funds received pursuant to the American Rescue Plan  
15 Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section  
16 602), for those projects.

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

- 22           (a) MSU Haynes Hall Lab Ventilation Upgrades;  
23           (b) MSU BLGS Art Annex Safety and System Upgrades;  
24           (c) UM-HC Donaldson Building HVAC Upgrades;  
25           (d) MSU-N Auto Tech Building System Improvements;  
26           (e) MSDB Card Lock System; and  
27           (f) MSU-N Brockmann Center HVAC and Energy Project.

28

1            COORDINATION SECTION. Section 30. Coordination instruction -- House Bill No. 6. (1) If both  
2 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of  
3 House Bill No. 6 must read:

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

8            (2) If both House Bill No. 6 and [this act] are passed and approved, then [section 1(2)] of House Bill No.  
9 6 must read:

10            "(2) The amount of \$4,500,000 is appropriated to the office of budget and program planning and  
11 allocated to the department of natural resources and conservation from federal funds received pursuant to the  
12 American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security  
13 Act to include section 602), for the biennium beginning July 1, 2021. The funds referred to in this subsection  
14 must be awarded by the department to the named entities for the described purposes and in the grant amounts  
15 listed in subsection (4), subject to the conditions set forth in [sections 2 and 3] and the contingencies described  
16 in the renewable resource grant and loan program January 2021 report to the 67th legislature titled:  
17 "Governor's Executive Budget Fiscal Years 2021-2023 Volume 6"."

18  
19            COORDINATION SECTION. Section 31. Coordination instruction -- House Bill No. 7. If both  
20 House Bill No. 7 and [this act] are passed and approved, then [section 1(2)] of House Bill No. 7 must read:

21            "(2) The amount of \$3,273,833 is appropriated to the office of budget and program planning and  
22 allocated to the department of natural resources and conservation from the natural resources projects state  
23 special revenue account established in 15-38-302 and the amount of \$429,000 is appropriated to the office of  
24 budget and program planning and allocated to the department of natural resources and conservation from  
25 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901  
26 (amending Title VI of the Social Security Act to include section 602), for grants to political subdivisions and local  
27 governments during the biennium beginning July 1, 2021. The funds in this subsection must be awarded by the  
28 department to the named entities for the described purposes and in the grant amounts set out in subsection (4)

1 subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the reclamation and  
2 development grants program report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years  
3 2021-2023 Volume 5".

4

5 COORDINATION SECTION. **Section 32. Coordination instruction -- House Bill No. 11.** If both  
6 House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

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

11 (2) If both House Bill No. 11 and [this act] are passed and approved, then [section 5] of House Bill No.  
12 11 must read:

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

18 (3) If both House Bill No. 11 and [this act] are passed and approved, then [section 6] of House Bill No.  
19 11 must read:

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

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

27 "There is appropriated \$5,000,000 from the federal funds received pursuant to the American Rescue  
28 Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include

1 section 602), to the office of budget and program planning and allocated to the department of natural resources  
2 and conservation for the biennium beginning July 1, 2021, to finance the state's share of regional water system  
3 projects authorized in subsection (2) and as set forth in 90-6-715."  
4

5 COORDINATION SECTION. **Section 33. Coordination instruction -- House Bill No. 14.** (1) If both  
6 House Bill No. 14 and [this act] are passed and approved, then there is appropriated from the federal funds  
7 received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI  
8 of the Social Security Act to include section 604), to the office of budget and program planning and allocated to  
9 the department of administration:

- 10 (a) \$26,200,000 for the MT Veterinarian Diagnostic & Ag Analytical Labs;  
11 (b) \$6,500,000 for Liquor Warehouse Expansion; and  
12 (c) \$4,800,000 for the UM-W Block Hall Renovation.

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

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

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

21 "(1) There is appropriated from federal funds received pursuant to the American Rescue Plan Act of  
22 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602), to  
23 the office of budget and program planning and allocated to the department of natural resources and  
24 conservation up to \$4,720,788 for grants to political subdivisions and local governments for the biennium  
25 beginning July 1, 2021. The funds referred to in this subsection must be awarded by the department to the  
26 named entities for the described purposes and in the grant amounts listed in subsection (3), subject to the  
27 conditions set forth in [sections 11 and 12] and the contingencies described in the renewable resource grant  
28 and loan program January 2021 report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years

1 2021-2023 Volume 6".

2

3 COORDINATION SECTION. Section 34. Coordination instruction -- House Bill No. 497. If both

4 House Bill No. 497 and [this act] are passed and approved, then [section~~45~~ 16 of this act] must be amended to  
5 read:

6 "Section 1516. Health advisory commission and human services budget committee --

7 recommendations. (1) ~~There is an American Rescue Plan 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. The health and human services budget committee established pursuant to~~  
16 ~~House Bill No. 497 shall recommend how funds appropriated to the department of public health and human~~  
17 ~~services are to be used.~~

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

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

23

24 NEW SECTION. Section 35. Effective date. [This act] is effective on passage and approval.

25

- END -