

1 HOUSE BILL NO. 632  
2 INTRODUCED BY F. GARNER, E. BUTTREY  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE AMERICAN RESCUE PLAN ACT;  
5 PROVIDING APPROPRIATIONS OF FEDERAL FUNDS AND OTHER FUNDS AVAILABLE BECAUSE OF  
6 THE RECEIPT OF FEDERAL FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2021; ALLOWING  
7 APPROPRIATIONS TO CONTINUE INTO THE 2023 BIENNIUM AND 2025 BIENNIUMS; PROVIDING  
8 CONDITIONS AND RESTRICTIONS ON THE USE OF FUNDS; CREATING ADVISORY COMMISSIONS  
9 RELATED TO INFRASTRUCTURE, COMMUNICATIONS, ECONOMIC STABILIZATION, AND HEALTH;  
10 PROVIDING DEADLINES AND OTHER CONDITIONS RELATED TO THE GRANT PROCESS; REQUIRING  
11 THE USE OF MATCHING FUNDS FOR CERTAIN GRANTS; PROVIDING FOR AN OUTREACH TEAM TO  
12 ASSIST LOCAL GOVERNMENTS IN THE GRANT PROCESS; PROVIDING FOR FUNDING FOR STATE  
13 CAPITAL PROJECTS AND GRANTS FOR WATER AND WASTEWATER PROJECTS; PROVIDING FOR A  
14 GRANT PROCESS FOR COMMUNICATIONS AND ECONOMIC STABILIZATION PROJECTS; PROVIDING  
15 COORDINATION INSTRUCTIONS TO FUND QUALIFYING LONG-RANGE PROJECTS WITH FEDERAL  
16 FUNDS; PROVIDING THE EXECUTIVE THE AUTHORITY TO MODIFY AND REPORT MODIFICATIONS TO  
17 APPROPRIATIONS AND PARAMETERS OF PROGRAMS TO THE LEGISLATIVE FINANCE COMMITTEE;  
18 PROVIDING FOR A REDUCTION TO GRANT AWARDS TO LOCAL GOVERNMENTS BASED ON HEALTH  
19 REGULATIONS THAT ARE MORE STRICT THAN THOSE OF THE STATE; AMENDING SECTION 2-17-603,  
20 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23  
24 (Refer to Introduced Bill)

25 Strike everything after the enacting clause and insert:

26  
27 NEW SECTION. Section 1. Infrastructure advisory commission. (1) There is an American Rescue  
28 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)

**Amendment - 2nd Reading - Requested by: Jim Hamilton**

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

**Amendment - 2nd Reading - Requested by: Jim Hamilton**

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.

20 Amount	ARPA Section
21 150,000,000	9901, 602

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 (6) For Mortgage Assistance, \$20 million allocated to the department of commerce must be directed  
5 to the board of housing to provide loans for the development and preservation of homes and apartments to  
6 assist low-income and moderate-income households as defined in 90-6-132.

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

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

20	Amount	Purpose	ARPA Section
21	5,500,000	Workforce	2206
22	5,200,000	Unemployment Administration	9031, 9032

23 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of  
24 2021, Public Law 117-2.

25  
26 **NEW SECTION. Section 14. Appropriations to department of transportation -- grants.** (1) There  
27 are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated  
28 to the department of transportation for the fiscal year beginning July 1, 2020, that are authorized to continue



1 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following  
2 items.

3	Amount	Purpose	ARPA Section
4	600,000	Grants to Airports	7102
5	800,000	Grants for Rural Transit	3401

6 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of  
7 2021, Public Law 117-2.

8  
9 **NEW SECTION. Section 15. Health advisory commission.** (1) There is an American Rescue Plan  
10 health 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 recommend how funds allocated to the department of public health and  
18 human services are to be used.

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

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

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

28

1            **NEW SECTION. Section 17. Appropriations to department of public health and human**  
 2 **services.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law  
 3 117-2, appropriated to the department of public health and human services for the fiscal year beginning July 1,  
 4 2020, and continuing into the biennium beginning July 1, 2021. Appropriations are authorized to continue  
 5 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following  
 6 items. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021,  
 7 Public Law 117-2.

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

**Amendment - 2nd Reading - Requested by: Jim Hamilton**

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.2.5

1		Local Behavioral Health Needs	
2	21,000,000	LIHEAP/Water Assistance	2911, 2912
3	1,000,000	Supporting Older Americans and Families	2921
4		Home and Community-Based Supportive	2921
5		Services for Blind News Service	
6	930,000	Emergency Food and Shelter Program	4007, 4008
7	2,726,000	Pandemic Emergency Assistance	9201
8		Elder Justice Programs	9301
9		Maternal, Infant, and Early Childhood	9101
10		Home Visiting	
11		WIC	1105

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

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

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

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

25  
26 **NEW SECTION. Section 18. Appropriation to the judicial branch.** There is appropriated \$944,721  
27 in federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2 (602), to the  
28 judicial branch to support court operations impacted by the pandemic by streamlining the resolution of family

1 law cases through early mediation and simplified proceedings in judicial districts with heavy caseloads or in  
2 remote areas of the state.

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

9	Amount	Program	ARPA Section
10	1,000,000	Freezer, Morgue, and Refrigeration Space	9901, 604
11	1,000,000	Crime Lab Facility Space	9901, 602

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

19	Amount	Purpose	ARPA Section
20	343,817,312	Basic Allocation to School Districts	2001
21	3,400,000	Supplemental Allocation to School Districts	2001
22	120,000	Allocation to Other Educational Institutions	2001
23	555,234	Education Leadership in Montana	2001
24	5,475,248	OPI Database Modernization	2001
25	1,910,096	Administration	2001
26	19,100,962	State Learning Loss	2001
27	3,820,192	State Summer Enrichment	2001
28	3,820,192	State Afterschool Programs	2001

**Amendment - 2nd Reading - Requested by: Jim Hamilton**

1           7,000,000                           Assistance to Nonpublic Schools                           2002

2           10,200,000                           Individual with Disabilities Act                           2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3

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

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

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

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

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

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

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

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

5 (6) If additional funds are received by the state from the federal government above the levels  
6 appropriated in [this act], House Bill No. 3, or House Bill No. 630, the approving authority as defined in 17-7-102  
7 may authorize a budget amendment as defined in Title 17, chapter 7, part 4, and the requirements of 17-7-  
8 402(1)(e) do not apply. If a federal appropriation is not included in [this act], House Bill No. 3, or House Bill No.  
9 630, for a specific grant authorized by the federal government or in an amount sufficient to appropriate the  
10 entire amount received from a federal agency to deploy funds authorized by the federal government, the  
11 requirements of 17-7-402(1)(e) do not apply.

12  
13 **NEW SECTION. Section 23. Dissemination of information -- reporting and accountability.** (1)  
14 The office of budget and program planning shall promote the funding opportunities afforded in [this act] and  
15 offer an online portal that directs prospective grantees to the various grant programs available pursuant to [this  
16 act].

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

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

24  
25 **NEW SECTION. Section 25. Consideration of select committee proposals.** The work of the select  
26 committee on House Bill No. 632 and its subcommittees must be considered by the advisory commissions  
27 established in [this act] when preparing final recommendations to the executive.

28



1           **Section 26.** Section 2-17-603, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

27  
28           NEW SECTION. Section 27. Notification to tribal governments. The secretary of state shall send

1 a copy of [this act] to each federally recognized tribal government in Montana.

2

3 COORDINATION SECTION. Section 28. Coordination instruction -- House Bill No. 5. (1) If both  
4 House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning  
5 Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill  
6 No. 5 are void and there is appropriated to the office of budget and program planning and allocated to the  
7 department of administration \$2,050,000 from federal funds received pursuant to the American Rescue Plan  
8 Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section  
9 602), for those projects.

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

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

21

22 COORDINATION SECTION. Section 29. Coordination instruction -- House Bill No. 6. (1) If both  
23 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of  
24 House Bill No. 6 must read:

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

**Amendment - 2nd Reading - Requested by: Jim Hamilton**

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

2 6 must read:

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

12 COORDINATION SECTION. Section 30. Coordination instruction -- House Bill No. 7. If both  
13 House Bill No. 7 and [this act] are passed and approved, then [section 1(2)] of House Bill No. 7 must read:

14 "(2) The amount of \$3,273,833 is appropriated to the office of budget and program planning and  
15 allocated to the department of natural resources and conservation from the natural resources projects state  
16 special revenue account established in 15-38-302 and the amount of \$429,000 is appropriated to the office of  
17 budget and program planning and allocated to the department of natural resources and conservation from  
18 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901  
19 (amending Title VI of the Social Security Act to include section 602), for grants to political subdivisions and local  
20 governments during the biennium beginning July 1, 2021. The funds in this subsection must be awarded by the  
21 department to the named entities for the described purposes and in the grant amounts set out in subsection (4)  
22 subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the reclamation and  
23 development grants program report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years  
24 2021-2023 Volume 5".  
25

26 COORDINATION SECTION. Section 31. Coordination instruction -- House Bill No. 11. If both  
27 House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

28 "(1) There is appropriated to the office of budget and program planning and allocated to the department

**Amendment - 2nd Reading - Requested by: Jim Hamilton**

1 of commerce \$9,869,800 for the biennium beginning July 1, 2021, 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), to finance treasure state endowment program grants authorized by subsection (2)."

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

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

11 (3) If both House Bill No. 11 and [this act] are passed and approved, then [section 6] of House Bill No.  
12 11 must read:

13 "There is appropriated \$900,000 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 the infrastructure planning grants for infrastructure projects, as defined in 90-6-701."

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

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

25  
26 COORDINATION SECTION. **Section 32. Coordination instruction -- House Bill No. 14.** (1) If both  
27 House Bill No. 14 and [this act] are passed and approved, then there is appropriated from the federal funds  
28 received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI

1 of the Social Security Act to include section 604), to the office of budget and program planning and allocated to  
2 the department of administration:

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

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

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

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

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

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

14 "(1) There is appropriated from federal funds received pursuant to the American Rescue Plan Act of  
15 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602), to  
16 the office of budget and program planning and allocated to the department of natural resources and  
17 conservation up to \$4,720,788 for grants to political subdivisions and local governments for the biennium  
18 beginning July 1, 2021. The funds referred to in this subsection must be awarded by the department to the  
19 named entities for the described purposes and in the grant amounts listed in subsection (3), subject to the  
20 conditions set forth in [sections 11 and 12] and the contingencies described in the renewable resource grant  
21 and loan program January 2021 report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years  
22 2021-2023 Volume 6"."

23  
24 COORDINATION SECTION. **Section 33. Coordination instruction -- House Bill No. 497.** If both  
25 House Bill No. 497 and [this act] are passed and approved, then [section 15 of this act] must be amended to  
26 read:

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

