

**Amendment - 2nd Reading - Requested by: Mary Caferro**

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.2.7

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 PAYMENTS TO ELIGIBLE WORKERS; PROVIDING COORDINATION INSTRUCTIONS TO FUND  
16 QUALIFYING LONG-RANGE PROJECTS WITH FEDERAL FUNDS; PROVIDING THE EXECUTIVE THE  
17 AUTHORITY TO MODIFY AND REPORT MODIFICATIONS TO APPROPRIATIONS AND PARAMETERS OF  
18 PROGRAMS TO THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR A REDUCTION TO GRANT  
19 AWARDS TO LOCAL GOVERNMENTS BASED ON HEALTH REGULATIONS THAT ARE MORE STRICT  
20 THAN THOSE OF THE STATE; AMENDING SECTION 2-17-603, MCA; AND PROVIDING AN IMMEDIATE  
21 EFFECTIVE DATE."

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

24  
25 (Refer to Introduced Bill)

26 Strike everything after the enacting clause and insert:

27  
28 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:

20	Amount	ARPA Section
21	500,000,000	602
22	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. Outreach team -- grant application and engineering assistance.** (1)

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

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

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

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

9

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

11          Rescue Plan communications advisory commission.

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

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

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

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

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

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

23

24           **NEW SECTION. Section 6. Appropriations for communications project grants.** (1) There are

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

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1 Amount ARPA Section

2 250,000,000 9901, 602

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

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

6 (4) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act  
7 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 or section  
8 604.

9

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

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

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

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

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

1

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

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

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

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

9 (c) three members appointed by the governor.

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

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

21	Amount	ARPA Section
22	150,000,000	9901, 602

23

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

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1 (2) The advisory commission shall review the lists of recommended grants and other proposed uses of  
2 the funds and issue a final list of recommended grants and uses of funds to the executive by September 1,  
3 2021.

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

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

15 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,  
16 appropriated to the office of budget and program planning and allocated to the department of commerce as  
17 follows 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 Amount	Purpose	ARPA Section
20 50,000,000	Mortgage Assistance	3206, 3208
21 11,000,000	Revolving Fund for Low-Income Housing	3205
22 152,400,000	Emergency Rental Assistance	3201, 3202, 3204
23	Workforce	

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

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

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

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

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

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

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

21 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of  
22 2021, Public Law 117-2.  
23

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



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1	Amount	Purpose	ARPA Section
2	600,000	Grants to Airports	7102
3	800,000	Grants for Rural Transit	3401

4 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of  
5 2021, Public Law 117-2.

6

7 **NEW SECTION. Section 15. Payments to eligible workers.** (1) There is appropriated \$200 million  
8 from the coronavirus state fiscal recovery funds to the department of revenue to provide a direct payment of  
9 \$1,000 to eligible workers who earn \$30,000 or less per year.

10 (2) For the purposes of this section, "eligible worker" has the same definition as provided in the  
11 American Rescue Plan Act of 2021.

12

13 **NEW SECTION. Section 16. Health advisory commission.** (1) There is an American Rescue Plan  
14 health advisory commission.

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

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

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

20 (c) three members appointed by the governor.

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

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

26

27 **NEW SECTION. Section 17. Deadlines -- meetings -- recommendations -- approval.** (1) The  
28 committee shall meet on or before June 1, 2021, and shall report its recommendations to the director of the

1 department of public health and human services on or before June 15, 2021.

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

4

5 **NEW SECTION. Section 18. Appropriations to department of public health and human**

6 **services.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law  
 7 117-2, appropriated to the department of public health and human services for the fiscal year beginning July 1,  
 8 2020, and continuing into the biennium beginning July 1, 2021. Appropriations are authorized to continue  
 9 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following  
 10 items. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021,  
 11 Public Law 117-2.

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

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

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

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

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

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

1

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

7

8           **NEW SECTION. Section 20. Appropriation to department of justice.** There are federal funds  
 9 received from the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the department of  
 10 justice 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 in the biennium beginning July 1, 2023. References  
 12 to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public Law 117-2.

13	Amount	Program	ARPA Section
14	1,000,000	Freezer, Morgue, and Refrigeration Space	9901, 604
15	1,000,000	Crime Lab Facility Space	9901, 602

16

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

23	Amount	Purpose	ARPA Section
24	343,817,312	Basic Allocation to School Districts	2001
25	3,400,000	Supplemental Allocation to School Districts	2001
26	120,000	Allocation to Other Educational Institutions	2001
27	555,234	Education Leadership in Montana	2001
28	5,475,248	OPI Database Modernization	2001

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1	1,910,096	Administration	2001
2	19,100,962	State Learning Loss	2001
3	3,820,192	State Summer Enrichment	2001
4	3,820,192	State Afterschool Programs	2001
5	7,000,000	Assistance to Nonpublic Schools	2002
6	10,200,000	Individual with Disabilities Act	2014

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

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

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

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

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

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

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

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

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

28 (e) For OPI Database Modernization, funds must be used by the office of public instruction to repair,

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1 improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions  
2 taken must be consistent with 20-7-104.

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

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

10  
11 **NEW SECTION. Section 22. Appropriations to commissioner of higher education, state library,**  
12 **and Montana arts council.** (1) There are federal funds received pursuant to the American Rescue Plan Act of  
13 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies  
14 listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the  
15 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.  
16 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public  
17 Law 117-2.

18	Agency	Amount	Purpose	ARPA Section
19	Office of the Commissioner			
20	of Higher Education			
21		7,500,000	Montana Research and Economic	
22			Development Initiative	602rr
23		1,000,000	Teacher Education Programs	602rr
24		1,000,000	Workforce Recovery COVID-19	602rr
25		2,000,000	Accelerate Montana	602rr
26		1,500,000	Cyber Hub	8006
27		2,000,000	Center for Translational Medicine	602rr
28		2,000,000	Rapid Retraining for Veterans	8006

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1	Montana Arts Council	764,000		2021
2	State Library	120,000	Newsline	2921
3		1,235,444	Hot Spot Lending Program	2023
4		1,000,000	E-Learning Digital Content	2023

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

7  
8 **NEW SECTION. Section 23. Authorization to modify or increase appropriations and**  
9 **authorizations -- report of modifications or changes.** (1) The governor, or the budget director under the  
10 direction of the governor, is authorized to redirect appropriations and authorizations to other projects or  
11 appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and guidance  
12 issued by federal agencies.

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

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

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

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

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

26 (4) The governor, or the budget director at the direction of the governor, is authorized to adjust the  
27 parameters of a program or service appropriated in [this act] to ensure conformity with applicable federal laws,  
28 regulations, and guidance issued by federal agencies. If the parameters of a program are adjusted, the office of

1 budget and program planning shall notify the legislative finance committee of the change at its next scheduled  
2 meeting. The legislative finance committee may take up to 15 days following its meeting to review and  
3 comment on the proposal. The office of budget and program planning may provide a response to the comments  
4 within 15 days of receiving the committee's comments.

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

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

16  
17 **NEW SECTION. Section 24. Dissemination of information -- reporting and accountability.** (1)

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

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

23  
24 **NEW SECTION. Section 25. Reduction in funding -- health regulations.** If a local government is  
25 awarded grant funds pursuant to [this act], the amount of the grant is reduced by 20% if that local government  
26 or any of its authorized agents have issued health regulations related to COVID-19 that are more strict than  
27 those imposed by the state.

28



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

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

6            **"2-17-603. Government competition with private internet services providers prohibited --**  
7 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state  
8 may not directly or through another agency or political subdivision be an internet services provider.

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

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

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

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

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

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

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

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

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

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

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

3

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

6

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

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

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

25

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

**Amendment - 2nd Reading - Requested by: Mary Caferro**

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

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

7           "(2) The amount of \$4,500,000 is appropriated to the office of budget and program planning and  
8 allocated to the department of natural resources and conservation 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), for the biennium beginning July 1, 2021. The funds referred to in this subsection  
11 must be awarded by the department to the named entities for the described purposes and in the grant amounts  
12 listed in subsection (4), subject to the conditions set forth in [sections 2 and 3] and the contingencies described  
13 in the renewable resource grant and loan program January 2021 report to the 67th legislature titled:  
14 "Governor's Executive Budget Fiscal Years 2021-2023 Volume 6".

15

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

18           "(2) The amount of \$3,273,833 is appropriated to the office of budget and program planning and  
19 allocated to the department of natural resources and conservation from the natural resources projects state  
20 special revenue account established in 15-38-302 and the amount of \$429,000 is appropriated to the office of  
21 budget and program planning and allocated to the department of natural resources and conservation from  
22 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901  
23 (amending Title VI of the Social Security Act to include section 602), for grants to political subdivisions and local  
24 governments during the biennium beginning July 1, 2021. The funds in this subsection must be awarded by the  
25 department to the named entities for the described purposes and in the grant amounts set out in subsection (4)  
26 subject to the conditions set forth in [sections 2 and 3] and the contingencies described in the reclamation and  
27 development grants program report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years  
28 2021-2023 Volume 5".

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COORDINATION SECTION. **Section 32. Coordination instruction -- House Bill No. 11.** If both

House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Amendment - 2nd Reading - Requested by: Mary Caferro**

1 House Bill No. 497 and [this act] are passed and approved, then [section ~~15~~ 16 of this act] must be amended to  
2 read:

3 **"Section ~~15~~ 16. Health advisory ~~commission~~ and human services budget committee --**

4 **recommendations.** (1) ~~There is an American Rescue Plan health advisory commission.~~

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

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

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

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

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

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

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

20

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

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- END -