

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 AND ALLOCATIONS OF FEDERAL FUNDS AND OTHER FUNDS  
6 AVAILABLE BECAUSE OF THE RECEIPT OF FEDERAL FUNDS FOR THE FISCAL YEAR ENDING JUNE  
7 30, 2021; ALLOWING APPROPRIATIONS TO CONTINUE INTO THE 2023 BIENNIUM AND 2025  
8 BIENNIUMS; PROVIDING CONDITIONS AND RESTRICTIONS ON THE USE OF FUNDS; CREATING  
9 ADVISORY COMMISSIONS RELATED TO INFRASTRUCTURE, COMMUNICATIONS, ECONOMIC  
10 TRANSFORMATION AND STABILIZATION, AND HEALTH; PROVIDING DEADLINES AND OTHER  
11 CONDITIONS RELATED TO THE GRANT PROCESS; REQUIRING THE USE OF MATCHING FUNDS FOR  
12 CERTAIN GRANTS; PROVIDING FOR AN OUTREACH TEAM TO ASSIST LOCAL GOVERNMENTS IN THE  
13 GRANT PROCESS; PROVIDING FOR FUNDING FOR STATE CAPITAL PROJECTS AND GRANTS FOR  
14 WATER AND WASTEWATER PROJECTS; PROVIDING MINIMUM ALLOCATION GRANTS TO LOCAL  
15 GOVERNMENTS FOR QUALIFYING PROJECTS; PROVIDING FOR A GRANT PROCESS FOR  
16 COMMUNICATIONS AND ECONOMIC TRANSFORMATION AND STABILIZATION PROJECTS; PROVIDING  
17 GRANTS TO REGIONAL WATER AUTHORITIES; REQUIRING PERFORMANCE MEASURES AND  
18 REPORTING ON PROJECTS; PROVIDING COORDINATION INSTRUCTIONS TO FUND QUALIFYING  
19 LONG-RANGE PROJECTS WITH FEDERAL FUNDS; PROVIDING THE EXECUTIVE THE AUTHORITY TO  
20 MODIFY AND REPORT MODIFICATIONS TO APPROPRIATIONS AND PARAMETERS OF PROGRAMS TO  
21 THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR A REDUCTION TO CERTAIN GRANT  
22 AWARDS TO LOCAL GOVERNMENTS BASED ON HEALTH REGULATIONS THAT ARE MORE STRICT  
23 THAN THOSE OF THE STATE; PROVIDING FOR ADMINISTRATION AND AUDIT COSTS; AMENDING  
24 SECTION 2-17-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

25  
26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

27  
28 (Refer to Introduced Bill)

1 Strike everything after the enacting clause and insert:

2

3 NEW SECTION. Section 1. Infrastructure advisory commission. (1) There is an American Rescue

4 Plan infrastructure 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 review applications for funding for state capital projects and state and local  
12 government water and wastewater projects and shall provide recommendations to the executive on which  
13 projects should be funded. Projects approved by the 67th legislature for funding in House Bill No. 5, 6, 7, 11, or  
14 14 are not submitted to the commission.

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

18 (5) The department of natural resources and conservation shall serve as lead staff with the  
19 departments of administration and commerce assisting.

20 (6) Funding for the commission is allocated from the administrative costs allowed in [section 3].

21

22 NEW SECTION. Section 2. ~~Appropriations~~ Appropriation for ~~capital projects and water and~~

23 wastewater projects -- matching funds. (1) There are federal funds received pursuant to the American  
24 Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and program planning for state  
25 infrastructure projects and local infrastructure and local water and wastewater grants as follows:

26	Amount	ARPA Section
27	<del>500,000,000</del> <u>450,000,000</u>	602
28	<del>119,300,000</del>	<del>604</del>

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

3 (3) For the purposes of [this act], "local government" means any ~~tribe, city, town, county, consolidated~~  
4 ~~city-county, or school district~~ city, county, consolidated city-county, school district, or other political subdivision  
5 or local government body of the state, including an authority as defined in 75-6-304, water district, sewer  
6 district, irrigation district, water users association, conservation district, or tribal government.

7 (4) For the purposes of [this act], "~~state infrastructure projects~~"state water and wastewater projects  
8 includes projects for state-owned buildings and facilities and associated infrastructure, as well as within the  
9 Montana university system, including community colleges in the state.

10 (5) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act  
11 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 ~~or section~~  
12 ~~604.~~

13 (6) Funds appropriated under this section that are not otherwise allocated are allocated to the office of  
14 budget and program planning to provide grants pursuant to [section 3].

15  
16 NEW SECTION. Section 3. Eligibility -- submission deadline -- priority -- approval of  
17 recommendationsCompetitive grant program. (1) State ~~For the first round of grants, state~~ and local  
18 governments shall submit grant requests and supporting materials, including the amount of matching funds  
19 available for water and wastewater projects, to the applicable agency by July 1, 2021, in order to be eligible for  
20 funding under [section 2]. The agency will review grant applications, rank projects, and issue a list of  
21 recommended projects to the advisory commission by August 15, 2021.

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

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

26 (4) The applicable agency is authorized to present additional rounds of grant proposals to the  
27 commission as needed.

28 ~~(4)(5) In preparing recommendations, for capital projects, preference must be given to projects that~~

1 ~~carry out critical capital projects directly enabling work, education, and health monitoring, including remote~~  
2 ~~options, in response to the public health emergency with respect to COVID-19.~~ For local government water and  
3 wastewater grants, preference may also be given to projects that provide a higher match rate.

4 ~~(5)(6)~~ 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 the governor modifies the list of recommended projects submitted by the commission, the  
8 office of budget and program planning shall report and explain the changes to the advisory commissions and  
9 the legislative finance committee at its next scheduled meeting.

10 (7) If it is later determined that a project cannot be completed, the governor may authorize ~~another a~~  
11 different project and provide a report to the legislative finance committee. If it is determined at any time that a  
12 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in  
13 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the  
14 federal government pursuant to the American Rescue Plan Act, the governor may authorize ~~another a different~~  
15 project and provide a report to the legislative finance committee.

16 (8) No project may receive more than \$25 million in grant proceeds from this section.

17 (9) Up to 2.5% of the funds appropriated in [section 2] may be allocated for administrative costs.

18  
19 **NEW SECTION. SECTION 4. MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS.** (1) THE AMOUNT OF  
20 \$150 MILLION OF THE CORONAVIRUS ~~LOCAL~~ state FISCAL RECOVERY FUNDS APPROPRIATED IN [SECTION 2] MUST BE  
21 USED TO PROVIDE MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS FOR ~~INFRASTRUCTURE~~ water and  
22 wastewater PROJECTS eligible for funding under the American Rescue Plan Act.

23 (2) THE AMOUNT A LOCAL GOVERNMENT IS ELIGIBLE TO RECEIVE IN water and wastewater GRANTS UNDER  
24 THIS SECTION IS IN THE SAME PROPORTION AND USING THE SAME RATIOS PROVIDED FOR IN 15-70-101(2)(B), (2)(C), AND

25 (3).

26 (3) (A) TO RECEIVE A GRANT UNDER THIS SECTION, A LOCAL GOVERNMENT SHALL SUBMIT AN APPLICATION FOR  
27 A QUALIFYING ~~INFRASTRUCTURE~~-water or wastewater PROJECT AND PLEDGE MATCHING FUNDS.

28 (B) A QUALIFYING water or wastewater PROJECT IS A PROJECT THAT COMPLIES WITH THE USES AUTHORIZED

1 FOR THE CORONAVIRUS STATE FISCAL RECOVERY FUNDS.

2 (C) THE LOCAL GOVERNMENT SHALL PLEDGE THE ~~GREATER~~ ~~lesser~~ OF:

3 (I) ONE-TO-ONE MATCHING FUNDS; OR

4 (II) 25% OF THE AMOUNT THAT THE LOCAL GOVERNMENT RECEIVED IN CORONAVIRUS LOCAL FISCAL RECOVERY  
5 FUNDS PROVIDED FOR IN THE AMERICAN RESCUE PLAN ACT.

6 (D) A LOCAL GOVERNMENT MAY USE CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS AS MATCHING FUNDS.

7 (4) GRANT FUNDS NOT ~~CLAIMED~~ ~~applied for and awarded or in a pending status~~ BY JANUARY 1, 2023, ARE  
8 TRANSFERRED TO THE COMPETITIVE GRANT PROGRAM ADMINISTERED BY THE APPROPRIATE AGENCY FOR DISTRIBUTION  
9 THROUGH THE COMPETITIVE GRANT PROGRAM ~~established in [section 3].~~

11 NEW SECTION. SECTION 5. GRANTS TO REGIONAL WATER AUTHORITIES -- MATCHING FUNDS -- USES. (1)

12 OF THE APPROPRIATION MADE IN [SECTION 2] OF CORONAVIRUS STATE FISCAL RECOVERY FUNDS, \$10 MILLION IS  
13 ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO PROVIDE EACH REGIONAL WATER  
14 AUTHORITY A GRANT OF \$2.5 MILLION.

15 (2) FOR A GRANT UNDER THIS SECTION, A REGIONAL WATER AUTHORITY MUST PROVIDE ONE-TO-ONE MATCHING  
16 FUNDS ~~TO BE COMPRISED OF LOANS SECURED BY COAL SEVERANCE TAX BONDS MADE PURSUANT TO HOUSE BILL NO. 8.~~

17 (3) THE REGIONAL WATER AUTHORITY ~~MUST~~ ~~may~~ USE GRANT FUNDS AND LOANS SECURED BY BONDS TO SERVE  
18 AS MATCHING FUNDS FOR FEDERAL GRANTS.

20 NEW SECTION. Section 6. ~~Outreach~~ ~~Technical assistance~~ team -- grant application and

21 engineering assistance. (1) The department of commerce shall assemble ~~an outreach a technical assistance~~  
22 team to notify local governments, with an emphasis on rural local governments, of the funding opportunities  
23 provided for in this bill related to ~~communications, economic TRANSFORMATION AND stabilization, and~~  
24 ~~infrastructure water and wastewater~~ projects.

25 (2) The ~~outreach technical assistance~~ team shall also assist local governments in the application  
26 process and offer ~~limited~~ engineering assistance.

27 (3) The department may hire modified FTE or contract to create the ~~outreach~~ ~~technical assistance~~ team.

28 (4) There ~~must be an appropriation of administrative funds~~ ~~is allocated~~ \$750,000 from the funds

1 appropriated in [section 2] for the technical assistance team.

2

3 **NEW SECTION. Section 7. Appropriation for capital projects.** (1) There are federal funds  
4 received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of  
5 budget and program planning for state infrastructure projects as follows:

Amount	ARPA Section
119,300,000	604

8 (2) For the purposes of [this act], "state infrastructure projects" includes projects for state-owned  
9 buildings and facilities and associated infrastructure as well as within the Montana university system, including  
10 community colleges in the state.

11 (3) The department of administration shall submit a list of recommended state capital projects to the  
12 advisory commission.

13 (4) The advisory commission shall review the lists of recommended capital projects and issue a list of  
14 recommended projects to the executive.

15 (5) The applicable agency is authorized to present additional rounds of grant proposals to the  
16 commission as needed.

17 (6) In preparing recommendations for capital projects, preference must be given to projects that are  
18 geographically dispersed throughout the state, carry out critical capital projects directly enabling work,  
19 education, and health monitoring, including remote options, in response to the public health emergency with  
20 respect to COVID-19.

21 (7) The recommendations of the advisory commission must be considered by the governor and  
22 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify  
23 recommendations and shall provide the list of approved projects to the legislative finance committee by October  
24 15, 2021. If the governor modifies the list of recommended projects submitted by the commission, the office of  
25 budget and program planning shall report and explain the changes to the legislative finance committee at its  
26 next scheduled meeting.

27 (8) If it is later determined that a project cannot be completed, the governor may authorize a different  
28 project and provide a report to the legislative finance committee. If it is determined at any time that a project is

1 identified not to be eligible based on federal guidance or regulation and, if completed, would result in a  
 2 reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the  
 3 federal government pursuant to the American Rescue Plan Act, the governor may authorize a different project  
 4 and provide a report to the legislative finance committee.

5 (9) 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 604.

7 (10) Up to 2% of the funds appropriated in this section may be allocated for administrative costs.

8  
 9 **NEW SECTION. Section 8. 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-recommendations~~ for funding ~~for grants for~~  
 18 communications projects and 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 (5) The department of commerce shall staff the commission.

23 (6) Funding for the commission is allocated from the administrative costs allowed in [section 9].

24  
 25  
 26 **NEW SECTION. Section 9. ~~Appropriations-Appropriation~~ for communications ~~project~~**  
 27 **grantsprojects.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021,  
 28 Public Law 117-2, appropriated to the office of budget and program planning and allocated to the ~~governor~~



1 department of commerce for the fiscal year beginning July 1, 2020, for communications ~~project grants as~~  
 2 ~~follows. Appropriation authority is intended to be allocated to the following items. Appropriations are projects.~~  
 3 The appropriation is authorized to continue through the biennium beginning July 1, 2023.

4 Amount	ARPA Section
5 <del>250,000,000</del> <u>275,000,000</u>	9901, 602

6 (2) Communication projects are those related to broadband, infrastructure, including cell towers, or  
 7 public safety, if eligible.

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

10 (4) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act  
 11 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 ~~or section~~  
 12 ~~604~~.

13 (5) Up to 3% of the funds appropriated in this section may be allocated for administrative costs.

16 NEW SECTION. Section 10. Eligibility -- submission deadline -- preference -- approval of  
 17 recommendations. ~~(1) Local governments and private entities shall submit grant requests and supporting~~  
 18 ~~materials, including the amount of matching funds available, to the applicable state agency by July 1, 2021, in~~  
 19 ~~order to be eligible for funding under [section 6 7 8]. The agency will review grant applications, rank projects,~~  
 20 ~~and issue a list of recommended projects to the advisory commission by August 15, 2021.~~

21 ~~(2)(1)~~ The advisory commission shall review the lists of recommended projects and issue a ~~final~~ list of  
 22 recommended projects ~~to the executive by September 1, 2021.~~

23 ~~(3)(2)~~ In preparing recommendations, preference must be given to projects that provide broadband  
 24 access to unserved, underserved, and high needs areas as designated by the department of commerce.  
 25 Preference may also be given to projects that provide a higher match rate.

26 ~~(4)(3)~~ The recommendations of the advisory commission must be considered by the governor and  
 27 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify  
 28 recommendations and shall provide the ~~final~~ list of approved projects to the legislative finance committee by



1 October 15, 2021. If the governor modifies the list of recommended projects submitted by the commission, the  
2 office of budget and program planning shall report and explain the changes to the advisory commission and the  
3 legislative finance committee at its next scheduled meeting.

4 (4) If it is later determined that a project cannot be completed, the governor may authorize ~~another a~~  
5 ~~different~~ project and provide a report to the legislative finance committee. If at any time it is determined that a  
6 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in  
7 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the  
8 federal government pursuant to the American Rescue Plan Act, the governor may authorize ~~another a different~~  
9 project and provide a report to the legislative finance committee.

10  
11 NEW SECTION. Section 11. Economic TRANSFORMATION AND stabilization ADVISORY commission.

12 (1) There is an American Rescue Plan economic TRANSFORMATION AND stabilization advisory commission.

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

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

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

18 (c) three members appointed by the governor.

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

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

24 (5) THE ECONOMIC TRANSFORMATION AND STABILIZATION ADVISORY COMMISSION SHALL REQUIRE business  
25 APPLICANTS TO DISCLOSE WHETHER THEY RECEIVED MONEY ADMINISTERED BY THE STATE FROM THE CORONAVIRUS  
26 AID, RELIEF, AND ECONOMIC SECURITY ACT OF 2020 (CARES ACT) OR THE CORONAVIRUS RESPONSE AND RELIEF  
27 SUPPLEMENTAL APPROPRIATIONS ACT OF 2020 (CRRSA) AND, IF SO, THE AMOUNT RECEIVED AND THE BASIS AND  
28 PURPOSE OF THE AWARD. IN MAKING ITS RECOMMENDATIONS, THE ADVISORY COMMISSION SHALL TAKE INTO ACCOUNT

1 THE FACT THAT THE APPLICANT HAS ALREADY BENEFITED FROM FEDERAL ASSISTANCE PROVIDED IN RESPONSE TO  
2 COVID-19, BUT A PREVIOUS CARES ACT OR CRRSA AWARD MAY NOT PRECLUDE CONSIDERATION OF AN  
3 APPLICATION.

4 (6) The department of commerce shall staff the commission.

5 (7) Funding for the commission is allocated from the administrative costs allowed in [section 12].

6  
7

8 NEW SECTION. Section 12. ~~Appropriations~~ **Appropriation** for economic TRANSFORMATION AND

9 **stabilization grants.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021,

10 Public Law 117-2, appropriated to the office of budget and program planning ~~and allocated to the governor~~ for

11 the fiscal year beginning July 1, 2020, for economic TRANSFORMATION AND stabilization grants or loans as

12 follows. ~~Appropriation authority is intended to be allocated to the following items. Appropriations are~~ The

13 appropriation is authorized to continue through the biennium beginning July 1, 2023.

14	Amount	ARPA Section
15	150,000,000	9901, 602

16 (2) \$10 million of the funds appropriated in this section must be used for rapid retraining jobs training.

17 (3) The appropriation in this section may be used for workforce development and business

18 transformation and stabilization programs including but not limited to workforce training including rapid

19 retraining, return-to-work bonuses, or short-term wage subsidies, business assistance for hiring or rehiring

20 employees, business assistance for training or retraining employees, business technology grants, agricultural

21 resiliency, and business transformation or stabilization grants.

22 (4) Up to 3% of the funds appropriated in this section may be allocated for administrative costs.

23  
24

25 NEW SECTION. Section 13. **Eligibility -- submission deadline -- preference -- approval of**

26 **recommendations.** (1) Applicable agencies shall recommend programs and funding amounts to the advisory

27 commission for review and comment.

28 (2) Within the programs established by the applicable agencies, ~~Businesses~~ businesses or other

Amendment - 3rd Reading - Requested by: Ryan Osmundson

1 organizations shall submit grant requests and supporting materials to the applicable state agency ~~by July 1,~~  
2 ~~2021,~~ in order to be eligible for funding under [section 9 ~~40~~ 1112]. The agency will review grant applications,  
3 rank grant applications, and issue a list of recommended grants to the ADVISORY commission ESTABLISHED IN  
4 [SECTION 8 1011] ~~by August 15, 2021.~~

5 ~~(2)(3)~~ The advisory commission shall review the lists of recommended grants and other proposed uses  
6 of the funds and issue a final list of recommended grants and uses of funds to the executive ~~by September 1,~~  
7 ~~2021.~~

8 (4) The applicable agency is authorized to present additional rounds of grant proposals to the  
9 commission as needed.

10 ~~(3)(5)~~ THE ADVISORY COMMISSION SHALL PROVIDE OVERSIGHT AND RECOMMENDATIONS ON FUNDS  
11 APPROPRIATED PURSUANT TO ~~[SECTION 11 13 THROUGH 14 16]~~ [sections 14, 16, and 17]. The department of  
12 commerce shall report to the advisory commission on loans made in accordance with the federal requirements  
13 of the state small business credit initiative in [section 15].

14 ~~(3)(4)(6)~~ The recommendations of the advisory commission must be considered by the governor and  
15 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify  
16 recommendations and shall provide the final list of approved projects to the legislative finance committee by  
17 October 15, 2021. If the governor modifies the list of recommended projects submitted by the commission, the  
18 office of budget and program planning shall report and explain the changes to the advisory commission and to  
19 the legislative finance committee at its next scheduled meeting.

20 (7) If it is later determined that a project cannot be completed, the governor may authorize ~~another a~~  
21 different project and provide a report to the legislative finance committee. If at any time it is determined that a  
22 project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in  
23 a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the  
24 federal government pursuant to the American Rescue Plan Act, the governor may authorize ~~another a different~~  
25 project and provide a report to the legislative finance committee.

26  
27 NEW SECTION. Section 14. Appropriations for housing and workforce training programs. (1)

28 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,

Amendment - 3rd Reading - Requested by: Ryan Osmundson

1 appropriated to the office of budget and program planning and allocated to the department of commerce as  
2 follows for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the  
3 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

4	Amount	Purpose	ARPA Section
5	50,000,000	Mortgage Assistance	3206, <del>3208</del>
6	<del>11,000,000</del> <u>11,459,768</u>	<del>Revolving Fund for Low-Income Housing</del> <u>HOME Program</u>	
7	<u>Supplemental Allocation</u>		3205
8	152,400,000	Emergency Rental Assistance	3201, <del>3202, 3204</del>
9		<del>Workforce</del>	

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

13 ~~(3)(2)~~ For Emergency Rental Assistance, funds may be used to pay rent or rental arrears to any place  
14 where someone pays on a periodic basis for shelter, including but not limited to nursing homes, senior assisted  
15 living, group homes, low-income housing, workforce housing, transitional housing, and correctional facilities, if  
16 eligible. If federal guidance allows for other uses of emergency rental assistance funds, these funds may be  
17 used for those additional authorized purposes.

18 ~~(4)(3)~~ The economic stabilization ADVISORY commission ESTABLISHED IN [SECTION & 10-11] shall provide  
19 oversight to the department on the use of funds in this section.

20 ~~(5)(4)~~ The department of commerce or applicable agency is encouraged to use existing programs,  
21 where feasible, to implement the programs provided for in this section.

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

1

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

7	Amount	Purpose	ARPA Section
8	5,500,000	<del>Workforce</del> <u>Office of Community Service</u>	2206
9	5,200,000	Unemployment Administration	9031, 9032
10	<u>2,000,000</u>	<u>Rapid Retraining for Veterans</u>	<u>8006</u>

11           (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of  
 12 2021, Public Law 117-2.

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

19	Amount	Purpose	ARPA Section
20	600,000	Grants to Airports	7102
21	800,000	Grants for Rural Transit	3401

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

25           **NEW SECTION. Section 18. Health advisory commission.** (1) There is an American Rescue Plan  
 26 health advisory commission.

27           (2) The commission consists of ~~nine members, who must be appointed as follows:~~  
 28           ~~(a) three senators, two from the majority party and one from the minority party, appointed by the senate~~

1 ~~president;~~

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

4 ~~(a) members of the joint appropriations subcommittee for health and human services from the 67th~~  
5 ~~legislature; and~~

6 ~~(c)(b)~~ three members appointed by the governor.

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

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

12 ~~(5) The department of public health and human services shall staff the commission.~~

13 ~~(6) Funding for the commission is allocated from the administrative costs allowed in [section 20].~~

14

15

16 **NEW SECTION. Section 19. Deadlines -- meetings -- recommendations -- approval.** (1) The

17 ~~committee-commission~~ shall meet on or before June 1, 2021, and shall report its recommendations to the  
18 director of the department of public health and human services on or before June 15, 2021, ~~or as otherwise~~  
19 ~~identified by a majority of the commission.~~

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

22 ~~(3) The recommendations of the advisory commission must be considered by the governor and~~  
23 ~~reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify~~  
24 ~~recommendations and shall provide the list of approved projects to the legislative finance committee by October~~  
25 ~~15, 2021. If the governor modifies the list of recommendations submitted by the commission, the office of~~  
26 ~~budget and program planning shall report and explain the change to the advisory commission and to the~~  
27 ~~legislative finance committee at its next schedule meeting.~~

28 ~~(4) If it is later determined that a project cannot be completed, the governor may authorize a different~~

1 project and provide a report to the legislative finance committee. If at any time it is determined that a project is  
 2 identified not to be eligible based on federal guidance or regulation and, if completed, would result in a  
 3 reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the  
 4 federal government pursuant to the American Rescue Plan Act, the governor may authorize a different project  
 5 and provide a report to the legislative finance committee.

6  
 7  
 8 **NEW SECTION. Section 20. Appropriations to department of public health and human**  
 9 **services.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law  
 10 117-2, appropriated to the department of public health and human services for the fiscal year beginning July 1,  
 11 2020, and continuing into the biennium beginning July 1, 2021. Appropriations are authorized to continue  
 12 through the biennium beginning July 1, 2023. Appropriation authority is intended to be allocated to the following  
 13 items. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021,  
 14 Public Law 117-2.

Amount	Program	ARPA Section
<del>13,000,000</del> <u>11,000,000</u>	SNAP	1101,1102
200,000	Commodity Supplemental Food Program	1104
900,000	Family Violence Prevention	2204
1,111,000	Child Abuse Prevention	2205
22,500,000	Vaccine Distribution and Supply	2301
143,400,000	Testing and Contact Tracing	2401
<del>411,000,000</del> <u>112,500,000</u>	Child Care <del>Stabilization &amp;</del> Block Grants	2201, 2202
1,700,000	State Veterans' Homes	8004
23,000,000	Public Health Workforce	2501
<del>20,000,000</del>	<del>Rapid Retraining Jobs Training</del>	<del>9901/602</del>
<del>17,000,000</del> <u>10,500,000</u>	SAMHSA/Mental Health and Substance Use Disorder	
	Mental Health Block Grant	2701, <u>2702, 2703, 2705,</u> <u>2706, 2707</u>



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1		<del>Substance Abuse Prevention and Treatment</del>	<del>2702</del>
2		<del>Block Grant</del>	
3		<del>Mental and Behavioral Health Training</del>	<del>2703</del>
4		<del>Grants for Healthcare Providers to Promote</del>	<del>2705</del>
5		<del>Mental and Behavioral Health</del>	
6		<del>Community-based Funding for Local</del>	
7		<del>Substance Use Disorder Services</del>	<del>2706</del>
8		<del>Community-based Funding for</del>	<del>2707</del>
9		<del>Local Behavioral Health Needs</del>	
10	<del>21,000,000</del> <u>31,775,000</u>	LIHEAP/Water Assistance	2911, 2912
11	1,000,000	Supporting Older Americans and Families	2921
12		<del>Home and Community-Based Supportive</del>	<del>2924</del>
13		<del>Services for Blind News Service</del>	
14	930,000	Emergency Food and Shelter Program	4007, 4008
15	2,726,000	Pandemic Emergency Assistance	9201
16		Elder Justice Programs	9301
17		Maternal, Infant, and Early Childhood	9101
18		Home Visiting	
19	<u>1,130,000</u>	WIC	1105
20	<u>1,223,000</u>	IDEA Infants and toddlers	<u>2014</u>
21		<u>(2) There are federal funds received pursuant to section 9901 of the American Rescue Plan Act of</u>	
22		<u>2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602, appropriated</u>	
23		<u>to the office of budget and program planning and allocated to the department of public health and human</u>	
24		<u>services as follows:</u>	
25		<u>(a) \$15 million for nursing home supplemental payments; and</u>	
26		<u>(b) \$2.75 million for a medicaid rate study.</u>	
27		<del>(2)(3)</del> For SNAP, the appropriation is to be used for the 15% benefit extension, for administration, and	
28		for <del>contracted private sector</del> workforce training <u>through existing programs in the department of labor and</u>	

1 industry or through contracted private sector vendors.

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

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

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

13  
14

15 NEW SECTION. Section 21. ~~Appropriation Allocation~~ to the judicial branch. There is  
16 appropriated \$944,721 in federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law  
17 117-2 (602), to the office of budget and program planning and allocated to the judicial branch to support court  
18 operations impacted by the pandemic by streamlining the resolution of family law cases through early mediation  
19 and simplified proceedings in judicial districts with heavy caseloads or in remote areas of the state.

20

21 NEW SECTION. Section 22. ~~Appropriation Allocation~~ to department of justice. (1) There are  
22 federal funds received from the American Rescue Plan Act of 2021, Public Law 117-2, ~~appropriated-allocated~~ to  
23 the department of justice for the fiscal year beginning July 1, 2020 from the funds appropriated in [section 7].  
24 ~~Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to~~  
25 ~~continue in the biennium beginning July 1, 2023. References to "ARPA Section" mean references to sections in~~  
26 ~~the American Rescue Plan Act of 2021, Public Law 117-2.~~

27	Amount	Program	ARPA Section
28	1,000,000	Freezer, Morgue, and Refrigeration Space	<del>9901, 604</del>

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1 1,000,000 Crime Lab Facility Space ~~9901,602~~

2 ~~(2) Authority is granted to construct the projects in this section.~~

3

4 NEW SECTION. Section 23. Appropriations to office of public instruction and office of budget  
5 and program planning. (1) There are federal funds received pursuant to the American Rescue Plan Act of

6 2021, Public Law 117-2, appropriated to the office of public instruction for the fiscal year beginning July 1, 2020.

7 Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to

8 continue through the biennium beginning July 1, 2023. References to "ARPA Section" mean references to

9 sections in the American Rescue Plan Act of 2021, Public Law 117-2.

10	Amount	Purpose	ARPA Section
11	343,817,312	Basic Allocation to School Districts	2001
12	3,400,000	Supplemental Allocation to School Districts	2001
13	120,000	Allocation to Other Educational Institutions	2001
14	555,234	Education Leadership in Montana	2001
15	5,475,248	OPI Database Modernization	2001
16	1,910,096	Administration	2001
17	19,100,962	State Learning Loss	2001
18	3,820,192	State Summer Enrichment	2001
19	3,820,192	State Afterschool Programs	2001

20 ~~7,000,000 Assistance to Nonpublic Schools 2002~~

21 ~~10,200,000~~ 9,241,420 Individual-Individuals with Disabilities Education Act 2014

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

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

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

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

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

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

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

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

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

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

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

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

25 (3) There is appropriated \$7 million to the office of budget and program planning for assistance to  
26 nonpublic schools from the funds received pursuant to section 2002 of the American Rescue Plan Act, Public  
27 Law 117-2.

28

1            NEW SECTION. Section 24. **Appropriations to commissioner of higher education, state library,**  
 2 **and Montana arts council.** (1) There are federal funds received pursuant to the American Rescue Plan Act of  
 3 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies  
 4 listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the  
 5 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.  
 6 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public  
 7 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
	<del>1,000,000</del>	<del>Teacher Education Programs</del>	<del>602rr</del>
	<del>1,000,000</del>	<del>Workforce Recovery COVID-19</del>	<del>602rr</del>
	<del>2,000,000</del>	<del>Accelerate Montana</del>	<del>602rr</del>
	<del>1,500,000</del>	<del>Cyber Hub</del>	<del>8006</del>
	<del>2,000,000</del>	<del>Center for Translational Medicine</del>	<del>602rr</del>
	<del>2,000,000</del>	<del>Rapid Retraining for Veterans</del>	<del>8006</del>
<del>Montana Arts Council</del>	<del>764,000</del>		<del>2024</del>
<del>State Library</del>	<del>120,000</del>	<del>Newsline</del>	<del>2924</del>
	1,235,444	Hot Spot Lending Program	2023
	1,000,000	E-Learning Digital Content	2023

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

25            ~~(2) There are federal funds received pursuant to section 2021 the American Rescue Plan Act of 2021,~~  
 26 ~~Public Law 117-2, in the amount of \$764,000 appropriated to the Montana arts council for the fiscal year~~  
 27 ~~beginning July 1, 2020. Appropriations are authorized to continue through the biennium beginning July 1, 2023.~~

28            ~~(3) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law~~

1 117-2, appropriated to the state library for the fiscal year beginning July 1, 2020. Appropriation authority is  
 2 intended to be allocated to the following items. Appropriations are authorized to continue through the biennium  
 3 beginning July 1, 2023.

4 (4) There is allocated \$120,000 to the state library for newslines from the funds appropriated in [section  
 5 20] for Supporting Older Americans and Families.

7 **NEW SECTION. Section 25. Appropriation -- coronavirus local fiscal recovery fund.** There is  
 8 appropriated to the office of budget and program planning \$81.8 million to distribute pursuant to section 9901 of  
 9 the American Rescue Plan Act of 2021, Public Law, 117-2, which amends Title VI of the Social Security Act to  
 10 include section 603.

12 **NEW SECTION. Section 26. Audit appropriations.** (1) Of the federal funds appropriated to the  
 13 office of budget and program planning in [section 14] and appropriated to the department of commerce in  
 14 [section 15], the amount of \$20,500 is reserved for the legislative audit division as a restricted and biennial  
 15 appropriation for the 2023 biennium.

16 (2) Of the federal funds appropriated to the office of budget and program planning in [Section 2, 7, and  
 17 12], the amount of \$47,150 is reserved for the legislative audit division as a restricted and biennial appropriation  
 18 for the 2023 biennium as follows:

- 19 (a) American Rescue Plan Act testing, \$36,900; and
- 20 (b) single audit administration and reporting, \$10,250.

21 (3) Of the federal funds appropriated to the office of public instruction in [section 23], the amount of  
 22 \$20,500 is reserved for the legislative audit division as a restricted and biennial appropriation for the 2023  
 23 biennium.

24 (4) Of the federal funds appropriated to the department of public health and human services in [section  
 25 20], the amount of \$12,300 is reserved for the legislative audit division as a restricted and biennial appropriation  
 26 for the 2023 biennium.

27 (5) The legislative audit division will include estimated audit costs associated with [this act] in the  
 28 estimated audit costs provided for in 5-13-402 for the 2025 biennium.

1 (6) As provided for in 17-7-141, agencies appropriated funds through [this act] will reserve enough  
2 money from these federal funds to pay associated audit costs in the 2025 biennium.

3  
4 NEW SECTION. Section 27. ~~Authorization to modify or increase~~ Modifications to  
5 **appropriations and authorizations -- report of modifications or changes.** (1) The governor, or the budget  
6 director under the direction of the governor, is authorized to redirect appropriations and authorizations to other  
7 projects or appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and  
8 guidance 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 appropriation to  
14 a different line-item appropriation within the same section of [this act]. Transfers are not authorized between  
15 appropriations made in different sections.

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

18 (3) When federal guidance is issued related to the use of "reduction in revenue" funds pursuant to  
19 section 9901 of the American Rescue Plan Act of 2021, Public Law 117-2, amending Title VI of the Social  
20 Security Act to include section 602(c)(1)(C), otherwise known as "revenue replacement funds", the office of  
21 budget and program planning will calculate the amount of funds available pursuant to that section 602 and  
22 recommend to the governor and the legislative finance committee an amount to be allocated among the  
23 appropriations of 602 funds in [this act].

24 ~~(3)(4)~~ The legislative finance committee shall review the proposed line-item transfer or fund switch or  
25 the recommendation on the use of revenue replacement funds as provided in subsection (3), at the next  
26 meeting. A representative of the office of budget and program planning shall be present at the meeting to  
27 discuss the proposal or recommendation. The legislative finance committee may take up to 15 days following  
28 its meeting to review and comment on the proposal or recommendation. The office of budget and program



1 planning may provide a response to the comments within 15 days of receiving the committee's comments.

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

9 ~~(5)~~(6) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program  
10 or service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible  
11 and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to  
12 review the proposal and provide comment. The meeting may be held in a virtual setting.

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

20  
21 **NEW SECTION. Section 28. Dissemination PERFORMANCE MEASURES -- DISSEMINATION of**  
22 **information -- reporting and accountability. ~~(1)~~ Applicable agencies will propose a performance**  
23 **measurement plan to the commissions.**

24 ~~(1)~~(2) AN APPLICATION SUBMITTED TO A COMMISSION ESTABLISHED BY ~~[SECTION 1, 5, 7, 8, 10, OR 15-17]~~ MUST  
25 in [this act] may INCLUDE PERFORMANCE MEASURES TO ALLOW THE COMMISSION, STAKEHOLDERS, AND THE PUBLIC TO  
26 UNDERSTAND WHAT THE APPLICANT INTENDS TO ACCOMPLISH AND, IF SELECTED TO RECEIVE MONEY FROM THE  
27 AMERICAN RESCUE PLAN ACT, A BASIS TO EVALUATE WHETHER THE APPLICANT HAS ACHIEVED WHAT IT INTENDED TO  
28 ACCOMPLISH. WHERE FEASIBLE, PERFORMANCE MEASURES SHOULD BE QUANTITATIVE.

1           ~~(2)~~(3) QUARTERLY PERFORMANCE REPORTS ~~MUST~~may BE PROVIDED TO THE ~~OFFICE OF BUDGET AND~~  
 2 ~~PROGRAM PLANNING~~applicable agency BY ENTITIES THAT RECEIVE FUNDS FROM THE FEDERAL MONEY APPROPRIATED  
 3 IN [THIS ACT] TO PROVIDE AN ASSESSMENT OF THE OUTPUTS AND OUTCOMES ACHIEVED COMPARED TO THE  
 4 PERFORMANCE MEASURES SET FORTH IN THE ENTITIES' APPLICATIONS. THE REPORTS ~~MUST~~may BE SUBMITTED BY THE  
 5 15TH DAY OF THE FIRST MONTH OF EACH QUARTER FOR THE PREVIOUS QUARTER UNTIL COMPLETION OF THE FUNDED  
 6 PROJECT.

7           ~~(3)~~(4) The office of budget and program planning shall promote the funding opportunities afforded in  
 8 [this act] and offer an online portal that directs prospective grantees to the various grant programs available  
 9 pursuant to [this act]. ~~The online portal must also provide data and information on the website to provide~~  
 10 ~~transparency in how funds were spent and identify grant recipients for businesses, local or tribal governments,~~  
 11 ~~or nonprofit organizations.~~

12           ~~(2)~~(4)(5) The office of budget and program planning shall provide quarterly reports to the legislative  
 13 finance committee throughout the interim on the implementation of [this act].

14           ~~(6) The office of budget and program planning is appropriated \$3.5 million to provide oversight, public~~  
 15 ~~interaction, reporting, transparency, and other services from 602 funds.~~

17           NEW SECTION. **Section 29. Reduction in funding -- health regulations.** If a local government is  
 18 awarded grant funds ~~pursuant to [this act] appropriated in [section 2]~~, the amount of the grant is reduced by  
 19 20% if that local government or any of its authorized agents have ~~issued-current~~ health regulations related to  
 20 COVID-19 that are more strict than those imposed by the state ~~in effect at the time the grant is awarded.~~

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

26           **Section 30.** Section 2-17-603, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24  
25 **NEW SECTION. Section 31. Notification to tribal governments.** The secretary of state shall send a  
26 copy of [this act] to each federally recognized tribal government in Montana.

27  
28 **NEW SECTION. Section 32. Long-range projects funding.** (1) If any of the allocations for projects

1 outlined in [section 33 through 36] are determined to be ineligible for funding through the American Rescue  
2 Plan Act, funding for each ineligible project is appropriated for the project from the source of funding designated  
3 in the introduced version of the respective long-range bill.

4 (2) If any of the allocations for projects outlined in [section 37] are determined to be ineligible for  
5 funding through the American Rescue Plan Act, funding for those projects shall be:

6 (a) appropriated from the capital developments long-range building program account provided for in  
7 17-7-209 for projects funded [section 1] of House Bill No. 14;

8 (b) appropriated from the treasure state endowment special revenue account provided for in 17-5-  
9 703(3)(a) funded through [section 5] of House Bill No. 14; and

10 (c) appropriated from the natural resources projects state special revenue account provided for in 15-  
11 38-302 funded through [section 9] of House Bill No. 14.

12  
13 COORDINATION SECTION. Section 33. Coordination instruction -- House Bill No. 5. (1) If both  
14 House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning  
15 Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill  
16 No. 5 are void and there is ~~appropriated to the office of budget and program planning and~~ allocated to the  
17 department of administration \$2,050,000 ~~from federal funds received pursuant to the American Rescue Plan~~  
18 ~~Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section~~  
19 ~~602), for those projects for those projects from the funds appropriated in [section 2].~~

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

26 (a) MSU Haynes Hall Lab Ventilation Upgrades;

27 (b) MSU BLGS Art Annex Safety and System Upgrades;

28 (c) UM-HC Donaldson Building HVAC Upgrades;

- 1 (d) MSU-N Auto Tech Building System Improvements;
- 2 (e) MSDB Card Lock System; and
- 3 (f) MSU-N Brockmann Center HVAC and Energy Project.

4

5 COORDINATION SECTION. **Section 34. Coordination instruction -- House Bill No. 6.** (1) If both

6 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of

7 House Bill No. 6 must read:

8 "(1) For the biennium beginning July 1, 2021, there is ~~appropriated to the office of budget and program~~

9 ~~planning and~~ allocated to the department of natural resources and conservation ~~from federal funds received~~

10 ~~pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the~~

11 ~~Social Security Act to include section 602), from funds appropriated in [section 2] of House Bill No. 632,~~ up to:".

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

13 6 must read:

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

15 allocated to the department of natural resources and conservation from ~~federal funds received pursuant to the~~

16 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~

17 ~~Act to include section 602), the funds appropriated in [section 2] of House Bill No. 632,~~ 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 (4), subject to the

20 conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and

21 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 35. Coordination instruction -- House Bill No. 7.** If both

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

26 "(2) The amount of \$3,273,833 is appropriated ~~to the office of budget and program planning and~~

27 ~~allocated~~ to the department of natural resources and conservation from the natural resources projects state

28 special revenue account established in 15-38-302 and the amount of \$429,000 is ~~appropriated to the office of~~

1 ~~budget and program planning and~~ allocated to the department of natural resources and conservation from  
 2 ~~federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901~~  
 3 ~~(amending Title VI of the Social Security Act to include section 602),~~ the funds appropriated in [section 2] of  
 4 House Bill No. 632 for grants to political subdivisions and local governments during the biennium beginning July  
 5 1, 2021. The funds in this subsection must be awarded by the department to the named entities for the  
 6 described purposes and in the grant amounts set out in subsection (4) subject to the conditions set forth in  
 7 [sections 2 and 3] and the contingencies described in the reclamation and development grants program report  
 8 to the 67th legislature titled: "Governor's Executive Budget Fiscal Years 2021-2023 Volume 5".

9

10 COORDINATION SECTION. Section 36. Coordination instruction -- House Bill No. 11. If both  
 11 House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

12 "(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department  
 13 of commerce \$9,869,800 for the biennium beginning July 1, 2021, from ~~federal funds received pursuant to the~~  
 14 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~  
 15 ~~Act to include section 602),~~ the funds appropriated in [section 2] of House Bill No. 632 to finance treasure state  
 16 endowment program grants authorized by subsection (2)."

17 (2) If both House Bill No. 11 and [this act] are passed and approved, then [section 5] of House Bill No.  
 18 11 must read:

19 "There is ~~appropriated allocated~~ \$100,000 ~~from federal funds received pursuant to the American~~  
 20 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~  
 21 ~~include section 602), to the office of budget and program planning and allocated from the funds appropriated in~~  
 22 [section 2] of House Bill No. 632 to the department of commerce for the biennium beginning July 1, 2021, for  
 23 the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure  
 24 projects, as defined in 90-6-701."

25 (3) If both House Bill No. 11 and [this act] are passed and approved, then [section 6] of House Bill No.  
 26 11 must read:

27 "There is ~~appropriated allocated~~ \$900,000 ~~from federal funds received pursuant to the American~~  
 28 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~

1 ~~include section 602), to the office of budget and program planning and allocated from the funds appropriated in~~  
 2 ~~[section 2] of House Bill No. 632~~ to the department of commerce for the biennium beginning July 1, 2021, for  
 3 the purpose of providing local governments, as defined in 90-6-701, with the infrastructure planning grants for  
 4 infrastructure projects, as defined in 90-6-701."

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

7 "There is ~~appropriated allocated~~ \$5,000,000 ~~from the federal funds received pursuant to the American~~  
 8 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~  
 9 ~~include section 602), to the office of budget and program planning and allocated from the funds appropriated in~~  
 10 ~~[section 2] of House Bill No. 632~~ to the department of natural resources and conservation for the biennium  
 11 beginning July 1, 2021, to finance the state's share of regional water system projects authorized in subsection  
 12 (2) and as set forth in 90-6-715."

14 COORDINATION SECTION. Section 37. Coordination instruction -- House Bill No. 14. (1) If both  
 15 House Bill No. 14 and [this act] are passed and approved, then there is ~~appropriated from the federal funds~~  
 16 ~~received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI~~  
 17 ~~of the Social Security Act to include section 604), to the office of budget and program planning and allocated~~  
 18 ~~from the funds appropriated in [section 7]~~ to the department of administration:

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

22 (2) (a) ~~If both House Bill No. 14 and [this act] are passed and approved, then there is allocated~~  
 23 ~~\$26,200,000 from the funds appropriated in [section 20] to the department of administration for the MT~~  
 24 ~~Veterinarian Diagnostic & Ag Analytical Labs.~~

25 (b) ~~If it determined that the project identified in (2)(a) is ineligible for funding from the appropriations in~~  
 26 ~~[section 20], the allocation in (2)(a) is void and there is allocated \$26,200,000 from the funds appropriated in~~  
 27 ~~[section 7] to the department of administration for the MT Veterinarian Diagnostic & Ag Analytical Labs.~~

28 (2)(3) ~~If both House Bill No. 14 and [this act] are passed and approved, then [section 5(1)] of House Bill~~



1 No. 14 must read:

2 "(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department  
3 of commerce \$13,707,898 for the biennium beginning July 1, 2021, ~~from federal funds received pursuant to the~~  
4 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~  
5 ~~Act to include section 602), from the funds appropriated in [section 2] of House Bill No. 632~~ to finance treasure  
6 state endowment program grants authorized by subsection (2)."

7 ~~(3)(4)~~ If both House Bill No. 14 and [this act] are passed and approved, then [section 9(1)] of House Bill  
8 No. 14 must read:

9 "(1) There is ~~appropriated from federal funds received pursuant to the American Rescue Plan Act of~~  
10 ~~2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section 602), to~~  
11 ~~the office of budget and program planning and~~ allocated to the department of natural resources and  
12 conservation ~~from the funds appropriated in [section 2] of House Bill No. 632~~ up to \$4,720,788 for grants to  
13 political subdivisions and local governments for the biennium beginning July 1, 2021. The funds referred to in  
14 this subsection must be awarded by the department to the named entities for the described purposes and in the  
15 grant amounts listed in subsection (3), subject to the conditions set forth in [sections 11 and 12] and the  
16 contingencies described in the renewable resource grant and loan program January 2021 report to the 67th  
17 legislature titled: "Governor's Executive Budget Fiscal Years 2021-2023 Volume 6"."

18  
19 ~~COORDINATION SECTION. Section 34. Coordination instruction -- House Bill No. 497. If both~~  
20 ~~House Bill No. 497 and [this act] are passed and approved, then [section 15 16 17 of this act] must be amended~~  
21 ~~to read:~~

22 ~~"Section 15 16 17. Health advisory commission and human services budget committee --~~  
23 ~~recommendations. (1) There is an American Rescue Plan health advisory commission.~~

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

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

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

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

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

6 ~~(4)(2) Appointed members of the commission committee must be compensated and receive travel~~  
7 ~~expenses as provided for in 2-15-124 for each day in attendance at commissions committee meetings or in the~~  
8 ~~performance of any duty or service as a commission committee member.~~

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

13 **NEW SECTION. Section 38. Coordination -- Senate Bill No. 297.** If both Senate Bill No. 297 and  
14 [this act] are passed and approved, the appropriation in [section 9] shall be used for the purposes set forth in  
15 Senate Bill No. 297.

17 **NEW SECTION. Section 39. {standard} Severability.** If a part of [this act] is invalid, all valid parts  
18 that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its  
19 applications, the part remains in effect in all valid applications that are severable from the invalid applications.

21 **NEW SECTION. Section 40. Effective date.** [This act] is effective on passage and approval.

22 - END -