

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	500,000,000 <u>450,000,000</u>	602
28	119,300,000 _____	604

Amendment - Reference

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
5 SUBDIVISION OR LOCAL GOVERNMENT BODY OF THE STATE, INCLUDING AN AUTHORITY AS DEFINED IN 75-6-304, WATER
6 DISTRICT, SEWER DISTRICT, IRRIGATION DISTRICT, WATER USERS ASSOCIATION, CONSERVATION DISTRICT, OR TRIBAL
7 GOVERNMENT.

8 (4) For the purposes of [this act], "~~state infrastructure projects~~" STATE WATER AND WASTEWATER
9 PROJECTS includes projects for state-owned buildings and facilities AND ASSOCIATED INFRASTRUCTURE, as well as
10 within the Montana university system, including community colleges in the state.

11 (5) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act
12 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 ~~or section~~
13 ~~604~~.

14 (6) FUNDS APPROPRIATED UNDER THIS SECTION THAT ARE NOT OTHERWISE ALLOCATED ARE ALLOCATED TO
15 THE OFFICE OF BUDGET AND PROGRAM PLANNING TO PROVIDE GRANTS PURSUANT TO [SECTION 3].

16
17 NEW SECTION. Section 3. ~~Eligibility -- submission deadline -- priority -- approval of~~
18 recommendations COMPETITIVE GRANT PROGRAM. (1) State ~~FOR THE FIRST ROUND OF GRANTS, STATE~~ and local
19 governments shall submit grant requests and supporting materials, including the amount of matching funds
20 available FOR WATER AND WASTEWATER PROJECTS, to the applicable agency by July 1, 2021, in order to be
21 eligible for funding under [section 2]. The agency will review grant applications, rank projects, and issue a list of
22 recommended projects to the advisory commission by August 15, 2021.

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

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

27 (4) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE
28 COMMISSION AS NEEDED.

Amendment - Reference

1 ~~(4)(5)~~ In preparing recommendations, for capital projects, preference must be given to projects that
2 carry out critical capital projects directly enabling work, education, and health monitoring, including remote
3 options, in response to the public health emergency with respect to COVID-19. For local government WATER
4 AND WASTEWATER grants, preference may also be given to projects that provide a higher match rate.

5 ~~(5)(6)~~ The recommendations of the advisory commission must be considered by the governor and
6 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
7 recommendations and shall provide the final list of approved projects to the legislative finance committee by
8 October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE
9 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE
10 ADVISORY COMMISSIONS AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

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

17 (8) NO PROJECT MAY RECEIVE MORE THAN \$25 MILLION IN GRANT PROCEEDS FROM THIS SECTION.

18 (9) UP TO 2.5% OF THE FUNDS APPROPRIATED IN [SECTION 2] MAY BE ALLOCATED FOR ADMINISTRATIVE
19 COSTS.

20
21 NEW SECTION. SECTION 4. MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS. (1) THE AMOUNT OF
22 \$150 MILLION OF THE CORONAVIRUS LOCAL STATE FISCAL RECOVERY FUNDS APPROPRIATED IN [SECTION 2] MUST BE
23 USED TO PROVIDE MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS FOR INFRASTRUCTURE WATER AND
24 WASTEWATER PROJECTS ELIGIBLE FOR FUNDING UNDER THE AMERICAN RESCUE PLAN ACT.

25 (2) THE AMOUNT A LOCAL GOVERNMENT IS ELIGIBLE TO RECEIVE IN WATER AND WASTEWATER GRANTS UNDER
26 THIS SECTION IS IN THE SAME PROPORTION AND USING THE SAME RATIOS PROVIDED FOR IN 15-70-101(2)(B), (2)(C), AND

27 (3).

28 (3) (A) TO RECEIVE A GRANT UNDER THIS SECTION, A LOCAL GOVERNMENT SHALL SUBMIT AN APPLICATION FOR

Amendment - Reference

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.4.6

1 A QUALIFYING ~~INFRASTRUCTURE~~ WATER OR WASTEWATER PROJECT AND PLEDGE MATCHING FUNDS.

2 (B) A QUALIFYING WATER OR WASTEWATER PROJECT IS A PROJECT THAT COMPLIES WITH THE USES

3 AUTHORIZED FOR THE CORONAVIRUS STATE FISCAL RECOVERY FUNDS.

4 (C) THE LOCAL GOVERNMENT SHALL PLEDGE THE ~~GREATER~~ LESSER OF:

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

6 (II) 25% OF THE AMOUNT THAT THE LOCAL GOVERNMENT RECEIVED IN CORONAVIRUS LOCAL FISCAL RECOVERY

7 FUNDS PROVIDED FOR IN THE AMERICAN RESCUE PLAN ACT.

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

9 (4) GRANT FUNDS NOT ~~CLAIMED~~ APPLIED FOR AND AWARDED OR IN A PENDING STATUS BY JANUARY 1, 2023,

10 ARE TRANSFERRED TO THE COMPETITIVE GRANT PROGRAM ADMINISTERED BY THE APPROPRIATE AGENCY FOR

11 DISTRIBUTION THROUGH THE COMPETITIVE GRANT PROGRAM ESTABLISHED IN [SECTION 3].

12

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

14 OF THE APPROPRIATION MADE IN [SECTION 2] OF CORONAVIRUS STATE FISCAL RECOVERY FUNDS, \$10 MILLION IS

15 ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO PROVIDE EACH REGIONAL WATER

16 AUTHORITY A GRANT OF \$2.5 MILLION.

17 (2) FOR A GRANT UNDER THIS SECTION, A REGIONAL WATER AUTHORITY MUST PROVIDE ONE-TO-ONE MATCHING

18 FUNDS TO BE COMPRISED OF LOANS SECURED BY COAL SEVERANCE TAX BONDS MADE PURSUANT TO HOUSE BILL NO. 8.

19 (3) THE REGIONAL WATER AUTHORITY ~~MUST~~ MAY USE GRANT FUNDS AND LOANS SECURED BY BONDS TO SERVE

20 AS MATCHING FUNDS FOR FEDERAL GRANTS.

21

22 **NEW SECTION. Section 6. Outreach TECHNICAL ASSISTANCE team -- grant application and**

23 **engineering assistance.** (1) The department of commerce shall assemble ~~an outreach~~ A TECHNICAL

24 ASSISTANCE team to notify local governments, with an emphasis on rural local governments, of the funding

25 opportunities provided for in this bill related to ~~communications, economic TRANSFORMATION AND~~ stabilization,

26 ~~and infrastructure~~ WATER AND WASTEWATER projects.

27 (2) The ~~outreach~~ TECHNICAL ASSISTANCE team shall also assist local governments in the application

28 process and offer LIMITED engineering assistance.

Amendment - Reference

1 (3) The department may hire modified FTE or contract to create the ~~outreach~~ TECHNICAL ASSISTANCE
2 team.

3 (4) There ~~must be an appropriation of administrative funds~~ IS ALLOCATED \$750,000 FROM THE FUNDS
4 APPROPRIATED IN [SECTION 2] FOR THE TECHNICAL ASSISTANCE TEAM.

5
6 NEW SECTION. Section 7. APPROPRIATION FOR CAPITAL PROJECTS. (1) THERE ARE FEDERAL FUNDS
7 RECEIVED PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW 117-2, APPROPRIATED TO THE
8 OFFICE OF BUDGET AND PROGRAM PLANNING FOR STATE INFRASTRUCTURE PROJECTS AS FOLLOWS:

<u>AMOUNT</u>	<u>ARPA SECTION</u>
<u>119,300,000</u>	<u>604</u>

9
10
11 (2) FOR THE PURPOSES OF [THIS ACT], "STATE INFRASTRUCTURE PROJECTS" INCLUDES PROJECTS FOR
12 STATE-OWNED BUILDINGS AND FACILITIES AND ASSOCIATED INFRASTRUCTURE AS WELL AS WITHIN THE MONTANA
13 UNIVERSITY SYSTEM, INCLUDING COMMUNITY COLLEGES IN THE STATE.

14 (3) THE DEPARTMENT OF ADMINISTRATION SHALL SUBMIT A LIST OF RECOMMENDED STATE CAPITAL PROJECTS
15 TO THE ADVISORY COMMISSION.

16 (4) THE ADVISORY COMMISSION SHALL REVIEW THE LISTS OF RECOMMENDED CAPITAL PROJECTS AND ISSUE A
17 LIST OF RECOMMENDED PROJECTS TO THE EXECUTIVE.

18 (5) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE
19 COMMISSION AS NEEDED.

20 (6) IN PREPARING RECOMMENDATIONS FOR CAPITAL PROJECTS, PREFERENCE MUST BE GIVEN TO PROJECTS
21 THAT ARE GEOGRAPHICALLY DISPERSED THROUGHOUT THE STATE, CARRY OUT CRITICAL CAPITAL PROJECTS DIRECTLY
22 ENABLING WORK, EDUCATION, AND HEALTH MONITORING, INCLUDING REMOTE OPTIONS, IN RESPONSE TO THE PUBLIC
23 HEALTH EMERGENCY WITH RESPECT TO COVID-19.

24 (7) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND
25 REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR MAY
26 MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED PROJECTS TO THE LEGISLATIVE FINANCE
27 COMMITTEE BY OCTOBER 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY
28 THE COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE

1 LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

2 (8) IF IT IS LATER DETERMINED THAT A PROJECT CANNOT BE COMPLETED, THE GOVERNOR MAY AUTHORIZE A
3 DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE COMMITTEE. IF IT IS DETERMINED AT ANY
4 TIME THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON FEDERAL GUIDANCE OR REGULATION AND, IF
5 COMPLETED, WOULD RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN RESCUE PLAN ACT OR REQUIRE THE
6 STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN RESCUE PLAN ACT,
7 THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE
8 COMMITTEE.

9 (9) REFERENCES TO "ARPA SECTION" MEAN REFERENCES TO SECTION 9901 OF THE AMERICAN RESCUE
10 PLAN ACT OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION
11 604.

12 (10) UP TO 2% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE
13 COSTS.

14
15 NEW SECTION. Section 8. Communications advisory commission. (1) There is an American
16 Rescue Plan communications advisory commission.

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

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

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

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

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

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

28 (5) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.

1 (6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 9].

2

3 NEW SECTION. Section 9. Appropriations APPROPRIATION for communications project grants

4 PROJECTS. (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
5 117-2, appropriated to the office of budget and program planning and allocated to the ~~governor~~ DEPARTMENT OF
6 COMMERCE for the fiscal year beginning July 1, 2020, for communications ~~project grants as follows.~~

7 ~~Appropriation authority is intended to be allocated to the following items. Appropriations are~~ PROJECTS. THE
8 APPROPRIATION IS authorized to continue through the biennium beginning July 1, 2023.

9 Amount ARPA Section

10 ~~250,000,000~~ 275,000,000 9901, 602

11 (2) Communication projects are those related to broadband, INFRASTRUCTURE, INCLUDING cell towers, or
12 public safety, IF ELIGIBLE.

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

15 (4) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act
16 of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602 ~~or section~~
17 ~~604.~~

18 (5) UP TO 3% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE
19 COSTS.

20

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

22 recommendations. ~~(1) Local governments and private entities shall submit grant requests and supporting~~
23 ~~materials, including the amount of matching funds available, to the applicable state agency by July 1, 2021, in~~
24 ~~order to be eligible for funding under [section 6 7 8]. The agency will review grant applications, rank projects,~~
25 ~~and issue a list of recommended projects to the advisory commission by August 15, 2021.~~

26 ~~(2)(1) The advisory commission shall review the lists of recommended projects and issue a final list of~~
27 ~~recommended projects to the executive by September 1, 2021.~~

28 ~~(3)(2) In preparing recommendations, preference must be given to projects that provide broadband~~

1 access to UNSERVED, underserved, and high needs areas AS DESIGNATED BY THE DEPARTMENT OF COMMERCE.

2 Preference may also be given to projects that provide a higher match rate.

3 ~~(4)~~(3) The recommendations of the advisory commission must be considered by the governor and
4 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
5 recommendations and shall provide the ~~final~~ list of approved projects to the legislative finance committee by
6 October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE
7 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE
8 ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

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

15

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

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

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

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

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

23 (c) three members appointed by the governor.

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

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

1 (5) THE ECONOMIC TRANSFORMATION AND STABILIZATION ADVISORY COMMISSION SHALL REQUIRE BUSINESS
 2 APPLICANTS TO DISCLOSE WHETHER THEY RECEIVED MONEY ADMINISTERED BY THE STATE FROM THE CORONAVIRUS
 3 AID, RELIEF, AND ECONOMIC SECURITY ACT OF 2020 (CARES ACT) OR THE CORONAVIRUS RESPONSE AND RELIEF
 4 SUPPLEMENTAL APPROPRIATIONS ACT OF 2020 (CRRSA) AND, IF SO, THE AMOUNT RECEIVED AND THE BASIS AND
 5 PURPOSE OF THE AWARD. IN MAKING ITS RECOMMENDATIONS, THE ADVISORY COMMISSION SHALL TAKE INTO ACCOUNT
 6 THE FACT THAT THE APPLICANT HAS ALREADY BENEFITED FROM FEDERAL ASSISTANCE PROVIDED IN RESPONSE TO
 7 COVID-19, BUT A PREVIOUS CARES ACT OR CRRSA AWARD MAY NOT PRECLUDE CONSIDERATION OF AN
 8 APPLICATION.

9 (6) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.

10 (7) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 12].

11
 12 NEW SECTION. Section 12. Appropriations APPROPRIATION for economic TRANSFORMATION AND
 13 **stabilization grants.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021,
 14 Public Law 117-2, appropriated to the office of budget and program planning and allocated to the governor for
 15 the fiscal year beginning July 1, 2020, for economic TRANSFORMATION AND stabilization grants or loans as
 16 follows. Appropriation authority is intended to be allocated to the following items. Appropriations are THE
 17 APPROPRIATION IS authorized to continue through the biennium beginning July 1, 2023.

Amount	ARPA Section
150,000,000	9901, 602

20 (2) \$10 MILLION OF THE FUNDS APPROPRIATED IN THIS SECTION MUST BE USED FOR RAPID RETRAINING JOBS
 21 TRAINING.

22 (3) THE APPROPRIATION IN THIS SECTION MAY BE USED FOR WORKFORCE DEVELOPMENT AND BUSINESS
 23 TRANSFORMATION AND STABILIZATION PROGRAMS INCLUDING BUT NOT LIMITED TO WORKFORCE TRAINING INCLUDING
 24 RAPID RETRAINING, RETURN-TO-WORK BONUSES, OR SHORT-TERM WAGE SUBSIDIES, BUSINESS ASSISTANCE FOR HIRING
 25 OR REHIRING EMPLOYEES, BUSINESS ASSISTANCE FOR TRAINING OR RETRAINING EMPLOYEES, BUSINESS TECHNOLOGY
 26 GRANTS, AGRICULTURAL RESILIENCY, AND BUSINESS TRANSFORMATION OR STABILIZATION GRANTS.

27 (4) UP TO 3% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE COSTS.

28

1 NEW SECTION. Section 13. Eligibility -- submission deadline -- preference -- approval of
 2 **recommendations.** (1) APPLICABLE AGENCIES SHALL RECOMMEND PROGRAMS AND FUNDING AMOUNTS TO THE
 3 ADVISORY COMMISSION FOR REVIEW AND COMMENT.

4 (2) WITHIN THE PROGRAMS ESTABLISHED BY THE APPLICABLE AGENCIES, ~~Businesses~~ BUSINESSES OR OTHER
 5 ORGANIZATIONS shall submit grant requests and supporting materials to the applicable state agency ~~by July 1,~~
 6 ~~2021,~~ in order to be eligible for funding under [section 9 ~~10 11 12~~]. The agency will review grant applications,
 7 rank grant applications, and issue a list of recommended grants to the ADVISORY commission ESTABLISHED IN
 8 [SECTION 8 ~~10 11~~] by August 15, 2021.

9 ~~(2)(3)~~ (3) The advisory commission shall review the lists of recommended grants and other proposed uses
 10 of the funds and issue a ~~final~~ list of recommended grants and uses of funds to the executive ~~by September 1,~~
 11 ~~2021.~~

12 (4) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE
 13 COMMISSION AS NEEDED.

14 ~~(3)(5)~~ (5) THE ADVISORY COMMISSION SHALL PROVIDE OVERSIGHT AND RECOMMENDATIONS ON FUNDS
 15 APPROPRIATED PURSUANT TO [SECTION 11 13 THROUGH 14 16] [SECTIONS 14, 16, AND 17]. THE DEPARTMENT OF
 16 COMMERCE SHALL REPORT TO THE ADVISORY COMMISSION ON LOANS MADE IN ACCORDANCE WITH THE FEDERAL
 17 REQUIREMENTS OF THE STATE SMALL BUSINESS CREDIT INITIATIVE IN [SECTION 15].

18 ~~(3)(4)~~ (6) The recommendations of the advisory commission must be considered by the governor and
 19 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
 20 recommendations and shall provide the ~~final~~ list of approved projects to the legislative finance committee by
 21 October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE
 22 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGES TO THE
 23 ADVISORY COMMISSION AND TO THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

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

1 DIFFERENT project and provide a report to the legislative finance committee.

2
3 **NEW SECTION. Section 14. Appropriations for housing and workforce training programs.** (1)

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

8	Amount	Purpose	ARPA Section
9	50,000,000	Mortgage Assistance	3206, 3208
10	41,000,000 <u>11,459,768</u>	Revolving Fund for Low-Income Housing <u>HOME PROGRAM</u>	
11	<u>SUPPLEMENTAL ALLOCATION</u>		3205
12	152,400,000	Emergency Rental Assistance	3201, 3202, 3204
13		Workforce	

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

16 ~~(3)(2) For Emergency Rental Assistance, funds may be used to pay rent or rental arrears to any place~~
17 ~~where someone pays on a periodic basis for shelter, including but not limited to nursing homes, senior assisted~~
18 ~~living, group homes, low-income housing, workforce housing, transitional housing, and correctional facilities, IF~~
19 ~~ELIGIBLE. IF FEDERAL GUIDANCE ALLOWS FOR OTHER USES OF EMERGENCY RENTAL ASSISTANCE FUNDS, THESE FUNDS~~
20 ~~MAY BE USED FOR THOSE ADDITIONAL AUTHORIZED PURPOSES.~~

21 ~~(4)(3) The economic stabilization ADVISORY commission ESTABLISHED IN [SECTION 8 40 11] shall provide~~
22 oversight to the department on the use of funds in this section.

23 ~~(5)(4) The department of commerce or applicable agency is encouraged to use existing programs,~~
24 where feasible, to implement the programs provided for in this section.

25
26 **NEW SECTION. Section 15. State Small Business Credit Initiative insert.** There is appropriated to
27 the department of commerce ~~up to~~ \$65 million in federal funds received pursuant to section 3301 of the
28 American Rescue Plan Act of 2021, Public Law 117-2, for the State Small Business Credit Initiative. Funds are

1 to be distributed in accordance with department of treasury guidelines and as detailed in the department of
2 commerce application specific to the program. The appropriation is for the fiscal year beginning July 1, 2020,
3 and is authorized to continue through the biennium beginning July 1, 2031.

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

Amount	Purpose	ARPA Section
5,500,000	Workforce <u>OFFICE OF COMMUNITY SERVICE</u>	2206
5,200,000	Unemployment Administration	9031, 9032
<u>2,000,000</u>	<u>RAPID RETRAINING FOR VETERANS</u>	<u>8006</u>

14 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
15 2021, Public Law 117-2.

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

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

25 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
26 2021, Public Law 117-2.

27
28 **NEW SECTION. Section 18. Health advisory commission.** (1) There is an American Rescue Plan

Amendment - Reference

67th Legislature

Drafter: Julie Johnson, 406-444-4024

HB 632.4.6

1 health 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 (A) MEMBERS OF THE JOINT APPROPRIATIONS SUBCOMMITTEE FOR HEALTH AND HUMAN SERVICES FROM THE
8 67TH LEGISLATURE; AND

9 ~~(e)~~(b) three members appointed by the governor.

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

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 commissions meetings or in the performance of any duty
14 or service as a commission member.

15 (5) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL STAFF THE COMMISSION.

16 (6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 20].

17
18 NEW SECTION. Section 19. Deadlines -- meetings -- recommendations -- approval. (1) The
19 ~~committee~~ commission shall meet on or before June 1, 2021, and shall report its recommendations to the
20 director of the department of public health and human services on or before June 15, 2021, OR AS OTHERWISE
21 IDENTIFIED BY A MAJORITY OF THE COMMISSION.

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

24 (3) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND
25 REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR MAY
26 MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED PROJECTS TO THE LEGISLATIVE FINANCE
27 COMMITTEE BY OCTOBER 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF RECOMMENDATIONS SUBMITTED BY THE
28 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING SHALL REPORT AND EXPLAIN THE CHANGE TO THE

1 ADVISORY COMMISSION AND TO THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.
 2 (4) IF IT IS LATER DETERMINED THAT A PROJECT CANNOT BE COMPLETED, THE GOVERNOR MAY AUTHORIZE A
 3 DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE COMMITTEE. IF AT ANY TIME IT IS
 4 DETERMINED THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON FEDERAL GUIDANCE OR REGULATION AND, IF
 5 COMPLETED, WOULD RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN RESCUE PLAN ACT OR REQUIRE THE
 6 STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN RESCUE PLAN ACT,
 7 THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE
 8 COMMITTEE.

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

Amount	Program	ARPA Section
43,000,000 <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
444,000,000 <u>112,500,000</u>	Child Care Stabilization & Block Grants	2201, 2202
1,700,000	State Veterans' Homes	8004
23,000,000	Public Health Workforce	2501
20,000,000	Rapid Retraining Jobs Training	9901/602
47,000,000 <u>10,500,000</u>	SAMHSA/Mental Health and Substance Use Disorder	

Amendment - Reference

1		Mental Health Block Grant	2701, <u>2702, 2703, 2705,</u>
2	<u>2706, 2707</u>		
3		Substance Abuse Prevention and Treatment	2702
4		Block Grant	
5		Mental and Behavioral Health Training	2703
6		Grants for Healthcare Providers to Promote	2705
7		Mental and Behavioral Health	
8		Community-based Funding for Local	
9		Substance Use Disorder Services	2706
10		Community-based Funding for	2707
11		Local Behavioral Health Needs	
12	21,000,000 <u>31,775,000</u>	LIHEAP/Water Assistance	2911, 2912
13	1,000,000	Supporting Older Americans and Families	2921
14		Home and Community-Based Supportive	2921
15		Services for Blind News Service	
16	930,000	Emergency Food and Shelter Program	4007, 4008
17	2,726,000	Pandemic Emergency Assistance	9201
18		Elder Justice Programs	9301
19		Maternal, Infant, and Early Childhood	9101
20		Home Visiting	
21	<u>1,130,000</u>	WIC	1105
22	<u>1,223,000</u>	IDEA Infants and toddlers	2014

23 (2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT
24 OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 602,
25 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING AND ALLOCATED TO THE DEPARTMENT OF PUBLIC
26 HEALTH AND HUMAN SERVICES AS FOLLOWS:
27 (A) \$15 MILLION FOR NURSING HOME SUPPLEMENTAL PAYMENTS; AND
28 (B) \$2.75 MILLION FOR A MEDICAID RATE STUDY.

Amendment - Reference

1 1,000,000 Freezer, Morgue, and Refrigeration Space ~~9901,604~~

2 1,000,000 Crime Lab Facility Space ~~9901,602~~

3 (2) AUTHORITY IS GRANTED TO CONSTRUCT THE PROJECTS IN THIS SECTION.

4

5 NEW SECTION. Section 23. Appropriations to office of public instruction AND OFFICE OF BUDGET

6 AND PROGRAM PLANNING. (1) There are federal funds received pursuant to the American Rescue Plan Act of

7 2021, Public Law 117-2, appropriated to the office of public instruction for the fiscal year beginning July 1, 2020.

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

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

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

11	Amount	Purpose	ARPA Section
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12	343,817,312	Basic Allocation to School Districts	2001
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13	3,400,000	Supplemental Allocation to School Districts	2001
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14	120,000	Allocation to Other Educational Institutions	2001
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15	555,234	Education Leadership in Montana	2001
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16	5,475,248	OPI Database Modernization	2001
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17	1,910,096	Administration	2001
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18	19,100,962	State Learning Loss	2001
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19	3,820,192	State Summer Enrichment	2001
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20	3,820,192	State Afterschool Programs	2001
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21	7,000,000	Assistance to Nonpublic Schools	2002
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22	40,200,000 <u>9,241,420</u>	Individual <u>INDIVIDUALS with Disabilities</u> <u>EDUCATION Act</u>	2014
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23 (2) The appropriations to the office of public instruction in subsection (1) are restricted as follows:

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

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

Amendment - Reference

- 1 (i) a school district with fewer than 6 quality educators receives \$10,000;
- 2 (ii) a school district with 6 or more quality educators that receives less than an amount equal to \$10,000
- 3 times the number of the district's quality educators in the basic allocation receives an amount for every quality
- 4 educator plus an additional \$50 for every quality educator that the district is below the statewide average of
- 5 quality educators for each district;
- 6 (iii) the amount for every quality educator must be calculated to use the \$3.4 million appropriation; and
- 7 (iv) the office of public instruction shall distribute the funds in the same manner as used for the basic
- 8 allocation.
- 9 (c) For Allocation to Other Educational Institutions, an allocation to the school for the deaf and blind,
- 10 Pine Hills youth correctional facility, and the youth academy must be made on a per-quality-educator basis. The
- 11 office of public instruction shall distribute the funds in the same manner as used for the basic allocation.
- 12 (d) For Education Leadership in Montana, the office of public instruction shall create a system to build
- 13 the capacity of principals, teachers, and other leaders to ensure recovery of each school from the effects of the
- 14 covid-19 pandemic in a model that addresses the learning opportunities missed and needed by each person to
- 15 reach their full educational potential.
- 16 (e) For OPI Database Modernization, funds must be used by the office of public instruction to repair,
- 17 improve, or replace existing data systems to respond to learning loss associated with the pandemic. Actions
- 18 taken must be consistent with 20-7-104.
- 19 (f) For Administration, funds must be used by the office of public instruction for administration of
- 20 ESSER III activities.
- 21 (g) For State Learning Loss, State Summer Enrichment, and State Afterschool Programs, funds may be
- 22 used at the discretion of the office of public instruction for purposes allowed by federal law and may include
- 23 grants to school districts. A school district may use these funds to provide allowable support to a special
- 24 education cooperative of which it is a member. Any funds granted to school districts must be distributed in the
- 25 same manner as used for the basic allocation.
- 26 (3) THERE IS APPROPRIATED \$7 MILLION TO THE OFFICE OF BUDGET AND PROGRAM PLANNING FOR ASSISTANCE
- 27 TO NONPUBLIC SCHOOLS FROM THE FUNDS RECEIVED PURSUANT TO SECTION 2002 OF THE AMERICAN RESCUE PLAN
- 28 ACT, PUBLIC LAW 117-2.

Amendment - Reference

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NEW SECTION. Section 24. **Appropriations to commissioner of higher education, state library, and Montana arts council.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023. References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public Law 117-2.

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

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

(2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 2021 THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW 117-2, IN THE AMOUNT OF \$764,000 APPROPRIATED TO THE MONTANA ARTS COUNCIL FOR THE FISCAL YEAR BEGINNING JULY 1, 2020. APPROPRIATIONS ARE AUTHORIZED TO CONTINUE THROUGH THE BIENNIUM

1 BEGINNING JULY 1, 2023.

2 (3) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021,
3 PUBLIC LAW 117-2, APPROPRIATED TO THE STATE LIBRARY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020.
4 APPROPRIATION AUTHORITY IS INTENDED TO BE ALLOCATED TO THE FOLLOWING ITEMS. APPROPRIATIONS ARE
5 AUTHORIZED TO CONTINUE THROUGH THE BIENNIUM BEGINNING JULY 1, 2023.

6 1,235,444 HOT SPOT LENDING PROGRAM 2023

7 1,000,000 E-LEARNING DIGITAL CONTENT 2023

8 (4) THERE IS ALLOCATED \$120,000 TO THE STATE LIBRARY FOR NEWSLINE FROM THE FUNDS APPROPRIATED IN
9 [SECTION 20] FOR SUPPORTING OLDER AMERICANS AND FAMILIES.

10

11 NEW SECTION. Section 25. APPROPRIATION -- CORONAVIRUS LOCAL FISCAL RECOVERY FUND. THERE IS
12 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING \$81.8 MILLION TO DISTRIBUTE PURSUANT TO
13 SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW, 117-2, WHICH AMENDS TITLE VI OF THE
14 SOCIAL SECURITY ACT TO INCLUDE SECTION 603.

15

16 NEW SECTION. Section 26. AUDIT APPROPRIATIONS. (1) OF THE FEDERAL FUNDS APPROPRIATED TO THE
17 OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTION 14] AND APPROPRIATED TO THE DEPARTMENT OF COMMERCE
18 IN [SECTION 15], THE AMOUNT OF \$20,500 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
19 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

20

21 (2) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTIONS
22 2, 7, AND 12], THE AMOUNT OF \$47,150 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
23 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM AS FOLLOWS:

24 (A) AMERICAN RESCUE PLAN ACT TESTING, \$36,900; AND

25 (B) SINGLE AUDIT ADMINISTRATION AND REPORTING, \$10,250.

26 (3) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF PUBLIC INSTRUCTION IN [SECTION 23], THE
27 AMOUNT OF \$20,500 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND BIENNIAL
28 APPROPRIATION FOR THE 2023 BIENNIUM.

29 (4) OF THE FEDERAL FUNDS APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IN

1 [SECTION 20], THE AMOUNT OF \$12,300 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
2 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

3 (5) THE LEGISLATIVE AUDIT DIVISION WILL INCLUDE ESTIMATED AUDIT COSTS ASSOCIATED WITH [THIS ACT] IN
4 THE ESTIMATED AUDIT COSTS PROVIDED FOR IN 5-13-402 FOR THE 2025 BIENNIUM.

5 (6) AS PROVIDED FOR IN 17-7-141, AGENCIES APPROPRIATED FUNDS THROUGH [THIS ACT] WILL RESERVE
6 ENOUGH MONEY FROM THESE FEDERAL FUNDS TO PAY ASSOCIATED AUDIT COSTS IN THE 2025 BIENNIUM.

7
8 NEW SECTION. Section 27. ~~Authorization to modify or increase~~ MODIFICATIONS TO
9 appropriations and authorizations -- report of modifications or changes. (1) The governor, or the budget
10 director under the direction of the governor, is authorized to redirect appropriations and authorizations to other
11 projects or appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and
12 guidance 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 APPROPRIATION
18 to a different line-item APPROPRIATION WITHIN THE SAME SECTION OF [THIS ACT]. TRANSFERS ARE NOT AUTHORIZED
19 BETWEEN APPROPRIATIONS MADE IN DIFFERENT SECTIONS.

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

22 (3) WHEN FEDERAL GUIDANCE IS ISSUED RELATED TO THE USE OF "REDUCTION IN REVENUE" FUNDS
23 PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW 117-2, AMENDING TITLE VI
24 OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 602(C)(1)(C), OTHERWISE KNOWN AS "REVENUE REPLACEMENT
25 FUNDS", THE OFFICE OF BUDGET AND PROGRAM PLANNING WILL CALCULATE THE AMOUNT OF FUNDS AVAILABLE
26 PURSUANT TO THAT SECTION 602 AND RECOMMEND TO THE GOVERNOR AND THE LEGISLATIVE FINANCE COMMITTEE AN
27 AMOUNT TO BE ALLOCATED AMONG THE APPROPRIATIONS OF 602 FUNDS IN [THIS ACT].

28 ~~(3)~~(4) The legislative finance committee shall review the proposed line-item transfer or fund switch OR

1 THE RECOMMENDATION ON THE USE OF REVENUE REPLACEMENT FUNDS AS PROVIDED IN SUBSECTION (3), at the next
 2 meeting. A representative of the office of budget and program planning shall be present at the meeting to
 3 discuss the proposal OR RECOMMENDATION. The legislative finance committee may take up to 15 days following
 4 its meeting to review and comment on the proposal OR RECOMMENDATION. The office of budget and program
 5 planning may provide a response to the comments within 15 days of receiving the committee's comments.

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

13 ~~(5)~~(6) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program
 14 or service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible
 15 and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to
 16 review the proposal and provide comment. The meeting may be held in a virtual setting.

17 ~~(6)~~(7) If additional funds are received by the state from the federal government above the levels
 18 appropriated in [this act], House Bill No. 3, or House Bill No. 630, the approving authority as defined in 17-7-102
 19 may authorize a budget amendment as defined in Title 17, chapter 7, part 4, and the requirements of 17-7-
 20 402(1)(e) do not apply. If a federal appropriation is not included in [this act], House Bill No. 3, or House Bill No.
 21 630, for a specific grant authorized by the federal government or in an amount sufficient to appropriate the
 22 entire amount received from a federal agency to deploy funds authorized by the federal government, the
 23 requirements of 17-7-402(1)(e) do not apply.

24

25 NEW SECTION. Section 28. Dissemination PERFORMANCE MEASURES -- DISSEMINATION of
 26 information -- reporting and accountability. (1) APPLICABLE AGENCIES WILL PROPOSE A PERFORMANCE
 27 MEASUREMENT PLAN TO THE COMMISSIONS.

28 (2) AN APPLICATION SUBMITTED TO A COMMISSION ESTABLISHED BY [SECTION 1, 5, 7, 8, 10, OR 15-17] MUST IN

1 [THIS ACT] MAY INCLUDE PERFORMANCE MEASURES TO ALLOW THE COMMISSION, STAKEHOLDERS, AND THE PUBLIC TO
 2 UNDERSTAND WHAT THE APPLICANT INTENDS TO ACCOMPLISH AND, IF SELECTED TO RECEIVE MONEY FROM THE
 3 AMERICAN RESCUE PLAN ACT, A BASIS TO EVALUATE WHETHER THE APPLICANT HAS ACHIEVED WHAT IT INTENDED TO
 4 ACCOMPLISH. WHERE FEASIBLE, PERFORMANCE MEASURES SHOULD BE QUANTITATIVE.

5 ~~(2)(3)~~ QUARTERLY PERFORMANCE REPORTS ~~MUST~~ MAY BE PROVIDED TO THE ~~OFFICE OF BUDGET AND~~
 6 ~~PROGRAM PLANNING~~ APPLICABLE AGENCY BY ENTITIES THAT RECEIVE FUNDS FROM THE FEDERAL MONEY APPROPRIATED
 7 IN [THIS ACT] TO PROVIDE AN ASSESSMENT OF THE OUTPUTS AND OUTCOMES ACHIEVED COMPARED TO THE
 8 PERFORMANCE MEASURES SET FORTH IN THE ENTITIES' APPLICATIONS. THE REPORTS ~~MUST~~ MAY BE SUBMITTED BY THE
 9 15TH DAY OF THE FIRST MONTH OF EACH QUARTER FOR THE PREVIOUS QUARTER UNTIL COMPLETION OF THE FUNDED
 10 PROJECT.

11 ~~(3)(4)~~ The office of budget and program planning shall promote the funding opportunities afforded in
 12 [this act] and offer an online portal that directs prospective grantees to the various grant programs available
 13 pursuant to [this act]. ~~THE ONLINE PORTAL MUST ALSO PROVIDE DATA AND INFORMATION ON THE WEBSITE TO PROVIDE~~
 14 TRANSPARENCY IN HOW FUNDS WERE SPENT AND IDENTIFY GRANT RECIPIENTS FOR BUSINESSES, LOCAL OR TRIBAL
 15 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS.

16 ~~(2)(4)(5)~~ The office of budget and program planning shall provide quarterly reports to the legislative
 17 finance committee throughout the interim on the implementation of [this act].

18 ~~(6)~~ THE OFFICE OF BUDGET AND PROGRAM PLANNING IS APPROPRIATED \$3.5 MILLION TO PROVIDE
 19 OVERSIGHT, PUBLIC INTERACTION, REPORTING, TRANSPARENCY, AND OTHER SERVICES FROM 602 FUNDS.

21 NEW SECTION. Section 29. Reduction in funding -- health regulations. If a local government is
 22 awarded grant funds pursuant to [this act] APPROPRIATED IN [SECTION 2], the amount of the grant is reduced by
 23 20% if that local government or any of its authorized agents have ~~issued~~ CURRENT health regulations related to
 24 COVID-19 that are more strict than those imposed by the state IN EFFECT AT THE TIME THE GRANT IS AWARDED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 NEW SECTION. SECTION 32. LONG-RANGE PROJECTS FUNDING. (1) IF ANY OF THE ALLOCATIONS FOR
5 PROJECTS OUTLINED IN [SECTION 33 THROUGH 36] ARE DETERMINED TO BE INELIGIBLE FOR FUNDING THROUGH THE
6 AMERICAN RESCUE PLAN ACT, FUNDING FOR EACH INELIGIBLE PROJECT IS APPROPRIATED FOR THE PROJECT FROM THE
7 SOURCE OF FUNDING DESIGNATED IN THE INTRODUCED VERSION OF THE RESPECTIVE LONG-RANGE BILL.

8 (2) IF ANY OF THE ALLOCATIONS FOR PROJECTS OUTLINED IN [SECTION 37] ARE DETERMINED TO BE INELIGIBLE
9 FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, FUNDING FOR THOSE PROJECTS SHALL BE:

10 (A) APPROPRIATED FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT
11 PROVIDED FOR IN 17-7-209 FOR PROJECTS FUNDED [SECTION 1] OF HOUSE BILL NO. 14;

12 (B) APPROPRIATED FROM THE TREASURE STATE ENDOWMENT SPECIAL REVENUE ACCOUNT PROVIDED FOR IN
13 17-5-703(3)(A) FUNDED THROUGH [SECTION 5] OF HOUSE BILL NO. 14; AND

14 (C) APPROPRIATED FROM THE NATURAL RESOURCES PROJECTS STATE SPECIAL REVENUE ACCOUNT PROVIDED
15 FOR IN 15-38-302 FUNDED THROUGH [SECTION 9] OF HOUSE BILL NO. 14.

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

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

1 APPROPRIATED IN [SECTION 7]:

- 2 (a) MSU Haynes Hall Lab Ventilation Upgrades;
- 3 (b) MSU BLGS Art Annex Safety and System Upgrades;
- 4 (c) UM-HC Donaldson Building HVAC Upgrades;
- 5 (d) MSU-N Auto Tech Building System Improvements;
- 6 (e) MSDB Card Lock System; and
- 7 (f) MSU-N Brockmann Center HVAC and Energy Project.

8

9 COORDINATION SECTION. Section 34. Coordination instruction -- House Bill No. 6. (1) If both
 10 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of
 11 House Bill No. 6 must read:

12 "(1) For the biennium beginning July 1, 2021, there is ~~appropriated to the office of budget and program~~
 13 ~~planning and allocated to the department of natural resources and conservation from federal funds received~~
 14 ~~pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the~~
 15 ~~Social Security Act to include section 602),~~ FROM FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632, up
 16 to:".

17 (2) If both House Bill No. 6 and [this act] are passed and approved, then [section 1(2)] of House Bill No.
 18 6 must read:

19 "(2) The amount of \$4,500,000 is ~~appropriated to the office of budget and program planning and~~
 20 ~~allocated to the department of natural resources and conservation from federal funds received pursuant to the~~
 21 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~
 22 ~~Act to include section 602),~~ THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632, for the biennium
 23 beginning July 1, 2021. The funds referred to in this subsection must be awarded by the department to the
 24 named entities for the described purposes and in the grant amounts listed in subsection (4), subject to the
 25 conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and
 26 loan program January 2021 report to the 67th legislature titled: "Governor's Executive Budget Fiscal Years
 27 2021-2023 Volume 6"."

28

1 COORDINATION SECTION. Section 35. Coordination instruction -- House Bill No. 7. If both House
2 Bill No. 7 and [this act] are passed and approved, then [section 1(2)] of House Bill No. 7 must read:

3 "(2) The amount of \$3,273,833 is appropriated ~~to the office of budget and program planning and~~
4 ~~allocated~~ to the department of natural resources and conservation from the natural resources projects state
5 special revenue account established in 15-38-302 and the amount of \$429,000 is ~~appropriated to the office of~~
6 ~~budget and program planning and~~ allocated to the department of natural resources and conservation from
7 federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901
8 ~~(amending Title VI of the Social Security Act to include section 602)~~, THE FUNDS APPROPRIATED IN [SECTION 2] OF
9 HOUSE BILL NO. 632 for grants to political subdivisions and local governments during the biennium beginning
10 July 1, 2021. The funds in this subsection must be awarded by the department to the named entities for the
11 described purposes and in the grant amounts set out in subsection (4) subject to the conditions set forth in
12 [sections 2 and 3] and the contingencies described in the reclamation and development grants program report
13 to the 67th legislature titled: "Governor's Executive Budget Fiscal Years 2021-2023 Volume 5".

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

17 "(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department
18 of commerce \$9,869,800 for the biennium beginning July 1, 2021, from ~~federal funds received pursuant to the~~
19 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~
20 ~~Act to include section 602)~~, THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 to finance treasure
21 state endowment program grants authorized by subsection (2)."

22 (2) If both House Bill No. 11 and [this act] are passed and approved, then [section 5] of House Bill No.
23 11 must read:

24 "There is ~~appropriated~~ ALLOCATED \$100,000 ~~from federal funds received pursuant to the American~~
25 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~
26 ~~include section 602)~~, ~~to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED
27 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of commerce for the biennium beginning July 1, 2021,
28 for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure

Amendment - Reference

1 projects, as defined in 90-6-701."

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

4 "There is ~~appropriated~~ ALLOCATED \$900,000 ~~from federal funds received pursuant to the American~~
5 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~
6 ~~include section 602), to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED
7 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of commerce for the biennium beginning July 1, 2021,
8 for the purpose of providing local governments, as defined in 90-6-701, with the infrastructure planning grants
9 for infrastructure projects, as defined in 90-6-701."

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

12 "There is ~~appropriated~~ ALLOCATED \$5,000,000 ~~from the federal funds received pursuant to the American~~
13 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~
14 ~~include section 602), to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED
15 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of natural resources and conservation for the biennium
16 beginning July 1, 2021, to finance the state's share of regional water system projects authorized in subsection
17 (2) and as set forth in 90-6-715."

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

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

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

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

27 (2) (A) IF BOTH HOUSE BILL NO. 14 AND [THIS ACT] ARE PASSED AND APPROVED, THEN THERE IS ALLOCATED
28 \$26,200,000 FROM THE FUNDS APPROPRIATED IN [SECTION 20] TO THE DEPARTMENT OF ADMINISTRATION FOR THE MT

Amendment - Reference

1 VETERINARIAN DIAGNOSTIC & AG ANALYTICAL LABS.

2 (B) IF IT DETERMINED THAT THE PROJECT IDENTIFIED IN (2)(A) IS INELIGIBLE FOR FUNDING FROM THE
3 APPROPRIATIONS IN [SECTION 20], THE ALLOCATION IN (2)(A) IS VOID AND THERE IS ALLOCATED \$26,200,000 FROM THE
4 FUNDS APPROPRIATED IN [SECTION 7] TO THE DEPARTMENT OF ADMINISTRATION FOR THE MT VETERINARIAN
5 DIAGNOSTIC & AG ANALYTICAL LABS.

6 ~~(2)~~(3) If both House Bill No. 14 and [this act] are passed and approved, then [section 5(1)] of House Bill
7 No. 14 must read:

8 "(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department
9 of commerce \$13,707,898 for the biennium beginning July 1, 2021, ~~from federal funds received pursuant to the~~
10 ~~American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security~~
11 ~~Act to include section 602),~~ FROM THE FUNDS APPROPRIATED IN [SECTION 2] OF HOUSE BILL NO. 632 to finance
12 treasure state endowment program grants authorized by subsection (2)."

13 ~~(3)~~(4) If both House Bill No. 14 and [this act] are passed and approved, then [section 9(1)] of House Bill
14 No. 14 must read:

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

24

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

28 ~~"Section 15 16 17. Health advisory commission and human services budget committee --~~

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

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

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

17
18 NEW SECTION. SECTION 38. COORDINATION -- SENATE BILL NO. 297. IF BOTH SENATE BILL NO. 297 AND
19 [THIS ACT] ARE PASSED AND APPROVED, THE APPROPRIATION IN [SECTION 9] SHALL BE USED FOR THE PURPOSES SET
20 FORTH IN SENATE BILL NO. 297.

21
22 NEW SECTION. SECTION 39. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT
23 ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
24 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
25 APPLICATIONS.

26
27 COORDINATION SECTION. Section 40. Coordination instruction. If both Senate Bill No. 297 and
28 [this act] are passed and approved:

Amendment - Reference

1 (1) [section 2(11) of Senate Bill No. 297] must read as follows:

2 "(11) "Underserved area" means an area where at least 10% of the delivery points have no access to
3 broadband service offered with a download speed range of at least 100 megabits per second and an upload
4 speed of at least 20 megabits per second or less with low latency."

5 (2) [section 7 of Senate Bill No. 297] must be amended to include subsection (5)(n) which reads:

6 "(n) broadband service providers who have broadband service infrastructure already deployed in the
7 project area."

8

9 NEW SECTION. Section 41. Effective date. [This act] is effective on passage and approval.

10

- END -