

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 WORKFORCE DEVELOPMENT, AND HEALTH;
11 PROVIDING DEADLINES AND OTHER CONDITIONS RELATED TO THE GRANT PROCESS; REQUIRING
12 THE USE OF MATCHING FUNDS FOR CERTAIN GRANTS; PROVIDING FOR AN OUTREACH A
13 TECHNICAL ASSISTANCE TEAM TO ASSIST LOCAL GOVERNMENTS IN THE GRANT PROCESS;
14 PROVIDING FOR FUNDING FOR STATE CAPITAL PROJECTS AND GRANTS FOR WATER AND
15 WASTEWATER SEWER INFRASTRUCTURE PROJECTS; PROVIDING MINIMUM ALLOCATION GRANTS
16 TO LOCAL GOVERNMENTS FOR QUALIFYING PROJECTS; PROVIDING FOR A GRANT PROCESS FOR
17 COMMUNICATIONS AND ECONOMIC TRANSFORMATION AND STABILIZATION PROJECTS AND
18 WORKFORCE DEVELOPMENT; PROVIDING GRANTS TO REGIONAL WATER AUTHORITIES; REQUIRING
19 PERFORMANCE MEASURES AND REPORTING ON PROJECTS; PROVIDING COORDINATION
20 INSTRUCTIONS TO FUND QUALIFYING LONG-RANGE PROJECTS WITH FEDERAL FUNDS; PROVIDING
21 THE EXECUTIVE THE AUTHORITY TO MODIFY AND REPORT MODIFICATIONS TO APPROPRIATIONS
22 AND PARAMETERS OF PROGRAMS TO THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR A
23 REDUCTION TO CERTAIN GRANT AWARDS TO LOCAL GOVERNMENTS BASED ON HEALTH
24 REGULATIONS THAT ARE MORE STRICT THAN THOSE OF THE STATE; PROVIDING FOR
25 ADMINISTRATION AND AUDIT COSTS; ESTABLISHING EDUCATIONAL MAINTENANCE OF EFFORT AND
26 EQUITY PAYMENTS AND PARAMETERS FOR THEIR USE; PROHIBITING THE USE OF AMERICAN
27 RESCUE PLAN ACT FUNDS FOR LOBBYING ACTIVITIES; PROVIDING RULEMAKING AUTHORITY;
28 AMENDING SECTION 2-17-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

1

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3

4 (Refer to Introduced Bill)

5 Strike everything after the enacting clause and insert:

6

7 NEW SECTION. Section 1. Infrastructure advisory commission. (1) There is an American Rescue
8 Plan infrastructure advisory commission.

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

10 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
11 president;12 (b) three representatives, two from the majority party and one from the minority party, appointed by the
13 speaker of the house; and

14 (c) three members appointed by the governor.

15 (3) The commission shall review applications for funding for state capital projects and state and local
16 government water and ~~wastewater~~ SEWER INFRASTRUCTURE projects and shall provide recommendations to the
17 executive on which projects should be funded. Projects approved by the 67th legislature for funding in House
18 Bill No. 5, 6, 7, 11, or 14 are not submitted to the commission.19 (4) Appointed members of the commission must be compensated and receive travel expenses as
20 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
21 or service as a commission member.22 (5) THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL SERVE AS LEAD STAFF WITH THE
23 DEPARTMENTS OF ADMINISTRATION AND COMMERCE ASSISTING.24 (6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 3].25 (7) THE COMMISSION SHALL HOLD ITS FIRST MEETING NO LATER THAN JUNE 11, 2021.26 (8) THE COMMISSION SHALL SET ITS FUTURE MEETING DATES.27 (9) THE COMMISSION SHALL ELECT A CHAIR FROM THE LEGISLATIVE BRANCH AND A VICE CHAIR FROM THE
28 EXECUTIVE BRANCH.

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NEW SECTION. Section 2. ~~Appropriations~~ APPROPRIATION for capital projects and water and wastewater SEWER INFRASTRUCTURE projects -- matching funds. (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 for state ~~infrastructure projects and local infrastructure~~ AND LOCAL WATER AND WASTEWATER SEWER INFRASTRUCTURE grants as follows:

Amount	ARPA Section
500,000,000 450,000,000 462,689,925	602
119,300,000	604

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

(3) For the purposes of [this act], "local government" means any ~~tribe, city, town, county, consolidated city-county, or school district~~ CITY, COUNTY, CONSOLIDATED CITY-COUNTY, SCHOOL DISTRICT, OR OTHER POLITICAL SUBDIVISION OR LOCAL GOVERNMENT BODY OF THE STATE, INCLUDING AN AUTHORITY AS DEFINED IN 75-6-304, WATER DISTRICT, SEWER DISTRICT, IRRIGATION DISTRICT, WATER USERS ASSOCIATION, CONSERVATION DISTRICT, OR TRIBAL GOVERNMENT.

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

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

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

NEW SECTION. Section 3. ~~Eligibility -- submission deadline -- priority -- approval of recommendations~~ COMPETITIVE GRANT PROGRAM. (1) ~~State~~ FOR THE FIRST ROUND OF GRANTS, STATE and local governments shall submit grant requests and supporting materials, including the amount of matching funds

1 available FOR WATER AND WASTEWATER SEWER INFRASTRUCTURE PROJECTS, to the ~~applicable agency~~ DEPARTMENT
 2 OF NATURAL RESOURCES AND CONSERVATION by July 4 15, 2021, in order to be eligible for funding under [section
 3 2]. APPLICANTS SHALL CERTIFY THAT EACH PROJECT SUBMITTED IS A NECESSARY INVESTMENT IN WATER OR SEWER
 4 INFRASTRUCTURE AS DEFINED IN THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. SUBSEQUENT
 5 SUBMISSIONS, IF ANY, WILL BE DUE BY THE DATES ESTABLISHED BY THE COMMISSION. The agency will review grant
 6 applications, rank projects, and issue a list of recommended projects to the advisory commission by August 15,
 7 2021.

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

10 ~~(3)(2) The advisory commission shall review the lists of recommended~~ WATER AND WASTEWATER SEWER
 11 INFRASTRUCTURE projects and issue a ~~final~~ list of recommended projects to the executive by ~~September 1, 2021~~
 12 THE DATES ESTABLISHED BY THE COMMISSION.

13 (3) THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL CERTIFY THAT EACH PROJECT
 14 SUBMITTED IS A NECESSARY INVESTMENT IN WATER AND SEWER INFRASTRUCTURE AS DEFINED IN THE AMERICAN
 15 RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

16 (4) THE APPLICABLE AGENCY-DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION IS AUTHORIZED TO
 17 PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE COMMISSION AS NEEDED.

18 ~~(4)(5) In preparing recommendations, for capital projects, preference must be given to projects that~~
 19 ~~carry out critical capital projects directly enabling work, education, and health monitoring, including remote~~
 20 ~~options, in response to the public health emergency with respect to COVID-19. For local government~~ WATER
 21 AND WASTEWATER SEWER INFRASTRUCTURE grants, preference may ~~also~~ be given to projects that provide a higher
 22 match rate.

23 (6) THE ADVISORY COMMISSION SHALL CERTIFY THAT EACH PROJECT SUBMITTED IS A NECESSARY
 24 INVESTMENT IN WATER AND SEWER INFRASTRUCTURE AS DEFINED IN THE AMERICAN RESCUE PLAN ACT AND ALL
 25 APPLICABLE GUIDANCE.

26 ~~(5)(6)(7)~~ 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 ADVISORY COMMISSION AND to the

1 legislative finance committee by ~~October 15, 2024~~ THE DATES ESTABLISHED BY THE GOVERNOR. IF THE GOVERNOR
 2 MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND
 3 PROGRAM PLANNING DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL REPORT AND EXPLAIN THE
 4 CHANGES TO THE ADVISORY COMMISSIONS AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED
 5 MEETING.

6 ~~(7)(8) If it is later determined~~ THE GOVERNOR LATER DETERMINES that a project cannot be completed, the
 7 governor may authorize ~~another~~ A DIFFERENT project and provide a report to THE ADVISORY COMMISSION AND the
 8 legislative finance committee. ~~If it is determined at any time that a project is identified not to be eligible based~~
 9 ~~on federal guidance or regulation and, if completed, would~~ IF THE GOVERNOR DETERMINES AT ANY TIME THAT A
 10 PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE
 11 GUIDANCE AND, IF COMPLETED, MAY result in a reduction in funds from the American Rescue Plan Act or require
 12 the state to repay or refund money to the federal government pursuant to the American Rescue Plan Act, the
 13 governor may authorize ~~another~~ A DIFFERENT project and provide a report to THE ADVISORY COMMISSION AND the
 14 legislative finance committee.

15 ~~(8)(9) NO PROJECT MAY RECEIVE MORE THAN \$25 MILLION IN GRANT PROCEEDS FROM THIS SECTION.~~

16 ~~(9)(10) UP TO 2.5% OF THE FUNDS APPROPRIATED ALLOCATED IN [SECTION 2(6)] MAY BE ALLOCATED FOR~~
 17 ADMINISTRATIVE COSTS.

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 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 SEWER INFRASTRUCTURE 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 SEWER
 24 INFRASTRUCTURE GRANTS UNDER THIS SECTION IS IN THE SAME PROPORTION AND USING THE SAME RATIOS PROVIDED
 25 FOR IN 15-70-101(2)(B), (2)(C), AND (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 SEWER INFRASTRUCTURE PROJECT AND PLEDGE MATCHING
 28 FUNDS.

1 (B) A QUALIFYING WATER OR WASTEWATER SEWER INFRASTRUCTURE PROJECT IS A PROJECT THAT COMPLIES
 2 WITH THE USES AUTHORIZED FOR THE CORONAVIRUS STATE FISCAL RECOVERY FUNDS.

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

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

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

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

8 (4) GRANT FUNDS NOT CLAIMED APPLIED FOR AND AWARDED OR IN A PENDING STATUS BY JANUARY 1, 2023,
 9 ARE TRANSFERRED TO THE COMPETITIVE GRANT PROGRAM ADMINISTERED BY THE APPROPRIATE AGENCY DEPARTMENT
 10 OF NATURAL RESOURCES AND CONSERVATION FOR DISTRIBUTION THROUGH THE COMPETITIVE GRANT PROGRAM
 11 ESTABLISHED IN [SECTION 3].

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.

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 SEWER INFRASTRUCTURE projects.

27 (2) The outreach TECHNICAL ASSISTANCE team shall also assist local governments in the application
 28 process and offer LIMITED engineering assistance.

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 CAPITAL PROJECTS AS FOLLOWS:

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

11 (2) FOR THE PURPOSES OF [THIS ACT], "STATE INFRASTRUCTURE CAPITAL PROJECTS" INCLUDES PROJECTS
12 FOR STATE-OWNED BUILDINGS AND FACILITIES AND ASSOCIATED INFRASTRUCTURE AS WELL AS WITHIN THE MONTANA
13 UNIVERSITY SYSTEM, INCLUDING COMMUNITY COLLEGES IN THE STATE. PROJECT REQUESTS AND SUPPORTING
14 MATERIALS MUST BE SUBMITTED TO THE DEPARTMENT OF ADMINISTRATION IN THE MANNER PRESCRIBED BY THE
15 DEPARTMENT. EACH APPLICANT SHALL CERTIFY THAT EACH PROJECT SUBMITTED IS A QUALIFYING CAPITAL PROJECT AS
16 DEFINED IN THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

17 (3) THE DEPARTMENT OF ADMINISTRATION SHALL SUBMIT A LIST OF RECOMMENDED STATE CAPITAL PROJECTS
18 TO THE ADVISORY COMMISSION. IF PROPERLY SUBMITTED AND CERTIFIED BY THE DEPARTMENT OF JUSTICE, THE LIST
19 MUST CONTAIN UP TO \$1 MILLION FOR FREEZER, MORGUE AND REFRIGERATION SPACE, AND UP TO \$1 MILLION FOR
20 CRIME LAB FACILITY SPACE AT THE DEPARTMENT OF JUSTICE, IF ELIGIBLE.

21 (4) THE DEPARTMENT OF ADMINISTRATION SHALL CERTIFY THAT EACH PROJECT SUBMITTED IS A QUALIFYING
22 CAPITAL PROJECT AS DEFINED IN THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

23 (5) THE ADVISORY COMMISSION SHALL REVIEW THE LISTS OF RECOMMENDED CAPITAL PROJECTS AND ISSUE A
24 LIST OF RECOMMENDED PROJECTS TO THE EXECUTIVE. THE COMMISSION SHALL CERTIFY THAT EACH PROJECT
25 SUBMITTED IS A QUALIFYING CAPITAL PROJECT AS DEFINED IN THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE
26 GUIDANCE.

27 (5)(6) THE APPLICABLE AGENCY DEPARTMENT OF ADMINISTRATION IS AUTHORIZED TO PRESENT ADDITIONAL
28 ROUNDS OF GRANT PROPOSALS TO THE COMMISSION AS NEEDED.

1 ~~(6)(7)~~ IN PREPARING RECOMMENDATIONS FOR CAPITAL PROJECTS, PREFERENCE MUST BE GIVEN TO
 2 PROJECTS THAT ARE GEOGRAPHICALLY DISPERSED THROUGHOUT THE STATE, PROJECTS MUST CARRY OUT CRITICAL
 3 CAPITAL PROJECTS DIRECTLY ENABLING WORK, EDUCATION, AND OR HEALTH MONITORING, INCLUDING REMOTE OPTIONS,
 4 IN RESPONSE TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO COVID-19.

5 ~~(7)(8)~~ THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR
 6 AND REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR
 7 MAY MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED PROJECTS TO THE INFRASTRUCTURE
 8 ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE BY OCTOBER 15, 2021. IF THE GOVERNOR MODIFIES
 9 THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND PROGRAM
 10 PLANNING DEPARTMENT OF ADMINISTRATION SHALL REPORT AND EXPLAIN THE CHANGES TO THE INFRASTRUCTURE
 11 ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

12 ~~(8)(9)~~ IF IT IS LATER DETERMINED THE GOVERNOR LATER DETERMINES THAT A PROJECT CANNOT BE
 13 COMPLETED, THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE INFRASTRUCTURE
 14 ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE. IF IT IS DETERMINED THE GOVERNOR DETERMINES
 15 AT ANY TIME THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON federal THE AMERICAN RESCUE PLAN ACT
 16 GUIDANCE OR REGULATION AND, IF COMPLETED, WOULD MAY RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN
 17 RESCUE PLAN ACT OR REQUIRE THE STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO
 18 THE AMERICAN RESCUE PLAN ACT, THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO
 19 THE INFRASTRUCTURE ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE.

20 ~~(9)(10)~~ REFERENCES TO "ARPA SECTION" MEAN REFERENCES TO SECTION 9901 OF THE AMERICAN RESCUE
 21 PLAN ACT OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION
 22 604.

23 ~~(10)(11)~~ UP TO 2% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE
 24 COSTS.

25 (12) CONSENT TO CONSTRUCT AS REQUIRED BY 18-2-102(1) IS GRANTED FOR PROJECTS FUNDED WITH THE
 26 APPROPRIATION PROVIDED IN THIS SECTION.

27 (13) IF A PROJECT CONSTRUCTED WITH THE FUNDS APPROPRIATED IN THIS SECTION REQUIRES ADDITIONAL
 28 OPERATIONS AND MAINTENANCE BUDGET AUTHORITY AS DEFINED IN 17-7-210, THE REQUIREMENTS OF 17-7-210 ARE

1 CONSIDERED TO HAVE BEEN MET IF THE FUNDING FOR ANY ADDITIONAL OPERATIONS AND MAINTENANCE EXPENSES ARE
 2 INCLUDED IN THE EXECUTIVE BUDGET IN THE NEXT LEGISLATIVE SESSION.

3

4 NEW SECTION. Section 8. Communications advisory commission. (1) There is an American
 5 Rescue Plan communications advisory commission.

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

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

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

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

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

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

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

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

19 (7) THE COMMISSION SHALL HOLD ITS FIRST MEETING NO LATER THAN JUNE 11, 2021.

20 (8) THE COMMISSION SHALL SET ITS FUTURE MEETING DATES.

21 (9) THE COMMISSION SHALL ELECT A CHAIR FROM THE LEGISLATIVE BRANCH AND A VICE CHAIR FROM THE
 22 EXECUTIVE BRANCH.

23

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

25 PROJECTS. (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
 26 117-2, appropriated to the office of budget and program planning and allocated to the ~~governor~~ DEPARTMENT OF
 27 COMMERCE for the fiscal year beginning July 1, 2020, for communications ~~project grants as follows.~~

28 ~~Appropriation authority is intended to be allocated to the following items. Appropriations are~~ PROJECTS. THE

1 APPROPRIATION IS authorized to continue through the biennium beginning July 1, 2023.

2 Amount ARPA Section

3 ~~250,000,000~~ 275,000,000 9901, 602

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

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

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

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

13

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

19 ~~(2)(1)~~ THE DEPARTMENT OF COMMERCE SHALL CERTIFY THAT THE PROJECTS LISTED IN THE
20 RECOMMENDATIONS ARE NECESSARY INVESTMENTS IN COMPLIANCE WITH THE AMERICAN RESCUE PLAN ACT AND ALL
21 APPLICABLE GUIDANCE.

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

24 ~~(B)~~ THE COMMISSION SHALL CERTIFY THAT THE PROJECTS LISTED IN THE RECOMMENDATIONS ARE NECESSARY
25 INVESTMENTS IN COMPLIANCE WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

26 ~~(3)(2)(3)~~ In preparing recommendations, preference must be given to projects that provide broadband
27 access to FRONTIER, UNSERVED, AND underserved, and high needs areas AS DESIGNATED BY THE DEPARTMENT OF
28 COMMERCE. Preference may also be given to projects that provide a higher match rate.

1 ~~(4)(3)(4)~~ The recommendations of the advisory commission must be considered by the governor and
 2 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
 3 recommendations and shall provide the final list of approved projects to THE COMMUNICATIONS ADVISORY
 4 COMMISSION AND the legislative finance committee by October 15, 2024. IF THE GOVERNOR MODIFIES THE LIST OF
 5 RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING
 6 DEPARTMENT OF COMMERCE SHALL REPORT AND EXPLAIN THE CHANGES TO THE COMMUNICATIONS ADVISORY
 7 COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

8 ~~(4)(5)~~ If it is THE GOVERNOR later ~~determined~~ DETERMINES that a project cannot be completed, the
 9 governor may authorize ~~another~~ A DIFFERENT project and provide a report to THE COMMUNICATIONS ADVISORY
 10 COMMISSION AND the legislative finance committee. If at any time it is ~~determined~~ THE GOVERNOR DETERMINES
 11 that a project is identified not to be eligible based on ~~federal~~ THE AMERICAN RESCUE PLAN ACT guidance ~~or~~
 12 ~~regulation~~ and, if completed, ~~would~~ MAY result in a reduction in funds from the American Rescue Plan Act or
 13 require the state to repay or refund money to the federal government pursuant to the American Rescue Plan
 14 Act, the governor may authorize ~~another~~ A DIFFERENT project and provide a report to THE COMMUNICATIONS
 15 ADVISORY COMMISSION AND the legislative finance committee.

16
 17 NEW SECTION. Section 11. Economic TRANSFORMATION AND stabilization AND WORKFORCE
 18 DEVELOPMENT ADVISORY commission. (1) There is an American Rescue Plan economic TRANSFORMATION AND
 19 stabilization AND WORKFORCE DEVELOPMENT advisory commission.

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

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

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

25 (c) three members appointed by the governor.

26 (3) The commission shall review ~~applications for funding~~ PROPOSALS for economic TRANSFORMATION AND
 27 stabilization projects AND WORKFORCE DEVELOPMENT PROGRAMS FROM THE DEPARTMENT OF COMMERCE,
 28 DEPARTMENT OF AGRICULTURE, AND DEPARTMENT OF LABOR AND INDUSTRY and provide a list of recommendations

1 to the executive.

2 (4) THE COMMISSION SHALL CERTIFY THAT EACH PROPOSAL SUBMITTED QUALIFIES FOR FUNDING PURSUANT TO
3 THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

4 (4)(5) Appointed members of the commission must be compensated and receive travel expenses as
5 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
6 or service as a commission member.

7 (5)(6) THE EXCEPT FOR LANDLORDS RECEIVING EMERGENCY RENTAL ASSISTANCE AND ENTITIES RECEIVING
8 MORTGAGE ASSISTANCE PAYMENTS, THE ECONOMIC TRANSFORMATION AND STABILIZATION AND WORKFORCE
9 DEVELOPMENT ADVISORY COMMISSION SHALL REQUIRE BUSINESS AND OTHER ORGANIZATION APPLICANTS TO DISCLOSE
10 WHETHER THEY RECEIVED MONEY ADMINISTERED BY THE STATE FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC
11 SECURITY ACT OF 2020 (CARES ACT) OR THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
12 APPROPRIATIONS ACT OF 2020 (CRRSA) AND, IF SO, THE AMOUNT RECEIVED AND THE BASIS AND PURPOSE OF THE
13 AWARD. IN MAKING ITS RECOMMENDATIONS, THE ADVISORY COMMISSION SHALL TAKE INTO ACCOUNT THE FACT THAT THE
14 APPLICANT HAS ALREADY BENEFITED FROM FEDERAL ASSISTANCE PROVIDED IN RESPONSE TO COVID-19, BUT A
15 PREVIOUS CARES ACT OR CRRSA AWARD MAY DOES NOT PRECLUDE CONSIDERATION OF AN APPLICATION.

16 (6)(7) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.

17 (7)(8) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION
18 12].

19 (9) THE COMMISSION SHALL HOLD ITS FIRST MEETING NO LATER THAN JUNE 11, 2021.

20 (10) THE COMMISSION SHALL SET ITS FUTURE MEETING DATES.

21 (11) THE COMMISSION SHALL ELECT A CHAIR FROM THE LEGISLATIVE BRANCH AND A VICE CHAIR FROM THE
22 EXECUTIVE BRANCH.

23
24 **NEW SECTION. Section 12. Appropriations APPROPRIATION for economic TRANSFORMATION AND**
25 **stabilization AND WORKFORCE DEVELOPMENT grants. (1) There are federal funds received pursuant to the**
26 **American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and program**
27 **planning and allocated to the governor for the fiscal year beginning July 1, 2020, for economic TRANSFORMATION**
28 **AND stabilization grants or loans AND WORKFORCE DEVELOPMENT GRANTS as follows. Appropriation authority is**

1 intended to be allocated to the following items. Appropriations are THE APPROPRIATION IS authorized to continue
 2 through the biennium beginning July 1, 2023.

3 Amount	ARPA Section
4 150,000,000	9901, 602

5 (2) \$10 MILLION OF THE FUNDS APPROPRIATED IN THIS SECTION MUST BE USED FOR RAPID RETRAINING JOBS
 6 TRAINING.

7 (3) THE APPROPRIATION IN THIS SECTION MAY BE USED FOR WORKFORCE DEVELOPMENT AND ELIGIBLE
 8 BUSINESS TRANSFORMATION AND STABILIZATION AND WORKFORCE DEVELOPMENT PROGRAMS, INCLUDING BUT NOT
 9 LIMITED TO WORKFORCE TRAINING INCLUDING RAPID RETRAINING, RETURN-TO-WORK BONUSES, OR SHORT-TERM WAGE
 10 SUBSIDIES, BUSINESS ASSISTANCE FOR HIRING OR REHIRING EMPLOYEES, BUSINESS ASSISTANCE FOR TRAINING OR
 11 RETRAINING EMPLOYEES, BUSINESS TECHNOLOGY GRANTS, AGRICULTURAL RESILIENCY, AND BUSINESS
 12 TRANSFORMATION OR STABILIZATION GRANTS.

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

14
 15 NEW SECTION. Section 13. Eligibility -- ~~submission deadline~~ -- preference -- approval of
 16 recommendations. (1) APPLICABLE AGENCIES SHALL RECOMMEND PROGRAMS AND FUNDING AMOUNTS TO THE
 17 ADVISORY COMMISSION FOR REVIEW AND COMMENT FOR FUNDING UNDER [SECTION 12].

18 (2) WITHIN THE PROGRAMS ESTABLISHED BY THE APPLICABLE AGENCIES, ~~Businesses~~ BUSINESSES OR OTHER
 19 ORGANIZATIONS shall submit grant requests and supporting materials to the applicable state agency by July 1,
 20 2024, in order to be eligible for funding under [section 9 ~~10 11~~ 12]. APPLICANTS SHALL CERTIFY THAT EACH GRANT
 21 REQUEST IS ELIGIBLE UNDER THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. The agency will
 22 review grant applications, rank grant applications, and issue a list of recommended grants to the ADVISORY
 23 commission ESTABLISHED IN [SECTION 8 ~~10 11]~~ by August 15, 2021.

24 (2)(3) The advisory commission shall review the lists of recommended grants and other proposed uses
 25 of the funds and issue a final list of recommended grants and uses of funds to the executive by September 1,
 26 2024.

27 (4) THE APPLICABLE AGENCY SHALL CERTIFY THAT EACH GRANT REQUEST IS ELIGIBLE UNDER THE AMERICAN
 28 RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

1 ~~(4)(5)~~ THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL MULTIPLE ROUNDS OF GRANT
 2 PROPOSALS TO THE COMMISSION AS NEEDED.

3 ~~(3)(5)(6)~~ THE ADVISORY COMMISSION SHALL PROVIDE ~~OVERSIGHT AND~~ RECOMMENDATIONS ON THE USE OF
 4 FUNDS APPROPRIATED PURSUANT TO ~~[SECTION 11 13 THROUGH 14 16] [SECTIONS 14, 16, AND 17] [SECTION 16]~~. THE
 5 DEPARTMENT OF COMMERCE SHALL REPORT TO THE ADVISORY COMMISSION ON LOANS MADE IN ACCORDANCE WITH THE
 6 FEDERAL REQUIREMENTS OF THE STATE SMALL BUSINESS CREDIT INITIATIVE IN ~~[SECTION 15]~~.

7 ~~(3)(4)(6)(7)~~ The recommendations of the advisory commission must be considered by the governor and
 8 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
 9 recommendations and shall provide the final list of approved ~~PROJECTS~~ PROGRAMS AND BUSINESS AND OTHER
 10 ORGANIZATION GRANTEES to the legislative finance committee ~~by October 15, 2024~~. IF THE GOVERNOR MODIFIES
 11 THE LIST OF RECOMMENDED PROJECTS GRANTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND
 12 PROGRAM PLANNING-APPLICABLE AGENCY SHALL REPORT AND EXPLAIN THE CHANGES TO THE ADVISORY COMMISSION
 13 AND TO THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

14 ~~(7)(8)~~ If it is ~~THE GOVERNOR~~ later ~~determined~~ DETERMINES that a ~~project~~ PROGRAM OR GRANT cannot be
 15 completed, the governor may authorize ~~another~~ A DIFFERENT project PROGRAM OR GRANT and provide a report to
 16 THE ADVISORY COMMISSION AND the legislative finance committee. If at any time ~~it is determined that a project is~~
 17 ~~identified not to be eligible based on federal guidance or regulation and, if completed, would~~ THE GOVERNOR
 18 DETERMINES THAT A PROGRAM OR GRANT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON THE AMERICAN RESCUE PLAN
 19 ACT GUIDANCE AND, IF COMPLETED, MAY result in a reduction in funds from the American Rescue Plan Act or
 20 require the state to repay or refund money to the federal government pursuant to the American Rescue Plan
 21 Act, the governor may authorize ~~another~~ A DIFFERENT project PROGRAM OR GRANT and provide a report to THE
 22 ADVISORY COMMISSION AND the legislative finance committee.

23
 24 **NEW SECTION. Section 14. Appropriations for housing and workforce training programs.** (1)
 25 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,
 26 appropriated to the office of budget and program planning and allocated to the department of commerce as
 27 follows for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
 28 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

1	Amount	Purpose	ARPA Section
2	50,000,000	Mortgage Assistance	3206, 3208
3	41,000,000 <u>11,459,768</u>	Revolving Fund for Low-Income Housing <u>HOME PROGRAM</u>	
4	<u>SUPPLEMENTAL ALLOCATION</u>		3205
5	152,400,000	Emergency Rental Assistance	3201, 3202 , 3204
6		Workforce _____	

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

9 ~~(3)~~(2) For Emergency Rental Assistance, funds may be used to pay rent or rental arrears to any place
 10 where someone pays on a periodic basis for shelter, including but not limited to nursing homes, senior assisted
 11 living, group homes, low-income housing, workforce housing, transitional housing, and correctional facilities, IF
 12 ELIGIBLE. IF FEDERAL THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE ALLOWS FOR OTHER USES OF
 13 EMERGENCY RENTAL ASSISTANCE FUNDS, THESE FUNDS MAY BE USED FOR THOSE ADDITIONAL ~~AUTHORIZED~~ ELIGIBLE
 14 PURPOSES.

15 ~~(4)~~(3) The ~~economic stabilization~~ ADVISORY commission ESTABLISHED IN [SECTION 8 40 11] ~~shall~~ MAY
 16 provide ~~oversight~~ RECOMMENDATIONS to the department on the use of funds in this section.

17 ~~(5)~~(4) The department of commerce or ~~applicable agency~~ is encouraged to use existing programs,
 18 where feasible, to implement the programs provided for in this section.

19
 20 NEW SECTION. Section 15. State Small Business Credit Initiative insert. There is appropriated to
 21 the department of commerce up to \$65 million in federal funds received pursuant to section 3301 of the
 22 American Rescue Plan Act of 2021, Public Law 117-2, for the State Small Business Credit Initiative. Funds are
 23 to be distributed in accordance with ~~department of treasury~~ THE AMERICAN RESCUE PLAN ACT AND APPLICABLE
 24 guidelines and as detailed in the department of commerce application specific to the program. The
 25 appropriation is for the fiscal year beginning July 1, 2020, and is authorized to continue through the biennium
 26 beginning July 1, 2031.

27
 28 NEW SECTION. Section 16. Appropriations to department of labor and industry. (1) There are

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

5	Amount	Purpose	ARPA Section
6	5,500,000	Workforce <u>OFFICE OF COMMUNITY SERVICE</u>	2206
7	5,200,000	Unemployment Administration	9031, 9032
8	2,000,000	RAPID RETRAINING FOR VETERANS	8006

9 (2) References to "ARPA Section" mean references to sections of the American Rescue Plan Act of
 10 2021, Public Law 117-2.

11

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

17	Amount	Purpose	ARPA Section
18	600,000	Grants to to <u>FOR STATE-OWNED</u> Airports	7102
19	800,000 <u>2,777,812</u>	Grants for Rural Transit	3401

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

22

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

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

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

28 (b) ~~three representatives, two from the majority party and one from the minority party, appointed by the~~

1 ~~speaker of the house; and;~~

2 (I) THREE SENATORS, TWO FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY, APPOINTED BY
3 THE SENATE PRESIDENT;

4 (II) FOUR REPRESENTATIVES, THREE FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY,
5 APPOINTED BY THE SPEAKER OF THE HOUSE; AND

6 (III) THREE MEMBERS APPOINTED BY THE GOVERNOR.

7 ~~(a)(b) FOR LEGISLATIVE APPOINTMENTS, LEGISLATORS SERVINGS AS MEMBERS OF THE JOINT~~

8 ~~APPROPRIATIONS SUBCOMMITTEE FOR HEALTH AND HUMAN SERVICES FROM THE 67TH LEGISLATURE ARE GIVEN~~
9 ~~PREFERENCE; AND~~

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

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

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

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

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

18 (7) THE COMMISSION SHALL HOLD ITS FIRST MEETING NO LATER THAN JUNE 11, 2021.

19 (8) THE COMMISSION SHALL SET ITS FUTURE MEETING DATES.

20 (9) THE COMMISSION SHALL ELECT A CHAIR FROM THE LEGISLATIVE BRANCH AND A VICE CHAIR FROM THE
21 EXECUTIVE BRANCH.

22
23 NEW SECTION. Section 19. Deadlines -- meetings -- recommendations -- approval. (1) The
24 ~~committee commission~~ shall meet on or before June 4 11, 2021, and shall report its ~~RECOMMENDATIONS~~
25 RECOMMENDED PROGRAMS AND AMOUNTS FOR WHICH FUNDS ARE APPROPRIATED IN [SECTION 20] to the director of
26 the department of public health and human services ~~on or before June 15, 2021, OR AS OTHERWISE IDENTIFIED BY~~
27 ~~A MAJORITY OF THE COMMISSION.~~ THE COMMISSION SHALL CERTIFY THAT EACH PROGRAM RECOMMENDED IS FOR AN
28 ELIGIBLE USE UNDER THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE DEPARTMENT SHALL

1 ALSO CERTIFY THAT EACH PROGRAM RECOMMENDED IS FOR AN ELIGIBLE USE UNDER THE AMERICAN RESCUE PLAN ACT
 2 AND ALL APPLICABLE GUIDANCE.

3 ~~(2) The recommendations of the advisory commission must be considered by the executive.~~ The
 4 department shall provide ~~reports to the commission ON IMPLEMENTATION,~~ AS REQUESTED, TO THE COMMISSION AND
 5 TO THE OFFICE OF BUDGET AND PROGRAM PLANNING ON IMPLEMENTATION OF PROGRAMS FUNDED IN [SECTION 20],
 6 INCLUDING REPORTING ON THE EXPENDITURE OF FUNDS AND MEASURABLE OUTCOMES OF THE PROGRAMS.

7 (3) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND
 8 REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR MAY
 9 MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED ~~PROJECTS~~ PROGRAMS AND AMOUNTS TO THE
 10 HEALTH ADVISORY COMMISSION AND TO THE LEGISLATIVE FINANCE COMMITTEE ~~BY OCTOBER 15, 2021.~~ IF THE
 11 GOVERNOR MODIFIES THE LIST OF ~~RECOMMENDATIONS~~ RECOMMENDED PROGRAMS AND AMOUNTS SUBMITTED BY THE
 12 COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
 13 SHALL REPORT AND EXPLAIN THE CHANGE TO THE ADVISORY COMMISSION AND TO THE LEGISLATIVE FINANCE COMMITTEE
 14 AT ITS NEXT SCHEDULED MEETING.

15 ~~(4) IF IT IS LATER DETERMINED THAT A PROJECT CANNOT BE COMPLETED, THE GOVERNOR MAY AUTHORIZE A~~
 16 ~~DIFFERENT PROJECT AND PROVIDE A REPORT TO THE LEGISLATIVE FINANCE COMMITTEE. IF AT ANY TIME IT IS~~
 17 ~~DETERMINED THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON FEDERAL GUIDANCE OR REGULATION AND, IF~~
 18 ~~COMPLETED, WOULD~~ IF THE GOVERNOR LATER DETERMINES THAT A PROGRAM CANNOT BE COMPLETED, THE GOVERNOR,
 19 OR THE BUDGET DIRECTOR UNDER THE DIRECTION OF THE GOVERNOR, MAY AUTHORIZE A DIFFERENT PROGRAM AND
 20 PROVIDE A REPORT TO THE HEALTH ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE. IF AT ANY TIME
 21 THE GOVERNOR DETERMINES THAT A PROGRAM IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON THE AMERICAN RESCUE
 22 PLAN ACT GUIDANCE AND, IF COMPLETED, MAY RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN RESCUE PLAN
 23 ACT OR REQUIRE THE STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE
 24 AMERICAN RESCUE PLAN ACT, THE GOVERNOR, OR THE BUDGET DIRECTOR UNDER THE DIRECTION OF THE GOVERNOR,
 25 MAY AUTHORIZE A DIFFERENT ~~PROJECT~~ PROGRAM AND PROVIDE A REPORT TO THE HEALTH ADVISORY COMMISSION AND
 26 THE LEGISLATIVE FINANCE COMMITTEE.

27

28 NEW SECTION. Section 20. Appropriations to department of public health and human

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

7	Amount	Program	ARPA Section
8	43,000,000 <u>11,000,000</u>	SNAP	1101,1102
9	200,000	Commodity Supplemental Food Program	1104
10	900,000	Family Violence Prevention	2204
11	1,111,000	Child Abuse Prevention	2205
12	22,500,000	Vaccine Distribution and Supply	2301
13	143,400,000	Testing and Contact Tracing	2401
14	441,000,000 <u>112,500,000</u>	Child Care Stabilization & Block Grants	2201, 2202
15	1,700,000	State Veterans' Homes	8004
16	23,000,000	Public Health Workforce	2501
17	20,000,000	Rapid Retraining Jobs Training	9901/602
18	47,000,000 <u>10,500,000</u>	SAMHSA/Mental Health and Substance Use Disorder	
19		Mental Health Block Grant	<u>2701, 2702, 2703, 2705,</u>
20			<u>2706, 2707</u>
21		Substance Abuse Prevention and Treatment	2702
22		Block Grant	
23		Mental and Behavioral Health Training	2703
24		Grants for Healthcare Providers to Promote	2705
25		Mental and Behavioral Health	
26		Community-based Funding for Local	
27		Substance Use Disorder Services	2706
28		Community-based Funding for	2707

1	_____	Local Behavioral Health Needs	
2	21,000,000 <u>31,775,000</u>	LIHEAP/Water Assistance	2911, 2912
3	1,000,000	Supporting Older Americans and Families	2921
4		Home and Community-Based Supportive	2921
5	_____	Services for Blind News Service	
6	930,000	Emergency Food and Shelter Program	4007, 4008
7	2,726,000	Pandemic Emergency Assistance	9201
8		Elder Justice Programs	9301
9	_____	Maternal, Infant, and Early Childhood	9101
10	_____	Home Visiting	
11	<u>1,130,000</u>	WIC	1105
12	<u>1,223,000</u>	IDEA Infants and toddlers	2014

13 (2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT
 14 OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 602,
 15 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING AND ALLOCATED TO THE DEPARTMENT OF PUBLIC
 16 HEALTH AND HUMAN SERVICES, IF ELIGIBLE, AS FOLLOWS:

- 17 (A) UP TO \$15 MILLION FOR NURSING HOME SUPPLEMENTAL AND HOSPITAL-BASED SWING BED PAYMENTS; AND
- 18 (B) UP TO \$2.75 MILLION FOR A MEDICAID PROVIDER RATE STUDY.

19 ~~(2)(3)~~ For SNAP, the appropriation is to be used for the 15% benefit extension, for administration, and
 20 for ~~contracted private sector~~ workforce training THROUGH EXISTING PROGRAMS IN THE DEPARTMENT OF LABOR AND
 21 INDUSTRY OR THROUGH CONTRACTED PRIVATE SECTOR VENDORS.

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

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

1 (5) For Child Care ~~Stabilization~~-block grants provided for in section 2201 of the American Rescue Plan
 2 Act of 2021, Public Law 117, the department shall PRIORITIZE THE use the OF funds for a subgrant system,
 3 prioritized to child care deserts for one-time equipment and necessary infrastructure, property improvements,
 4 worksite child care, LICENSING, and employee training AND PROFESSIONAL DEVELOPMENT.

5 (6) FOR NURSING HOME AND HOSPITAL-BASED SWING BED PAYMENTS, THE DEPARTMENT OF PUBLIC HEALTH
 6 AND HUMAN SERVICES WILL ALLOCATE \$15 MILLION TO NURSING HOME FACILITIES AND FACILITIES WITH HOSPITAL-BASED
 7 SWING BEDS BY THE LATER OF MAY 31, 2021, OR 15 DAYS AFTER THE RECEIPT OF FEDERAL FUNDS FROM THE
 8 AMERICAN RESCUE PLAN ACT. THE ALLOCATION WILL BE MADE BASED ON THE NUMBER OF MEDICAID PATIENT DAYS
 9 EACH FACILITY HAD FROM JANUARY 1, 2020, THROUGH DECEMBER 31, 2020. IT IS THE INTENT OF THE LEGISLATURE
 10 THAT NO ADDITIONAL SUPPLEMENTAL FUNDS BE ALLOCATED TO NURSING HOMES AND FACILITIES WITH HOSPITAL-BASED
 11 SWING BEDS.

12 (7) FOR THE PROVIDER RATE STUDY, THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WILL STUDY
 13 THE IMPACT OF COVID-19 ON PROVIDERS AND MAKE RECOMMENDATIONS TO ADJUST RATES, IF NECESSARY, TO
 14 REFLECT IMPACTS TO PROVIDERS IN AN EFFORT TO MAINTAIN SERVICES.

15
 16 NEW SECTION. Section 21. Appropriation ALLOCATION to the judicial branch. (1) There is
 17 appropriated \$944,721 in federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
 18 117-2 (602), TO THE OFFICE OF BUDGET AND PROGRAM PLANNING AND ALLOCATED to the judicial branch to support
 19 court operations impacted by the pandemic by streamlining the resolution of family law cases through early
 20 mediation and simplified proceedings in judicial districts with heavy caseloads or in remote areas of the state, IF
 21 ELIGIBLE.

22 (2) PRIOR TO IMPLEMENTATION, THE JUDICIAL BRANCH SHALL SUBMIT A PROGRAM PLAN TO THE OFFICE OF
 23 BUDGET AND PROGRAM PLANNING AND THE LEGISLATIVE FINANCE COMMITTEE, INCLUDING EFFECTIVENESS MEASURES
 24 FOR THE PROGRAM AND INFORMATION AND EXPLANATION DEMONSTRATING THAT THE PROGRAM QUALIFIES FOR FUNDS
 25 UNDER THE AMERICAN RESCUE PLAN ACT. THE JUDICIAL BRANCH SHALL ALSO CERTIFY THAT THE PROGRAM IS ELIGIBLE
 26 UNDER THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE.

27 (3) THE JUDICIAL BRANCH SHALL PROVIDE QUARTERLY REPORTS TO THE OFFICE OF BUDGET AND PROGRAM
 28 PLANNING, THE LEGISLATIVE FINANCE COMMITTEE, AND, IF HOUSE BILL NO. 497 IS PASSED AND APPROVED, TO THE

1 JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE BUDGET COMMITTEE, ON THE IMPLEMENTATION OF THE PROGRAM,
 2 THE EXPENDITURE OF FUNDS, AND MEASURABLE OUTCOMES OF THE PROGRAM.

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

10	Amount	Program	ARPA Section
11	1,000,000	Freezer, Morgue, and Refrigeration Space	9901, 604
12	1,000,000	Crime Lab Facility Space	9901, 602

13 (2) Authority is granted to construct the projects in this section.
 14

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

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

1	3,820,192	State Summer Enrichment	2001
2	3,820,192	State Afterschool Programs	2001
3	7,000,000	Assistance to Nonpublic Schools	2002
4	40,200,000 <u>9,241,420</u>	Individual <u>INDIVIDUALS</u> with Disabilities <u>EDUCATION</u> Act	2014

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

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

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

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

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

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

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

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

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

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

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

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

8 (3) THERE IS APPROPRIATED ~~\$7~~ \$12.1 MILLION TO THE OFFICE OF BUDGET AND PROGRAM PLANNING FOR
9 ASSISTANCE TO NONPUBLIC SCHOOLS FROM THE FUNDS RECEIVED PURSUANT TO SECTION 2002 OF THE AMERICAN
10 RESCUE PLAN ACT, PUBLIC LAW 117-2.

11 (4) THE OFFICE OF PUBLIC INSTRUCTION SHALL PROVIDE QUARTERLY STATUS REPORTS ON THE
12 IMPLEMENTATION OF PROGRAMS, THE EXPENDITURE OF FUNDS, AND MEASURABLE OUTCOMES OF THE PROGRAM TO THE
13 OFFICE OF BUDGET AND PROGRAM PLANNING, TO THE LEGISLATIVE FINANCE COMMITTEE, AND IF HOUSE BILL NO. 497 IS
14 PASSED AND APPROVED, TO THE EDUCATION BUDGET COMMITTEE.

15
16 NEW SECTION. Section 23. Appropriations to ~~commissioner of higher education, state library,~~
17 and Montana arts council. (1) There are federal funds received pursuant to the American Rescue Plan Act of
18 2021, Public Law 117-2, appropriated to the office of budget and program planning and allocated to agencies
19 listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
20 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.
21 References to "ARPA Section" mean references to sections in the American Rescue Plan Act of 2021, Public
22 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	_____	1,000,000	Workforce Recovery COVID-19	_____	602rr
2	_____	2,000,000	Accelerate Montana	_____	602rr
3	_____	1,500,000	Cyber Hub	_____	8006
4	_____	2,000,000	Center for Translational Medicine	_____	602rr
5	_____	2,000,000	Rapid Retraining for Veterans	_____	8006
6	Montana Arts Council	764,000		_____	2021
7	State Library	120,000	Newsline	_____	2921
8	_____	1,235,444	Hot Spot Lending Program	_____	2023
9	_____	1,000,000	E-Learning Digital Content	_____	2023

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

12 ~~(2)(1) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 2021 OF THE AMERICAN RESCUE PLAN~~
 13 ~~ACT OF 2021, PUBLIC LAW 117-2, IN THE AMOUNT OF \$764,000 APPROPRIATED TO THE MONTANA ARTS COUNCIL FOR~~
 14 ~~THE FISCAL YEAR BEGINNING JULY 1, 2020. APPROPRIATIONS ARE AUTHORIZED TO CONTINUE THROUGH THE BIENNIUM~~
 15 ~~BEGINNING JULY 1, 2023.~~

16 ~~(3)(2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021,~~
 17 ~~PUBLIC LAW 117-2, APPROPRIATED TO THE STATE LIBRARY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020.~~
 18 ~~APPROPRIATION AUTHORITY IS INTENDED TO BE ALLOCATED TO THE FOLLOWING ITEMS. APPROPRIATIONS ARE~~
 19 ~~AUTHORIZED TO CONTINUE THROUGH THE BIENNIUM BEGINNING JULY 1, 2023.~~

20 ~~1,235,444 HOT SPOT LENDING PROGRAM AND BROADBAND INFRASTRUCTURE IN LIBRARIES~~
 21 ~~_____ 2023~~

22 ~~1,000,000 E-LEARNING DIGITAL CONTENT _____ 2023~~

23 ~~(4)(3) THERE IS ALLOCATED \$120,000 TO THE STATE LIBRARY FOR NEWSLINE FROM THE FUNDS APPROPRIATED~~
 24 ~~IN [SECTION 20] FOR SUPPORTING OLDER AMERICANS AND FAMILIES, if eligible.~~

25 ~~(4) APPLICABLE AGENCIES IN THIS SECTION SHALL PROVIDE QUARTERLY STATUS REPORTS ON THE~~
 26 ~~IMPLEMENTATION OF PROGRAMS, THE EXPENDITURE OF FUNDS, AND MEASURABLE OUTCOMES OF THE PROGRAM TO THE~~
 27 ~~OFFICE OF BUDGET AND PROGRAM PLANNING, TO THE LEGISLATIVE FINANCE COMMITTEE, AND IF HOUSE BILL NO. 497 IS~~
 28 ~~PASSED AND APPROVED, TO THE EDUCATION BUDGET COMMITTEE.~~

1
 2 NEW SECTION. Section 24. APPROPRIATION -- CORONAVIRUS LOCAL FISCAL RECOVERY FUND. THERE IS
 3 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING \$81.8 MILLION TO DISTRIBUTE PURSUANT TO
 4 SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW, 117-2, WHICH AMENDS TITLE VI OF THE
 5 SOCIAL SECURITY ACT TO INCLUDE SECTION 603.

6
 7 NEW SECTION. Section 25. AUDIT APPROPRIATIONS. (1) OF THE FEDERAL FUNDS APPROPRIATED TO THE
 8 OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTION SECTIONS 9 AND 14] AND APPROPRIATED TO THE DEPARTMENT
 9 OF COMMERCE IN [SECTION 15], THE AMOUNT OF ~~\$20,500~~ \$32,800 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION
 10 AS A RESTRICTED AND BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

11 (2) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTIONS
 12 2, 7, AND 12, 22, 24, AND 27], THE AMOUNT OF ~~\$47,150~~ \$34,850 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION
 13 AS A RESTRICTED AND BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM AS FOLLOWS:

14 (A) AMERICAN RESCUE PLAN ACT TESTING, ~~\$36,900~~ \$24,600; AND

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

16 (3) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF PUBLIC INSTRUCTION IN [SECTION ~~23~~ 22], THE
 17 AMOUNT OF \$20,500 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND BIENNIAL
 18 APPROPRIATION FOR THE 2023 BIENNIUM.

19 (4) OF THE FEDERAL FUNDS APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IN
 20 [SECTION 20], THE AMOUNT OF \$12,300 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND
 21 BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

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

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

26
 27 NEW SECTION. Section 26. ~~Authorization to modify or increase~~ MODIFICATIONS TO
 28 appropriations and authorizations -- report of modifications or changes. (1) The governor, or the budget

1 director under the direction of the governor, is authorized to redirect appropriations ~~and authorizations~~ to other
 2 projects or appropriations OR MODIFY PROVISIONS within [this act] to ensure conformity with THE AMERICAN
 3 RESCUE PLAN ACT AND applicable ~~federal laws, regulations, and guidance issued by federal agencies.~~

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

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

9 (i) "Line-item transfer" means the transfer of appropriation authority from one line-item APPROPRIATION
 10 to a different line-item APPROPRIATION WITHIN THE SAME SECTION OF [THIS ACT] OR BETWEEN ANY APPROPRIATIONS
 11 MADE IN [SECTIONS 14 THROUGH 25] OF [THIS ACT]. TRANSFERS ARE NOT AUTHORIZED BETWEEN APPROPRIATIONS
 12 MADE IN DIFFERENT SECTIONS.

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

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

21 ~~(3)~~(4) The legislative finance committee shall review the proposed line-item transfer or fund switch OR
 22 THE RECOMMENDATION ON THE USE OF REVENUE REPLACEMENT FUNDS AS PROVIDED IN SUBSECTION (3), at the next
 23 meeting. A representative of the office of budget and program planning shall be present at the meeting to
 24 discuss the proposal OR RECOMMENDATION. The legislative finance committee may take up to 15 days following
 25 its meeting to review and PROVIDE WRITTEN comment on the proposal OR RECOMMENDATION. The office of budget
 26 and program planning may provide a response to the comments within 15 days of receiving the committee's
 27 comments.

28 (4)~~(5)~~ The governor, or the budget director at the direction of the governor, is authorized to adjust the

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

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

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

18 (8) EXCEPT AS PROVIDED IN SUBSECTION (6), THE GOVERNOR MAY NOT TAKE ANY OF THE FOLLOWING ACTIONS
 19 UNTIL 15 DAYS AFTER THE LEGISLATIVE FINANCE COMMITTEE HAS MET TO ADDRESS A:

20 (A) LINE-ITEM TRANSFER OR FUND SWITCH IN EXCESS OF \$100,000; OR

21 (B) RECOMMENDATION FOR THE USE OF REVENUE REPLACEMENT FUNDS.

22
 23 NEW SECTION. Section 27. ~~Dissemination~~ PERFORMANCE MEASURES -- DISSEMINATION of
 24 information -- reporting and accountability. (1) APPLICABLE AGENCIES WILL PROPOSE A PERFORMANCE
 25 MEASUREMENT PLAN TO THE COMMISSIONS.

26 AN APPLICATION SUBMITTED TO A COMMISSION ESTABLISHED BY [SECTION 1, 5 7, 8 10, OR 15 17] MUST IN
 27 [THIS ACT] MAY INCLUDE PERFORMANCE MEASURES TO ALLOW THE COMMISSION, STAKEHOLDERS, AND THE PUBLIC TO
 28 UNDERSTAND WHAT THE APPLICANT INTENDS TO ACCOMPLISH AND, IF SELECTED TO RECEIVE MONEY FROM THE

1 ~~AMERICAN RESCUE PLAN ACT, A BASIS TO EVALUATE WHETHER THE APPLICANT HAS ACHIEVED WHAT IT INTENDED TO~~
 2 ~~ACCOMPLISH. WHERE FEASIBLE, PERFORMANCE MEASURES SHOULD BE QUANTITATIVE.~~

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

8 (1) AGENCIES ADMINISTERING PROGRAMS FUNDED BY THE AMERICAN RESCUE PLAN ACT SHALL DEVELOP
 9 PLANS TO MEASURE THE EFFECTIVENESS OF THE PROGRAMS.

10 (2) AGENCIES ADMINISTERING PROGRAMS FUNDED BY THE AMERICAN RESCUE PLAN ACT SHALL REQUIRE
 11 GRANT APPLICANTS TO STATE WHAT THEY INTEND TO ACCOMPLISH IF SELECTED TO RECEIVE FUNDING. TO THE EXTENT
 12 THAT THE AGENCIES ARE ABLE TO DETERMINE GENERALLY APPLICABLE OUTCOMES TO DETERMINE THE EFFECTIVENESS
 13 OF PROPOSALS SUBMITTED BY APPLICANTS, AGENCIES SHALL REQUIRE APPLICANTS TO STATE HOW THEY WILL ACHIEVE
 14 THOSE OUTCOMES. AGENCIES MAY ALSO REQUIRE APPLICANTS TO STATE THE OUTCOMES THAT SHOULD BE USED TO
 15 DETERMINE THE EFFECTIVENESS OF THEIR PROPOSALS AND HOW THEY WILL ACHIEVE THOSE OUTCOMES. INDIVIDUAL
 16 APPLICANTS WHO ARE NOT SOLE PROPRIETORSHIPS, SUCH AS INDIVIDUALS WHO PARTICIPATE IN TRAINING PROGRAMS
 17 OR ARE RECIPIENTS OF BENEFITS ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES OR THE
 18 DEPARTMENT OF LABOR AND INDUSTRY, AND BUSINESS APPLICANTS THAT ARE LANDLORDS ONLY PARTICIPATING IN ONE
 19 OR BOTH OF THE EMERGENCY RENTAL ASSISTANCE PROGRAM AND THE MORTGAGE ASSISTANCE PROGRAM OR
 20 ENTITIES RECEIVING MORTGAGE PAYMENTS, ARE EXEMPT FROM THE REQUIREMENTS IN THIS SUBSECTION.

21 (3) AGENCIES ADMINISTERING PROGRAMS FUNDED BY THE AMERICAN RESCUE PLAN ACT SHALL REQUIRE
 22 PERIODIC REPORTS FROM THE APPLICANTS IDENTIFIED IN THE PRIOR SECTION TO PROVIDE INFORMATION NECESSARY
 23 FOR THE STATE TO COMPLY WITH ITS FEDERAL AND OTHER COMPLIANCE OBLIGATIONS, AS WELL AS ANY ADDITIONAL
 24 INFORMATION NECESSARY FOR THE AGENCIES TO CONFIRM THAT APPLICANTS COMPLETED THEIR PROPOSALS AND
 25 ACHIEVED THE INTENDED OUTCOMES. WHERE FEASIBLE, QUANTITATIVE DATA SHOULD BE REQUIRED.

26 ~~(3)(4)~~ (4) The office of budget and program planning shall promote the funding opportunities afforded in
 27 [this act] and offer an online portal that directs prospective grantees to the various grant programs available
 28 pursuant to [this act]. THE ONLINE PORTAL MUST ALSO PROVIDE DATA AND INFORMATION ON THE WEBSITE TO PROVIDE

1 TRANSPARENCY IN HOW FUNDS WERE SPENT AND IDENTIFY GRANT RECIPIENTS FOR BUSINESSES, LOCAL OR TRIBAL
 2 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS.

3 ~~(2)(4)(5)~~ The office of budget and program planning shall provide quarterly reports to the legislative
 4 finance committee throughout the interim on the implementation of [this act].

5 (6) (A) THE OFFICE OF BUDGET AND PROGRAM PLANNING IS APPROPRIATED \$3.5 \$3.7 MILLION TO PROVIDE
 6 OVERSIGHT, PUBLIC INTERACTION, REPORTING, TRANSPARENCY, AND OTHER SERVICES FROM 602 FUNDS RECEIVED
 7 PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE
 8 SOCIAL SECURITY ACT TO INCLUDE SECTION 602.

9 (B) \$200,000 OF THE AMOUNT APPROPRIATED IN THIS SUBSECTION (6) IS ALLOCATED TO THE LEGISLATIVE
 10 SERVICES DIVISION FOR COORDINATING REMOTE AND HYBRID MEETINGS IN THE STATE CAPITOL FOR STATE GOVERNMENT
 11 IN RESPONSE TO THE INCREASED DEMAND FOR VIRTUAL MEETINGS RESULTING FROM THE COVID-19 PANDEMIC.

13 NEW SECTION. Section 28. Reduction in funding -- health regulations. If a local government is
 14 awarded grant funds pursuant to [this act] APPROPRIATED IN [SECTION 2], the amount of the grant is reduced by
 15 20% if that local government or any of its authorized agents have issued CURRENT health regulations related to
 16 COVID-19 that are more strict than those imposed by the state IN EFFECT AT THE TIME THE GRANT IS AWARDED.

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

22 **Section 29.** Section 2-17-603, MCA, is amended to read:

23 **"2-17-603. Government competition with private internet services providers prohibited --**
 24 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state
 25 may not directly or through another agency or political subdivision be an internet services provider.

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

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

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

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

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

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

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

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

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

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

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

19 ~~(ii) provided through an agreement or contract with a private internet service provider~~ PROVIDING

20 FUNDING FOR BROADBAND SERVICE INFRASTRUCTURE PROJECTS CONSISTENT WITH THE PROVISIONS OF [THIS ACT]."

21
22 **NEW SECTION. SECTION 30. MAINTENANCE OF EFFORT AND EQUITY FOR EDUCATIONAL PROGRAMS**

23 **UNDER THE AMERICAN RESCUE PLAN ACT OF 2021. (1) (A) FOR FISCAL YEARS 2022 AND 2023, IF THE BUDGET**
24 **DIRECTOR DETERMINES THAT THE STATE WILL NOT BE IN COMPLIANCE WITH MAINTENANCE OF EFFORT REQUIREMENTS**
25 **FOR HIGHER EDUCATION UNDER SECTION 317 OF THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL**
26 **APPROPRIATIONS ACT OF 2021 OR SECTION 2004 OF THE AMERICAN RESCUE PLAN ACT OF 2021, THEN THE BUDGET**
27 **DIRECTOR SHALL:**

28 **(I) IF THE NONCOMPLIANCE IS FOR FISCAL YEAR 2022:**

1 (A) REQUEST THAT THE APPROVING AUTHORITY TRANSFER APPROPRIATION AUTHORITY FOR THE
2 "APPROPRIATION DISTRIBUTION" LINE IN SECTION E OF HOUSE BILL NO. 2 FROM FISCAL YEAR 2023 TO FISCAL YEAR
3 2022 IN AN AMOUNT SUFFICIENT TO ADDRESS THE MAINTENANCE OF EFFORT REQUIREMENTS; AND

4 (B) REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE 2023 LEGISLATURE TO REPLACE THE TRANSFERRED
5 FISCAL YEAR 2023 AUTHORITY; AND

6 (II) IF THE NONCOMPLIANCE IS FOR FISCAL YEAR 2023, REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE
7 2023 LEGISLATURE SUFFICIENT TO ADDRESS THE MAINTENANCE OF EFFORT REQUIREMENTS.

8 (B) INCREASED APPROPRIATIONS PURSUANT TO SUBSECTION (1)(A) MUST BE DISTRIBUTED TO UNITS OF THE
9 MONTANA UNIVERSITY SYSTEM AT THE DISCRETION OF THE BOARD OF REGENTS OF HIGHER EDUCATION.

10 (2) (A) FOR FISCAL YEARS 2022 AND 2023, IF THE BUDGET DIRECTOR DETERMINES THAT THE STATE WILL NOT
11 BE IN COMPLIANCE WITH EITHER MAINTENANCE OF EFFORT OR MAINTENANCE OF EQUITY REQUIREMENTS OR BOTH FOR
12 ELEMENTARY AND SECONDARY EDUCATION UNDER SECTION 317 OF THE CORONAVIRUS RESPONSE AND RELIEF
13 SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 OR SECTION 2004 OF THE AMERICAN RESCUE PLAN ACT OF 2021,
14 THEN THE BUDGET DIRECTOR SHALL DIRECT THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO PROVIDE EITHER A
15 MAINTENANCE OF EFFORT OR MAINTENANCE OF EQUITY PAYMENT OR BOTH TO SCHOOL DISTRICTS IN A MANNER AND
16 AMOUNT THAT MINIMIZES THE TOTAL AMOUNT OF ADDITIONAL FUNDING PROVIDED BY THE STATE UNDER THIS
17 SUBSECTION (2).

18 (B) IF IN FISCAL YEAR 2022, THE BUDGET DIRECTOR DETERMINES THAT THE STATE WILL NOT BE IN COMPLIANCE
19 WITH EITHER MAINTENANCE OF EFFORT OR MAINTENANCE OF EQUITY AS PROVIDED IN SUBSECTION (2)(A), THE
20 SUPERINTENDENT OF THE OFFICE OF PUBLIC INSTRUCTION MAY MOVE FUNDS FROM PROGRAM 09 "LOCAL ACTIVITIES"
21 APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, FOR DISTRIBUTION AS PROVIDED FOR IN SUBSECTION
22 (2)(C).

23 (C) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DISTRIBUTE THE FOLLOWING PAYMENTS FROM
24 PROGRAM 09 "LOCAL EDUCATION ACTIVITIES" APPROPRIATIONS TO THE OFFICE OF SUPERINTENDENT OF PUBLIC
25 INSTRUCTION IN SECTION E OF HOUSE BILL NO. 2 AS DIRECTED BY THE BUDGET DIRECTOR:

26 (I) A MAINTENANCE OF EQUITY PAYMENT TO SPECIFIC SCHOOL DISTRICTS ONLY AS NECESSARY AND IN THE
27 MINIMUM AMOUNT REQUIRED TO ENSURE COMPLIANCE; AND

28 (II) A MAINTENANCE OF EFFORT PAYMENT TO EACH SCHOOL DISTRICT BASED ON THE RATIO THAT THE SUM OF

1 THE DISTRICT'S BASE BUDGET AND ANY MAINTENANCE OF EQUITY PAYMENT MADE TO THE DISTRICT BEARS TO THE SUM
 2 OF STATEWIDE BASE BUDGET AMOUNT AND THE STATEWIDE TOTAL OF ANY MAINTENANCE OF EQUITY PAYMENTS MADE
 3 TO SCHOOL DISTRICTS.

4 (D) A SCHOOL DISTRICT RECEIVING A PAYMENT UNDER THIS SUBSECTION (2) SHALL DEPOSIT THE MONEY IN THE
 5 DISTRICT'S MISCELLANEOUS PROGRAMS FUND AND MAY USE THE MONEY FOR GENERAL OPERATIONS AND INSTRUCTION
 6 AS DETERMINED BY THE BOARD OF TRUSTEES.

7 (E) THE BUDGET DIRECTOR SHALL REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE 2023 LEGISLATURE
 8 TO REPLACE OR AUGMENT AUTHORITY AS NECESSARY FOR THE PURPOSES OF THIS SECTION.

9 (3) THE SUPERINTENDENT SHALL REPORT TO THE LEGISLATIVE FINANCE COMMITTEE ON:

10 (A) ANY CALCULATIONS, DETERMINATIONS, AUTHORITY TRANSFERS, AND PAYMENTS MADE PURSUANT TO THIS
 11 SECTION;

12 (B) THE STATUS OF ANY WAIVERS SOUGHT BY THE STATE TO THE MAINTENANCE OF EFFORT OR MAINTENANCE
 13 OF EQUITY REQUIREMENTS UNDER SECTION 317 OF THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
 14 APPROPRIATIONS ACT OF 2021 OR SECTION 2004 OF THE AMERICAN RESCUE PLAN ACT OF 2021; AND

15 (C) THE NEED FOR SUPPLEMENTAL APPROPRIATIONS DUE TO PAYMENTS MADE UNDER THIS SECTION.

16
 17 NEW SECTION. Section 31. Notification to tribal governments. The secretary of state shall send a
 18 copy of [this act] to each federally recognized tribal government in Montana.

19
 20 NEW SECTION. SECTION 32. NOTIFICATION OF REDUCTION OR REPAYMENT OF FEDERAL FUNDS -- ACTION
 21 FOR DECLARATORY JUDGMENT. IF THE BUDGET DIRECTOR RECEIVES WRITTEN NOTIFICATION FROM THE FEDERAL
 22 GOVERNMENT THAT A PROVISION IN [THIS ACT] MAY RESULT IN A REDUCTION IN FEDERAL FUNDS OR REQUIRE THE STATE
 23 TO PAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021,
 24 THE GOVERNOR'S OFFICE SHALL FILE AN ACTION FOR DECLARATORY JUDGMENT TO DETERMINE THE VALIDITY OF THE
 25 PROVISION.

26
 27 NEW SECTION. SECTION 33. RESTRICTIONS ON USE OF FUNDS FOR LOBBYING ACTIVITIES. The governing
 28 body of a state, county, or municipality may not spend funds received in [this act] to influence or attempt to

1 influence the outcome of any legislation pending before the legislature.

2
 3 **NEW SECTION. Section 34. LONG-RANGE PROJECTS FUNDING.** (1) IF ANY OF THE ALLOCATIONS FOR
 4 PROJECTS OUTLINED IN [SECTION 33 THROUGH 36 SECTIONS 35 THROUGH 38] ARE DETERMINED TO BE INELIGIBLE FOR
 5 FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, FUNDING FOR EACH INELIGIBLE PROJECT IS APPROPRIATED FOR
 6 THE PROJECT FROM THE SOURCE OF FUNDING DESIGNATED IN THE INTRODUCED VERSION OF THE RESPECTIVE LONG-
 7 RANGE BILL.

8 (2) IF ANY PORTION OF THE ALLOCATIONS FOR PROJECTS OUTLINED IN [SECTION ~~37~~ 39] ARE DETERMINED TO
 9 BE INELIGIBLE FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, A LIKE PORTION OF FUNDING FOR THOSE
 10 PROJECTS SHALL BE:

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

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

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

17
 18 **COORDINATION SECTION. Section 35. Coordination instruction -- House Bill No. 5.** (1) If both
 19 House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning
 20 Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill
 21 No. 5 are void and there is ~~appropriated to the office of budget and program planning and allocated to the~~
 22 ~~department of administration \$2,050,000 from federal funds received pursuant to the American Rescue Plan~~
 23 ~~Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section~~
 24 ~~602), for those projects~~ FOR THOSE PROJECTS FROM THE FUNDS APPROPRIATED IN [SECTION 2].

25 (2) If both House Bill No. 5 and [this act] are passed and approved, then the appropriations for the
 26 following projects in [section 2(1)] of House Bill No. 5 are void and there is ~~appropriated to the office of budget~~
 27 ~~and program planning and allocated to the department of administration \$5,340,000~~ \$6,710,000 ~~from federal~~
 28 ~~funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending~~

1 ~~Title VI of the Social Security Act to include section 604), for those projects~~ FOR THE FOLLOWING PROJECTS FROM
 2 THE FUNDS APPROPRIATED IN [SECTION 7]:

- 3 (a) MSU Haynes Hall Lab Ventilation Upgrades;
 4 (b) MSU BLGS Art Annex Safety and System Upgrades;
 5 (c) UM-HC Donaldson Building HVAC Upgrades;
 6 (d) MSU-N Auto Tech Building System Improvements;
 7 (e) MSDB Card Lock System; ~~and~~
 8 (f) MSU-N Brockmann Center HVAC and Energy Project; AND
 9 (G) COVID-19 REMOTE AND OFFICE WORKSPACE STUDY AND PLANNING.

10

11 COORDINATION SECTION. Section 36. Coordination instruction -- House Bill No. 6. (1) If both
 12 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of
 13 House Bill No. 6 must read:

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

19 (2) If both House Bill No. 6 and [this act] are passed and approved, then [section 1(2)] of House Bill No.
 20 6 must read:

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

1 2021-2023 Volume 6".

2
3 COORDINATION SECTION. Section 37. Coordination instruction -- House Bill No. 7. If both House

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

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

16
17 COORDINATION SECTION. Section 38. Coordination instruction -- House Bill No. 11. (1) If both

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

19 "(1) There is ~~appropriated to the office of budget and program planning and~~ allocated to the department
20 of commerce \$9,869,800 for the biennium beginning July 1, 2021, 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 to finance treasure
23 state endowment program grants authorized by subsection (2)."

24 (2) If both House Bill No. 11 and [this act] are passed and approved, then [section 5] of House Bill No.
25 11 must read:

26 "There is ~~appropriated~~ ALLOCATED \$100,000 from ~~federal funds received pursuant to the American~~
27 ~~Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to~~
28 ~~include section 602),~~ ~~to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED

1 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of commerce for the biennium beginning July 1, 2021,
 2 for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure
 3 projects, as defined in 90-6-701."

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

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

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

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

20
 21 COORDINATION SECTION. Section 39. Coordination instruction -- House Bill No. 14. (1) If both
 22 House Bill No. 14 and [this act] are passed and approved, then there is ~~appropriated from the federal funds~~
 23 ~~received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI~~
 24 ~~of the Social Security Act to include section 604), to the office of budget and program planning and allocated~~
 25 FROM THE FUNDS APPROPRIATED IN [SECTION 7] to the department of administration:

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

1 ~~(2) (A) IF BOTH HOUSE BILL NO. 14 AND [THIS ACT] ARE PASSED AND APPROVED, THEN THERE IS ALLOCATED~~
 2 ~~\$26,200,000 FROM THE FUNDS APPROPRIATED IN [SECTION 20] TO THE DEPARTMENT OF ADMINISTRATION FOR THE MT~~
 3 ~~VETERINARIAN DIAGNOSTIC & AG ANALYTICAL LABS.~~

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

8 ~~(2)(3) If both House Bill No. 14 and [this act] are passed and approved, then [section 5(1)] of House Bill~~
 9 ~~No. 14 must read:~~

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

15 ~~(3)(4) If both House Bill No. 14 and [this act] are passed and approved, then [section 9(1)] of House Bill~~
 16 ~~No. 14 must read:~~

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

26

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

1 amended to read:

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

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

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

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

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

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

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

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

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

19
20 ~~COORDINATION SECTION. SECTION 40. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 297~~

21 ~~AND [THIS ACT] ARE PASSED AND APPROVED:~~

22 ~~(1) [SECTION 2(11) OF SENATE BILL NO. 297] MUST READ AS FOLLOWS:~~

23 ~~"(11) "UNDERSERVED AREA" MEANS AN AREA WHERE AT LEAST 10% OF THE DELIVERY POINTS HAVE NO~~
24 ~~ACCESS TO BROADBAND SERVICE OFFERED WITH A DOWNLOAD SPEED RANGE OF AT LEAST 100 MEGABITS PER SECOND~~
25 ~~AND AN UPLOAD SPEED OF AT LEAST 20 MEGABITS PER SECOND OR LESS WITH LOW LATENCY."~~

26 ~~(2) [SECTION 7 OF SENATE BILL NO. 297] MUST BE AMENDED TO INCLUDE SUBSECTION (5)(N) WHICH READS:~~

27 ~~"(N) BROADBAND SERVICE PROVIDERS WHO HAVE BROADBAND SERVICE INFRASTRUCTURE ALREADY~~
28 ~~DEPLOYED IN THE PROJECT AREA."~~

