

1 HOUSE BILL NO. 632
2 INTRODUCED BY F. GARNER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE AMERICAN RESCUE PLAN ACT;
5 PROVIDING APPROPRIATIONS OF FEDERAL FUNDS AND OTHER FUNDS AVAILABLE BECAUSE OF
6 THE RECEIPT OF FEDERAL FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2021; ALLOWING
7 APPROPRIATIONS TO CONTINUE INTO THE 2023 BIENNIUM; PROVIDING CONDITIONS AND
8 RESTRICTIONS ON THE USE OF FUNDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 (Refer to Introduced Bill)

13 Strike everything after the enacting clause and insert:

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16 **NEW SECTION. Section 1. Infrastructure advisory commission.** (1) There is an American
17 Rescue Plan infrastructure advisory commission.

18 (2) The commission consists of 9 members, 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 state capital projects, state and local
25 government water and wastewater projects, and provide recommendations to the executive on which projects
26 should be funded. Projects approved by the 67th legislature for funding in House Bill Nos. 5,6,7,11, or 14, are
27 not submitted to the commission.

28 (4) Appointed members of the commission shall be compensated and receive travel expenses as

1 provided for in 2-15-124 for each day in attendance at commissions meetings or in the performance of any duty
2 or service as a commission member.

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5 **NEW SECTION. Section 2. Appropriation and allocations -- matching funds.** (1) There are
6 allocated funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, funds for state
7 and local infrastructure project grants as follows:

8 Amount	ARPA Section
9 100,000,000	602
10 100,000,000	604

11 (2) There are appropriated funds received pursuant to the American Rescue Plan Act of 2021, Public
12 Law 117-2, to the governor for state and local infrastructure grants as follows:

13 Amount	ARPA Section
14 100,000,000	602
15 100,000,000	604

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

18 (4) For purposes of [sections x through x], "local government" means any tribe, city, town, county,
19 consolidated city-county, or school district.

20 (5) References to "ARPA Section" means references to section 9901 of the American Rescue Plan Act
21 of 2021, Public Law 117-2, that amend Title VI the Social Security Act to include section 602 or section 604.

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23 **NEW SECTION. Section 3. Eligibility -- submission deadline – priority – approval of**
24 **recommendations.** (1) Local governments shall submit grant requests and supporting materials, including the
25 amount of matching funds available, to the department of commerce by July 1, 2021, in order to be eligible for
26 funding under [section X]. The department will review grant applications, rank projects, and issue a list of
27 recommended projects to the advisory commission by August 15, 2021.

28 (2) The department of administration shall submit a list of recommended state capital projects to the

1 advisory commission by August 15, 2021.

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

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

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

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17 **NEW SECTION. Section 4. Coordination instruction -- House Bill No. 5.** (1) If both House Bill No.
18 5 and [this act] and are passed and approved, then the appropriations for the OPI MT Learning Center Civil
19 Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill No. 5 are void
20 and there is appropriated to the department of administration \$2,050,000 from federal funds received pursuant
21 to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI the Social
22 Security Act to include section 602), for those projects.

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

28 (a) MSU Haynes Hall Lab Ventilation Upgrades;

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

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

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

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

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

16 "(2) The amount of \$4,500,000 is appropriated to the department of natural resources and conservation
17 from federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901
18 (amending Title VI the Social Security Act to include section 602), for the biennium beginning July 1, 2021. The
19 funds referred to in this subsection must be awarded by the department to the named entities for the described
20 purposes and in the grant amounts listed in subsection (4), subject to the conditions set forth in [sections 2 and
21 3] and the contingencies described in the renewable resource grant and loan program January 2021 report to
22 the 67th legislature titled: Governor's Executive Budget Fiscal Years 2021-2023 Volume 6."

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COORDINATION SECTION. Section 6. Coordination instruction -- House Bill No. 7. If both

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

28 "(2) The amount of \$3,273,833 is appropriated to the department of natural resources and conservation

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

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COORDINATION SECTION. Section 7. Coordination instruction -- House Bill No. 11. (1) If both

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

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"(1) There is appropriated to the department of commerce \$9,869,800 for the biennium beginning July

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1, 2021, from federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,

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section 9901 (amending Title VI the Social Security Act to include section 602), to finance treasure state

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endowment program grants authorized by subsection (2)."

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

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11 must read:

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"There is appropriated \$100,000 from federal funds received pursuant to the American Rescue Plan

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Act of 2021, Public Law 117-2, section 9901 (amending Title VI the Social Security Act to include section 602),

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to the department of commerce for the biennium beginning July 1, 2021, for the purpose of providing local

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governments, as defined in 90-6-701, with emergency grants for infrastructure projects, as defined in 90-6-701."

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

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11 must read:

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"There is appropriated \$900,000 from federal funds received pursuant to the American Rescue Plan

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Act of 2021, Public Law 117-2, section 9901 (amending Title VI the Social Security Act to include section 602),

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to the department of commerce for the biennium beginning July 1, 2021, for the purpose of providing local

1 governments, as defined in 90-6-701, with the infrastructure planning grants for infrastructure projects, as
2 defined in 90-6-701."

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

5 "There is appropriated \$5,000,000 from the federal funds received pursuant to the American Rescue
6 Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI the Social Security Act to include section
7 602), to the department of natural resources and conservation for the biennium beginning July 1, 2021, to
8 finance the state's share of regional water system projects authorized in subsection (2) and as set forth in 90-6-
9 715."

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13 **COORDINATION SECTION. Section 8. Coordination instruction -- House Bill No. 14.** (1) If both
14 House Bill No. 14 and [this act] are passed and approved, then there is appropriated from the federal funds
15 received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI
16 the Social Security Act to include section 604), to the department of administration:

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

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

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

20 (2) If both House Bill No. 14 and [this act] are passed and approved, then the appropriations for the
21 projects listed in subsection (1) are reduced in House Bill No. 14 by the amount of the appropriation in
22 subsection (1).

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

25 "(1) There is appropriated to the department of commerce \$13,707,898 for the biennium beginning July
26 1, 2021, from federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,
27 section 9901 (amending Title VI the Social Security Act to include section 602), to finance treasure state
28 endowment program grants authorized by subsection (2)."

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

3 "(1) There is appropriated from federal funds received pursuant to the American Rescue Plan Act of
4 2021, Public Law 117-2, section 9901 (amending Title VI the Social Security Act to include section 602), to the
5 department of natural resources and conservation up to \$4,720,788 for grants to political subdivisions and local
6 governments in the biennium beginning July 1, 2021. The funds referred to in this subsection must be awarded
7 by the department to the named entities for the described purposes and in the grant amounts listed in
8 subsection (3), subject to the conditions set forth in [sections 12 and 13] and the contingencies described in the
9 renewable resource grant and loan program January 2021 report to the 67th legislature titled: Governor's
10 Executive Budget Fiscal Years 2021-2023 Volume 6."
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