

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."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

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

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

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

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

(c) three members appointed by the governor.

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

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

(5) THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL SERVE AS LEAD STAFF WITH THE DEPARTMENTS OF ADMINISTRATION AND COMMERCE ASSISTING.

(6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 3].

(7) The commission shall hold its first meeting no later than June 11, 2021.

(8) The commission shall set its future meeting dates.

(9) The commission shall elect a chair from the legislative branch and a vice chair from the 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 <u>45 0,000,000</u> | 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 of
 2 natural resources and conservation by July 1 15, 2021, in order to be eligible for funding under [section 2].
 3 Applicants shall certify that each project submitted is a necessary investment in water or sewer infrastructure as
 4 defined in the American Rescue Plan Act and all applicable guidance. Subsequent submissions, if any, will be
 5 due by the dates established by the commission. The agency will review grant applications, rank projects, and
 6 issue a list of recommended projects to the advisory commission by August 15, 2021.

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

9 (2) The advisory commission shall review the lists of recommended WATER AND WASTEWATER sewer
 10 infrastructure projects and issue a ~~final~~ list of recommended projects to the executive by September 1, 2021 the
 11 dates established by the commission.

12 (3) The department of natural resources and conservation shall certify that each project submitted is a
 13 necessary investment in water and sewer infrastructure as defined in the American Rescue Plan Act and all
 14 applicable guidance.

15 (4) THE APPLICABLE AGENCY department of natural resources and conservation IS AUTHORIZED TO
 16 PRESENT ADDITIONAL ROUNDS OF GRANT PROPOSALS TO THE COMMISSION AS NEEDED.

17 ~~(4)(5) In preparing recommendations, for capital projects, preference must be given to projects that~~
 18 ~~carry out critical capital projects directly enabling work, education, and health monitoring, including remote~~
 19 ~~options, in response to the public health emergency with respect to COVID-19. For local government WATER~~
 20 ~~AND WASTEWATER sewer infrastructure grants, preference may also be given to projects that provide a higher~~
 21 ~~match rate.~~

22 (6) The advisory commission shall certify that each project submitted is a necessary investment in
 23 water and sewer infrastructure as defined in the American Rescue Plan Act and all applicable guidance.

24 ~~(5)(6) (7)~~ (7) The recommendations of the advisory commission must be considered by the governor and
 25 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
 26 recommendations and shall provide the ~~final~~ list of approved projects to the advisory commission and to the
 27 legislative finance committee by October 15, 2021 the dates established by the governor. IF THE GOVERNOR
 28 MODIFIES THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND

1 PROGRAM PLANNING department of natural resources and conservation SHALL REPORT AND EXPLAIN THE CHANGES
 2 TO THE ADVISORY COMMISSIONS AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

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

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

13 (10) UP TO 2.5% OF THE FUNDS APPROPRIATED allocated IN [SECTION 2(6)] MAY BE ALLOCATED FOR
 14 ADMINISTRATIVE COSTS.

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 16 NEW SECTION. SECTION 4. MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS. (1) THE AMOUNT OF
 17 \$150 MILLION OF THE CORONAVIRUS LOCAL STATE FISCAL RECOVERY FUNDS APPROPRIATED IN [SECTION 2] MUST BE
 18 USED TO PROVIDE MINIMUM ALLOCATION GRANTS TO LOCAL GOVERNMENTS FOR INFRASTRUCTURE WATER AND
 19 WASTEWATER sewer infrastructure PROJECTS ELIGIBLE FOR FUNDING UNDER THE AMERICAN RESCUE PLAN ACT.

20 (2) THE AMOUNT A LOCAL GOVERNMENT IS ELIGIBLE TO RECEIVE IN WATER AND WASTEWATER sewer
 21 infrastructure GRANTS UNDER THIS SECTION IS IN THE SAME PROPORTION AND USING THE SAME RATIOS PROVIDED FOR
 22 IN 15-70-101(2)(B), (2)(C), AND (3).

23 (3) (A) TO RECEIVE A GRANT UNDER THIS SECTION, A LOCAL GOVERNMENT SHALL SUBMIT AN APPLICATION FOR
 24 A QUALIFYING INFRASTRUCTURE WATER OR WASTEWATER sewer infrastructure PROJECT AND PLEDGE MATCHING
 25 FUNDS.

26 (B) A QUALIFYING WATER OR WASTEWATER sewer infrastructure PROJECT IS A PROJECT THAT COMPLIES WITH
 27 THE USES AUTHORIZED FOR THE CORONAVIRUS STATE FISCAL RECOVERY FUNDS.

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

- 1 (I) ONE-TO-ONE MATCHING FUNDS; OR
- 2 (II) 25% OF THE AMOUNT THAT THE LOCAL GOVERNMENT RECEIVED IN CORONAVIRUS LOCAL FISCAL RECOVERY
- 3 FUNDS PROVIDED FOR IN THE AMERICAN RESCUE PLAN ACT.
- 4 (D) A LOCAL GOVERNMENT MAY USE CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS AS MATCHING FUNDS.
- 5 (4) GRANT FUNDS NOT ~~CLAIMED~~ APPLIED FOR AND AWARDED OR IN A PENDING STATUS BY JANUARY 1, 2023,
- 6 ARE TRANSFERRED TO THE COMPETITIVE GRANT PROGRAM ADMINISTERED BY THE APPROPRIATE AGENCY department of
- 7 natural resources and conservation FOR DISTRIBUTION THROUGH THE COMPETITIVE GRANT PROGRAM ESTABLISHED IN
- 8 [SECTION 3].

9

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

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

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

13 AUTHORITY A GRANT OF \$2.5 MILLION.

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

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

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

17 AS MATCHING FUNDS FOR FEDERAL GRANTS.

18

19 NEW SECTION. Section 5. Section 6. Outreach TECHNICAL ASSISTANCE team -- grant application

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

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

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

23 ~~and infrastructure~~ WATER AND WASTEWATER sewer infrastructure projects.

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

25 process and offer LIMITED engineering assistance.

26 (3) The department may hire modified FTE or contract to create the ~~outreach~~ TECHNICAL ASSISTANCE

27 team.

28 (4) There ~~must be an appropriation of administrative funds~~ IS ALLOCATED \$750,000 FROM THE FUNDS

1 APPROPRIATED IN [SECTION 2] FOR THE TECHNICAL ASSISTANCE TEAM.

2

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

| 6 | <u>AMOUNT</u> | <u>ARPA SECTION</u> |
|---|--------------------|---------------------|
| 7 | <u>119,300,000</u> | <u>604</u> |

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

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

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

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

24 (6) THE ~~applicable agency~~ DEPARTMENT OF ADMINISTRATION IS AUTHORIZED TO PRESENT ADDITIONAL
 25 ROUNDS OF ~~grant~~ PROPOSALS TO THE COMMISSION AS NEEDED.

26 (7) IN PREPARING RECOMMENDATIONS FOR CAPITAL PROJECTS, PREFERENCE MUST BE GIVEN TO PROJECTS
 27 THAT ARE GEOGRAPHICALLY DISPERSED THROUGHOUT THE STATE, . PROJECTS MUST CARRY OUT CRITICAL CAPITAL
 28 PROJECTS DIRECTLY ENABLING WORK, EDUCATION, ~~and~~ OR HEALTH MONITORING, INCLUDING REMOTE OPTIONS, IN

1 RESPONSE TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO COVID-19.

2 (8) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND
3 REVIEWED TO COMPLY WITH THE AMERICAN RESCUE PLAN ACT AND ALL APPLICABLE GUIDANCE. THE GOVERNOR MAY
4 MODIFY RECOMMENDATIONS AND SHALL PROVIDE THE LIST OF APPROVED PROJECTS TO THE INFRASTRUCTURE
5 ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE by October 15, 2021. IF THE GOVERNOR MODIFIES
6 THE LIST OF RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE ~~office of budget and program planning~~
7 DEPARTMENT OF ADMINISTRATION SHALL REPORT AND EXPLAIN THE CHANGES TO THE INFRASTRUCTURE ADVISORY
8 COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

9 (9) ~~If it is later determined~~ THE GOVERNOR LATER DETERMINES THAT A PROJECT CANNOT BE COMPLETED,
10 THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE INFRASTRUCTURE ADVISORY
11 COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE. ~~If it is determined~~ THE GOVERNOR DETERMINES AT ANY TIME
12 THAT A PROJECT IS IDENTIFIED NOT TO BE ELIGIBLE BASED ON ~~federal~~ THE AMERICAN RESCUE PLAN ACT GUIDANCE ~~or~~
13 ~~regulation~~ AND, IF COMPLETED, ~~would~~ MAY RESULT IN A REDUCTION IN FUNDS FROM THE AMERICAN RESCUE PLAN ACT
14 OR REQUIRE THE STATE TO REPAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN
15 RESCUE PLAN ACT, THE GOVERNOR MAY AUTHORIZE A DIFFERENT PROJECT AND PROVIDE A REPORT TO THE
16 INFRASTRUCTURE ADVISORY COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE.

17 (10) REFERENCES TO "ARPA SECTION" MEAN REFERENCES TO SECTION 9901 OF THE AMERICAN RESCUE
18 PLAN ACT OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION
19 604.

20 (11) UP TO 2% OF THE FUNDS APPROPRIATED IN THIS SECTION MAY BE ALLOCATED FOR ADMINISTRATIVE
21 COSTS.

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

24 (13) IF A PROJECT CONSTRUCTED WITH THE FUNDS APPROPRIATED IN THIS SECTION REQUIRES ADDITIONAL
25 OPERATIONS AND MAINTENANCE BUDGET AUTHORITY AS DEFINED IN 17-7-210, THE REQUIREMENTS OF 17-7-210 ARE
26 CONSIDERED TO HAVE BEEN MET IF THE FUNDING FOR ANY ADDITIONAL OPERATIONS AND MAINTENANCE EXPENSES ARE
27 INCLUDED IN THE EXECUTIVE BUDGET IN THE NEXT LEGISLATIVE SESSION.

28

1 **NEW SECTION. Section 7.Section 8. Communications advisory commission.** (1) There is an
 2 American Rescue Plan communications advisory commission.
 3 (2) The commission consists of nine members, who must be appointed as follows:
 4 (a) three senators, two from the majority party and one from the minority party, appointed by the senate
 5 president;
 6 (b) three representatives, two from the majority party and one from the minority party, appointed by the
 7 speaker of the house; and
 8 (c) three members, appointed by the governor.
 9 (3) The commission shall review ~~applications~~ RECOMMENDATIONS for funding ~~for grants for~~
 10 communications projects and provide recommendations to the executive on which projects should be funded.
 11 (4) Appointed members of the commission shall be compensated and receive travel expenses as
 12 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
 13 or service as a commission member.
 14 (5) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.
 15 (6) FUNDING FOR THE COMMISSION IS ALLOCATED FROM THE ADMINISTRATIVE COSTS ALLOWED IN [SECTION 9].
 16 (7) The commission shall hold its first meeting no later than June 11, 2021.
 17 (8) The commission shall set its future meeting dates.
 18 (9) The commission shall elect a chair from the legislative branch and a vice chair from the executive
 19 branch.

20
 21 **NEW SECTION. Section 8.Section 9. Appropriations APPROPRIATION for communications project**
 22 **grants PROJECTS.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021,
 23 Public Law 117-2, appropriated to the office of budget and program planning and allocated to the ~~governor~~
 24 DEPARTMENT OF COMMERCE for the fiscal year beginning July 1, 2020, for communications ~~project grants as~~
 25 ~~follows. Appropriation authority is intended to be allocated to the following items. Appropriations are~~ PROJECTS.
 26 THE APPROPRIATION IS authorized to continue through the biennium beginning July 1, 2023.

| 27 Amount | ARPA Section |
|--|--------------|
| 28 250,000,000 <u>275,000,000</u> | 9901, 602 |

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

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

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

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

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11 NEW SECTION. Section 9. Section 10. Eligibility -- submission deadline -- preference --

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

16 ~~(2)(1)~~ The department of commerce shall certify that the projects listed in the recommendations are
 17 necessary investments in compliance with the American Rescue Plan Act and all applicable guidance.

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

20 (b) The commission shall certify that the projects listed in the recommendations are necessary
 21 investments in compliance with the American Rescue Plan Act and all applicable guidance.

22 ~~(3)(2)~~ (3) In preparing recommendations, preference must be given to projects that provide broadband
 23 access to frontier, UNSERVED, and underserved, and high needs areas AS DESIGNATED BY THE DEPARTMENT OF
 24 COMMERCE. Preference may also be given to projects that provide a higher match rate.

25 ~~(4)(3)~~ (4) The recommendations of the advisory commission must be considered by the governor and
 26 reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify
 27 recommendations and shall provide the ~~final~~ list of approved projects to the communications advisory
 28 commission and the legislative finance committee by October 15, 2021. IF THE GOVERNOR MODIFIES THE LIST OF

1 RECOMMENDED PROJECTS SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND PROGRAM PLANNING
 2 department of commerce SHALL REPORT AND EXPLAIN THE CHANGES TO THE communications ADVISORY
 3 COMMISSION AND THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

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

12

13 NEW SECTION. Section 10. Section 11. Economic TRANSFORMATION AND stabilization and
 14 workforce development ADVISORY commission. (1) There is an American Rescue Plan economic
 15 TRANSFORMATION AND stabilization and workforce development advisory commission.

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

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

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

21 (c) three members appointed by the governor.

22 (3) The commission shall review applications for funding proposals for economic TRANSFORMATION AND
 23 stabilization projects and workforce development programs from the department of commerce, department of
 24 agriculture, and department of labor and industry and provide a list of recommendations to the executive.

25 (4) The commission shall certify that each proposal submitted qualifies for funding pursuant to the
 26 American Rescue Plan Act and all applicable guidance.

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

1 or service as a commission member.

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

11 (7) THE DEPARTMENT OF COMMERCE SHALL STAFF THE COMMISSION.

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

13 (9) The commission shall hold its first meeting no later than June 11, 2021.

14 (10) The commission shall set its future meeting dates.

15 (11) The commission shall elect a chair from the legislative branch and a vice chair from the executive
 16 branch.

17

18 NEW SECTION. Section 11. Section 12. Appropriations APPROPRIATION for economic

19 TRANSFORMATION AND stabilization and workforce development grants. (1) There are federal funds received
 20 pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and
 21 program planning and allocated to the governor for the fiscal year beginning July 1, 2020, for economic
 22 TRANSFORMATION AND stabilization grants or loans and workforce development grants as follows. Appropriation
 23 authority is intended to be allocated to the following items. Appropriations are THE APPROPRIATION IS authorized
 24 to continue through the biennium beginning July 1, 2023.

| 25 | Amount | ARPA Section |
|----|-------------|--------------|
| 26 | 150,000,000 | 9901, 602 |

27 (2) \$10 MILLION OF THE FUNDS APPROPRIATED IN THIS SECTION MUST BE USED FOR RAPID RETRAINING JOBS T
 28 RAINING.

1 (3) THE APPROPRIATION IN THIS SECTION MAY BE USED FOR WORKFORCE DEVELOPMENT AND eligible
 2 BUSINESS TRANSFORMATION AND STABILIZATION and workforce development PROGRAMS, INCLUDING BUT NOT LIMITED
 3 TO WORKFORCE TRAINING INCLUDING RAPID RETRAINING, RETURN-TO-WORK BONUSES, OR SHORT-TERM WAGE
 4 SUBSIDIES, BUSINESS ASSISTANCE FOR HIRING OR REHIRING EMPLOYEES, BUSINESS ASSISTANCE FOR TRAINING OR
 5 RETRAINING EMPLOYEES, BUSINESS TECHNOLOGY GRANTS, AGRICULTURAL RESILIENCY, AND BUSINESS
 6 TRANSFORMATION OR STABILIZATION GRANTS.

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

8
 9 NEW SECTION. Section 12. **Section 13. Eligibility -- submission deadline -- preference --**

10 **approval of recommendations.** (1) APPLICABLE AGENCIES SHALL RECOMMEND PROGRAMS AND FUNDING AMOUNTS
 11 TO THE ADVISORY COMMISSION FOR REVIEW AND COMMENT for funding under [section 12].

12 (2) WITHIN THE PROGRAMS ESTABLISHED BY THE APPLICABLE AGENCIES, ~~Businesses~~ BUSINESSES OR OTHER
 13 ORGANIZATIONS shall submit grant requests and supporting materials to the applicable state agency ~~by July 1,~~
 14 ~~2024,~~ in order to be eligible for funding under [section 9 ~~40 11~~ 12]. Applicants shall certify that each grant
 15 request is eligible under the American Rescue Plan Act and all applicable guidance. The agency will review
 16 grant applications, rank grant applications, and issue a list of recommended grants to the ADVISORY commission
 17 ESTABLISHED IN [SECTION 8 ~~40 11~~] by August 15, 2024.

18 ~~(2)~~(3) The advisory commission shall review the lists of recommended grants and other proposed uses
 19 of the funds and issue a ~~final~~ list of recommended grants and uses of funds to the executive ~~by September 1,~~
 20 ~~2024.~~

21 (4) The applicable agency shall certify that each grant request is eligible under the American Rescue
 22 Plan Act and all applicable guidance.

23 (5) THE APPLICABLE AGENCY IS AUTHORIZED TO PRESENT ADDITIONAL multiple ROUNDS OF GRANT
 24 PROPOSALS TO THE COMMISSION AS NEEDED.

25 ~~(3)~~(5) (6) THE ADVISORY COMMISSION SHALL PROVIDE OVERSIGHT AND RECOMMENDATIONS ON the use of
 26 FUNDS APPROPRIATED PURSUANT TO [SECTION 11 ~~13~~ THROUGH 14 ~~16~~] [SECTIONS 14, 16, AND 17] [section 16]. THE
 27 DEPARTMENT OF COMMERCE SHALL REPORT TO THE ADVISORY COMMISSION ON LOANS MADE IN ACCORDANCE WITH THE
 28 FEDERAL REQUIREMENTS OF THE STATE SMALL BUSINESS CREDIT INITIATIVE IN [SECTION 15].

1 ~~(3)(4) (6) (7)~~ The recommendations of the advisory commission must be considered by the governor
 2 and reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may
 3 modify recommendations and shall provide the ~~final~~ list of approved PROJECTS programs and business and
 4 other organization grantees to the legislative finance committee by October 15, 2021. IF THE GOVERNOR
 5 MODIFIES THE LIST OF RECOMMENDED PROJECTS grants SUBMITTED BY THE COMMISSION, THE OFFICE OF BUDGET AND
 6 PROGRAM PLANNING applicable agency SHALL REPORT AND EXPLAIN THE CHANGES TO THE ADVISORY COMMISSION
 7 AND TO THE LEGISLATIVE FINANCE COMMITTEE AT ITS NEXT SCHEDULED MEETING.

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

17
 18 NEW SECTION. Section 13.**Section 14. Appropriations for housing and workforce training**
 19 **programs.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
 20 117-2, appropriated to the office of budget and program planning and allocated to the department of commerce
 21 as follows for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the
 22 following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

| Amount | Purpose | ARPA Section |
|--------------------------------|--|------------------------------|
| 50,000,000 | Mortgage Assistance | 3206, 3208 |
| 44,000,000 <u>11,459,768</u> | Revolving Fund for Low-Income Housing <u>HOME PROGRAM</u> | |
| <u>SUPPLEMENTAL ALLOCATION</u> | | 3205 |
| 152,400,000 | Emergency Rental Assistance | 3201, 3202 , 3204 |
| | <u>Workforce</u> _____ | |

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

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

9 ~~(4)(3) The economic stabilization ADVISORY commission ESTABLISHED IN [SECTION 8 40 11] shall may~~
10 ~~provide oversight recommendations to the department on the use of funds in this section.~~

11 ~~(5)(4) The department of commerce or applicable agency is encouraged to use existing programs,~~
12 ~~where feasible, to implement the programs provided for in this section.~~

13
14 **NEW SECTION. Section 14.Section 15. State Small Business Credit Initiative insert.** There is
15 appropriated to the department of commerce ~~up to~~ \$65 million in federal funds received pursuant to section
16 3301 of the American Rescue Plan Act of 2021, Public Law 117-2, for the State Small Business Credit Initiative.
17 Funds are to be distributed in accordance with department of treasury the American Rescue Plan Act and
18 applicable guidelines and as detailed in the department of commerce application specific to the program. The
19 appropriation is for the fiscal year beginning July 1, 2020, and is authorized to continue through the biennium
20 beginning July 1, 2031.

21
22 **NEW SECTION. Section 15.Section 16. Appropriations to department of labor and industry. (1)**
23 There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2,
24 appropriated to the department of labor and industry for the fiscal year beginning July 1, 2020, that are
25 authorized to continue through the biennium beginning July 1, 2023. Appropriation authority is intended to be
26 allocated to the following items.

| 27 | Amount | Purpose | ARPA Section |
|----|-----------|---|--------------|
| 28 | 5,500,000 | Workforce <u>OFFICE OF COMMUNITY SERVICE</u> | 2206 |

| | | | |
|---|------------------|---------------------------------------|-------------|
| 1 | 5,200,000 | Unemployment Administration | 9031, 9032 |
| 2 | <u>2,000,000</u> | <u>RAPID RE TRAINING FOR VETERANS</u> | <u>8006</u> |

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

6 **NEW SECTION. Section 16.Section 17. Appropriations to department of transportation --**
 7 **grants.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law
 8 117-2, appropriated to the department of transportation for the fiscal year beginning July 1, 2020, that are
 9 authorized to continue through the biennium beginning July 1, 2023. Appropriation authority is intended to be
 10 allocated to the following items.

| 11 | Amount | Purpose | ARPA Section |
|----|--------------------------|---|--------------|
| 12 | 600,000 | Grants to <u>for State-Owned</u> Airports | 7102 |
| 13 | 800,000 <u>2,777,812</u> | Grants for Rural Transit | 3401 |

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

17 **NEW SECTION. Section 17.Section 18. Health advisory commission.** (1) There is an American
 18 Rescue Plan health advisory commission.

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

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

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

24 (i) three senators, two from the majority party and one from the minority party, appointed by the senate
 25 president;

26 (ii) four representatives, three from the majority party and one from the minority party, appointed by the
 27 speaker of the house; and

28 (iii) three members appointed by the governor.



1 **(b) For legislative appointments, legislators servings as MEMBERS OF THE JOINT APPROPRIATIONS**
 2 **SUBCOMMITTEE FOR HEALTH AND HUMAN SERVICES FROM THE 67TH LEGISLATURE are given preference; AND**
 3 **(~~e~~)(b) three members appointed by the governor.**

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

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

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

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

11 (7) The commission shall hold its first meeting no later than June 11, 2021.

12 (8) The commission shall set its future meeting dates.

13 (9) The commission shall elect a chair from the legislative branch and a vice chair from the executive
 14 branch.

15
 16 **NEW SECTION. Section 18. Section 19. Deadlines -- meetings -- recommendations -- approval.**

17 (1) The ~~committee~~ commission shall meet on or before June 1 11, 2021, and shall report its RECOMMENDATIONS
 18 recommended programs and amounts for which funds are appropriated in [section 20] to the director of the
 19 department of public health and human services on or before June 15, 2021, ~~OR AS OTHERWISE IDENTIFIED BY A~~
 20 MAJORITY OF THE COMMISSION. The commission shall certify that each program recommended is for an eligible
 21 use under the American Rescue Plan Act and all applicable guidance. The department shall also certify that
 22 each program recommended is for an eligible use under the American Rescue Plan Act and all applicable
 23 guidance.

24 (2) The recommendations of the advisory commission must be considered by the executive. The
 25 department shall provide reports to the commission ON IMPLEMENTATION, as requested, to the commission and
 26 to the office of budget and program planning on implementation of programs funded in [section 20], including
 27 reporting on the expenditure of funds and measurable outcomes of the programs.

28 **(3) THE RECOMMENDATIONS OF THE ADVISORY COMMISSION MUST BE CONSIDERED BY THE GOVERNOR AND**

| | | | |
|----|---|---|--------------------------------|
| 1 | 43,000,000 <u>11,000,000</u> | SNAP | 1101,1102 |
| 2 | 200,000 | Commodity Supplemental Food Program | 1104 |
| 3 | 900,000 | Family Violence Prevention | 2204 |
| 4 | 1,111,000 | Child Abuse Prevention | 2205 |
| 5 | 22,500,000 | Vaccine Distribution and Supply | 2301 |
| 6 | 143,400,000 | Testing and Contact Tracing | 2401 |
| 7 | 441,000,000 <u>112,500,000</u> | Child Care Stabilization & Block Grants | 2201, 2202 |
| 8 | 1,700,000 | State Veterans' Homes | 8004 |
| 9 | 23,000,000 | Public Health Workforce | 2501 |
| 10 | 20,000,000 | Rapid Retraining Jobs Training | 9901/602 |
| 11 | 17,000,000 <u>10,500,000</u> | SAMHSA/Mental Health and Substance Use Disorder | |
| 12 | | Mental Health Block Grant | <u>2701, 2702, 2703, 2705,</u> |
| 13 | | <u>2706, 2707</u> | |
| 14 | | Substance Abuse Prevention and Treatment | 2702 |
| 15 | | Block Grant | |
| 16 | | Mental and Behavioral Health Training | 2703 |
| 17 | | Grants for Healthcare Providers to Promote | 2705 |
| 18 | | Mental and Behavioral Health | |
| 19 | | Community-based Funding for Local | |
| 20 | | Substance Use Disorder Services | 2706 |
| 21 | | Community-based Funding for | 2707 |
| 22 | | Local Behavioral Health Needs | |
| 23 | 24,000,000 <u>31,775,000</u> | LIHEAP/Water Assistance | 2911, 2912 |
| 24 | 1,000,000 | Supporting Older Americans and Families | 2921 |
| 25 | | Home and Community-Based Supportive | 2924 |
| 26 | | Services for Blind News Service | |
| 27 | 930,000 | Emergency Food and Shelter Program | 4007, 4008 |
| 28 | 2,726,000 | Pandemic Emergency Assistance | 9201 |

| | | | |
|---|------------------|---------------------------------------|-------------|
| 1 | | Elder Justice Programs | 9301 |
| 2 | | Maternal, Infant, and Early Childhood | 9101 |
| 3 | | Home Visiting | |
| 4 | <u>1,130,000</u> | WIC | 1105 |
| 5 | <u>1,223,000</u> | <u>IDEA Infants and toddlers</u> | <u>2014</u> |

6 (2) THERE ARE FEDERAL FUNDS RECEIVED PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT
 7 OF 2021, PUBLIC LAW 117-2, WHICH AMENDS TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 602,
 8 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING AND ALLOCATED TO THE DEPARTMENT OF PUBLIC
 9 HEALTH AND HUMAN SERVICES, if eligible, AS FOLLOWS:

- 10 (A) up to \$15 MILLION FOR NURSING HOME SUPPLEMENTAL and hospital-based swing bed PAYMENTS; AND
- 11 (B) up to \$2.75 MILLION FOR A MEDICAID provider RATE STUDY.

12 ~~(2)(3)~~ For SNAP, the appropriation is to be used for the 15% benefit extension, for administration, and
 13 for contracted private sector workforce training THROUGH EXISTING PROGRAMS IN THE DEPARTMENT OF LABOR AND
 14 INDUSTRY OR THROUGH CONTRACTED PRIVATE SECTOR VENDORS.

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

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

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

26 (6) FOR NURSING HOME AND HOSPITAL-BASED SWING BED PAYMENTS, THE DEPARTMENT OF PUBLIC HEALTH
 27 AND HUMAN SERVICES WILL ALLOCATE \$15 MILLION TO NURSING HOME FACILITIES AND FACILITIES WITH HOSPITAL-BASED
 28 SWING BEDS BY THE LATER OF MAY 31, 2021, OR 15 DAYS AFTER THE RECEIPT OF FEDERAL FUNDS FROM THE

1 AMERICAN RESCUE PLAN ACT. THE ALLOCATION WILL BE MADE BASED ON THE NUMBER OF MEDICAID PATIENT DAYS
 2 EACH FACILITY HAD FROM JANUARY 1, 2020, THROUGH DECEMBER 31, 2020. IT IS THE INTENT OF THE LEGISLATURE
 3 THAT NO ADDITIONAL SUPPLEMENTAL FUNDS BE ALLOCATED TO NURSING HOMES AND FACILITIES WITH HOSPITAL-BASED
 4 SWING BEDS.

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

8
 9 NEW SECTION. Section 20. Section 21. ~~Appropriation~~ ALLOCATION to the judicial branch. (1)

10 There is appropriated \$944,721 in federal funds received pursuant to the American Rescue Plan Act of 2021,
 11 Public Law 117-2 (602), TO THE OFFICE OF BUDGET AND PROGRAM PLANNING AND ALLOCATED to the judicial branch
 12 to support court operations impacted by the pandemic by streamlining the resolution of family law cases
 13 through early mediation and simplified proceedings in judicial districts with heavy caseloads or in remote areas
 14 of the state, if eligible.

15 (2) Prior to implementation, the judicial branch shall submit a program plan to the office of budget and
 16 program planning and the legislative finance committee, including effectiveness measures for the program and
 17 information and explanation demonstrating that the program qualifies for funds under the American Rescue
 18 Plan Act. The judicial branch shall also certify that the program is eligible under the American Rescue Plan Act
 19 and all applicable guidance.

20 (3) The judicial branch shall provide quarterly reports to the office of budget and program planning, the
 21 legislative finance committee, and, if House Bill No. 497 is passed and approved, to the judicial branch, law
 22 enforcement, and justice budget committee, on the implementation of the program, the expenditure of funds,
 23 and measurable outcomes of the program.

24
 25 ~~NEW SECTION. Section 2 2 .~~ ~~Appropriation~~ ALLOCATION to department of justice. (1) There are
 26 federal funds received from the American Rescue Plan Act of 2021, Public Law 117-2, ~~appropriated~~ ALLOCATED
 27 to the department of justice for the fiscal year beginning July 1, 2020 FROM THE FUNDS APPROPRIATED IN [SECTION
 28 7] . ~~Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to~~

1 continue in the biennium beginning July 1, 2023. References to "ARPA Section" mean references to sections in
 2 the American Rescue Plan Act of 2021, Public Law 117-2.

| 3 | Amount | Program | ARPA Section |
|---|-----------|--|--------------|
| 4 | 1,000,000 | Freezer, Morgue, and Refrigeration Space | 9901, 604 |
| 5 | 1,000,000 | Crime Lab Facility Space | 9901, 602 |

6 (2) A uthority is granted to construct the projects in this section.

7
 8 **NEW SECTION. Section 21.Section 22. Appropriations to office of public instruction AND OFFICE**

9 **OF BUDGET AND PROGRAM PLANNING.** (1) There are federal funds received pursuant to the American Rescue Plan
 10 Act of 2021, Public Law 117-2, appropriated to the office of public instruction for the fiscal year beginning July
 11 1, 2020. Appropriation authority is intended to be allocated to the following items. Appropriations are authorized
 12 to continue through the biennium beginning July 1, 2023. References to "ARPA Section" mean references to
 13 sections in the American Rescue Plan Act of 2021, Public Law 117-2.

| 14 | Amount | Purpose | ARPA Section |
|----|-----------------------------|--|-----------------|
| 15 | 343,817,312 | Basic Allocation to School Districts | 2001 |
| 16 | 3,400,000 | Supplemental Allocation to School Districts | 2001 |
| 17 | 120,000 | Allocation to Other Educational Institutions | 2001 |
| 18 | 555,234 | Education Leadership in Montana | 2001 |
| 19 | 5,475,248 | OPI Database Modernization | 2001 |
| 20 | 1,910,096 | Administration | 2001 |
| 21 | 19,100,962 | State Learning Loss | 2001 |
| 22 | 3,820,192 | State Summer Enrichment | 2001 |
| 23 | 3,820,192 | State Afterschool Programs | 2001 |
| 24 | 7,000,000 | Assistance to Nonpublic Schools | 2002 |
| 25 | 40,200,000 <u>9,241,420</u> | Individual <u>INDIVIDUALS</u> with Disabilities <u>EDUCATION</u> Act | 2014 |

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

27 (a) For Basic Allocation to School Districts, the amount allocated by the office of public instruction to
 28 school districts must be as required by federal law. The office of public instruction shall distribute funds via

1 grants for expenses that are consistent with section 2001(e) of ESSER III.

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

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

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

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

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

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

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

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

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

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

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

4 (4) The office of public instruction shall provide quarterly status reports on the implementation of
 5 programs, the expenditure of funds, and measurable outcomes of the program to the office of budget and
 6 program planning, to the legislative finance committee, and if House Bill No. 497 is passed and approved, to
 7 the education budget committee.

8
 9 NEW SECTION. Section 22. **Section 23. Appropriations to commissioner of higher education,**

10 **state library, and Montana arts council.** (1) There are federal funds received pursuant to the American
 11 Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and program planning and
 12 allocated to agencies listed below for the fiscal year beginning July 1, 2020. Appropriation authority is intended
 13 to be allocated to the following items. Appropriations are authorized to continue through the biennium beginning
 14 July 1, 202 3 . References to "ARPA Section" mean references to sections in the American Rescue Plan Act of
 15 2021, Public Law 117-2.

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

1 _____ 1,235,444 _____ Hot Spot Lending Program _____ 2023

2 _____ 1,000,000 _____ E-Learning Digital Content _____ 2023

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

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

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

13 1,235,444 HOT SPOT LENDING PROGRAM and broadband infrastructure in libraries _____ 2023

14 1,000,000 E-LEARNING DIGITAL CONTENT _____ 2023

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

17 (4) Applicable agencies in this section shall provide quarterly status reports on the implementation of
18 programs, the expenditure of funds, and measurable outcomes of the program to the office of budget and
19 program planning, to the legislative finance committee, and if House Bill No. 497 is passed and approved, to
20 the education budget committee.

21
22 NEW SECTION. Section 23. Section 24. APPROPRIATION -- CORONAVIRUS LOCAL FISCAL RECOVERY
23 FUND. THERE IS APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING \$81.8 MILLION TO DISTRIBUTE
24 PURSUANT TO SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT OF 2021, PUBLIC LAW, 117-2, WHICH AMENDS
25 TITLE VI OF THE SOCIAL SECURITY ACT TO INCLUDE SECTION 603.

26
27 NEW SECTION. Section 24. Section 25. AUDIT APPROPRIATIONS. (1) OF THE FEDERAL FUNDS
28 APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTION sections 9 and 14] AND

1 APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN [SECTION 15], THE AMOUNT OF \$20,500 \$32,800 IS RESERVED
 2 FOR THE LEGISLATIVE AUDIT DIVISION AS A RESTRICTED AND BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM.

3 (2) OF THE FEDERAL FUNDS APPROPRIATED TO THE OFFICE OF BUDGET AND PROGRAM PLANNING IN [SECTIONS
 4 2, 7, AND 12, 22, 24, AND 27], THE AMOUNT OF \$47,150 \$34,850 IS RESERVED FOR THE LEGISLATIVE AUDIT DIVISION
 5 AS A RESTRICTED AND BIENNIAL APPROPRIATION FOR THE 2023 BIENNIUM AS FOLLOWS:

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

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

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

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

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

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

18
 19 NEW SECTION. Section 25. Section 26. ~~Authorization to modify or increase~~ **MODIFICATIONS TO**
 20 **appropriations and authorizations -- report of modifications or changes.** (1) The governor, or the budget
 21 director under the direction of the governor, is authorized to redirect appropriations and authorizations to other
 22 projects or appropriations or modify provisions within [this act] to ensure conformity with the American Rescue
 23 Plan Act and applicable federal laws, regulations, and guidance issued by federal agencies.

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

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

1 (i) "Line-item transfer" means the transfer of appropriation authority from one line-item APPROPRIATION
 2 to a different line-item APPROPRIATION WITHIN THE SAME SECTION OF [THIS ACT] or between any appropriations
 3 made in [sections 14 through 25] of [this act]. TRANSFERS ARE NOT AUTHORIZED BETWEEN APPROPRIATIONS MADE
 4 IN DIFFERENT SECTION S .

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

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

13 ~~(3)~~(4) The legislative finance committee shall review the proposed line-item transfer or fund switch OR
 14 THE RECOMMENDATION ON THE USE OF REVENUE REPLACEMENT FUNDS AS PROVIDED IN SUBSECTION (3), at the next
 15 meeting. A representative of the office of budget and program planning shall be present at the meeting to
 16 discuss the proposal OR RECOMMENDATION. The legislative finance committee may take up to 15 days following
 17 its meeting to review and provide written comment on the proposal OR RECOMMENDATION. The office of budget
 18 and program planning may provide a response to the comments within 15 days of receiving the committee's
 19 comments.

20 ~~(4)~~(5) The governor, or the budget director at the direction of the governor, is authorized to adjust the
 21 parameters of a program or service appropriated in [this act] to ensure conformity with applicable federal laws,
 22 regulations, and guidance issued by federal agencies. If the parameters of a program are adjusted, the office of
 23 budget and program planning shall notify the legislative finance committee of the change at its next scheduled
 24 meeting. The legislative finance committee may take up to 15 days following its meeting to review and provide
 25 written comment on the proposal. The office of budget and program planning may provide a response to the
 26 comments within 15 days of receiving the committee's comments.

27 ~~(5)~~(6) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program
 28 or service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible

1 and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to
 2 review the proposal and provide comment. The meeting may be held in a virtual setting.

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

10 (8) Except as provided in subsection (6), the governor may not take any of the following actions until 15
 11 days after the legislative finance committee has met to address a:

- 12 (a) line-item transfer or fund switch in excess of \$100,000; or
 13 (b) recommendation for the use of revenue replacement funds.

14

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

18 **AN APPLICATION SUBMITTED TO A COMMISSION ESTABLISHED BY [SECTION 1, 5, 7, 8, 10, OR 15, 17] MUST IN**
 19 **[THIS ACT] MAY INCLUDE PERFORMANCE MEASURES TO ALLOW THE COMMISSION, STAKEHOLDERS, AND THE PUBLIC TO**
 20 **UNDERSTAND WHAT THE APPLICANT INTENDS TO ACCOMPLISH AND, IF SELECTED TO RECEIVE MONEY FROM THE**
 21 **AMERICAN RESCUE PLAN ACT, A BASIS TO EVALUATE WHETHER THE APPLICANT HAS ACHIEVED WHAT IT INTENDED TO**
 22 **ACCOMPLISH. WHERE FEASIBLE, PERFORMANCE MEASURES SHOULD BE QUANTITATIVE.**

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

28 (1) Agencies administering programs funded by the American Rescue Plan Act shall develop plans to

1 measure the effectiveness of the programs.

2 (2) Agencies administering programs funded by the American Rescue Plan Act shall require grant
 3 applicants to state what they intend to accomplish if selected to receive funding. To the extent that the agencies
 4 are able to determine generally applicable outcomes to determine the effectiveness of proposals submitted by
 5 applicants, agencies shall require applicants to state how they will achieve those outcomes. Agencies may also
 6 require applicants to state the outcomes that should be used to determine the effectiveness of their proposals
 7 and how they will achieve those outcomes. Individual applicants who are not sole proprietorships, such as
 8 individuals who participate in training programs or are recipients of benefits administered by the department of
 9 public health and human services or the department of labor and industry, and business applicants that are
 10 landlords only participating in one or both of the Emergency Rental Assistance Program and the Mortgage
 11 Assistance Program or entities receiving mortgage payments, are exempt from the requirements in this
 12 subsection.

13 (3) Agencies administering programs funded by the American Rescue Plan Act shall require periodic
 14 reports from the applicants identified in the prior section to provide information necessary for the state to
 15 comply with its federal and other compliance obligations, as well as any additional information necessary for the
 16 agencies to confirm that applicants completed their proposals and achieved the intended outcomes. Where
 17 feasible, quantitative data should be required.

18 ~~(3)(4)~~ The office of budget and program planning shall promote the funding opportunities afforded in
 19 [this act] and offer an online portal that directs prospective grantees to the various grant programs available
 20 pursuant to [this act]. THE ONLINE PORTAL MUST ALSO PROVIDE DATA AND INFORMATION ON THE WEBSITE TO PROVIDE
 21 TRANSPARENCY IN HOW FUNDS WERE SPENT AND IDENTIFY GRANT RECIPIENTS FOR BUSINESSES, LOCAL OR TRIBAL
 22 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS.

23 ~~(2)(4)(5)~~ The office of budget and program planning shall provide quarterly reports to the legislative
 24 finance committee throughout the interim on the implementation of [this act].

25 (6) (a) THE OFFICE OF BUDGET AND PROGRAM PLANNING IS APPROPRIATED \$3.5 \$3.7 MILLION TO PROVIDE
 26 OVERSIGHT, PUBLIC INTERACTION, REPORTING, TRANSPARENCY, AND OTHER SERVICES FROM 602 FUNDS received
 27 pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, which amends Title VI of the Social
 28 Security Act to include section 602.

1 (b) \$200,000 of the amount appropriated in this subsection (6) is allocated to the legislative services
 2 division for coordinating remote and hybrid meetings in the state capitol for state government in response to the
 3 increased demand for virtual meetings resulting from the COVID-19 pandemic.

4
 5 NEW SECTION. Section 27.**Section 28. Reduction in funding -- health regulations.** If a local
 6 government is awarded grant funds pursuant to ~~[this act]~~ APPROPRIATED IN [SECTION 2], the amount of the grant
 7 is reduced by 20% if that local government or any of its authorized agents have ~~issued~~ CURRENT health
 8 regulations related to COVID-19 that are more strict than those imposed by the state IN EFFECT AT THE TIME THE
 9 GRANT IS AWARDED.

10
 11 ~~NEW SECTION. Section 28. Section 25. Consideration of select committee proposals.~~ The work
 12 of the select committee on House Bill No. 632 and its subcommittees must be considered by the advisory
 13 commissions established in ~~[this act]~~ when preparing final recommendations to the executive.

14
 15 **Section 29.** Section 2-17-603, MCA, is amended to read:

16 **"2-17-603. Government competition with private internet services providers prohibited --**
 17 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state
 18 may not directly or through another agency or political subdivision be an internet services provider.

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

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

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

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

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

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

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

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

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

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

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

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

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

14
 15 **NEW SECTION. SECTION 30. MAINTENANCE OF EFFORT AND EQUITY FOR EDUCATIONAL PROGRAMS**
 16 **UNDER THE AMERICAN RESCUE PLAN ACT OF 2021.** (1) (A) FOR FISCAL YEARS 2022 AND 2023, IF THE BUDGET
 17 DIRECTOR DETERMINES THAT THE STATE WILL NOT BE IN COMPLIANCE WITH MAINTENANCE OF EFFORT REQUIREMENTS
 18 FOR HIGHER EDUCATION UNDER SECTION 317 OF THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL
 19 APPROPRIATIONS ACT OF 2021 OR SECTION 2004 OF THE AMERICAN RESCUE PLAN ACT OF 2021, THEN THE BUDGET
 20 DIRECTOR SHALL:

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

22 (A) REQUEST THAT THE APPROVING AUTHORITY TRANSFER APPROPRIATION AUTHORITY FOR THE

23 "APPROPRIATION DISTRIBUTION" LINE IN SECTION E OF HOUSE BILL NO. 2 FROM FISCAL YEAR 2023 TO FISCAL YEAR
 24 2022 IN AN AMOUNT SUFFICIENT TO ADDRESS THE MAINTENANCE OF EFFORT REQUIREMENTS; AND

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

27 (II) IF THE NONCOMPLIANCE IS FOR FISCAL YEAR 2023, REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE
 28 2023 LEGISLATURE SUFFICIENT TO ADDRESS THE MAINTENANCE OF EFFORT REQUIREMENTS.

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

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

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

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

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

21 (II) A MAINTENANCE OF EFFORT PAYMENT TO EACH SCHOOL DISTRICT BASED ON THE RATIO THAT THE SUM OF
22 THE DISTRICT'S BASE BUDGET AND ANY MAINTENANCE OF EQUITY PAYMENT MADE TO THE DISTRICT BEARS TO THE SUM
23 OF STATEWIDE BASE BUDGET AMOUNT AND THE STATEWIDE TOTAL OF ANY MAINTENANCE OF EQUITY PAYMENTS MADE
24 TO SCHOOL DISTRICTS.

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

28 (E) THE BUDGET DIRECTOR SHALL REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE 2023 LEGISLATURE

1 TO REPLACE OR AUGMENT AUTHORITY AS NECESSARY FOR THE PURPOSES OF THIS SECTION.

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

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

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

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

9
10 NEW SECTION. Section 31. Notification to tribal governments. The secretary of state shall send a
11 copy of [this act] to each federally recognized tribal government in Montana.

12
13 NEW SECTION. SECTION 32. NOTIFICATION OF REDUCTION OR REPAYMENT OF FEDERAL FUNDS -- ACTION
14 FOR DECLARATORY JUDGMENT. IF THE BUDGET DIRECTOR RECEIVES WRITTEN NOTIFICATION FROM THE FEDERAL
15 GOVERNMENT THAT A PROVISION IN [THIS ACT] MAY RESULT IN A REDUCTION IN FEDERAL FUNDS OR REQUIRE THE STATE
16 TO PAY OR REFUND MONEY TO THE FEDERAL GOVERNMENT PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021,
17 THE GOVERNOR'S OFFICE SHALL FILE AN ACTION FOR DECLARATORY JUDGMENT TO DETERMINE THE VALIDITY OF THE
18 PROVISION.

19
20 NEW SECTION. SECTION 33. RESTRICTIONS ON USE OF FUNDS FOR LOBBYING ACTIVITIES. The governing
21 body of a state, county, or municipality may not spend funds received in [this act] to influence or attempt to
22 influence the outcome of any legislation pending before the legislature.

23
24 NEW SECTION. Section 34. LONG-RANGE PROJECTS FUNDING. (1) IF ANY OF THE ALLOCATIONS FOR
25 PROJECTS OUTLINED IN [SECTION 33 THROUGH 36 sections 35 through 38] ARE DETERMINED TO BE INELIGIBLE FOR
26 FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, FUNDING FOR EACH INELIGIBLE PROJECT IS APPROPRIATED FOR
27 THE PROJECT FROM THE SOURCE OF FUNDING DESIGNATED IN THE INTRODUCED VERSION OF THE RESPECTIVE LONG-
28 RANGE BILL.

1 (2) IF ANY PORTION OF THE ALLOCATIONS FOR PROJECTS OUTLINED IN [SECTION 37.39] ARE DETERMINED TO
 2 BE INELIGIBLE FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT, A LIKE PORTION OF FUNDING FOR THOSE
 3 PROJECTS SHALL BE:

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

6 (B) APPROPRIATED FROM THE TREASURE STATE ENDOWMENT SPECIAL REVENUE ACCOUNT PROVIDED FOR IN
 7 17-5-703(3)(A) FUNDED THROUGH [SECTION 5] OF HOUSE BILL NO. 14; AND

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

10
 11 COORDINATION SECTION. Section 35. Coordination instruction -- House Bill No. 5. (1) If both
 12 House Bill No. 5 and [this act] are passed and approved, then the appropriations for the OPI MT Learning
 13 Center Civil Infrastructure Upgrades and the UM FLBS Sewer Treatment Plant in [section 2(1)] of House Bill
 14 No. 5 are void and there is ~~appropriated to the office of budget and program planning and allocated to the~~
 15 ~~department of administration \$2,050,000 from federal funds received pursuant to the American Rescue Plan~~
 16 ~~Act of 2021, Public Law 117-2, section 9901 (amending Title VI of the Social Security Act to include section~~
 17 ~~602), for those projects~~ FOR THOSE PROJECTS FROM THE FUNDS APPROPRIATED IN [SECTION 2].

18 (2) If both House Bill No. 5 and [this act] are passed and approved, then the appropriations for the
 19 following projects in [section 2(1)] of House Bill No. 5 are void and there is ~~appropriated to the office of budget~~
 20 ~~and program planning and allocated to the department of administration \$5,310,000~~ ~~\$6,710,000~~ ~~from federal~~
 21 ~~funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending~~
 22 ~~Title VI of the Social Security Act to include section 604), for those projects~~ FOR THE FOLLOWING PROJECTS FROM
 23 THE FUNDS APPROPRIATED IN [SECTION 7]:

- 24 (a) MSU Haynes Hall Lab Ventilation Upgrades;
 25 (b) MSU BLGS Art Annex Safety and System Upgrades;
 26 (c) UM-HC Donaldson Building HVAC Upgrades;
 27 (d) MSU-N Auto Tech Building System Improvements;
 28 (e) MSDB Card Lock System; and

- 1 (f) MSU-N Brockmann Center HVAC and Energy Project; and
 2 (g) COVID-19 remote and office workspace study and planning.

3
 4 COORDINATION SECTION. Section 36. Coordination instruction -- House Bill No. 6. (1) If both
 5 House Bill No. 6 and [this act] are passed and approved, then [the introductory paragraph of section 1(1)] of
 6 House Bill No. 6 must read:

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

12 (2) If both House Bill No. 6 and [this act] are passed and approved, then [section 1(2)] of House Bill No.
 13 6 must read:

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

23
 24 COORDINATION SECTION. Section 37. Coordination instruction -- House Bill No. 7. If both House
 25 Bill No. 7 and [this act] are passed and approved, then [section 1(2)] of House Bill No. 7 must read:

26 "(2) The amount of \$3,273,833 is ~~appropriated to the office of budget and program planning and~~
 27 ~~allocated~~ to the department of natural resources and conservation from the natural resources projects state
 28 special revenue account established in 15-38-302 and the amount of \$429,000 is ~~appropriated to the office of~~

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

9

10 COORDINATION SECTION. Section 38. Coordination instruction -- House Bill No. 11. (1) If both
 11 House Bill No. 11 and [this act] are passed and approved, then [section 1(1)] of House Bill No. 11 must read:

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

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

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

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

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

1 ~~include section 602), to the office of budget and program planning and allocated~~ FROM THE FUNDS APPROPRIATED
 2 IN [SECTION 2] OF HOUSE BILL NO. 632 to the department of commerce for the biennium beginning July 1, 2021,
 3 for the purpose of providing local governments, as defined in 90-6-701, with the infrastructure planning grants
 4 for infrastructure projects, as defined in 90-6-701."

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

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

13
 14 COORDINATION SECTION. Section 39. Coordination instruction -- House Bill No. 14. (1) If both
 15 House Bill No. 14 and [this act] are passed and approved, then there is ~~appropriated from the federal funds~~
 16 ~~received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, section 9901 (amending Title VI~~
 17 ~~of the Social Security Act to include section 604), to the office of budget and program planning and allocated~~
 18 FROM THE FUNDS APPROPRIATED IN [SECTION 7] to the department of administration:

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

22 (2) (A) IF BOTH HOUSE BILL NO. 14 AND [THIS ACT] ARE PASSED AND APPROVED, THEN THERE IS ALLOCATED
 23 \$26,200,000 FROM THE FUNDS APPROPRIATED IN [SECTION 20] TO THE DEPARTMENT OF ADMINISTRATION FOR THE MT
 24 VETERINARIAN DIAGNOSTIC & AG ANALYTICAL LABS.

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

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

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

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

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

19

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

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

25 ~~(2) 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 (c) three members appointed by the governor.

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

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

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

12
 13 COORDINATION SECTION. Section 40. Coordination instruction. If both Senate Bill No. 297 and
 14 [this act] are passed and approved:

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

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

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

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

22
 23 NEW SECTION. Section 41. COORDINATION -- SENATE BILL NO. 297. IF BOTH SENATE BILL NO. 297 AND
 24 [THIS ACT] ARE PASSED AND APPROVED, THE APPROPRIATION IN [SECTION 9] SHALL BE USED FOR THE PURPOSES SET
 25 FORTH IN SENATE BILL NO. 297.

26
 27 NEW SECTION. SECTION 42. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 630 AND [THIS ACT] ARE
 28 PASSED AND APPROVED, THEN [SECTION 1 OF HOUSE BILL NO. 630], REGARDING A MAINTENANCE OF EQUITY PAYMENT,

1 IS VOID.

2

3 NEW SECTION. Section 43. RULEMAKING AUTHORITY. APPLICABLE AGENCIES MAY ADOPT RULES TO

4 IMPLEMENT THE GRANT PROGRAMS FUNDED IN [THIS ACT].

5

6 NEW SECTION. Section 44. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT

7 ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS

8 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID

9 APPLICATIONS.

10

11 NEW SECTION. Section 45. Effective date. [This act] is effective on passage and approval.

12

- END -