

Amendment - 1st Reading/2nd House-blue - Requested by: (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0881.002.004

1 HOUSE BILL NO. 881
2 INTRODUCED BY E. BUTTREY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE BIG SKY
5 ECONOMIC DEVELOPMENT PROGRAM; REMOVING LOCAL AND TRIBAL GOVERNMENTS AS ELIGIBLE
6 APPLICANTS; ALLOWING BUSINESSES TO APPLY DIRECTLY TO THE PROGRAM; REMOVING
7 REQUIREMENTS RELATING TO HIGH-POVERTY COUNTIES; REMOVING REQUIREMENTS
8 ASSOCIATED WITH JOB CREATION; REMOVING ALLOCATIONS FOR DISTRIBUTIONS TO LOCAL OR
9 TRIBAL GOVERNMENTS AND CERTIFIED REGIONAL DEVELOPMENT CORPORATIONS; ALLOWING
10 AWARDS FOR WORKFORCE ACTIVITIES; REVISING A STATUTORY APPROPRIATION ALLOCATION;
11 TRANSFERRING FUNDS FROM THE MICROBUSINESS FINANCE PROGRAM ADMINISTRATIVE
12 ACCOUNT TO THE ECONOMIC DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; TRANSFERRING
13 FUNDS FROM THE PRIMARY SECTOR BUSINESS TRAINING ACCOUNT TO THE ECONOMIC
14 DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; TRANSFERRING DEFEDERALIZED ECONOMIC
15 DEVELOPMENT FUNDS FROM THE DEPARTMENT OF COMMERCE TO THE ECONOMIC
16 DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; EXTENDING THE SUNSET DATE ON THE COAL
17 SEVERANCE TAX TRUST FUND FOR THE BIG SKY ECONOMIC DEVELOPMENT PROGRAM; REVISING
18 DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 17-5-703, 17-6-407, 17-6-
19 409, 39-11-205, 90-1-201, 90-1-202, 90-1-203, 90-1-204, AND 90-1-205, MCA; AND PROVIDING AN
20 EFFECTIVE DATE."

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23
24 **Section 1.** Section 17-5-703, MCA, is amended to read:
25 **"17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX,
26 section 5, of the Montana constitution is composed of the following funds:
27 (a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal

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1 severance tax must be deposited;

2 (b) a Montana coal endowment fund;

3 (c) a Montana coal endowment regional water system fund;

4 (d) a coal severance tax permanent fund;

5 (e) a coal severance tax income fund;

6 (f) a big sky economic development fund; and

7 (g) a school facilities fund.

8 (2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet
9 all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12
10 months and retain that amount in the coal severance tax bond fund.

11 (b) The amount in the coal severance tax bond fund in excess of the amount required in
12 subsection (2)(a) must be transferred from that fund as provided in subsections (4) and (5).

13 (3) (a) The state treasurer shall monthly transfer from the Montana coal endowment fund to the
14 Montana coal endowment special revenue account the amount of earnings, excluding unrealized gains and
15 losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-
16 710. Earnings not transferred to the Montana coal endowment special revenue account must be retained in the
17 Montana coal endowment fund.

18 (b) The state treasurer shall monthly transfer from the Montana coal endowment regional water
19 system fund to the Montana coal endowment regional water system special revenue account the amount of
20 earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable
21 from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the
22 Montana coal endowment regional water system special revenue account must be retained in the Montana coal
23 endowment regional water system fund.

24 (4) (a) Starting July 1, 2017, the state treasurer shall quarterly transfer to the school facilities fund
25 provided for in 20-9-380(1) 75% of the amount in the coal severance tax bond fund in excess of the amount that
26 is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer
27 when the balance of the school facilities fund is \$200 million. Beginning with the quarter following this

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1 certification, the state treasurer shall instead transfer to the coal severance tax permanent fund 75% of the
2 amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be
3 retained in the fund.

4 (b) The state treasurer shall monthly transfer from the school facilities fund to the account
5 established in 20-9-525 the amount of earnings, excluding unrealized gains and losses, required to meet the
6 obligations of the state that are payable from the account. Earnings not transferred to the account established
7 in 20-9-525 must be retained in the school facilities fund.

8 (5) (a) From July 1, 2005, through June 30, ~~2025~~ 2035, the state treasurer shall quarterly transfer
9 to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of
10 the amount that is specified in subsection (2) to be retained in the fund.

11 (b) The state treasurer shall monthly transfer from the big sky economic development fund to the
12 economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding
13 unrealized gains and losses, required to meet the obligations of the state that are payable from the account in
14 accordance with 90-1-204. Earnings not transferred to the economic development special revenue account
15 must be retained in the big sky economic development fund.

16 (6) Any amount in the coal severance tax bond fund in excess of the amount that is specified in
17 subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be
18 deposited in the coal severance tax permanent fund. (Terminates June 30, 2031--secs. 1 through 3, Ch. 305, L.
19 2015.)

20 **17-5-703. (Effective July 1, 2031) Coal severance tax trust funds.** (1) The trust established under
21 Article IX, section 5, of the Montana constitution is composed of the following funds:

22 (a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal
23 severance tax must be deposited;

24 (b) a Montana coal endowment fund;

25 (c) a coal severance tax permanent fund;

26 (d) a coal severance tax income fund;

27 (e) a big sky economic development fund; and

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1 (f) a school facilities fund.

2 (2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet
3 all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12
4 months and retain that amount in the coal severance tax bond fund.

5 (b) The amount in the coal severance tax bond fund in excess of the amount required in
6 subsection (2)(a) must be transferred from that fund as provided in subsections (4) and (5).

7 (3) The state treasurer shall monthly transfer from the Montana coal endowment fund to the
8 Montana coal endowment special revenue account the amount of earnings, excluding unrealized gains and
9 losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-
10 710. Earnings not transferred to the Montana coal endowment special revenue account must be retained in the
11 Montana coal endowment fund.

12 (4) (a) Starting July 1, 2017, the state treasurer shall quarterly transfer to the school facilities fund
13 provided for in 20-9-380(1) 75% of the amount in the coal severance tax bond fund in excess of the amount that
14 is specified in subsection (2) to be retained in the fund. The budget director shall certify to the state treasurer
15 when the balance of the school facilities fund is \$200 million. Beginning with the quarter following this
16 certification, the state treasurer shall instead transfer to the coal severance tax permanent fund 75% of the
17 amount in the coal severance tax bond fund that exceeds the amount that is specified in subsection (2) to be
18 retained in the fund.

19 (b) The state treasurer shall monthly transfer from the school facilities fund to the account
20 established in 20-9-525 the amount of earnings, excluding unrealized gains and losses, required to meet the
21 obligations of the state that are payable from the account. Earnings not transferred to the account established
22 in 20-9-525 must be retained in the school facilities fund.

23 (5) (a) From July 1, 2005, through June 30, ~~2025~~ 2035, the state treasurer shall quarterly transfer
24 to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of
25 the amount that is specified in subsection (2) to be retained in the fund.

26 (b) The state treasurer shall monthly transfer from the big sky economic development fund to the
27 economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding

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1 unrealized gains and losses, required to meet the obligations of the state that are payable from the account in
2 accordance with 90-1-204. Earnings not transferred to the economic development special revenue account
3 must be retained in the big sky economic development fund.

4 (6) Any amount in the coal severance tax bond fund in excess of the amount that is specified in
5 subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be
6 deposited in the coal severance tax permanent fund."

7

8 **Section 2.** Section 17-6-407, MCA, is amended to read:

9 **"17-6-407. Microbusiness development loan account and finance program administrative**

10 **account-- criteria -- limitations.** (1) (a) There is in the state special revenue fund a microbusiness
11 development loan account into which funds allocated for that purpose ~~and money received in repayment of the~~
12 ~~principal of development loans~~ and money received in repayment of the principal of development loans must be
13 deposited.

14 (b) The department may make development loans from the account to a certified microbusiness
15 development corporation.

16 ~~(c) Interest earned on the account must be deposited in the microbusiness finance program~~
17 ~~administrative account established in subsection (2).~~

18 (2) There is ~~in the state special revenue fund a microbusiness finance program administrative~~
19 ~~account into which~~ an economic development state special revenue account created in 90-1-205 in which the
20 following money must be deposited:

21 (a) all interest received on development loans received directly from microbusiness development
22 corporations;

23 (b) service charges or fees received from certified microbusiness development corporations;

24 (c) grants, donations, and private or public income; and

25 (d) all interest earned on money in the account and interest earned on money in the account
26 provided for in subsection (1)(a).

27 ~~(3) Money in the administrative account may be transferred to the development loan account or be~~

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1 ~~used to pay the costs of the program, including personnel, travel, equipment, supplies, consulting costs, and~~
2 ~~other operating expenses of the program.~~

3 (4)(3) Subject to subsection (1), a certified microbusiness development corporation that receives a
4 development loan may apply for an additional loan if the applicant meets the performance criteria established
5 by the department.

6 (5)(4) To establish the criteria for making development loans, the department shall consider:

7 (a) the plan for providing services to microbusinesses;

8 (b) the scope of services to be provided by the certified microbusiness development corporation;

9 (c) the geographic representation of all regions of the state, including urban, rural, and tribal

10 communities;

11 (d) the plan for providing service to minorities, women, and low-income persons;

12 (e) the ability of the corporation to provide business training and technical assistance to

13 microbusiness clients;

14 (f) the ability of the corporation, with a plan, to:

15 (i) monitor and provide financial oversight of recipients of microbusiness loans;

16 (ii) administer a revolving loan fund; and

17 (iii) investigate and qualify financing proposals and to service credit accounts;

18 (g) sources and sufficiency of operating funds for the certified microbusiness development

19 corporation; and

20 (h) the intent of the corporation, with a plan and written indications of local institutional support, to

21 provide services to a designated multicounty region of the state.

22 (6)(5) Development loan funds may be used by a certified microbusiness development corporation to:

23 (a) satisfy matching fund requirements for other state, federal, or private funding only if funding is

24 intended and used for the purpose of providing or enhancing the certified microbusiness development

25 corporation's ability to provide and administer loans, technical assistance, or management training to

26 microbusinesses;

27 (b) establish a revolving loan fund from which the certified microbusiness development corporation

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1 may make loans to qualified microbusinesses, provided that a single loan does not exceed \$100,000 and the
2 outstanding balance of all loans to a microbusiness or a project participated in by more than one microbusiness
3 or to two or more microbusinesses in which any one person holds more than a 20% equity share does not
4 exceed \$100,000;

5 (c) establish a guarantee fund from which the certified microbusiness development corporation
6 may guarantee loans made by financial institutions to qualified microbusinesses. However, a single guarantee
7 may not exceed \$100,000, and the aggregate of all guarantees to a microbusiness or a project participated in
8 by more than one microbusiness or to two or more microbusinesses in which any one person holds more than a
9 20% equity share may not exceed \$100,000.

10 ~~(7)(6)~~ Development loan funds may not be:

11 (a) loaned for relending or investment in stocks, bonds, or other securities or for property not
12 intended for use in production by the recipient of the loan; or

13 (b) used to:

14 (i) refinance a nonperforming loan held by a financial institution; or

15 (ii) pay the operating costs of a certified microbusiness development corporation. However,
16 interest income earned from the proceeds of a development loan may be used to pay operating expenses.

17 ~~(8)(7)~~ Certified microbusiness development corporations are required to contribute cash from other
18 sources to leverage and secure development loans from the program. Contributions provided by the
19 corporation must be on a ratio of at least \$1 from other sources for each \$6 from the program. These
20 contributions may come from a public or private source other than the program and may be in the form of equity
21 capital, loans, or grants.

22 ~~(9)(8)~~ Development loans must be made pursuant to a development loan agreement and may be
23 amortization or term loans, bear interest at less than the market rate, be renewable, be callable, and contain
24 other terms and conditions considered appropriate by the department and that are consistent with the purposes
25 of and with rules promulgated to implement this part.

26 ~~(10)(9)~~ Each certified microbusiness development corporation that receives a development loan under
27 this part shall provide the department with an annual audit from an independent certified public accountant. The

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1 audit must cover all of the microbusiness development corporation's activities and must include verification of
2 compliance with requirements specific to the microbusiness program.

3 ~~(11)~~(10) A certified microbusiness development corporation that is in default for nonperformance under
4 rules established by the department may be required to refund the outstanding balance of development loans
5 awarded prior to the default declaration. A development loan is secured by a first lien on all funds and all
6 receivables administered under the authority of the microbusiness development act by the corporation receiving
7 the loan."

8

9 **Section 3.** Section 17-6-409, MCA, is amended to read:

10 **"17-6-409. Authority to accept funds -- funding authorization.** ~~(4)~~The department may accept
11 grants, donations, and other private and public income, including payments of interest on loans made by the
12 department under the provisions of this part and fees charged by the department. The department shall deposit
13 all money received under this section in the ~~microbusiness finance program administrative account established~~
14 ~~in 17-6-407~~ economic development state special revenue account established in 90-1-205.

15 ~~(2) The money in the microbusiness finance program administrative account may be appropriated for~~
16 ~~the purposes stated in this part."~~

17

18 **Section 4.** Section 39-11-205, MCA, is amended to read:

19 **"39-11-205. Primary sector business training account.** (1) There is an account in the state special
20 revenue fund called the primary sector business training account.

21 (2) On July 1 of each year, the state treasurer shall transfer any funds appropriated to the
22 department of commerce primary sector business training program from the general fund to the primary sector
23 business training account.

24 (3) Money Subject to legislative fund transfer, the money deposited or retained in the account must
25 be used for:

26 (a) the primary sector business training program;

27 (b) program costs; and

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- 1 (c) expenses incurred in administering the primary sector business training program.
2 (4) Money deposited in the account must be retained and may not revert to the general fund.
3 (5) All interest earned on money in the account must be retained and used for the purposes
4 outlined in subsection (3)."
5

6 **Section 5.** Section 90-1-201, MCA, is amended to read:

7 **"90-1-201. Big sky economic development program -- definitions.** (1) (a) There is a big sky
8 economic development program that consists of:

- 9 (i) the big sky economic development fund established in 17-5-703; and
10 (ii) the economic development special revenue account provided for in 90-1-205.
11 (b) Interest and income from the big sky economic development fund may be used to administer
12 the big sky economic development program and to provide financial assistance for qualified economic
13 development purposes under this part.

14 (2) As used in this part, the following definitions apply:

15 ~~(a) "Certified regional development corporation" has the meaning provided in 90-1-116.~~

16 ~~(b)(a) "Department" means the department of commerce provided for in 2-15-1801.~~

17 ~~(e)(b) "Economic development organization" means:~~

18 (i) ~~(A) a private, nonprofit corporation, as provided in Title 35, chapter 2, that is exempt from~~
19 ~~taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) or 501(c)(6); or~~

20 ~~(B) an entity certified by the department under 90-1-116; or~~

21 ~~(C) an entity established by a local government; or~~

22 (ii) an entity actively engaged in economic development and business assistance work in a region
23 of the state.

24 ~~(d) "Employee benefits" means health, welfare, and pension contributions that meet the requirements~~
25 ~~of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.~~

26 (c) "Eligible business" means a for-profit or nonprofit business OR TRIBALLY OWNED BUSINESS that is
27 engaged in business activities in the state that will provide a significant positive economic impact to the

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1 community, region, or state.

2 ~~(e) "High-poverty county" means a county in this state that has a poverty rate greater than Montana's~~
3 ~~average poverty rate as determined by the U.S. bureau of the census estimates for the most current year~~
4 ~~available.~~

5 ~~(f) "Local government" means a county, consolidated government, city, town, or district or local public~~
6 ~~entity with the authority to spend or receive public funds.~~

7 ~~(g) "Tribal government" means one of the federally recognized tribal governments of Montana."~~

8
9 **Section 6.** Section 90-1-202, MCA, is amended to read:

10 **"90-1-202. Purpose.** (1) The legislature finds and declares that economic development is a public
11 purpose. The purpose of the big sky economic development program is to assist in economic development for
12 Montana that will:

13 (a) create good-paying jobs for Montana residents;

14 (b) promote long-term, stable economic growth in Montana;

15 ~~(c) encourage local economic development organizations;~~

16 ~~(d) create partnerships between the state, local governments, tribal governments, and local economic~~
17 ~~development organizations that are interested in pursuing these same economic development goals;~~

18 ~~(e)(c)~~ retain or expand existing businesses;

19 ~~(f)(d)~~ provide a better life for future generations through greater economic growth and prosperity in
20 Montana; and

21 ~~(g)(e)~~ encourage workforce development, including workforce training and job creation, in high-
22 poverty counties by providing targeted assistance.

23 (2) As provided in 30-20-206, manufacturing ammunition components is a qualified economic
24 development purpose."

25

26 **Section 7.** Section 90-1-203, MCA, is amended to read:

27 **"90-1-203. Types of financial assistance available.** (1) The department shall provide for and make

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1 grants and loans available to ~~local governments and tribal governments~~ eligible businesses for economic
2 development projects and to ~~certified regional development corporations~~ from the money in the economic
3 development special revenue account provided for in 90-1-205.

4 (2) A grant or loan may not be used for a project that would result in the transfer or relocation of
5 jobs from one part of the state to another part of the state."

6

7 **Section 8.** Section 90-1-204, MCA, is amended to read:

8 **"90-1-204. Priorities for funding -- rulemaking.** (1) Under the big sky economic development
9 program provided for in 90-1-201, the department must receive proposals for grants and loans from ~~local~~
10 ~~governments and tribal governments~~ eligible businesses AND MAY ACCEPT PROPOSALS FROM ECONOMIC
11 DEVELOPMENT ORGANIZATIONS AND PREFERRED LENDERS ON BEHALF OF BUSINESSES. ~~A local government shall~~
12 Eligible businesses may work with an economic development organization on a proposal. The department shall
13 work with the ~~local government~~ eligible businesses and the economic development organization ~~or with an~~
14 ~~applicant tribal government~~ in preparing cost estimates for a proposed project. In reviewing proposals, the
15 department may consult with other state agencies with expertise pertinent to the proposal.

16 (2) (a) The department shall adopt rules necessary to implement the big sky economic
17 development program prioritizing loans over grants when reasonable IN COLLABORATION WITH ECONOMIC
18 DEVELOPMENT ORGANIZATIONS ACTIVELY SERVING COMMUNITIES. THE DEPARTMENT SHALL CONSIDER LOW-INTEREST
19 LOANS, FORGIVABLE LOANS, AND GRANTS WHEN ADOPTING RULES. ~~In adopting rules, the department shall look to~~
20 ~~the rules adopted for the Montana coal endowment program and other similar state programs. To the extent~~
21 ~~feasible, the department shall make the rules compatible with those other programs. To the extent feasible, the~~
22 ~~department shall employ an approach pertaining to the use of funds so that, except as provided in subsection~~
23 ~~(2)(b), the needs of rural areas are balanced with the needs of the state's urban centers.~~

24 ~~(b) For high poverty counties, the department shall employ an approach pertaining to the use of funds~~
25 ~~that is intended to lower poverty levels in the county to a percentage at which the county no longer is defined as~~
26 ~~a high poverty county.~~

27 ~~(c)(b)~~ The rules must provide for the types of uses of funds available under the big sky economic

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1 development program. The types of uses of funds ~~by these funds~~ include but are not limited to:

2 ~~(i) local governments and tribal governments include but are not limited to:~~

3 ~~(A)(i) a reduction in the interest rate of a commercial loan for the expansion of a basic sector~~
4 ~~company;~~

5 ~~(B)(ii) a grant or low-interest loan for relocation expenses for a basic sector company; and~~

6 ~~(C)(iii) rental assistance or lease buy-downs for a relocation or expansion project for a basic sector~~
7 ~~company;~~

8 ~~(iv) short-term working capital loans; and~~

9 ~~(v) workforce activities or job creation; AND~~

10 ~~(VI) PLANNING PROJECTS THAT WOULD PROVIDE SIGNIFICANT ECONOMIC BENEFIT TO REQUIRE MATCHING~~

11 FUNDS TO BE CONSIDERED.

12 ~~(ii) a certified regional development corporation or a tribal government include:~~

13 ~~(A) support for business improvement districts and central business district redevelopment;~~

14 ~~(B) industrial development;~~

15 ~~(C) feasibility studies;~~

16 ~~(D) creation and maintenance of baseline community profiles; and~~

17 ~~(E) matching funds for federal funds, including but not limited to brownfields funds and natural~~
18 ~~resource damage funds.~~

19 ~~(d) (i) The rules must provide for distribution methods for financial assistance available to local~~
20 ~~governments and tribal governments. The rules must provide for distribution based upon the number of jobs~~
21 ~~expected to be created because of the funding.~~

22 ~~(ii) Funding may not exceed \$5,000 for each expected job, except that funding for a project in a high-~~
23 ~~poverty county may not exceed \$7,500 for each expected job.~~

24 ~~(iii)(c) The rules must require equal matching funds for a grant or loan, except that the rules for a~~
25 ~~grant or a loan in a high-poverty county may allow a 50% to 100% match requirement for the high-poverty~~
26 ~~county.~~

27 ~~(e)(d) The rules may provide for greater incentives for a high-poverty rural county.~~

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1 ~~(f) The rules must provide for the full or partial repayment of a grant if the new jobs or some of the~~
2 ~~new jobs for which a grant is given are not created.~~

3 ~~(g) A grant or loan under the big sky economic development program may be made only for a new job~~
4 ~~that has an average weekly wage that meets or exceeds the lesser of 170% of Montana's current minimum~~
5 ~~wage or the current average weekly wage of the county in which the employees are to be principally employed.~~
6 ~~For purposes of this subsection (2)(g) and subject to subsection (2)(h), the department may consider the value~~
7 ~~of employee benefits in determining whether the wage requirements have been met.~~

8 ~~(h) Nothing in subsection (2)(g) exempts an employer from minimum wage requirements."~~

9
10 **Section 9.** Section 90-1-205, MCA, is amended to read:

11 **"90-1-205. Economic development special revenue account.** (1) There is an economic
12 development state special revenue account. The account receives earnings from the big sky economic
13 development fund as provided in 17-5-703. The money in the account may be used only as provided in this
14 part.

15 (2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the
16 department. ~~Of the~~ The money that is deposited in the account that is not must be used as provided in this part,
17 for administrative expenses, or for other economic development purposes:

18 ~~(a) 75% must be allocated for distribution to local governments and tribal governments to be used for~~
19 ~~job creation efforts; and~~

20 ~~(b) 25% must be allocated for distribution to certified regional development corporations, economic~~
21 ~~development organizations that are located in a county that is not part of a certified regional development~~
22 ~~corporation, and tribal governments."~~

23
24 **NEW SECTION. Section 10. Fund transfers to economic development state special revenue**
25 **account.** By September 1, 2023, the state treasurer shall transfer all funds from the following accounts to the
26 economic development state special revenue account established in 90-1-205:

27 (1) the microbusiness finance program administrative account established in 17-6-407; and

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1 (2) the primary sector business training account established in 39-11-205.

2

3 **NEW SECTION. Section 11. Transfer of defederalized economic development funds.** (1) By
4 September 1, 2023, AND BY SEPTEMBER 1 OF SUBSEQUENT YEARS IN WHICH FUNDS BECOME AVAILABLE, the state
5 treasurer shall transfer the following defederalized funds to the economic development state special revenue
6 account established in 90-1-205:

7 (a) all American Rescue Plan Act of 2021, Public Law 117-2, funds ~~authorized by the American~~
8 ~~rescue plan economic transformation and stabilization and workforce development advisory commission in~~
9 ~~sections 11 and appropriated in section~~ 12, Chapter 401, Laws of 2021, to the office of budget and program
10 planning and allocated for use by the department of commerce for economic development programs, except
11 programs administered by the board of investments;

12 (b) all state small business credit initiative funds authorized by section 15, Chapter 401, Laws of
13 2021, and section 3301 of the American Rescue Plan Act of 2021, Public Law 117-2;

14 (c) all U.S. economic development administration revolving loan funds administered at the
15 department of commerce; and

16 (d) any other defederalized economic development funds administered at the department of
17 commerce.

18 (2) For the purposes of this section, "defederalized" means the federal government has released
19 the federal requirements associated with specific awarded funds; and therefore these funds are no longer
20 considered federal funds and are released of any former obligations of the federal award.

21

22 **NEW SECTION. Section 12. Notification to tribal governments.** The secretary of state shall send a
23 copy of [this act] to each federally recognized tribal government in Montana.

24

25 **NEW SECTION. Section 13. Effective date.** [This act] is effective July 1, 2023.

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