

HB1 ENROLLED



1 SB9Z88-2
2 By Representatives Reynolds, Wood (D), Shedd, Moore (P),
3 Estes, Oliver, Rigsby, Holk-Jones, Baker, Blackshear, Sells
4 RFD: Ways and Means General Fund
5 First Read: 08-Mar-23
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Enrolled, An Act,

To make supplemental appropriations from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Fund for the fiscal year ending September 30, 2023.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$1,060,181,797.72 in federal funds from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Fund to the Department of Finance for the fiscal year ending September 30, 2023:

(a) Up to \$339,175,000 shall be used to support the delivery of health care and related services to citizens of Alabama related to the coronavirus pandemic, of which:

(1) Up to \$200,000,000 shall be used to reimburse hospitals and nursing homes for eligible expenses. Of this amount, \$100,000,000 shall be allocated to hospitals and \$100,000,000 shall be allocated to nursing homes. These funds may be delegated through memorandum of agreement to the Alabama Health Research and Education Foundation, Inc. and the Alabama Nursing Home Association Education Foundation.

(2) Up to \$5,000,000 shall be used to reimburse veterans' hospitals for eligible expenses. These funds may be delegated through memorandum of agreement to the Department of Veterans' Affairs.

(3) Up to \$40,000,000 shall be used to reimburse the State Employees' Insurance Board for eligible expenses.



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(4) Up to \$40,000,000 shall be used to reimburse the Public Education Employees' Health Insurance Board for eligible expenses.

(5) Up to \$25,000,000 shall be used to support mental health programs and services. These funds may be delegated through memorandum of agreement to the Department of Mental Health and the Department of Veterans' Affairs.

(6) Up to \$9,000,000 shall be used to facilitate the expansion and use of telemedicine. Eligible uses shall include the facilitation and expansion of healthcare specializations in rural and community hospitals through telemedicine affiliations with hospitals or health systems in the state and the utilization of telemedicine delivery systems in rural and educational settings. The Department of Finance may delegate these funds through memorandum of agreement to the Alabama Department of Public Health, or any other health care provider.

(7) Up to \$20,000,000 shall be used to assist with a voluntary clinical trial and health care research program to enable greater access to personalized medicine for citizens of Alabama.

(8) Up to \$175,000 shall be used to reimburse expenses related to the coronavirus vaccine voucher programs for public university students.

(b) Up to \$660,000,000 shall be used for eligible water, sewer, and broadband infrastructure investments, of which:

(1) Up to \$260,000,000 shall be used to support the



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improvement and expansion of broadband network access to the citizens of Alabama consistent with the Alabama Connectivity Plan as approved by the Alabama Digital Expansion Authority or as otherwise approved by a vote of at least two-thirds of the members of the Alabama Digital Expansion Authority, and for the modernization of cybersecurity and new broadband infrastructure for existing and new state agencies and entities. These funds may be delegated through memorandum of agreement to the Alabama Department of Economic and Community Affairs' Alabama Digital Expansion Division and the Office of Information Technology. The Alabama Digital Expansion Authority, in collaboration with the Alabama Department of Economic and Community Affairs' Alabama Digital Expansion Division and the Office of Information Technology, shall submit bi-annual reports to the Governor and the Legislature describing the status of the projects undertaken with funds appropriated by this subdivision, with the first report being due by June 30, 2023, and subsequent reports due by January 1 and July 1 of each year until all projects have been completed.

(2) Up to \$400,000,000 shall be used to improve access to clean water to the citizens of Alabama through investments in water and sewer infrastructure projects.

a. Up to \$395,000,000 may be delegated through memorandum of agreement to the Alabama Department of Environmental Management. The Department of Environmental Management shall utilize the funds to implement the following programs:



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85 1. Up to \$195,000,000 shall be provided as grants to
86 water and sewer systems for high-need projects eligible for
87 the Environmental Protection Agency's Clean Water State
88 Revolving Fund or the Drinking Water State Revolving Fund. The
89 high-need projects shall be selected from project requests
90 submitted by public water and sewer systems with priority
91 given to projects located in counties that did not have
92 projects approved for funding in 2022. Other projects shall be
93 awarded based on a ranking system established by the
94 Department of Environmental Management that provides
95 additional weight for projects that facilitate or improve
96 access to water or sewer services.

97
98 2. Up to \$100,000,000 to be provided as matching grants for
99 investments in water and sewer infrastructure projects
100 allowable under 31 CFR 35.6(e)(1)(i), (ii), (iii) and (v).
101 Projects shall be awarded based on a ranking system
102 established by the Department of Environmental Management that
103 includes a factor for the water and sewer needs of growing
104 communities. The Department of Environmental Management may
105 establish matching requirements for grant recipients with
106 consideration for ability to pay. Matching funds may be
107 provided from Local Coronavirus Fiscal Recovery Funds, in kind
108 contributions, or any other source of funds made available for
109 this purpose.

110 3. Up to \$100,000,000 to be provided as state-wide
111 matching grants for investments in water and sewer
112 infrastructure projects allowable under 31 CFR 35.6(e)(1)(i),



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(ii), (iii) and (v). Projects shall be awarded based on a ranking system established by the Department of Environmental Management that includes a factor for the water and sewer needs of growing communities. The Department of Environmental Management shall require matching funds from grant recipients of thirty-five percent (35%) or more. Matching funds may be provided from Local Coronavirus Fiscal Recovery Funds, or any other source of funds made available for this purpose.

b. Up to \$5,000,000 may be delegated through a memorandum of agreement with the Department of Public Health. The Department of Public Health shall utilize these funds to provide grants for wastewater improvements through the engineered septic system program in the Alabama Black Belt areas of low population density, rural poverty, and/or soils with poor perc characteristics, where there is a finding of discharge of raw sewage onto the ground due to the utilization of straight pipes, failing septic systems, or similar circumstances.

(c) Up to \$55,000,000 shall be used for eligible programs or services in response to the negative economic impacts of the public health emergency. The Department of Finance may delegate these funds through memorandum of agreement to any state agency or association or provider of eligible programs and services. The programs and services eligible for funding in this category include:

(1) Food assistance through food banks.

(2) Programs that provide services to child-welfare involved families.



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(3) Programs that provide services to victims of domestic violence.

(4) Programs that provide services for senior citizens.

(5) Programs that provide services for mental health disorders and behavioral analysis.

(6) Programs that support long-term housing security.

(7) Programs that provide summer learning opportunities or athletic programs or services to school-aged children.

(d) Up to \$5,000,000 shall be used for response and mitigation expenses related to the coronavirus pandemic, which shall be used to reimburse the Alabama Department of Labor for the expense of conducting hearings related to the receipt and use of coronavirus unemployment benefits.

(e) Up to \$1,006,797.72 shall be used to reimburse costs for the administration, auditing, and reporting requirements of the state fiscal recovery funds.

Section 2. (a) Any amount of the funds appropriated in this act remaining unexpended on September 30, 2023, shall be reappropriated for the same purposes for the fiscal year beginning October 1, 2023, and for all fiscal years thereafter extending through December 31, 2026.

(b) In the event that any of the appropriations to any of the categories listed above needs to be adjusted for the utilization of available funds or if the uses above are deemed ineligible uses of the federal funds by the United States Congress, the United States Department of the Treasury, or any other federal entity of competent jurisdiction, the Director of Finance shall obtain written approval of a majority of the



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Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, the Minority Leader of the Senate, and the chair of each budget committee of the Legislature to reallocate funds among the categories listed above prior to any such reallocation.

(c) Any delegate or subrecipient of funds appropriated in this act shall comply with all federal reporting requirements and ensure proper utilization of the funds appropriated. The delegate or subrecipient shall be solely liable for any penalties or repayment requirements for inappropriate use of funds appropriated.

(d) To ensure the state complies with all requirements of the American Rescue Plan Act, any delegate or subrecipient of any of the funds appropriated in this act shall provide all information requested by the Department of Finance in a complete and timely manner.

(e) Any state agency administering a grant program for funds appropriated by this act, shall not deny a timely submitted application based on a technical deficiency without first offering to assist the applicant correct the deficiency so long as the agency has the capacity and expertise available.

Section 3. The co-chairs of the Joint Legislative Oversight Committee on American Rescue Plan Act State Funds, as established by Act 2022-1, on behalf of the oversight committee, shall have authority to request and receive reports from the Department of Finance and to request and receive



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197 supplemental information or data from the Department of
198 Finance or any other administering agency or entity related to
199 the implementation of the programs funded in this act and any
200 other act appropriating Coronavirus State Fiscal Recovery
201 Funds or Coronavirus Capital Projects Funds, including as to
202 the related memorandum of agreement, and to conduct hearings
203 and receive testimony therein related to the implementation of
204 the aforesaid programs.

205 Section 4. The Department of Finance shall provide a
206 copy of all expenditure reports required to be filed with the
207 Department of the Treasury regarding the Coronavirus State
208 Fiscal Recovery Funds to the Legislature within five days of
209 filing the report. The report may be delivered electronically
210 to the Legislative Fiscal Officer for distribution.

211 Section 5. This act shall become effective immediately
212 upon its passage and approval by the Governor, or its
213 otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 14-Mar-23.

John Treadwell
Clerk

Senate	16-MAR-23	Amended and Passed
House	16-MAR-23	Concurred in Senate Amendment