

**CHAPTER 195****( SB 36 )**

AN ACT providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. There is hereby appropriated \$250,000,000 in Federal Funds in fiscal year 2021-2022 from the American Rescue Plan Act of 2021 Coronavirus State Fiscal Recovery Fund to the Kentucky Infrastructure Authority for the Drinking Water and Wastewater Grant Program. The \$250,000,000 appropriation shall be allocated in the following manner:

(1) \$75,000 shall be available to the Kentucky Infrastructure Authority for administering the grant program;

(2) \$150,000,000 shall be allocated to each county based on population. The county allocations shall be determined by each county's proportion of the state's population from the 2019 census data, with the exception of Jefferson County's share, which is discounted by 50 percent based on its high per capita allocation from the federal Coronavirus Local Fiscal Recovery Fund from the American Rescue Plan Act of 2021. The allocations by county shall serve as a funding cap for projects within that county. No county's proportionate share shall be reallocated unless by the express authority of the General Assembly;

(3) \$50,000,000 shall be available to the Kentucky Infrastructure Authority for grants to counties to provide drinking water services to unserved rural customers or to counties under a federal consent decree. The Kentucky Infrastructure Authority shall consider the social, economic, and environmental benefits in determining grant allocations;

(4) \$49,925,000 shall be available to the Kentucky Infrastructure Authority to supplement a project grant for a project whose cost is in excess of a county's allocation amount and other available grant sources. The Kentucky Infrastructure Authority shall consider the social, economic, and environmental benefits in determining project allocations; and

(5) Project allocations for projects that include multiple counties are eligible to access allocations from affected counties.

The Kentucky Infrastructure Authority shall promulgate administrative regulations to ensure that project approvals are based on rational criteria and include a project's readiness to proceed and the project's social, economic, and environmental benefits.

➔Section 2. **Substance Abuse, Mental Health, and Reentry Service Centers:** (1) Notwithstanding any statute to the contrary, beginning in fiscal year 2021-2022, the Department of Corrections shall pay each contracted provider of substance abuse, mental health, and reentry centers a minimum of 65 percent of the contracted beds monthly. Any contracted, but unfilled contracted beds as of the effective date of this Act may, at the discretion of the provider, be terminated.

(2) Each contracted provider, as provided for in subsection (1) of this section, shall report 100 percent of their occupancy to the Department of Corrections. The report shall detail the total number of beds, the number of beds available, the type of individual occupying bed space, and shall be submitted in a method and at a frequency established by the Department's discretion.

(3) Notwithstanding any statute to the contrary, the Department of Corrections shall be permitted to negotiate an inflationary price increase for contracted providers of substance abuse, mental health, and reentry centers during the COVID-19 state of emergency.

➔Section 3. Whereas the provisions of this Act provide financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

**Signed by Governor April 7, 2021.**

