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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representatives Bounds, Karriem

House Bill 1788

(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $50,000,000.00 TO THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM FUND; TO CREATE THE "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY ACT"; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR GRANTS TO MISSISSIPPI PUBLIC SCHOOL DISTRICTS, INDEPENDENT SCHOOLS AND NATIVE AMERICAN TRIBAL SCHOOL DISTRICTS; TO PROVIDE THAT THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM SHALL BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION, FOR THE PURPOSE OF MAKING GRANTS TO ELIGIBLE SCHOOL DISTRICTS AND SCHOOLS TO PROVIDE THEM WITH GRANT MONIES FOR ELIGIBLE EXPENSES; TO DIRECT THE MISSISSIPPI DEPARTMENT OF EDUCATION TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM; TO PRESCRIBE THE REQUIREMENTS FOR THE GRANTS; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT AND REGULATION OF THE MISSISSIPPI DEPARTMENT OF EDUCATION, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO TRANSFER UNDISTRIBUTED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Upon the effective date of this act, the State Fiscal Officer shall transfer to the Mississippi Pandemic Response Broadband Availability Grant Program Fund out of the Budget Contingency Fund..... $ 50,000,000.00.

SECTION 2. Sections 2 through 5 of this act shall be known and may be cited as the "Mississippi Pandemic Response Broadband Availability Act."

SECTION 3. (1) The Legislature finds and declares that due to the COVID-19 pandemic there is an immediate increased need for reliable Internet service in Mississippi, including expanded broadband access, to facilitate and assist with distance learning. Therefore, the Mississippi Department of Education shall establish the Mississippi Pandemic Response Broadband Availability Grant Program to provide grants to Mississippi public school districts, independent schools and Native American tribal schools for the purpose of expanding broadband access in the unserved areas of the State of Mississippi.

(2) As used in this act, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Broadband access" means access to broadband services as defined in Section 77-17-3(d).

(b) "COVID-19" means the Coronavirus Disease 2019.

(c) "Department" means the Mississippi Department of Education.

(3) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Pandemic Response Broadband Availability Grant Program Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used for the purpose of providing payments to eligible Mississippi public school districts, independent schools and Native American tribal school districts as provided in this act. Monies in the fund shall be administered and disbursed by the department in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on December 1, 2020, there are undistributed monies in the fund, or if at any other time undistributed monies in the fund are determined by the department to be ineligible to be spent by the department, those monies shall be transferred to the Unemployment Compensation Fund.

SECTION 4. (1) The department shall distribute grant monies, without the requirement of application by school districts or schools, as equitably and efficiently as possible after determining the unserved areas of the state using the latest publicly available Federal Communications Commission broadband data, and after determining which and to what extent Mississippi public school districts, independent schools and Native American tribal school districts educate students living in such unserved areas of the state. The Mississippi Department of Education shall consult with the Mississippi Association of Independent Schools and the administrations of the Native American tribal school districts in determining which and to what extent such schools and schools districts educate students living in such unserved areas of the state. Any grant monies provided under this act shall be spent by the recipient school district no later than December 1, 2020, or by such later date as may be specified in the guidelines, guidance, rules, regulations and/or other criteria of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act. Grants shall be conditioned on the school district or school broadband provider agreements including that broadband capacity shall be expanded to a significant extent for the district's or school's students during the COVID-19 public health emergency.

(2) The department may develop regulations and procedures to govern the administration of the program.

SECTION 5. (1) The grant monies distributed under this act shall be used by school districts and schools to negotiate and contract with existing or potential broadband providers to increase or gain broadband access for the unserved areas where their students reside. To achieve such increased broadband access, the school districts and schools may utilize any broadband technology available to increase or gain broadband access in the unserved areas.

(2) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Department of Education. A school district or school found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Recipient school districts and schools shall confirm their understanding of these terms.

(3) Mississippi public school districts, independent schools and Native American tribal schools that receive grant monies under this act shall provide periodic project status reports to the Mississippi Department of Education and any other documentation that the Mississippi Department of Education determines is necessary to ensure compliance with this act and the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.

SECTION 6. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 7. This act shall take effect and be in force from and after its passage.

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