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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: County Affairs

By: Senator(s) Hill, Barnett, Blackwell, Branning, Butler, Chassaniol, DeBar, Fillingane, Harkins, Jackson (11th), Jackson (32nd), Jordan, McCaughn, McLendon, McMahan, Norwood, Parker, Parks, Seymour, Simmons (12th), Simmons (13th), Suber, Tate, Thomas, Thompson, Witherspoon, Younger

Senate Bill 3047

(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI COUNTY AND MUNICIPALITY EMERGENCY RELIEF PROGRAM WHICH SHALL BE ADMINISTERED BY THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO REIMBURSE COUNTIES AND MUNICIPALITIES FOR ELIGIBLE EXPENDITURES INCURRED IN RESPONSE TO THE COVID-19 PANDEMIC; TO DEFINE TERMS; TO DEFINE THE TERM "ELIGIBLE EXPENDITURE" ACCORDING TO THE UNITED STATES TREASURY GUIDELINES; TO REQUIRE THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO PROMULGATE REGULATIONS AND DEVELOP PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM, INCLUDING A REIMBURSEMENT PROCESS; TO PROVIDE THAT THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY MAY RETAIN A CERTAIN AMOUNT OF FUNDS TO ADMINISTER THE PROGRAM; TO REQUIRE PARTICIPATING COUNTIES AND MUNICIPALITIES TO SUBMIT A CERTIFIED APPLICATION AND AN ITEMIZED RECEIPT AND/OR INVOICE IN ORDER TO BE REIMBURSED; TO DESCRIBE THE DISTRIBUTION OF FUNDS TO COUNTIES AND MUNICIPALITIES; TO PROVIDE THAT THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY SHALL DISBURSE THE FUNDS TO COUNTIES AND MUNICIPALITIES AS AUTHORIZED BY THIS ACT FROM THE COVID-19 FUND (FUND NUMBER 5820200000); TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

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

SECTION 1. There is established the Mississippi County and Municipality Emergency Relief Program, which shall be administered by the Mississippi Emergency Management Agency for the purpose of reimbursing counties and municipalities for eligible expenditures incurred in response to the COVID-19 pandemic.

SECTION 2. For purposes of this act, the following words shall have the meanings ascribed herein unless the context otherwise requires:

(a) "Program" means the Mississippi County and Municipality Emergency Relief Program established in this act.

(b) "Agency" means the Mississippi Emergency Management Agency.

(c) "County" means any county within the state.

(d) "Municipality" means any municipality within the state.

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

(f) "CARES Act" means the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(g) "Coronavirus Relief Fund" means the fund created by the CARES Act.

(h) "Eligible expenditure" means a cost incurred that is reimbursable from funds received from the Coronavirus Relief Fund under the guidance and guidelines of the United States Department of the Treasury, including, but not limited to:

(i) Medical expenses such as:

1. COVID-19-related expenses of public hospitals, clinics, and similar facilities.

2. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.

3. Costs of providing COVID-19 testing, including serological testing.

4. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.

(ii) Public health expenses such as:

1. Expenses for communication and enforcement by territorial, local, and tribal governments of public health orders related to COVID-19.

2. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.

3. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.

4. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.

5. Expenses for public safety measures undertaken in response to COVID-19.

6. Expenses for quarantining individuals.

(iii) Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

(iv) Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:

1. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.

2. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

3. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.

4. COVID-19-related expenses of maintaining state prisons and county jails, including as it relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.

5. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

(v) Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:

1. Expenditures related to a state, territorial, local, or tribal government payroll support program.

2. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

(vi) Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Coronavirus Relief Fund's eligibility criteria.

"Eligible expenditure" does not include expenses for the state share of Medicaid, damages covered by insurance, payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by states to state unemployment funds, reimbursement to donors for donated items or services, workforce bonuses other than hazard pay or overtime, severance pay, legal settlements or any other expenditure determined to be ineligible by the agency.

SECTION 3. (1) The agency shall:

(a) Promulgate regulations and develop procedures to govern the administration of this program, including a reimbursement process with a written form for each county or municipality to submit eligible expenditures to the agency and receive reimbursement from the agency;

(b) Inform each county and municipality of its portion of the funds set aside under Section 5 of this act;

(c) Inform each county and municipality of the requirements for reimbursement under the program, including the definition of an eligible expenditure under Section 2(h) of this act;

(d) Begin making initial disbursements to the counties and municipalities no later than August 15, 2020, for applicable, submitted eligible expenditures; and

(e) Continue to accept and reimburse rolling applications after August 15, 2020.

(2) The agency may retain up to Five Hundred Thousand Dollars ($500,000.00) of funds available under this act to administer this program.

SECTION 4. To be eligible under this grant program, a county or municipality shall submit:

(a) A Request for Public Assistance (RPA) to the agency, detailing each eligible expenditure;

(b) The original, itemized receipts and/or invoices of purchases and services paid by the county or municipality or the substantiated equivalent thereof as determined by the agency;

(c) Documentation of any funds received from any source to reimburse COVID-19-related expenses; and

(d) A specific job description of and rationale for any work performed by an employee who received hazard pay.

SECTION 5. Subject to appropriations by the Legislature each county or municipality shall have set aside a pro rata share of the monies in the funds for reimbursement of qualified expenditures according to the population of the county or municipality as listed in the 2010 U.S. Census.

SECTION 6. (1) Funds appropriated for purposes of this act shall be deposited into COVID-19 Fund (Fund Number 6820174100) and the agency shall create separate internal order numbers for county emergency relief assistance funds, from which the agency shall disburse the funds to counties as authorized by this act as well as the municipality emergency relief assistance funds, from which the agency shall disburse the funds to municipalities authorized by this act.

(2) All monies shall be disbursed from the COVID-19 Fund described in subsection (1) of this section 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 CARES Act. If on November 30, 2020, there are unobligated monies in the COVID-19 Fund described in subsection (1) of this section, including any undisbursed portion of a county's or municipality's pro-rata share, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act.

(3) The use of funds allocated under this program shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. Each county or municipality, or other entity or person receiving funds under this program, found to be fully or partially noncompliant with the requirements in this act, shall return to the state all or a portion of the funds received.

SECTION 7. The agency shall report on the utilization of the program to the Chair of the County Affairs and Municipalities Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor by September 1, 2020. At a minimum, the report shall contain:

(a) The name of each participating county and municipality;

(b) The total amount of reimbursement requested by each county and municipality; and

(c) The total amount of reimbursement received by each county and municipality.

SECTION 8. 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 matter affected thereby but shall remain in full force and effect.

SECTION 9. This act shall take effect and be in force from and after its passage.

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