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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representatives Scoggin, Faulkner

House Bill 1794

(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION FROM THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF GRANT FUND" TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR PURPOSES OF ADMINISTERING THE GRANT PROGRAM CREATED TO PROVIDE THE REIMBURSEMENT OF ELIGIBLE EXPENSES FOR THE MITIGATION OF THE IMPACT OF COVID-19; MAKING AN APPROPRIATION FROM THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT FUND" TO THE MISSISSIPPI DEVELOPMENT AUTHORITY TO ADMINISTER THE GRANT PROGRAM CREATED TO PROVIDE THE REIMBURSEMENT OF ELIGIBLE EXPENSES FOR THE MITIGATION OF THE IMPACT OF COVID-19; AND FOR RELATED PURPOSES.

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

SECTION 1. The following sum, or so much of it as may be necessary, is appropriated out of any money in the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund," to the Department of Finance and Administration for purposes of administering the "Postsecondary Education COVID-19 Mitigation Relief Program Act," established in Sections 1 through 6 of House Bill No. 1793, 2020 Regular Session, for the period beginning July 1, 2020, and ending December 30, 2020 .... $ 100,000,000.00.

SECTION 2. The following sum, or so much of it as may be necessary, is appropriated out of any money in the "Independent Schools' COVID-19 Assistance Grant Fund," to the Mississippi Development Authority (MDA) for purposes of administering the "Independent Schools' COVID-19 Assistance Grant Program Act," established in Sections 7 through 12 of House Bill No. 1793, 2020 Regular Session, for the period beginning July 1, 2020, and ending December 30, 2020 .... $ 10,000,000.00.

SECTION 3. (1) As used in this section and Section 4 of this act, the term "agency" means the Department of Finance and Administration or the Mississippi Development Authority, as the case may be.

(2) The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the board's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

SECTION 4. (1) As a condition of receiving and expending the funds appropriated to the agency under this act, the agency shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the agency under Sections 1 and 2 of this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(2) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the federal CARES Act (a) determines that the agency has expended or otherwise used any of the funds appropriated to the board under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the federal CARES Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the agency, then the agency, which expended or otherwise used those funds improperly, shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

SECTION 5. The money appropriated by this act shall be paid by the State Treasurer out of any money in the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund" or the "Independent Schools' COVID-19 Assistance Grant Fund," as the case may be, not otherwise appropriated, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 6. This act shall take effect and be in force from and after July 1, 2020.

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