The following has special meaning:
green underline denotes added text
~~red-struck-out text denotes deleted text~~

Powered by State Net

2020 MS H 1728	**Author:** Read **Version:** Enacted **Version Date:** 07/08/2020

MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Appropriations

By: Representative Read

House Bill 1728

(As Sent to Governor)

AN ACT MAKING AN ADDITIONAL APPROPRIATION FROM THE BUDGET CONTINGENCY FUND TO THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO DEFRAY ELIGIBLE COVID-19 EXPENSES FOR FISCAL YEAR 2021; MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY FUND TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR THE PURPOSE OF ADDRESSING OR RELATING TO THE PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC; MAKING AN APPROPRIATION TO THE ADMINISTRATIVE OFFICE OF COURTS FOR THE PURPOSE OF ELIMINATING THE BACKLOG OF CASES, OTHER EXPENSES, AND IMPROVING TELEWORK CAPABILITIES FOR EMPLOYEES DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY; AND FOR RELATED PURPOSES.

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

SECTION 1. In addition to all other sums herein appropriated to the agency, the following sum, or so much thereof as may be necessary, is appropriated out of any money to the credit of the Budget Contingency Fund, and allocated in a manner as determined by the Treasurer's Office to defray the expenses of the Mississippi Emergency Management Agency, for the period beginning upon passage of this act and ending December 30, 2020.....$ 40,000,000.00.

This additional appropriation is made for the purpose of defraying expenses and matching federal dollars incurred in connection with the Coronavirus Disease 2019 (COVID-19) as allowed under Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act or any guidance or regulation issued by the United States Department of the Treasury in conformity therewith.

SECTION 2. The following sum, or so much of it as may be necessary, is appropriated out of any money in the Budget Contingency Fund not otherwise appropriated, to the Mississippi Department of Corrections for purposes described in Section 3 of this act, for the period beginning upon July 1, 2020, and ending December 30, 2020.....$20,000,000.00.

SECTION 3. The funds appropriated under Section 2 of this act shall be expended by the Mississippi Department of Corrections for the following purposes:

(a) Providing funds to the fifteen (15) regional correctional facilities to pay for personal protective equipment (PPE) for staff and inmates at the regional facilities, test kits, distant learning projects, virtual visitation solution, analytical software and IT analysts, switch and network equipment upgrade and any other eligible COVID-19 related expenses....$4,275,000.00.

(b) Providing funds to the state's private correctional facilities to pay for personal protective equipment (PPE) for staff and inmates within the private correctional facilities, test kits, distant learning projects, virtual visitation solution, analytical software and IT analysts, switch and network equipment upgrade and any other eligible COVID-19 related expenses.....$1,500,000.00.

(c) Providing funds to the state's correctional facilities to pay for personal protective equipment (PPE) for staff and inmates within the state's correctional facilities, isolation or quarantine housing for parolees and/or discharged inmates who do not have appropriate housing available upon release, test kits, distant learning projects, virtual visitation solution, analytical software and IT analysts, switch and network equipment upgrade and any other eligible COVID-19 related expenses.....$14,225,000.00.

SECTION 4. The Mississippi Department of Corrections shall not disburse any funds appropriated under Section 2 of this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency'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 Mississippi Department of Corrections shall ensure that all funds appropriated under Section 2 of 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 5. (1) As a condition of receiving and expending the funds appropriated to the Mississippi Department of Corrections under Section 2 of this act, the department shall certify that each expenditure of the funds appropriated to the department under Section 2 of this act is 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 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 CARES Act (a) determines that the Mississippi Department of Corrections or recipient has expended or otherwise used any of the funds appropriated to the Mississippi Department of Corrections under Section 2 of this act for any purpose that is not 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, 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 Mississippi Department of Corrections or recipient, then the Mississippi Department of Corrections or recipient, as the case may be, that 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 6. The following sum, or so much of it as may be necessary, is appropriated out of any money in the Budget Contingency Fund not otherwise appropriated, to the Administrative Office of Courts for the purposes described in Section 7 of this act for the period beginning July 1, 2020, and ending December 30, 2020.....$ 2,500,000.00

SECTION 7. The money appropriated to the Administrative Office of Courts in Section 6 of this act shall be distributed as follows:

(a) To the Mississippi Supreme Court for the purpose of eliminating the backlog of thirty thousand (30,000) cases caused by the inability of courts to presently process cases to conclusion due to the COVID-19 public health emergency, and other expenses due to the COVID-19 public health emergency.....$ 116,915.00

(b) To the Mississippi Court of Appeals for the purpose of eliminating the backlog of thirty thousand (30,000) cases caused by the inability of courts to presently process cases to conclusion due to the COVID-19 public health emergency, and other expenses due to the COVID-19 public health emergency.....$ 87,790.00

(c) For the purpose of appointing senior trial judges to eliminate the backlog of thirty thousand (30,000) cases caused by the inability of trial courts to presently process cases to conclusion due to the COVID-19 public health emergency, providing technology purchases to improve telework capabilities due to the increased need of telework services caused by the COVID-19 public health emergency, and other expenses due to the COVID-19 public health emergency.....$ 2,171,480.00

(d) For providing technology purchases to improve telework capabilities due to the increased need of telework services caused by the COVID-19 public health emergency, and other expenses due to the COVID-19 public health emergency.....$ 100,015.00

(e) To the Commission on Continuing Legal Education for other expenses due to the COVID-19 public health emergency.....$ 5,000.00

(f) To the Board of Bar Admissions for other expenses due to the COVID-19 public health emergency.....$ 18,800.00

SECTION 8. None of the funds appropriated under Section 6 of this act shall be expended or otherwise used for any purpose by the Administrative Office of Courts or by any recipient of those funds if the Administrative Office of Courts or recipient has received reimbursement for that expenditure or other use from another source of funds.

SECTION 9. The Administrative Office of Courts shall not disburse any funds appropriated under Section 6 of this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the Administrative Office of Courts' 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 Administrative Office of Courts 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 10. (1) As a condition of receiving and expending the funds appropriated to the Administrative Office of Courts under Section 6 of this act, the Administrative Office of Courts shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the Administrative Office of Courts under Section 6 of this act is 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.

(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 CARES Act (a) determines that the Administrative Office of Courts or recipient has expended or otherwise used any of the funds appropriated to the Administrative Office of Courts under Section 6 of this act for any purpose that is not 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, 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 Administrative Office of Courts or recipient, then the Administrative Office of Courts or recipient that 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 11. The money appropriated by this act shall be paid by the State Treasurer out of any money in the Budget Contingency Fund 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 12. This act shall take effect and be in force from and after July 1, 2020.

Copyright © 2022 State Net