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To: County Affairs

SENATE BILL NO. 3047
(As Sent to Governor)

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

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

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



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

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

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

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

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

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

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

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

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

45 (i) Medical expenses such as:

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

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



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

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

55 (ii) Public health expenses such as:

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

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

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

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

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

75 6. Expenses for quarantining individuals.



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

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

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

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

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

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

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



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

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

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

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

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

122 **SECTION 3.** (1) The agency shall:



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

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

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

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

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

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

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

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



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

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

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

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

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

166 (2) All monies shall be disbursed from the COVID-19 Fund
167 described in subsection (1) of this section in compliance with the
168 guidelines, guidance, rules, regulations and/or other criteria, as
169 may be amended from time to time, of the United States Department
170 of the Treasury regarding the use of monies from the Coronavirus



171 Relief Fund established by the CARES Act. If on November 30,
172 2020, there are unobligated monies in the COVID-19 Fund described
173 in subsection (1) of this section, including any undisbursed
174 portion of a county's or municipality's pro-rata share, the
175 Governor shall have the discretion to transfer monies to another
176 state agency to be used for eligible expenditures pursuant to the
177 CARES Act.

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

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

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

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

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



196 **SECTION 8.** If any section, paragraph, sentence, clause,
197 phrase, or any part of this act is declared to be in conflict with
198 federal law, or if for any reason is declared to be invalid or of
199 no effect, the remaining sections, paragraphs, sentences, clauses,
200 phrases or parts thereof shall be in no matter affected thereby
201 but shall remain in full force and effect.

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

