

Senate Amendments to House Bill No. 1788

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

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

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

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

55 (3) There is hereby created in the State Treasury a special
56 fund to be designated as the "Mississippi Pandemic Response
57 Broadband Availability Grant Program Fund," which shall consist of
58 funds made available by the Legislature in any manner and funds
59 from any other source designated for deposit into such fund.
60 Unexpended amounts remaining in the fund at the end of a fiscal
61 year shall not lapse into the State General Fund, and any
62 investment earnings or interest earned on amounts in the fund
63 shall be deposited to the credit of the fund. Monies in the fund
64 shall be used for the purpose of providing payments to eligible
65 Mississippi public school districts, independent schools and
66 Native American tribal school districts as provided in this act.
67 Monies in the fund shall be administered and disbursed by the
68 department in compliance with the guidelines, guidance, rules,
69 regulations and/or other criteria, as may be amended from time to
70 time, of the United States Department of the Treasury regarding
71 the use of monies from the Coronavirus Relief Fund established by
72 the Coronavirus Aid, Relief, and Economic Security Act. If on

73 December 1, 2020, there are undistributed monies in the fund, or
74 if at any other time undistributed monies in the fund are
75 determined by the department to be ineligible to be spent by the
76 department, those monies shall be transferred to the Unemployment
77 Compensation Fund.

78 **SECTION 4.** (1) The department shall distribute grant
79 monies, without the requirement of application by school districts
80 or schools, as equitably and efficiently as possible after
81 determining the unserved areas of the state using the latest
82 publicly available Federal Communications Commission broadband
83 data, and after determining which and to what extent Mississippi
84 public school districts, independent schools and Native American
85 tribal school districts educate students living in such unserved
86 areas of the state. The Mississippi Department of Education shall
87 consult with the Mississippi Association of Independent Schools
88 and the administrations of the Native American tribal school
89 districts in determining which and to what extent such schools and
90 schools districts educate students living in such unserved areas
91 of the state. Any grant monies provided under this act shall be
92 spent by the recipient school district no later than December 1,
93 2020, or by such later date as may be specified in the guidelines,
94 guidance, rules, regulations and/or other criteria of the United
95 States Department of the Treasury regarding the use of monies from
96 the Coronavirus Relief Fund established in Section 5001 of the
97 Coronavirus Aid, Relief, and Economic Security Act. Grants shall
98 be conditioned on the school district or school broadband provider

99 agreements including that broadband capacity shall be expanded to
100 a significant extent for the district's or school's students
101 during the COVID-19 public health emergency.

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

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

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

119 (3) Mississippi public school districts, independent schools
120 and Native American tribal schools that receive grant monies under
121 this act shall provide periodic project status reports to the
122 Mississippi Department of Education and any other documentation
123 that the Mississippi Department of Education determines is
124 necessary to ensure compliance with this act and the United States

125 Department of the Treasury regarding the use of monies from the
126 Coronavirus Relief Fund established in Section 5001 of the
127 Coronavirus Aid, Relief, and Economic Security Act.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER
2 \$50,000,000.00 TO THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND
3 AVAILABILITY GRANT PROGRAM FUND; TO CREATE THE "MISSISSIPPI
4 PANDEMIC RESPONSE BROADBAND AVAILABILITY ACT"; TO PROVIDE A
5 STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE
6 "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT
7 PROGRAM FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE
8 PURPOSE OF PROVIDING FUNDS FOR GRANTS TO MISSISSIPPI PUBLIC SCHOOL
9 DISTRICTS, INDEPENDENT SCHOOLS AND NATIVE AMERICAN TRIBAL SCHOOL
10 DISTRICTS; TO PROVIDE THAT THE MISSISSIPPI PANDEMIC RESPONSE
11 BROADBAND AVAILABILITY GRANT PROGRAM SHALL BE ADMINISTERED BY THE
12 MISSISSIPPI DEPARTMENT OF EDUCATION, FOR THE PURPOSE OF MAKING
13 GRANTS TO ELIGIBLE SCHOOL DISTRICTS AND SCHOOLS TO PROVIDE THEM
14 WITH GRANT MONIES FOR ELIGIBLE EXPENSES; TO DIRECT THE MISSISSIPPI
15 DEPARTMENT OF EDUCATION TO DEVELOP REGULATIONS AND PROCEDURES TO
16 GOVERN THE ADMINISTRATION OF THE PROGRAM; TO PRESCRIBE THE
17 REQUIREMENTS FOR THE GRANTS; TO SPECIFY THAT THE USE OF GRANT
18 FUNDS SHALL BE SUBJECT TO AUDIT AND REGULATION OF THE MISSISSIPPI
19 DEPARTMENT OF EDUCATION, AND NONCOMPLIANCE WITH THE TERMS OF THE
20 GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO
21 SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND
22 IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND
23 GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY
24 REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO

25 TRANSFER UNDISTRIBUTED MONIES IN THE FUND AS OF DECEMBER 1, 2020,
26 TO THE UNEMPLOYMENT COMPENSATION FUND; TO PROVIDE THAT A
27 DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT
28 THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate