

By: Representatives Johnson, Anthony

To: Appropriations

HOUSE BILL NO. 331

1 AN ACT TO CREATE THE HELPING MISSISSIPPIANS AFFORD BROADBAND
 2 ACT; TO MAKE AN APPROPRIATION FROM THE CORONAVIRUS STATE FISCAL
 3 RECOVERY FUND TO THE MISSISSIPPI DEPARTMENT OF INFORMATION
 4 TECHNOLOGY SERVICES; TO DEFINE TERMS AS USED IN THE ACT; TO
 5 REQUIRE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES, IN
 6 CONJUNCTION WITH THE WIRELESS COMMUNICATION COMMISSION, TO CREATE
 7 A PROGRAM FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO
 8 ELIGIBLE HOUSEHOLDS TO PURCHASE BROADBAND SERVICES; TO PROVIDE
 9 FINANCIAL ASSISTANCE TO PROVIDERS IN ORDER TO REDUCE BROADBAND
 10 COSTS TO HOUSEHOLDS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** This act may be cited as the "Helping
 13 Mississippians Afford Broadband Act."

14 **SECTION 2.** The following sum, or so much of it as may be
 15 necessary, is appropriated out of any money in the Coronavirus
 16 State Fiscal Recovery Fund not otherwise appropriated, to the
 17 Mississippi Department of Information Technology Services for the
 18 purposes described in Section 4 of this act, for the period
 19 beginning July 1, 2023, and ending June 30, 2024.....
 20\$ 100,000,000.00.



21 **SECTION 3.** As used in this act, the following words shall
22 have the meanings ascribed herein unless the context clearly
23 requires otherwise:

24 (a) "Commission" means Wireless Communication
25 Commission.

26 (b) "Department" means Department of Information
27 Technology Services.

28 (c) "Provider" means a broadband Internet access
29 service provider, including any telecommunications company, cable
30 television company, or wireless network provider that provides
31 broadband Internet access service.

32 (d) "Eligible households" are defined as those
33 households that have already been approved to receive the federal
34 Emergency Broadband Benefit (EBB) or the federal Affordable
35 Connectivity Program (ACP) benefit.

36 **SECTION 4.** (1) Using the funds appropriated under Section 2
37 of this act, the department in conjunction with the commission
38 shall create a program for the purpose of providing financial
39 assistance to eligible households to purchase broadband services.
40 An amount not to exceed Fifteen Dollars (\$15.00) per month per
41 household shall be paid directly to providers to reduce broadband
42 costs for households. Either a provider or a household may apply
43 for the benefit.

44 (2) The department, in conjunction with the commission shall
45 appoint an ombudsman to monitor the program created in this



46 section. The ombudsman shall advocate for those eligible to
47 receive the financial assistance and shall work to ensure the
48 financial assistance reaches the underserved communities that need
49 it most.

50 **SECTION 5.** The department shall not disburse any funds
51 appropriated under this act to any recipient without first: (a)
52 making an individualized determination that the reimbursement
53 sought is, in the department's independent judgment, for necessary
54 expenditures eligible under Section 602 of the federal Social
55 Security Act as added by Section 9901 of the federal American
56 Rescue Plan Act of 2021 (ARPA) and its implementing guidelines,
57 guidance, rules, regulations and/or other criteria, as may be
58 amended or supplemented from time to time, by the United States
59 Department of the Treasury; and (b) determining that the recipient
60 has not received and will not receive reimbursement for the
61 expense in question from any source of funds, including insurance
62 proceeds, other than those funds provided under Section 602 of the
63 federal Social Security Act as added by Section 9901 of (ARPA).
64 In addition, the department shall ensure that all funds
65 appropriated under this act are disbursed in compliance with the
66 Single Audit Act (31 USC Sections 7501-7507) and the related
67 provisions of the Uniform Guidance, 2 CFR Section 200.303
68 regarding internal controls, Sections 200.330 through 200.332
69 regarding sub-recipient monitoring and management, and subpart F
70 regarding audit requirements.



71 **SECTION 6.** (1) As a condition of receiving and expending
72 the funds appropriated to the department under this act, the
73 department shall certify to the Department of Finance and
74 Administration that each expenditure of the funds appropriated to
75 the department under this act complies with the guidelines,
76 guidance, rules, regulations and/or other criteria, as may be
77 amended from time to time, of the United States Department of the
78 Treasury regarding the use of monies from the Coronavirus State
79 Fiscal Recovery Fund established by the American Rescue Plan Act
80 223 of 2021.

81 (2) If the Office of Inspector General of the United States
82 Department of the Treasury, or the Office of Inspector General of
83 any other federal agency having oversight over the use of monies
84 from the Coronavirus State Fiscal Recovery Fund established by the
85 American Rescue Plan Act of 2021 (a) determines that the
86 department or recipient has expended or otherwise used any of the
87 funds appropriated to the department under this act for any
88 purpose that is not in compliance with the guidelines, guidance,
89 rules, regulations and/or other criteria, as may be amended from
90 time to time, of the United States Department of the Treasury
91 regarding the use of monies from the Coronavirus State Fiscal
92 Recovery Fund established by the American Rescue Plan Act of 2021,
93 and (b) the State of Mississippi is required to repay the federal
94 government for any of those funds that the Office of the Inspector
95 General determined were expended or otherwise used improperly by



96 the department or recipient, then the department or recipient that
97 expended or otherwise used those funds improperly shall be
98 required to pay the amount of those funds to the State of
99 Mississippi for repayment to the federal government.

100 **SECTION 7.** The money appropriated by this act shall be paid
101 by the State Treasurer out of any money in the Coronavirus State
102 Fiscal Recovery Fund not otherwise appropriated, upon warrants
103 issued by the State Fiscal Officer; and the State Fiscal Officer
104 shall issue his or her warrants upon requisitions signed by the
105 proper person, officer or officers in the manner provided by law.

106 **SECTION 8.** This act shall take effect and be in force from
107 and after July 1, 2023.

