

By: Representatives Taylor, Osborne, Sanders To: Appropriations

HOUSE BILL NO. 645

1 AN ACT TO PROVIDE THAT WHENEVER THE STATE RECEIVES ANY
 2 FEDERAL FUNDS THAT ARE REQUIRED OR AUTHORIZED TO BE USED FOR A
 3 PARTICULAR PROGRAM OR PURPOSE AS SPECIFIED IN FEDERAL LAW OR
 4 REGULATIONS, THE GOVERNOR OR STATE AGENCY EXECUTIVE DIRECTOR
 5 HAVING CONTROL OF THE FUNDS SHALL NOT RETURN ANY OF THOSE FUNDS TO
 6 THE FEDERAL GOVERNMENT AS LONG AS THERE IS STILL A DEMONSTRABLE
 7 NEED FOR THOSE FUNDS IN THE PROGRAM OR FOR THE PURPOSE FOR WHICH
 8 THE FUNDS WERE PROVIDED, UNLESS FEDERAL GOVERNMENT REQUIRES THE
 9 STATE TO RETURN THE FUNDS; TO PROVIDE THAT IF THE GOVERNOR OR
 10 STATE AGENCY EXECUTIVE DIRECTOR HAVING CONTROL OF THE FUNDS
 11 DETERMINES THAT THE PROGRAM OR PURPOSE FOR WHICH THE FUNDS WERE
 12 PROVIDED COULD BE BETTER ADMINISTERED BY NONPROFIT ENTITIES OR
 13 OTHER NONGOVERNMENTAL ENTITIES THAN BY THE STATE, THE FUNDS MAY BE
 14 TRANSFERRED TO SUCH ENTITIES TO ADMINISTER THE PROGRAM OR PURPOSE
 15 FOR WHICH THE FUNDS WERE PROVIDED, IF ALLOWED BY FEDERAL LAW AND
 16 REGULATIONS AND ONLY IN ACCORDANCE WITH THE FEDERAL LAW AND
 17 REGULATIONS; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) As used in this section, the term "federal
 20 funds" means funds provided to the State of Mississippi by the
 21 federal government or an agency of the federal government that,
 22 according to the federal law or regulations governing the funds,
 23 are under the exclusive control and direction of the Governor or a
 24 state agency whose executive director serves at the will and
 25 pleasure of the Governor, without having to be appropriated by the



26 Legislature, regardless of whether the Governor or state agency
27 executive director applied to receive those funds.

28 (2) Whenever the State of Mississippi receives any federal
29 funds that are required or authorized to be used for a particular
30 program or purpose as specified in federal law or regulations, the
31 Governor or state agency executive director having control of the
32 funds shall not return any of those funds to the federal
33 government as long as there is still a demonstrable need for those
34 funds in the program or for the purpose for which the funds were
35 provided, unless federal government requires the state to return
36 the funds. The determination of whether there is still a
37 demonstrable need for those funds in the program or for the
38 purpose for which the funds were provided shall be made by the
39 Attorney General.

40 (3) If the Governor or state agency executive director
41 having control of the funds determines that the program or purpose
42 for which the funds were provided could be better administered by
43 nonprofit entities or other nongovernmental entities than by the
44 state, the funds may be transferred to such entities to administer
45 the program or purpose for which the funds were provided, if
46 allowed by federal law and regulations and only in accordance with
47 the federal law and regulations.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2023.

