

By: Representatives Bounds, Karriem

To: Rules

HOUSE BILL NO. 1788  
(As Sent to Governor)

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.

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



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.

