

By: Senator(s) Hopson, Polk, Butler (36th),
Frazier, Michel, Parks, Williams, Branning,
McLendon, McMahan, Moran, Parker

To: Appropriations

SENATE BILL NO. 2864

1 AN ACT MAKING AN APPROPRIATION FROM THE CORONAVIRUS STATE
2 FISCAL RECOVERY FUND TO THE MISSISSIPPI NATIONAL GUARD FOR
3 ALLOWABLE CAPITAL PROJECTS UNDER THE AMERICAN RESCUE PLAN ACT; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following sum, or so much thereof as may be
7 necessary, is hereby appropriated out of any money to the credit
8 of the Coronavirus State Fiscal Recovery Fund to the Mississippi
9 National Guard for the purposes described in this section, for the
10 period beginning on July 1, 2021, and ending June 30, 2022.....
11\$ 10,391,000.00.

12 The funds appropriated under this section are for the purpose
13 of completing capital projects at Mississippi National Guard owned
14 buildings and grounds that are allowable under Section 9901 of the
15 American Rescue Plan Act of 2021 (ARPA) or any guidance or
16 regulation issued by the United States Department of the Treasury
17 in conformity therewith.

18 **SECTION 2.** "Capital projects" for the purpose of this act
19 shall mean the following: eligible projects under the



20 Environmental Protection Agency's Clean Water State Revolving Fund
21 (CWSRF) or Drinking Water State Revolving Fund (DWSRF); stormwater
22 management projects that have a water quality benefit; prevention,
23 mitigation, or other services in congregate living facilities and
24 other key settings; ventilation improvements in congregate
25 settings; capital investments in public facilities to implement
26 COVID-19 mitigation tactics; and any other projects that are
27 eligible under ARPA excluding broadband infrastructure.

28 **SECTION 3.** It is the intention of the Legislature that no
29 funds appropriated under this act shall be used to pay employee
30 premium payments.

31 **SECTION 4.** (1) As used in this section and Section 5 of
32 this act, the term "guard" means the Mississippi National Guard.

33 (2) The guard shall not disburse any funds appropriated
34 under this act to any recipient without first: (a) making an
35 individualized determination that the reimbursement sought is, in
36 the guard's independent judgment, for necessary expenditures
37 eligible under Section 602 of the federal Social Security Act as
38 added by Section 9901 of the federal American Rescue Plan Act of
39 2021 (ARPA) and its implementing guidelines, guidance, rules,
40 regulations and/or other criteria, as may be amended or
41 supplemented from time to time, by the United States Department of
42 the Treasury; and (b) determining that the recipient has not
43 received and will not receive reimbursement for the expense in
44 question from any source of funds, including insurance proceeds,



45 other than those funds provided under Section 602 of the federal
46 Social Security Act as added by Section 9901 of (ARPA). In
47 addition, the guard shall ensure that all funds appropriated under
48 this act are disbursed in compliance with the Single Audit Act (31
49 USC Sections 7501-7507) and the related provisions of the Uniform
50 Guidance, 2 CFR Section 200.303 regarding internal controls,
51 Sections 200.330 through 200.332 regarding sub-recipient
52 monitoring and management, and subpart F regarding audit
53 requirements.

54 **SECTION 5.** (1) As a condition of receiving and expending
55 the funds appropriated to the guard under this act, the guard
56 shall certify to the Department of Finance and Administration that
57 each expenditure of the funds appropriated to the guard under this
58 act complies with the guidelines, guidance, rules, regulations
59 and/or other criteria, as may be amended from time to time, of the
60 United States Department of the Treasury regarding the use of
61 monies from the Coronavirus State Fiscal Recovery Fund established
62 by the American Rescue Plan Act of 2021.

63 (2) If the Office of Inspector General of the United States
64 Department of the Treasury, or the Office of Inspector General of
65 any other federal agency having oversight over the use of monies
66 from the Coronavirus State Fiscal Recovery Fund established by the
67 American Rescue Plan Act of 2021 (a) determines that the guard or
68 recipient has expended or otherwise used any of the funds
69 appropriated to the guard under this act for any purpose that is



70 not in compliance with the guidelines, guidance, rules,
71 regulations and/or other criteria, as may be amended from time to
72 time, of the United States Department of the Treasury regarding
73 the use of monies from the Coronavirus State Fiscal Recovery Fund
74 established by the American Rescue Plan Act of 2021, and (b) the
75 State of Mississippi is required to repay the federal government
76 for any of those funds that the Office of the Inspector General
77 determined were expended or otherwise used improperly by the guard
78 or recipient, then the guard or recipient that expended or
79 otherwise used those funds improperly shall be required to pay the
80 amount of those funds to the State of Mississippi for repayment to
81 the federal government.

82 **SECTION 6.** The money appropriated by this act shall be paid
83 by the State Treasurer out of any money in the Coronavirus State
84 Fiscal Recovery Fund not otherwise appropriated, upon warrants
85 issued by the State Fiscal Officer; and the State Fiscal Officer
86 shall issue his or her warrants upon requisitions signed by the
87 proper person, officer or officers in the manner provided by law.

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

