SENATE BILL NO. 3062
(As Sent to Governor)

AN ACT MAKING AN ADDITIONAL APPROPRIATION FROM THE
CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE DEPARTMENT OF
FINANCE AND ADMINISTRATION BUREAU OF BUILDING, GROUNDS, AND REAL
PROPERTY MANAGEMENT FOR ALLOWABLE CAPITAL PROJECTS UNDER THE
AMERICAN RESCUE PLAN ACT.

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

SECTION 1. The following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money to the credit
of the Coronavirus State Fiscal Recovery Fund to the Department of
Finance and Administration Bureau of Building, Grounds, and Real
Property Management for the purposes described in this section,
for the period beginning on July 1, 2022, and ending June 30,
2023..................................................$ 217,250,000.00.

This additional appropriation under this section is for the
purpose of completing capital projects at state-owned buildings or
grounds that are allowable under Section 9901 of the American
Rescue Plan Act of 2021 (ARPA) or any guidance or regulation
issued by the United States Department of the Treasury in
conformity therewith.
SECTION 2. "Capital projects" for the purpose of this act shall mean the following:

(a) Eligible projects under the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF), lead remediation, and stormwater infrastructure;

(b) Prevention, mitigation, or other services in congregate living facilities and other key settings;

(c) Ventilation system installation and improvements;

(d) Capital investments in public facilities to implement COVID-19 mitigation tactics;

(e) Improvements to state parks due to increased use;

(f) Any other eligible project through ARPA guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury, excluding broadband infrastructure.

SECTION 3. It is the intention of the Legislature that the Department of Finance and Administration Bureau of Building, Grounds, and Real Property Management prioritize necessary investment in drinking water, wastewater, and stormwater infrastructure when determining projects unless the entity operates a congregate living facility or the purpose is expressly stated in this act.

SECTION 4. None of the funds appropriated under this act shall be used to pay employee premium payments.
SECTION 5. Of the funds appropriated under the provisions of
Section 1 of this act, One Hundred Seventy-nine Million Seven
Hundred Fifty Thousand Dollars ($179,750,000.00) or so much
thereof as may be necessary, shall be provided for capital
projects at state-owned buildings or grounds occupied by the
following state agencies or for the following purposes as cited
herein:

(a) Any state-owned building as deemed
necessary by the Department of Finance and
Administration Bureau of Building, Grounds
and Real Property Management.................$ 14,000,000.00.
(b) The Department of Corrections............$ 80,000,000.00.
(c) The Department of Mental Health.........$ 40,000,000.00.
(d) The Department of Human Services
Oakley Youth Development Center...............$ 5,000,000.00.
(e) State Department of Health for
necessary capital investment to assist
in responding to the public health emergency....$ 12,000,000.00.
(f) The State Fire Academy......................$ 750,000.00.
(g) To the entity that oversees the
operations of state parks for the purpose of
eligible water, wastewater, and stormwater
projects......................................................$ 12,000,000.00.
(h) To the entity that oversees the
operations of state parks for the purpose of
improvements to state parks due to increased use and to promote tourism............................$ 16,000,000.00.

SECTION 6. Of the funds appropriated under the provisions of Section 1 of this act, Twenty-five Million Dollars ($25,000,000.00) or so much thereof as may be necessary, shall be provided for critical capital projects as determined by the Department of Finance and Administration Bureau of Building, Grounds, and Real Property Management at state-owned buildings or grounds occupied by the following universities: Alcorn State University, Delta State University, Jackson State University, Mississippi State University, Mississippi University for Women, Mississippi Valley State University, University of Mississippi, and University of Southern Mississippi, or any related subsidiaries of these Universities.

SECTION 7. Of the funds appropriated under the provisions of Section 1 of this act, Twelve Million Five Hundred Thousand Dollars ($12,500,000.00) or so much thereof as may be necessary, shall be provided for critical capital projects as determined by the Department of Finance and Administration Bureau of Building, Grounds, and Real Property Management at state-owned buildings or grounds occupied by the following public community and junior colleges: Coahoma Community College, Copiah-Lincoln Community College, East Central Community College, East Mississippi Community College, Hinds Community College District, Holmes Community College, Itawamba Community College, Jones County Junior
SECTION 8. Of the funds appropriated in Section 5 subsection (b) of this act, the following sum Eight Hundred Thousand Dollars ($800,000.00) or so much as may be necessary is provided to the Town of Walnut Grove to assist with improvement to the sewer system and lagoon that serves the Walnut Grove Correctional Facility.

SECTION 9. (1) As used in this section and Section 10 of this act, the term "department" means the Department of Finance and Administration Bureau of Building, Grounds, and Real Property Management.

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

SECTION 10. (1) As a condition of receiving and expending the funds appropriated to each entity listed in Sections 5, 6, and 7 of this act, each entity shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the department under this act complies with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus State Fiscal Recovery Fund established by ARPA.

(2) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus State Fiscal Recovery Fund established by ARPA (a) determines that the department or recipient has expended
or otherwise used any of the funds appropriated to the department
under this act for any purpose that is not in compliance with the
guidelines, guidance, rules, regulations and/or other criteria, as
may be amended from time to time, of the United States Department
of the Treasury regarding the use of monies from the Coronavirus
State Fiscal Recovery Fund established by ARPA, and (b) the State
of Mississippi is required to repay the federal government for any
of those funds that the Office of the Inspector General determined
were expended or otherwise used improperly by the department or
recipient, then the department or recipient that expended or
otherwise used those funds improperly shall be required to pay the
amount of those funds to the State of Mississippi for repayment to
the federal government.

SECTION 11. The department shall submit to the Joint
Legislative Budget Committee by October 1 of each year an annual
report. The reports shall contain a listing of the projects
intended to be funded through this appropriation, the amount of
funds allocated toward each project, the amount of funds expended
on each project, and the status of each project.

SECTION 12. The money appropriated by this act shall be paid
by the State Treasurer out of any money in the Coronavirus State
Fiscal Recovery Fund not otherwise appropriated, upon warrants
issued by the State Fiscal Officer; and the State Fiscal Officer
shall issue his or her warrants upon requisitions signed by the
proper person, officer or officers in the manner provided by law.
SECTION 13. This act shall take effect and be in force from and after July 1, 2022.