

By: Representative Scott

To: Appropriations

HOUSE BILL NO. 1453

1 AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF FINANCE
2 AND ADMINISTRATION FOR THE PURPOSE OF PROVIDING FUNDS TO COUNTIES,
3 METROPOLITAN CITIES AND NONENTITLEMENT UNITS OF LOCAL GOVERNMENT
4 TO BE USED FOR COSTS ASSOCIATED WITH WATER AND SEWER
5 INFRASTRUCTURE PROJECTS AUTHORIZED UNDER THE AMERICAN RESCUE PLAN
6 ACT, FOR THE FISCAL YEAR 2024.

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

8 **SECTION 1.** The following sum, or so much of it as may be
9 necessary, is appropriated out of any money in the Coronavirus
10 State Fiscal Recovery Fund not otherwise appropriated, to the
11 Department of Finance and Administration for the purpose of
12 providing funds to counties, metropolitan cities and
13 nonentitlement units of local government to be used for costs
14 associated with water and sewer infrastructure projects authorized
15 under the American Rescue Plan Act, as provided in Section 2 of
16 this act, for the fiscal year beginning July 1, 2023, and ending
17 June 30, 2024.....\$ 900,000,000.00.

18 **SECTION 2.** (1) The funds appropriated in Section 1 of this
19 act shall be distributed to counties, metropolitan cities and
20 nonentitlement units of local government in accordance with an



21 equitable formula developed by the Department of Finance and
22 Administration; however, the department shall distribute Six
23 Hundred Million Dollars (\$600,000,000.00) of the funds to the
24 metropolitan cities and nonentitlement units of local government
25 having the greatest need for the funds, as determined by the
26 department.

27 (2) As a condition of receiving funds from the department
28 under this act, each recipient must expend as matching funds a
29 certain percentage of its funds received under the American Rescue
30 Plan Act for water or sewer infrastructure projects, the
31 percentage to be specified by the department, and the recipient
32 must document those expenditures to the department.

33 **SECTION 3.** (1) As used in this section and Section 4 of
34 this act, the term "department" means the Department of Department
35 of Finance and Administration.

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



46 received and will not receive reimbursement for the expense in
47 question from any source of funds, including insurance proceeds,
48 other than those funds provided under Section 602 of the federal
49 Social Security Act as added by Section 9901 of ARPA. In
50 addition, the department shall ensure that all funds appropriated
51 under this act are disbursed in compliance with the Single Audit
52 Act (31 USC Sections 7501-7507) and the related provisions of the
53 Uniform Guidance, 2 CFR Section 200.303 regarding internal
54 controls, Sections 200.330 through 200.332 regarding sub-recipient
55 monitoring and management, and subpart F regarding audit
56 requirements.

57 **SECTION 4.** (1) As a condition of receiving and expending
58 the funds appropriated to the department under this act, the
59 department shall certify to the Department of Finance and
60 Administration that each expenditure of the funds appropriated to
61 the department under this act complies with the guidelines,
62 guidance, rules, regulations and/or other criteria, as may be
63 amended from time to time, of the United States Department of the
64 Treasury regarding the use of monies from the Coronavirus State
65 Fiscal Recovery Fund established by ARPA.

66 (2) If the Office of Inspector General of the United States
67 Department of the Treasury, or the Office of Inspector General of
68 any other federal agency having oversight over the use of monies
69 from the Coronavirus State Fiscal Recovery Fund established by
70 ARPA (a) determines that the department or recipient has expended



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

84 **SECTION 5.** The money appropriated by this act shall be paid
85 by the State Treasurer out of any money in the Coronavirus State
86 Fiscal Recovery Fund not otherwise appropriated, upon warrants
87 issued by the State Fiscal Officer; and the State Fiscal Officer
88 shall issue his or her warrants upon requisitions signed by the
89 proper person, officer or officers in the manner provided by law.

90 **SECTION 6.** This act shall take effect and be in force from
91 and after July 1, 2023.

