

By: Senator(s) Hopson, Polk

To: Appropriations

SENATE BILL NO. 3118
(As Sent to Governor)

1 AN ACT MAKING AN ADDITIONAL APPROPRIATION FROM THE
2 CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE DEPARTMENT OF
3 FINANCE AND ADMINISTRATION BUREAU OF BUILDING, GROUNDS, AND REAL
4 PROPERTY MANAGEMENT FOR ALLOWABLE CAPITAL PROJECTS UNDER THE
5 AMERICAN RESCUE PLAN ACT FOR THE PERIOD BEGINNING ON PASSAGE AND
6 ENDING ON JUNE 30, 2024.

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

8 **SECTION 1.** The following sum, or so much thereof as may be
9 necessary, is hereby appropriated out of any money to the credit
10 of the Coronavirus State Fiscal Recovery Fund to the Department of
11 Finance and Administration Bureau of Building, Grounds, and Real
12 Property Management for the purposes described in this section,
13 for the period beginning on passage, and ending June 30,
14 2024..... \$ 42,919,505.00.

15 This additional appropriation under this section is for the
16 purpose of completing capital projects at any state-owned
17 buildings or grounds that are allowable under Section 9901 of the
18 American Rescue Plan Act of 2021 (ARPA) or any guidance or
19 regulation issued by the United States Department of the Treasury
20 in conformity therewith.



21 **SECTION 2.** "Capital projects" for the purpose of this act
22 shall mean the following:

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

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

29 (c) Ventilation system installation and improvements;

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

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

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

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

44 **SECTION 4.** Of the funds appropriated under the provisions of
45 Section 1 of this act, the following amounts or so much thereof as



46 may be necessary, shall be provided for capital projects at
47 state-owned buildings or grounds occupied by the following state
48 agencies or for the following purposes as cited herein:

49 (a) Any state-owned building as deemed necessary by the
50 Department of Finance and Administration Bureau of Building,
51 Grounds and Real Property Management.....\$ 33,919,505.00.

52 (b) Mississippi Emergency Management
53 Agency.....\$ 2,000,000.00.

54 (c) To the entity that oversees the operations of state
55 parks for the purpose of improvements to state parks due to
56 increased use and to promote tourism.....\$ 7,000,000.00.

57 **SECTION 5.** None of the funds appropriated under this act
58 shall be used to pay employee premium payments.

59 **SECTION 6.** (1) As used in this section and Section 7 of
60 this act, the term "department" means the Department of Finance
61 and Administration Bureau of Building, Grounds and Real Property
62 Management.

63 (2) The department shall not disburse any funds appropriated
64 under this act to any recipient without first: (a) making an
65 individualized determination that the reimbursement sought is, in
66 the department's independent judgment, for necessary expenditures
67 eligible under Section 602 of the federal Social Security Act as
68 added by Section 9901 of the federal American Rescue Plan Act of
69 2021 (ARPA) and its implementing guidelines, guidance, rules,
70 regulations and/or other criteria, as may be amended or



71 supplemented from time to time, by the United States Department of
72 the Treasury; and (b) determining that the recipient has not
73 received and will not receive reimbursement for the expense in
74 question from any source of funds, including insurance proceeds,
75 other than those funds provided under Section 602 of the federal
76 Social Security Act as added by Section 9901 of ARPA. In
77 addition, the department shall ensure that all funds appropriated
78 under this act are disbursed in compliance with the Single Audit
79 Act (31 USC Sections 7501-7507) and the related provisions of the
80 Uniform Guidance, 2 CFR Section 200.303 regarding internal
81 controls, Sections 200.330 through 200.332 regarding subrecipient
82 monitoring and management, and subpart F regarding audit
83 requirements.

84 **SECTION 7.** (1) As a condition of receiving and expending
85 the funds appropriated to the department under this act, the
86 department shall certify to the Department of Finance and
87 Administration that each expenditure of the funds appropriated to
88 the department under this act complies with the guidelines,
89 guidance, rules, regulations and/or other criteria, as may be
90 amended from time to time, of the United States Department of the
91 Treasury regarding the use of monies from the Coronavirus State
92 Fiscal Recovery Fund established by ARPA.

93 (2) If the Office of Inspector General of the United States
94 Department of the Treasury, or the Office of Inspector General of
95 any other federal agency having oversight over the use of monies



96 from the Coronavirus State Fiscal Recovery Fund established by
97 ARPA (a) determines that the department or recipient has expended
98 or otherwise used any of the funds appropriated to the department
99 under this act for any purpose that is not in compliance with the
100 guidelines, guidance, rules, regulations and/or other criteria, as
101 may be amended from time to time, of the United States Department
102 of the Treasury regarding the use of monies from the Coronavirus
103 State Fiscal Recovery Fund established by ARPA; and (b) the State
104 of Mississippi is required to repay the federal government for any
105 of those funds that the Office of the Inspector General determined
106 were expended or otherwise used improperly by the department or
107 recipient, then the department or recipient that expended or
108 otherwise used those funds improperly shall be required to pay the
109 amount of those funds to the State of Mississippi for repayment to
110 the federal government.

111 **SECTION 8.** The department shall submit to the Joint
112 Legislative Budget Committee by October 1 of each year an annual
113 report. The reports shall contain a listing of the projects
114 intended to be funded through this appropriation, the amount of
115 funds allocated toward each project, the amount of funds expended
116 on each project, and the status of each project.

117 **SECTION 9.** The money appropriated by this act shall be paid
118 by the State Treasurer out of any money in the Coronavirus State
119 Fiscal Recovery Fund not otherwise appropriated, upon warrants
120 issued by the State Fiscal Officer; and the State Fiscal Officer



121 shall issue his or her warrants upon requisitions signed by the
122 proper person, officer or officers in the manner provided by law.

123 **SECTION 10.** This act shall take effect and be in force from
124 and after its passage.

