

By: Senator(s) Hopson, Polk

To: Appropriations

SENATE BILL NO. 3164
(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, 2025.

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 appropriated out of any money not otherwise
10 appropriated to the credit of the Coronavirus State Fiscal
11 Recovery Fund, and allocated in a manner as determined by the
12 Treasurer's Office, to the Department of Finance and
13 Administration Bureau of Building, Grounds, and Real Property
14 Management for the purposes described in this section, for the
15 period beginning on passage, and ending June 30, 2025.....
16\$ 56,500,000.00.

17 This additional appropriation under this section is for the
18 purpose of completing capital projects at any state-owned
19 buildings or grounds that are allowable under Section 9901 of the
20 American Rescue Plan Act of 2021 (ARPA) or any guidance or



21 regulation issued by the United States Department of the Treasury
22 in conformity therewith.

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

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

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

31 (c) Ventilation system installation and improvements;

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

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

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

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



46 **SECTION 4.** None of the funds appropriated under this act
47 shall be used to pay employee premium payments.

48 **SECTION 5.** (1) As used in this section and Section 6 of
49 this act, the term "department" means the Department of Finance
50 and Administration Bureau of Building, Grounds and Real Property
51 Management.

52 (2) The department shall not disburse any funds appropriated
53 under this act to any recipient without first: (a) making an
54 individualized determination that the expenditure sought is, in
55 the department's independent judgment, for necessary expenditures
56 eligible under Section 602 of the federal Social Security Act as
57 added by Section 9901 of the federal American Rescue Plan Act of
58 2021 (ARPA) and its implementing guidelines, guidance, rules,
59 regulations and/or other criteria, as may be amended or
60 supplemented from time to time, by the United States Department of
61 the Treasury; and (b) determining that the recipient has not
62 received and will not receive reimbursement for the expense in
63 question from any source of funds, including insurance proceeds,
64 other than those funds provided under Section 602 of the federal
65 Social Security Act as added by Section 9901 of ARPA. In
66 addition, the department shall ensure that all funds appropriated
67 under this act are disbursed in compliance with the Single Audit
68 Act (31 USC Sections 7501-7507) and the related provisions of the
69 Uniform Guidance, 2 CFR Section 200.303 regarding internal
70 controls, Sections 200.330 through 200.332 regarding subrecipient



71 monitoring and management, and subpart F regarding audit
72 requirements.

73 **SECTION 6.** (1) As a condition of receiving and expending
74 the funds appropriated to the department under this act, the
75 department shall certify that each expenditure of the funds
76 appropriated to the department under this act complies with the
77 guidelines, guidance, rules, regulations and/or other criteria, as
78 may be amended from time to time, of the United States Department
79 of the Treasury regarding the use of monies from the Coronavirus
80 State Fiscal Recovery Fund established by ARPA.

81 (2) If the Office of Inspector General of the United States
82 Department of the Treasury, or the Office of Inspector General of
83 any other federal agency having oversight over the use of monies
84 from the Coronavirus State Fiscal Recovery Fund established by
85 ARPA (a) determines that the department or recipient has expended
86 or otherwise used any of the funds appropriated to the department
87 under this act for any purpose that is not in compliance with the
88 guidelines, guidance, rules, regulations and/or other criteria, as
89 may be amended from time to time, of the United States Department
90 of the Treasury regarding the use of monies from the Coronavirus
91 State Fiscal Recovery Fund established by ARPA; and (b) the State
92 of Mississippi is required to repay the federal government for any
93 of those funds that the Office of the Inspector General determined
94 were expended or otherwise used improperly by the department or
95 recipient, then the department or recipient that expended or



96 otherwise used those funds improperly shall be required to pay the
97 amount of those funds to the State of Mississippi for repayment to
98 the federal government.

99 **SECTION 7.** The department shall submit to the Joint
100 Legislative Budget Committee by October 1 of each year an annual
101 report. The reports shall contain a listing of the projects
102 intended to be funded through this appropriation, the amount of
103 funds allocated toward each project, the amount of funds expended
104 on each project, and the status of each project.

105 **SECTION 8.** The money appropriated by this act shall be paid
106 by the State Treasurer out of any money in the Coronavirus State
107 Fiscal Recovery Fund not otherwise appropriated, upon warrants
108 issued by the State Fiscal Officer; and the State Fiscal Officer
109 shall issue his or her warrants upon requisitions signed by the
110 proper person, officer or officers in the manner provided by law.

111 **SECTION 9.** This act shall take effect and be in force from
112 and after its passage.

