

**House Amendments to Senate Bill No. 3164**

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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 upon passage, and ending June 30, 2025...  
14 .....\$    26,687,307.00.

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 Protection  
24 Agency's Clean Water State Revolving Fund (CWSRF) or Drinking

25 Water State Revolving Fund (DWSRF), lead remediation, and  
26 stormwater infrastructure;

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

29 (c) Ventilation system installation and improvements;

30 (d) Capital investments in public facilities to implement  
31 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.** The funds appropriated under the provisions of  
45 Section 1 of this act shall be provided for capital projects at  
46 state-owned buildings as deemed necessary by the Department of  
47 Finance and Administration Bureau of Building, Grounds and Real  
48 Property Management.

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

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

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

76           **SECTION 7.** (1) As a condition of receiving and expending  
77 the funds appropriated to the department under this act, the  
78 department shall certify to the Department of Finance and  
79 Administration that each expenditure of the funds appropriated to  
80 the department under this act complies with the guidelines,  
81 guidance, rules, regulations and/or other criteria, as may be  
82 amended from time to time, of the United States Department of the  
83 Treasury regarding the use of monies from the Coronavirus State  
84 Fiscal Recovery Fund established by ARPA.

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

101 amount of those funds to the State of Mississippi for repayment to  
102 the federal government.

103         **SECTION 8.** The Department of Finance and Administration  
104 Bureau of Building, Grounds, and Real Property Management shall  
105 submit to the Joint Legislative Budget Committee by October 1 of  
106 each year an annual report. The reports shall contain a listing  
107 of the projects intended to be funded through this appropriation,  
108 the amount of funds allocated toward each project, the amount of  
109 funds expended on each project, and the status of each project.

110         **SECTION 9.** The money appropriated by this act shall be paid  
111 by the State Treasurer out of any money in the Coronavirus State  
112 Fiscal Recovery Fund not otherwise appropriated, upon warrants  
113 issued by the State Fiscal Officer, and the State Fiscal Officer  
114 shall issue his or her warrants upon requisitions signed by the  
115 proper person, officer or officers in the manner provided by law.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 UPON PASSAGE AND  
6 ENDING ON JUNE 30, 2024.

HR13\SB3164A.1J

Andrew Ketchings  
Clerk of the House of Representatives