

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3164

BY: Committee

**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.

