

By: Senator(s) Hopson, Polk, Simmons (12th), To: Appropriations
Thomas, Butler, Branning, Parker

SENATE BILL NO. 3165
(As Sent to Governor)

1 AN ACT MAKING AN ADDITIONAL APPROPRIATION FROM THE
2 CORONAVIRUS STATE FISCAL RECOVERY LOST REVENUE FUND TO THE
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF
4 PROVIDING FUNDING FOR ALLOWABLE SURFACE TRANSPORTATION PROJECTS
5 INCLUDED IN THE MAINTENANCE PROGRAM OF THE MDOT THREE-YEAR PLAN,
6 FOR THE PERIOD BEGINNING UPON THE PASSAGE OF THIS ACT AND ENDING
7 JUNE 30, 2025.

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

9 **SECTION 1.** The following sum, or so much thereof as may be
10 necessary, is appropriated out of any money not otherwise
11 appropriated to the credit of the Coronavirus State Fiscal
12 Recovery Lost Revenue Fund, and allocated in a manner as
13 determined by the Treasurer's Office, to the Mississippi
14 Department of Transportation for the purpose of expenditures for
15 allowable Surface Transportation projects included in the
16 Maintenance Program of the MDOT Three-Year Plan for the period
17 beginning upon the passage of this act and ending June 30, 2025...
18\$ 50,000,000.00.

19 **SECTION 2.** It is the intention of the Legislature that the
20 funds provided in Section 1 of this act shall be provided for



21 shovel-ready projects that will be under contract and obligated
22 before November 1, 2024.

23 **SECTION 3.** (1) As used in this section and Section 4 of
24 this act, the term "department" means the Mississippi Department
25 of Transportation.

26 (2) The department shall not disburse any funds appropriated
27 under this act to any recipient without first: (a) making an
28 individualized determination that the expenditure sought is, in
29 the department's independent judgment, for necessary expenditures
30 eligible under Section 602 of the federal Social Security Act as
31 added by Section 9901 of the federal American Rescue Plan Act of
32 2021 (ARPA) and its implementing guidelines, guidance, rules,
33 regulations and/or other criteria, as may be amended or
34 supplemented from time to time, by the United States Department of
35 the Treasury; and (b) determining that the recipient has not
36 received and will not receive reimbursement for the expense in
37 question from any source of funds, including insurance proceeds,
38 other than those funds provided under Section 602 of the federal
39 Social Security Act as added by Section 9901 of ARPA. In
40 addition, the department shall ensure that all funds appropriated
41 under this act are disbursed in compliance with the Single Audit
42 Act (31 USC Sections 7501-7507) and the related provisions of the
43 Uniform Guidance, 2 CFR Section 200.303 regarding internal
44 controls, Sections 200.330 through 200.332 regarding sub-recipient



45 monitoring and management, and subpart F regarding audit
46 requirements.

47 **SECTION 4.** (1) As a condition of receiving and expending
48 the funds appropriated to the department under this act, the
49 department shall certify to the Department of Finance and
50 Administration that each expenditure of the funds appropriated to
51 the department under this act complies with the guidelines,
52 guidance, rules, regulations and/or other criteria, as may be
53 amended from time to time, of the United States Department of the
54 Treasury regarding the use of monies from the Coronavirus State
55 Fiscal Recovery Fund established by the American Rescue Plan Act
56 of 2021.

57 (2) If the Office of Inspector General of the United States
58 Department of the Treasury, or the Office of Inspector General of
59 any other federal agency having oversight over the use of monies
60 from the Coronavirus State Fiscal Recovery Fund established by the
61 American Rescue Plan Act of 2021 (a) determines that the
62 department or recipient has expended or otherwise used any of the
63 funds appropriated to the department under this act for any
64 purpose that is not in compliance with the guidelines, guidance,
65 rules, regulations and/or other criteria, as may be amended from
66 time to time, of the United States Department of the Treasury
67 regarding the use of monies from the Coronavirus State Fiscal
68 Recovery Fund established by the American Rescue Plan Act of 2021,
69 and (b) the State of Mississippi is required to repay the federal



70 government for any of those funds that the Office of the Inspector
71 General determined were expended or otherwise used improperly by
72 the department or recipient, then the department or recipient that
73 expended or otherwise used those funds improperly shall be
74 required to pay the amount of those funds to the State of
75 Mississippi for repayment to the federal government.

76 **SECTION 5.** None of the funds appropriated by this act shall
77 be used to pay employee premium payments.

78 **SECTION 6.** The money appropriated by this act shall be paid
79 by the State Treasurer out of any money in the Coronavirus State
80 Fiscal Recovery Lost Revenue Fund not otherwise appropriated, upon
81 warrants issued by the State Fiscal Officer; and the State Fiscal
82 Officer shall issue his or her warrants upon requisitions signed
83 by the proper person, officer or officers in the manner provided
84 by law.

85 **SECTION 7.** This act shall take effect and be in force from
86 and after its passage.

