

By: Senator(s) Parks, Polk, Butler (36th),
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To: Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2724

1 AN ACT TO ESTABLISH THE "MISSISSIPPI ASSOCIATION OF
2 INDEPENDENT COLLEGES AND UNIVERSITIES (MAICU) INFRASTRUCTURE GRANT
3 PROGRAM ACT OF 2022" ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF
4 FINANCE AND ADMINISTRATION UTILIZING FUNDS MADE AVAILABLE UNDER
5 THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUNDS AND THE
6 FEDERAL AMERICAN RESCUE PLAN ACT (ARPA); TO PROVIDE THAT SUCH
7 GRANTS SHALL BE MADE AVAILABLE; TO PRESCRIBE ELIGIBLE PROJECTS
8 UNDER THE GRANT PROGRAM; TO AUTHORIZE THE DEPARTMENT OF FINANCE
9 AND ADMINISTRATION TO PROMULGATE GRANT APPLICATION REGULATIONS; TO
10 AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
11 ADMINISTER THE MAICU GRANT PROGRAM AND RETAIN ADMINISTRATIVE
12 COSTS; TO CREATE IN THE STATE TREASURY A SPECIAL FUND DESIGNATED
13 AS THE "MISSISSIPPI ASSOCIATION OF INDEPENDENT COLLEGES AND
14 UNIVERSITIES (MAICU) INFRASTRUCTURE GRANT PROGRAM FUND"; TO AMEND
15 SECTION 27-104-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
16 RELATED PURPOSES.

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

18 **SECTION 1.** (1) This act shall be known and may be cited as
19 the "Mississippi Association of Independent Colleges and
20 Universities (MAICU) Infrastructure Grant Program Act of 2022."

21 (2) There is hereby established within the Mississippi
22 Department of Finance and Administration, the Mississippi
23 Association of Independent Colleges and Universities (MAICU)
24 Infrastructure Grant Program under which independent colleges and
25 universities may apply for reimbursable grants to make necessary



26 investments in water, wastewater, stormwater, broadband and other
27 eligible infrastructure projects to be funded by the Legislature
28 utilizing Coronavirus State Fiscal Recovery Funds made available
29 under the federal American Rescue Plan Act (ARPA). Such grants
30 shall be made available to the following institutions: Belhaven
31 University, Blue Mountain College, Millsaps College, Mississippi
32 College, Rust College, Tougaloo College and William Carey
33 University. Grant program funds shall be distributed to each
34 listed institution based on the pro rata share of full-time
35 equivalent students enrolled in the respective college or
36 university. For purposes of this distribution, a full-time
37 equivalent student shall be calculated as follows:

38 (a) One (1) full-time student shall be considered one
39 (1) full-time equivalent student;

40 (b) One (1) part-time student shall be considered
41 one-half (1/2) of a full-time equivalent student; and

42 (c) One (1) online student shall be considered
43 one-fourth (1/4) of a full-time equivalent student.

44 (3) For purposes of this act, unless the context requires
45 otherwise, the following terms shall have the meanings ascribed
46 herein:

47 (a) "MAICU Grant Program" shall mean the Mississippi
48 Association of Independent Colleges and Universities (MAICU)
49 Infrastructure Grant Program.



50 (b) "ARPA" shall mean the federal American Rescue Plan
51 Act of 2021, Public Law 117-2, which amends Title VI of the Social
52 Security Act.

53 (c) "State Recovery Funds" shall mean Coronavirus State
54 Fiscal Recovery Funds awarded through Section 602 of Title VI of
55 the Social Security Act amended by Section 9901 of the federal
56 American Rescue Plan Act of 2021, Public Law 117-2.

57 (d) "Department" shall mean the Department of Finance
58 and Administration.

59 (4) On or before July 1, 2022, the Mississippi Department of
60 Finance and Administration shall promulgate rules and regulations
61 necessary to administer the MAICU Grant Program prescribed under
62 this act, including application procedures and deadlines.

63 (5) Funds under the MAICU Grant Program shall be awarded for
64 ARPA eligible projects in the following order:

65 (a) Eligible water, wastewater and stormwater projects
66 under the Environmental Protection Agency's Clean Water State
67 Revolving Fund (CWSRF) or Drinking Water State Revolving Fund
68 (DWSRF) and other eligible water projects allowable by ARPA;

69 (b) Broadband infrastructure projects;

70 (c) Capital investments for prevention, mitigation and
71 ventilation in congregate living facilities and other key
72 settings; and

73 (d) Any eligible project through ARPA guidelines,
74 guidance, rules, regulations and/or other criteria, as may be



75 amended from time to time, of the United States Department of the
76 Treasury, excluding premium pay.

77 (6) The Board of Trustees of the respective members of the
78 Association of Independent Colleges and Universities (MAICU) may
79 submit an application for grant funds under this act. Applicants
80 shall certify to the Department of Finance and Administration that
81 each expenditure of the funds awarded to them by the department
82 under this act is in compliance with the ARPA guidelines,
83 guidance, rules, regulations and/or other criteria, as may be
84 amended from time to time, by the United States Department of the
85 Treasury regarding the use of monies from the State Coronavirus
86 State Fiscal Recovery Funds. Subsequent submissions will be due
87 by the dates established by the department.

88 (7) An application for a grant under this act shall be
89 submitted at such time, be in such form, and contain such
90 information as the department prescribes. Each application shall
91 include the following at a minimum: applicant contact
92 information; project description and type of project; project map;
93 estimate of the population served by the projects; estimated
94 project cost; estimated project schedule; and readiness to
95 proceed. The Mississippi Department of Finance and Administration
96 is authorized to accept additional rounds of grant proposals for
97 application consideration as needed.

98 (8) Applications shall be reviewed, and the Mississippi
99 Department of Finance and Administration shall certify that each



100 project submitted is eligible under the American Rescue Plan Act
101 and all applicable guidance issued by the United States Department
102 of the Treasury. For water, wastewater and stormwater projects,
103 the department must also certify that it is a "necessary
104 investment" in water, wastewater or stormwater infrastructure as
105 defined in the American Rescue Plan Act and all applicable
106 guidance issued by the United States Department of the Treasury.
107 Grant agreements shall be executed between the recipient and the
108 Mississippi Department of Finance and Administration. All final
109 awards will be determined at the discretion of the executive
110 director of the department. Funds shall be made available to a
111 grantee upon the execution of a grant agreement between the
112 department and the approved applicant, and the department obtains
113 the necessary support for reimbursement.

114 (9) Grant requirements shall be used prospectively and
115 grants are not available to cover the costs of debt incurred prior
116 to the enactment of this program.

117 (10) (a) There is hereby created in the State Treasury a
118 special fund to be known as the "Mississippi Association of
119 Independent Colleges and Universities (MAICU) Grant Program Fund,"
120 which shall consist of funds appropriated by the Legislature from
121 federal American Rescue Plan (ARPA) monies or other available
122 federal grant funds for the purposes of awarding grants under this
123 act. Unexpended amounts remaining in the fund at the end of the
124 fiscal year shall not lapse into the Coronavirus State Fiscal



125 Recovery Fund or the State General Fund, and any interest earned
126 on amounts in the fund shall remain in the fund. The expenditure
127 of monies in the Mississippi Association of Independent Colleges
128 and Universities (MAICU) Grant Program Fund shall be under the
129 direction of the Mississippi Department of Finance and
130 Administration;

131 (b) All monies shall be disbursed from the fund created
132 in this subsection shall be in compliance with the guidelines,
133 guidance, rules, regulations or other criteria, as may be amended
134 from time to time, of the United States Department of the Treasury
135 regarding the use of monies received by or on behalf of the State
136 of Mississippi through the Coronavirus State Fiscal Recovery Fund
137 established by the American Rescue Plan Act of 2021 (Public Law
138 No. 117-2). Unexpended amounts remaining in the funds at the end
139 of a fiscal year shall not lapse into the Coronavirus State Fiscal
140 Recovery Fund or the State General Fund, and any investment
141 earnings or interest earned on amounts in the program fund shall
142 be deposited to the credit of COVID-19 Hospital Expanded Capacity
143 Program Fund;

144 (c) If there are unobligated Coronavirus State Fiscal
145 Recovery Fund monies remaining in the fund created in this act, on
146 the later of December 17, 2024, or fourteen (14) days prior to the
147 fund obligation deadline provided by the federal government, the
148 Department of Finance and Administration shall transfer these
149 unobligated balances to the Coronavirus State Fiscal Recovery



150 Fund. The Department of Finance and Administration shall then
151 transfer the unobligated balance of Coronavirus State Fiscal
152 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
153 the State and School Employees' Life and Health Insurance Fund for
154 an amount not to exceed the lesser of Sixty Million Dollars
155 (\$60,000,000.00) or the amount of allowable ARPA expenditures, by
156 no later than December 31, 2024, or on the date of the fund
157 obligation deadline provided by the federal government. The
158 Department of Finance and Administration shall then transfer all
159 remaining unobligated balances of Coronavirus State Fiscal
160 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
161 the Unemployment Compensation Fund up to the ARPA allowable
162 amount, by no later than December 31, 2024, or on the date of the
163 fund obligation deadline provided by the federal government; and

164 (d) The use of funds allocated under this program shall
165 be subject to audit by the United States Department of the
166 Treasury's Office of Inspector General and the Mississippi Office
167 of the State Auditor. Each person receiving funds under these
168 programs found to be fully or partially noncompliant with the
169 requirements in this act shall return to the state all or a
170 portion of the funds received.

171 (11) The department shall submit to the Joint Legislative
172 Budget Committee by October 1 of each year an annual report. The
173 reports shall contain the applications received, the amount of
174 grant funds awarded to each applicant, the amount of grant funds



175 expended by each applicant, and the status of each applicant's
176 project.

177 (12) Grant funds shall be available under this act through
178 December 31, 2026. Each grant recipient shall certify for any
179 project that a grant is awarded that in the event the project is
180 not completed by December 31, 2026, and the United States Congress
181 does not enact an extension of the deadline on the availability of
182 ARPA Funds, then the grant recipient will complete the project
183 through any other funds available.

184 (13) The Mississippi Finance and Administration may retain
185 an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00)
186 of the total funds allocated to the program to defray
187 administrative costs.

188 (14) This section shall stand repealed on July 1, 2026.

189 **SECTION 2.** Section 27-104-3, Mississippi Code of 1972, is
190 amended as follows:

191 27-104-3. In addition to other powers and duties prescribed
192 by statute, the Department of Finance and Administration shall
193 have the following powers and duties, with regard to fiscal
194 management:

195 (a) Provide direct technical assistance and training to
196 state agencies and departments in implementing generally accepted
197 accounting principles, in preparing financial statements as
198 required by law, and in management and executive development.



199 (b) Provide temporary administrative services in
200 financial accounting and public administration to any state
201 agency, department or institution upon request of the governing
202 board of the state agency, department or institution.

203 (c) Prepare and issue a comprehensive reference manual
204 or manuals of policies and procedures for each state agency and
205 department to use, which may include chapters on purchasing,
206 personnel, payroll, travel, chart of accounts, fund
207 classifications, receipts, warrants, expenditures, fixed assets,
208 property inventory, and maintaining financial records and
209 preparing financial reports as required and prescribed by law.
210 The manual shall be revised on a continuing basis. The manual
211 shall be prepared and revised in consultation with the State
212 Auditor's office.

213 (d) Provide assistance to any state agency, department
214 or institution in collecting a fee or other valid obligation that
215 another agency, department or institution has failed to pay to it.
216 For purposes of this paragraph, the agency, department or
217 institution seeking to collect the funds shall be referred to as
218 the "creditor agency," and the agency, department or institution
219 that has not paid the creditor agency shall be referred to as the
220 "delinquent agency." A valid obligation may be evidenced by an
221 invoice or any other documentation as may be required by the
222 Department of Finance and Administration, hereinafter referred to
223 as the department. A creditor agency may request assistance from



224 the department, and the department may require the creditor agency
225 to furnish detailed information regarding the obligation. Upon
226 determining that the delinquent agency owes the creditor agency a
227 specific amount, the State Fiscal Officer shall pay to the
228 creditor agency that amount out of any funds in the State Treasury
229 to the credit of the delinquent agency. The State Fiscal Officer
230 shall notify the creditor agency and the delinquent agency of the
231 total amount of funds transferred. Either agency may appeal the
232 transfer of funds or the failure to transfer funds, under rules
233 and regulations promulgated by the department and approved by the
234 Office of the State Auditor. The Department of Finance and
235 Administration shall report any actions taken under this paragraph
236 (d) to the Chairmen of the Appropriations Committees of the House
237 of Representatives and the Senate on a quarterly basis.

238 (e) To issue a request for an ACA-compliant health
239 insurance policy, or policies, to offer health insurance coverage
240 to the full-time equivalent employees not otherwise eligible to
241 participate in the State and School Employees' Health Insurance
242 Plan; and to issue a request for administrative support in order
243 to meet reporting requirements under Internal Revenue Code Section
244 6056 and to comply with the Patient Protection and Affordable Care
245 Act of 2010.

246 (f) The Department of Finance and Administration shall
247 have as additional responsibilities, the administration of the
248 Mississippi Association of Independent Colleges and Universities



249 (MAICU) Infrastructure Grant Program Act of 2022 and shall
250 promulgate necessary rules and regulations relating to the
251 application of eligible colleges and universities for grant funds
252 and the awarding of such grants.

253 **SECTION 3.** This act shall take effect and be in force from
254 and after its passage.

