

By: Senator(s) Parks, Polk, Butler (36th),
DeBar, Frazier, Michel, Williams

To: Appropriations

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 AND THE MISSISSIPPI DEPARTMENT OF
5 HEALTH UTILIZING FUNDS MADE AVAILABLE UNDER THE FEDERAL
6 CORONAVIRUS STATE FISCAL RECOVERY FUNDS AND THE FEDERAL AMERICAN
7 RESCUE PLAN ACT (ARPA); TO PROVIDE THAT SUCH GRANTS SHALL BE MADE
8 AVAILABLE; TO PRESCRIBE ELIGIBLE PROJECTS UNDER THE GRANT PROGRAM;
9 TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO
10 PROMULGATE GRANT APPLICATION REGULATIONS AND ENGINEERING
11 ASSISTANCE; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
12 ADMINISTRATION TO ADMINISTER THE MAICU GRANT PROGRAM AND RETAIN
13 ADMINISTRATIVE COSTS; TO CREATE IN THE STATE TREASURY A SPECIAL
14 FUND DESIGNATED AS THE "MISSISSIPPI ASSOCIATION OF INDEPENDENT
15 COLLEGES AND UNIVERSITIES (MAICU) INFRASTRUCTURE GRANT PROGRAM
16 FUND"; TO AMEND SECTIONS 27-104-3 AND 41-3-15, MISSISSIPPI CODE OF
17 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

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

22 (2) There is hereby established within the Mississippi
23 Department of Finance and Administration and the Mississippi
24 Department of Health, the Mississippi Association of Independent
25 Colleges and Universities (MAICU) Infrastructure Grant Program



26 under which independent colleges and universities may apply for
27 reimbursable grants to make necessary investments in water and
28 wastewater infrastructure to improve access to clean drinking
29 water and wastewater infrastructure to be funded by the
30 Legislature utilizing Coronavirus State Fiscal Recovery Funds made
31 available under the federal American Rescue Plan Act (ARPA). Such
32 grants shall be made available to the following institutions:
33 Belhaven University, Blue Mountain College, Millsaps College,
34 Mississippi College, Rust College, Tougaloo College and William
35 Carey College. Grant program funds shall be distributed to each
36 listed institution based on the pro rata share of student
37 enrollment of the respective college or university.

38 (3) For purposes of this act, unless the context requires
39 otherwise, the following terms shall have the meanings ascribed
40 herein:

41 (a) "MAICU Grant Program" shall mean the Mississippi
42 Association of Independent Colleges and Universities (MAICU)
43 Infrastructure Grant Program.

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

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



51 (d) "Department" shall mean the Department of Finance
52 and Administration.

53 (4) On or before July 1, 2022, the Mississippi Department of
54 Finance and Administration shall promulgate rules and regulations
55 necessary to administer the MAICU Grant Program prescribed under
56 this act, including application procedures and deadlines. The
57 Mississippi State Board of Health acting through the Mississippi
58 Department of Health is authorized and directed to advise the
59 Mississippi Department of Finance and Administration regarding all
60 such rules and regulations.

61 (5) Eligible projects under the MAICU Grant Program shall
62 include, but not be limited to, the following:

63 (a) Construction of publicly owned treatment works;

64 (b) Projects pursuant to implementation of a nonpoint
65 source pollution management program established under the Clean
66 Water Act (CWA);

67 (c) Decentralized wastewater treatment systems that
68 treat municipal wastewater or domestic sewage;

69 (d) Management and treatment of storm water or
70 subsurface drainage water;

71 (e) Water conservation, efficiency, or reuse measures;

72 (f) Development and implementation of a conservation
73 and management plan under the CWA;

74 (g) Watershed projects meeting the criteria set forth
75 in the CWA;



- 76 (h) Energy consumption reduction for publicly owned
77 treatment works;
- 78 (i) Reuse or recycling of wastewater, stormwater, or
79 subsurface drainage water;
- 80 (j) Security of publicly owned treatment works;
- 81 (k) Facilities to improve drinking water quality;
- 82 (l) Transmission and distribution, including
83 improvements of water pressure or prevention of contamination in
84 infrastructure and lead service line replacements;
- 85 (m) New sources to replace contaminated drinking water
86 or increase drought resilience, including aquifer storage and
87 recovery system for water storage;
- 88 (n) Green infrastructure, including green roofs,
89 rainwater harvesting collection, permeable pavement;
- 90 (o) Storage of drinking water, such as to prevent
91 contaminants or equalize water demands;
- 92 (p) Purchase of water systems and interconnection of
93 systems;
- 94 (q) New community water systems;
- 95 (r) Culvert repair, resizing, and removal, replacement
96 of storm sewers, and additional types of stormwater
97 infrastructure;
- 98 (s) Dam and reservoir rehabilitation if primary purpose
99 of dam or reservoir is for drinking water supply and project is
100 necessary for provision of drinking water;



101 (t) Broad set of lead remediation projects eligible
102 under EPA grant programs authorized by the Water Infrastructure
103 Improvements for the Nation (WIIN) Act; and

104 (u) Any eligible project through ARPA guidelines,
105 guidance, rules, regulations and/or other criteria, as may be
106 amended from time to time, of the United States Department of the
107 Treasury.

108 (6) The Board of Trustees of the respective members of the
109 Association of Independent Colleges and Universities (MAICU) may
110 submit an application for grant funds under this act. Applicants
111 shall certify to the Department of Finance and Administration that
112 each expenditure of the funds appropriated under this act is in
113 compliance with the guidelines, guidance, rules, regulations
114 and/or other criteria, as may be amended from time to time, of the
115 United States Department of the Treasury regarding the use of
116 monies from the State Coronavirus State Fiscal Recovery Fund in
117 Section 9901 of the American Rescue Plan Act of 2021 (Public Law
118 No. 117-2). Subsequent submissions will be due by the dates
119 established by the department.

120 (7) There is no minimum grant amount for an individual
121 project; however, the aggregate amount of the MAICU Grant Program
122 shall not exceed Ten Million Dollars (\$10,000,000.00).

123 (8) Applications shall be reviewed and the Mississippi
124 Department of Finance and Administration shall certify that each
125 project submitted is a necessary investment in water and sewer



126 infrastructure as defined in the American Rescue Plan Act and all
127 applicable guidance issued by the department. The Department of
128 Finance and Administration shall review the lists of recommended
129 water and sewer infrastructure projects and issue its list of
130 recommended projects to the Mississippi Department of Health for
131 its advice. Grant agreements shall be executed between the
132 recipient and the Mississippi Department of Finance and
133 Administration. All final awards will be determined at the
134 discretion of the executive director of the department. Funds
135 shall be made available to a grantee upon the execution of a grant
136 agreement between the department and the approved applicant. Each
137 application shall include the following at a minimum: applicant
138 contact information; project description and type of project;
139 project map; estimate of population served by the projects;
140 estimated project cost; estimated project schedule and readiness
141 to proceed. The Mississippi Department of Finance and
142 Administration is authorized to present additional rounds of grant
143 proposals for application consideration as needed.

144 (9) Grant requirements shall be used prospectively and
145 grants are not available to cover the costs of debt incurred prior
146 to the enactment of this program. The applicant shall agree to
147 obtain all necessary state and federal permits, follow all state
148 bidding and contracting laws and fiscally sound practices in the
149 administration of the funds.



150 (10) (a) There is hereby created in the State Treasury a
151 special fund to be known as the "Mississippi Association of
152 Independent Colleges and Universities (MAICU) Grant Program Fund,"
153 which shall consist of funds appropriated by the Legislature from
154 federal American Rescue Plan (ARPA) monies or other available
155 federal grant funds for the purposes of awarding grants under this
156 act. Unexpended amounts remaining in the fund at the end of the
157 fiscal year shall not lapse into the Coronavirus State Fiscal
158 Recovery Fund or the State General Fund, and any interest earned
159 on amounts in the fund shall remain in the fund. The expenditure
160 of monies in the Mississippi Association of Independent Colleges
161 and Universities (MAICU) Grant Program Fund shall be under the
162 direction of the Mississippi Department of Finance and
163 Administration;

164 (b) All monies shall be disbursed from the fund created
165 in this subsection shall be in compliance with the guidelines,
166 guidance, rules, regulations or other criteria, as may be amended
167 from time to time, of the United States Department of the Treasury
168 regarding the use of monies received by or on behalf of the State
169 of Mississippi through the Coronavirus State Fiscal Recovery Fund
170 established by the American Rescue Plan Act of 2021 (Public Law
171 No. 117-2). Unexpended amounts remaining in the funds at the end
172 of a fiscal year shall not lapse into the Coronavirus State Fiscal
173 Recovery Fund or the State General Fund, and any investment
174 earnings or interest earned on amounts in the program fund shall



175 be deposited to the credit of COVID-19 Hospital Expanded Capacity
176 Program Fund;

177 (c) If there are unobligated Coronavirus State Fiscal
178 Recovery Fund monies remaining in the fund created in this act, on
179 the later of December 17, 2024, or fourteen (14) days prior to the
180 fund obligation deadline provided by the federal government, the
181 Department of Finance and Administration shall transfer these
182 unobligated balances to the Coronavirus State Fiscal Recovery
183 Fund. The Department of Finance and Administration shall then
184 transfer the unobligated balance of Coronavirus State Fiscal
185 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
186 the State and School Employees' Life and Health Insurance Fund for
187 an amount not to exceed the lesser of Sixty Million Dollars
188 (\$60,000,000.00) or the amount of allowable ARPA expenditures, by
189 no later than December 31, 2024, or on the date of the fund
190 obligation deadline provided by the federal government. The
191 Department of Finance and Administration shall then transfer all
192 remaining unobligated balances of Coronavirus State Fiscal
193 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
194 the Unemployment Compensation Fund up to the ARPA allowable
195 amount, by no later than December 31, 2024, or on the date of the
196 fund obligation deadline provided by the federal government; and

197 (d) The use of funds allocated under this program shall
198 be subject to audit by the United States Department of the
199 Treasury's Office of Inspector General and the Mississippi Office



200 of the State Auditor. Each person receiving funds under these
201 programs found to be fully or partially noncompliant with the
202 requirements in this act shall return to the state all or a
203 portion of the funds received.

204 (11) The department shall submit to the Joint Legislative
205 Budget Committee by October 1 of each year an annual report. The
206 reports shall contain the applications received, the amount of
207 grant funds awarded to each applicant, the amount of grant funds
208 expended by each applicant, and status of each applicant's
209 project.

210 (12) Grant funds shall be available under this act through
211 December 31, 2026. Each grant recipient shall certify for any
212 project that a grant is awarded that in the event the project is
213 not completed by December 31, 2026, and the United States Congress
214 does not enact an extension of the deadline on the availability of
215 ARPA Funds, then the grant recipient will complete the project
216 through any other funds available.

217 (13) The Mississippi Finance and Administration may retain
218 an amount not to exceed two percent (2%) of the total funds
219 allocated to the program to defray administrative costs.

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

222 27-104-3. In addition to other powers and duties prescribed
223 by statute, the Department of Finance and Administration shall



224 have the following powers and duties, with regard to fiscal
225 management:

226 (a) Provide direct technical assistance and training to
227 state agencies and departments in implementing generally accepted
228 accounting principles, in preparing financial statements as
229 required by law, and in management and executive development.

230 (b) Provide temporary administrative services in
231 financial accounting and public administration to any state
232 agency, department or institution upon request of the governing
233 board of the state agency, department or institution.

234 (c) Prepare and issue a comprehensive reference manual
235 or manuals of policies and procedures for each state agency and
236 department to use, which may include chapters on purchasing,
237 personnel, payroll, travel, chart of accounts, fund
238 classifications, receipts, warrants, expenditures, fixed assets,
239 property inventory, and maintaining financial records and
240 preparing financial reports as required and prescribed by law.
241 The manual shall be revised on a continuing basis. The manual
242 shall be prepared and revised in consultation with the State
243 Auditor's office.

244 (d) Provide assistance to any state agency, department
245 or institution in collecting a fee or other valid obligation that
246 another agency, department or institution has failed to pay to it.
247 For purposes of this paragraph, the agency, department or
248 institution seeking to collect the funds shall be referred to as



249 the "creditor agency," and the agency, department or institution
250 that has not paid the creditor agency shall be referred to as the
251 "delinquent agency." A valid obligation may be evidenced by an
252 invoice or any other documentation as may be required by the
253 Department of Finance and Administration, hereinafter referred to
254 as the department. A creditor agency may request assistance from
255 the department, and the department may require the creditor agency
256 to furnish detailed information regarding the obligation. Upon
257 determining that the delinquent agency owes the creditor agency a
258 specific amount, the State Fiscal Officer shall pay to the
259 creditor agency that amount out of any funds in the State Treasury
260 to the credit of the delinquent agency. The State Fiscal Officer
261 shall notify the creditor agency and the delinquent agency of the
262 total amount of funds transferred. Either agency may appeal the
263 transfer of funds or the failure to transfer funds, under rules
264 and regulations promulgated by the department and approved by the
265 Office of the State Auditor. The Department of Finance and
266 Administration shall report any actions taken under this paragraph
267 (d) to the Chairmen of the Appropriations Committees of the House
268 of Representatives and the Senate on a quarterly basis.

269 (e) To issue a request for an ACA-compliant health
270 insurance policy, or policies, to offer health insurance coverage
271 to the full-time equivalent employees not otherwise eligible to
272 participate in the State and School Employees' Health Insurance
273 Plan; and to issue a request for administrative support in order



274 to meet reporting requirements under Internal Revenue Code Section
275 6056 and to comply with the Patient Protection and Affordable Care
276 Act of 2010.

277 (f) The Mississippi Department of Finance and
278 Administration shall have as additional responsibilities, the
279 administration of the Mississippi Association of Independent
280 Colleges and Universities (MAICU) Infrastructure Grant Program Act
281 of 2022 and shall promulgate necessary rules and regulations
282 relating to the application of eligible colleges and universities
283 for grant funds and the awarding of such grants.

284 **SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is
285 amended as follows:

286 41-3-15. (1) (a) There shall be a State Department of
287 Health.

288 (b) The State Board of Health shall have the following
289 powers and duties:

290 (i) To formulate the policy of the State
291 Department of Health regarding public health matters within the
292 jurisdiction of the department;

293 (ii) To adopt, modify, repeal and promulgate,
294 after due notice and hearing, and enforce rules and regulations
295 implementing or effectuating the powers and duties of the
296 department under any and all statutes within the department's
297 jurisdiction, and as the board may deem necessary;



298 (iii) To apply for, receive, accept and expend any
299 federal or state funds or contributions, gifts, trusts, devises,
300 bequests, grants, endowments or funds from any other source or
301 transfers of property of any kind;

302 (iv) To enter into, and to authorize the executive
303 officer to execute contracts, grants and cooperative agreements
304 with any federal or state agency or subdivision thereof, or any
305 public or private institution located inside or outside the State
306 of Mississippi, or any person, corporation or association in
307 connection with carrying out the provisions of this chapter, if it
308 finds those actions to be in the public interest and the contracts
309 or agreements do not have a financial cost that exceeds the
310 amounts appropriated for those purposes by the Legislature;

311 (v) To appoint, upon recommendation of the
312 Executive Officer of the State Department of Health, a Director of
313 Internal Audit who shall be either a Certified Public Accountant
314 or Certified Internal Auditor, and whose employment shall be
315 continued at the discretion of the board, and who shall report
316 directly to the board, or its designee; and

317 (vi) To discharge such other duties,
318 responsibilities and powers as are necessary to implement the
319 provisions of this chapter.

320 (c) The Executive Officer of the State Department of
321 Health shall have the following powers and duties:



322 (i) To administer the policies of the State Board
323 of Health within the authority granted by the board;

324 (ii) To supervise and direct all administrative
325 and technical activities of the department, except that the
326 department's internal auditor shall be subject to the sole
327 supervision and direction of the board;

328 (iii) To organize the administrative units of the
329 department in accordance with the plan adopted by the board and,
330 with board approval, alter the organizational plan and reassign
331 responsibilities as he or she may deem necessary to carry out the
332 policies of the board;

333 (iv) To coordinate the activities of the various
334 offices of the department;

335 (v) To employ, subject to regulations of the State
336 Personnel Board, qualified professional personnel in the subject
337 matter or fields of each office, and such other technical and
338 clerical staff as may be required for the operation of the
339 department. The executive officer shall be the appointing
340 authority for the department, and shall have the power to delegate
341 the authority to appoint or dismiss employees to appropriate
342 subordinates, subject to the rules and regulations of the State
343 Personnel Board;

344 (vi) To recommend to the board such studies and
345 investigations as he or she may deem appropriate, and to carry out



346 the approved recommendations in conjunction with the various
347 offices;

348 (vii) To prepare and deliver to the Legislature
349 and the Governor on or before January 1 of each year, and at such
350 other times as may be required by the Legislature or Governor, a
351 full report of the work of the department and the offices thereof,
352 including a detailed statement of expenditures of the department
353 and any recommendations the board may have;

354 (viii) To prepare and deliver to the Chairmen of
355 the Public Health and Welfare/Human Services Committees of the
356 Senate and House on or before January 1 of each year, a plan for
357 monitoring infant mortality in Mississippi and a full report of
358 the work of the department on reducing Mississippi's infant
359 mortality and morbidity rates and improving the status of maternal
360 and infant health; and

361 (ix) To enter into contracts, grants and
362 cooperative agreements with any federal or state agency or
363 subdivision thereof, or any public or private institution located
364 inside or outside the State of Mississippi, or any person,
365 corporation or association in connection with carrying out the
366 provisions of this chapter, if he or she finds those actions to be
367 in the public interest and the contracts or agreements do not have
368 a financial cost that exceeds the amounts appropriated for those
369 purposes by the Legislature. Each contract or agreement entered



370 into by the executive officer shall be submitted to the board
371 before its next meeting.

372 (2) The State Board of Health shall have the authority to
373 establish an Office of Rural Health within the department. The
374 duties and responsibilities of this office shall include the
375 following:

376 (a) To collect and evaluate data on rural health
377 conditions and needs;

378 (b) To engage in policy analysis, policy development
379 and economic impact studies with regard to rural health issues;

380 (c) To develop and implement plans and provide
381 technical assistance to enable community health systems to respond
382 to various changes in their circumstances;

383 (d) To plan and assist in professional recruitment and
384 retention of medical professionals and assistants; and

385 (e) To establish information clearinghouses to improve
386 access to and sharing of rural health care information.

387 (3) The State Board of Health shall have general supervision
388 of the health interests of the people of the state and to exercise
389 the rights, powers and duties of those acts which it is authorized
390 by law to enforce.

391 (4) The State Board of Health shall have authority:

392 (a) To make investigations and inquiries with respect
393 to the causes of disease and death, and to investigate the effect
394 of environment, including conditions of employment and other



395 conditions that may affect health, and to make such other
396 investigations as it may deem necessary for the preservation and
397 improvement of health.

398 (b) To make such sanitary investigations as it may,
399 from time to time, deem necessary for the protection and
400 improvement of health and to investigate nuisance questions that
401 affect the security of life and health within the state.

402 (c) To direct and control sanitary and quarantine
403 measures for dealing with all diseases within the state possible
404 to suppress same and prevent their spread.

405 (d) To obtain, collect and preserve such information
406 relative to mortality, morbidity, disease and health as may be
407 useful in the discharge of its duties or may contribute to the
408 prevention of disease or the promotion of health in this state.

409 (e) To charge and collect reasonable fees for health
410 services, including immunizations, inspections and related
411 activities, and the board shall charge fees for those services;
412 however, if it is determined that a person receiving services is
413 unable to pay the total fee, the board shall collect any amount
414 that the person is able to pay. Any increase in the fees charged
415 by the board under this paragraph shall be in accordance with the
416 provisions of Section 41-3-65.

417 (f) (i) To establish standards for, issue permits and
418 exercise control over, any cafes, restaurants, food or drink
419 stands, sandwich manufacturing establishments, and all other



420 establishments, other than churches, church-related and private
421 schools, and other nonprofit or charitable organizations, where
422 food or drink is regularly prepared, handled and served for pay;
423 and

424 (ii) To require that a permit be obtained from the
425 Department of Health before those persons begin operation. If any
426 such person fails to obtain the permit required in this
427 subparagraph (ii), the State Board of Health, after due notice and
428 opportunity for a hearing, may impose a monetary penalty not to
429 exceed One Thousand Dollars (\$1,000.00) for each violation.
430 However, the department is not authorized to impose a monetary
431 penalty against any person whose gross annual prepared food sales
432 are less than Five Thousand Dollars (\$5,000.00). Money collected
433 by the board under this subparagraph (ii) shall be deposited to
434 the credit of the State General Fund of the State Treasury.

435 (g) To promulgate rules and regulations and exercise
436 control over the production and sale of milk pursuant to the
437 provisions of Sections 75-31-41 through 75-31-49.

438 (h) On presentation of proper authority, to enter into
439 and inspect any public place or building where the State Health
440 Officer or his representative deems it necessary and proper to
441 enter for the discovery and suppression of disease and for the
442 enforcement of any health or sanitary laws and regulations in the
443 state.



444 (i) To conduct investigations, inquiries and hearings,
445 and to issue subpoenas for the attendance of witnesses and the
446 production of books and records at any hearing when authorized and
447 required by statute to be conducted by the State Health Officer or
448 the State Board of Health.

449 (j) To promulgate rules and regulations, and to collect
450 data and information, on (i) the delivery of services through the
451 practice of telemedicine; and (ii) the use of electronic records
452 for the delivery of telemedicine services.

453 (k) To enforce and regulate domestic and imported fish
454 as authorized under Section 69-7-601 et seq.

455 (5) (a) The State Board of Health shall have the authority,
456 in its discretion, to establish programs to promote the public
457 health, to be administered by the State Department of Health.
458 Specifically, those programs may include, but shall not be limited
459 to, programs in the following areas:

- 460 (i) Maternal and child health;
- 461 (ii) Family planning;
- 462 (iii) Pediatric services;
- 463 (iv) Services to crippled and disabled children;
- 464 (v) Control of communicable and noncommunicable
465 disease;
- 466 (vi) Chronic disease;
- 467 (vii) Accidental deaths and injuries;
- 468 (viii) Child care licensure;



469 (ix) Radiological health;
470 (x) Dental health;
471 (xi) Milk sanitation;
472 (xii) Occupational safety and health;
473 (xiii) Food, vector control and general
474 sanitation;
475 (xiv) Protection of drinking water;
476 (xv) Sanitation in food handling establishments
477 open to the public;
478 (xvi) Registration of births and deaths and other
479 vital events;
480 (xvii) Such public health programs and services as
481 may be assigned to the State Board of Health by the Legislature or
482 by executive order; and
483 (xviii) Regulation of domestic and imported fish
484 for human consumption.
485 (b) The State Board of Health and State Department of
486 Health shall not be authorized to sell, transfer, alienate or
487 otherwise dispose of any of the home health agencies owned and
488 operated by the department on January 1, 1995, and shall not be
489 authorized to sell, transfer, assign, alienate or otherwise
490 dispose of the license of any of those home health agencies,
491 except upon the specific authorization of the Legislature by an
492 amendment to this section. However, this paragraph (b) shall not
493 prevent the board or the department from closing or terminating



494 the operation of any home health agency owned and operated by the
495 department, or closing or terminating any office, branch office or
496 clinic of any such home health agency, or otherwise discontinuing
497 the providing of home health services through any such home health
498 agency, office, branch office or clinic, if the board first
499 demonstrates that there are other providers of home health
500 services in the area being served by the department's home health
501 agency, office, branch office or clinic that will be able to
502 provide adequate home health services to the residents of the area
503 if the department's home health agency, office, branch office or
504 clinic is closed or otherwise discontinues the providing of home
505 health services. This demonstration by the board that there are
506 other providers of adequate home health services in the area shall
507 be spread at length upon the minutes of the board at a regular or
508 special meeting of the board at least thirty (30) days before a
509 home health agency, office, branch office or clinic is proposed to
510 be closed or otherwise discontinue the providing of home health
511 services.

512 (c) The State Department of Health may undertake such
513 technical programs and activities as may be required for the
514 support and operation of those programs, including maintaining
515 physical, chemical, bacteriological and radiological laboratories,
516 and may make such diagnostic tests for diseases and tests for the
517 evaluation of health hazards as may be deemed necessary for the
518 protection of the people of the state.



519 (6) (a) The State Board of Health shall administer the
520 local governments and rural water systems improvements loan
521 program in accordance with the provisions of Section 41-3-16.

522 (b) The State Board of Health shall have authority:

523 (i) To enter into capitalization grant agreements
524 with the United States Environmental Protection Agency, or any
525 successor agency thereto;

526 (ii) To accept capitalization grant awards made
527 under the federal Safe Drinking Water Act, as amended;

528 (iii) To provide annual reports and audits to the
529 United States Environmental Protection Agency, as may be required
530 by federal capitalization grant agreements; and

531 (iv) To establish and collect fees to defray the
532 reasonable costs of administering the revolving fund or emergency
533 fund if the State Board of Health determines that those costs will
534 exceed the limitations established in the federal Safe Drinking
535 Water Act, as amended. The administration fees may be included in
536 loan amounts to loan recipients for the purpose of facilitating
537 payment to the board; however, those fees may not exceed five
538 percent (5%) of the loan amount.

539 (7) Notwithstanding any other provision to the contrary, the
540 State Department of Health shall have the following specific
541 powers: The department shall issue a license to Alexander Milne
542 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
543 construction, conversion, expansion and operation of not more than



544 forty-five (45) beds for developmentally disabled adults who have
545 been displaced from New Orleans, Louisiana, with the beds to be
546 located in a certified ICF-MR facility in the City of Laurel,
547 Mississippi. There shall be no prohibition or restrictions on
548 participation in the Medicaid program for the person receiving the
549 license under this subsection (7). The license described in this
550 subsection shall expire five (5) years from the date of its issue.
551 The license authorized by this subsection shall be issued upon the
552 initial payment by the licensee of an application fee of
553 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
554 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
555 the license, to be paid as long as the licensee continues to
556 operate. The initial and monthly licensing fees shall be
557 deposited by the State Department of Health into the special fund
558 created under Section 41-7-188.

559 (8) Notwithstanding any other provision to the contrary, the
560 State Department of Health shall have the following specific
561 powers: The State Department of Health is authorized to issue a
562 license to an existing home health agency for the transfer of a
563 county from that agency to another existing home health agency,
564 and to charge a fee for reviewing and making a determination on
565 the application for such transfer not to exceed one-half (1/2) of
566 the authorized fee assessed for the original application for the
567 home health agency, with the revenue to be deposited by the State



568 Department of Health into the special fund created under Section
569 41-7-188.

570 (9) Notwithstanding any other provision to the contrary, the
571 State Department of Health shall have the following specific
572 powers: For the period beginning July 1, 2010, through July 1,
573 2017, the State Department of Health is authorized and empowered
574 to assess a fee in addition to the fee prescribed in Section
575 41-7-188 for reviewing applications for certificates of need in an
576 amount not to exceed twenty-five one-hundredths of one percent
577 (.25 of 1%) of the amount of a proposed capital expenditure, but
578 shall be not less than Two Hundred Fifty Dollars (\$250.00)
579 regardless of the amount of the proposed capital expenditure, and
580 the maximum additional fee permitted shall not exceed Fifty
581 Thousand Dollars (\$50,000.00). Provided that the total
582 assessments of fees for certificate of need applications under
583 Section 41-7-188 and this section shall not exceed the actual cost
584 of operating the certificate of need program.

585 (10) Notwithstanding any other provision to the contrary,
586 the State Department of Health shall have the following specific
587 powers: The State Department of Health is authorized to extend
588 and renew any certificate of need that has expired, and to charge
589 a fee for reviewing and making a determination on the application
590 for such action not to exceed one-half (1/2) of the authorized fee
591 assessed for the original application for the certificate of need,



592 with the revenue to be deposited by the State Department of Health
593 into the special fund created under Section 41-7-188.

594 (11) Notwithstanding any other provision to the contrary,
595 the State Department of Health shall have the following specific
596 powers: The State Department of Health is authorized and
597 empowered, to revoke, immediately, the license and require closure
598 of any institution for the aged or infirm, including any other
599 remedy less than closure to protect the health and safety of the
600 residents of said institution or the health and safety of the
601 general public.

602 (12) Notwithstanding any other provision to the contrary,
603 the State Department of Health shall have the following specific
604 powers: The State Department of Health is authorized and
605 empowered, to require the temporary detainment of individuals for
606 disease control purposes based upon violation of any order of the
607 State Health Officer, as provided in Section 41-23-5. For the
608 purpose of enforcing such orders of the State Health Officer,
609 persons employed by the department as investigators shall have
610 general arrest powers. All law enforcement officers are
611 authorized and directed to assist in the enforcement of such
612 orders of the State Health Officer.

613 (13) The State Board of Health shall have as additional
614 responsibilities the formulation of technical advice and
615 recommendations to the Mississippi Department of Finance and
616 Administration relative to the administration of the Mississippi



617 Association of Independent Colleges and Universities (MAICU)
618 Infrastructure Act of 2022 and recommendations for the approval of
619 grant applications under said program.

620 **SECTION 4.** This act shall take effect and be in force from
621 and after its passage and shall stand repealed on July 1, 2026.

