

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

To: Appropriations

SENATE BILL NO. 2822

1 AN ACT TO ESTABLISH THE "MISSISSIPPI WATER AND WASTEWATER
2 TRANSFORMATION INFRASTRUCTURE GRANT PROGRAM ACT OF 2022"
3 ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL
4 QUALITY AND THE MISSISSIPPI DEPARTMENT OF HEALTH UTILIZING FUNDS
5 MADE AVAILABLE UNDER THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY
6 FUNDS AND THE FEDERAL AMERICAN RESCUE PLAN ACT (ARPA); TO PROVIDE
7 THAT SUCH GRANTS SHALL BE MADE AVAILABLE TO MUNICIPALITIES,
8 COUNTIES AND RURAL WATER ASSOCIATIONS ON A ONE-TO-ONE MATCHING
9 BASIS AND TO PROVIDE AN ADDITIONAL GRANT TO SMALLER MUNICIPALITIES
10 BASED ON CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS; TO PRESCRIBE
11 ELIGIBLE PROJECTS UNDER THE GRANT PROGRAM; TO PROVIDE FOR MULTIPLE
12 ROUNDS OF WATER AND WASTEWATER INFRASTRUCTURE GRANT PROJECTS; TO
13 AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROMULGATE
14 GRANT APPLICATION REGULATIONS AND ENGINEERING ASSISTANCE; TO
15 AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADMINISTER
16 THE MCWWI AND RWWI GRANT PROGRAMS AND RETAIN ADMINISTRATIVE COSTS;
17 TO CREATE IN THE STATE TREASURY SPECIAL FUNDS DESIGNATED AS THE
18 "MISSISSIPPI WATER AND WASTEWATER INFRASTRUCTURE (MWWI) MUNICIPAL
19 GRANT PROGRAM FUND" AND THE "MISSISSIPPI RURAL WATER AND
20 WASTEWATER INFRASTRUCTURE (RWWI) GRANT PROGRAM FUND"; TO AMEND
21 SECTIONS 49-2-9 AND 41-3-15, MISSISSIPPI CODE OF 1972, IN
22 CONFORMITY; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** (1) This act shall be known and may be cited as
25 the "Mississippi Water and Wastewater Transformation
26 Infrastructure Grant Program Act of 2022."

27 (2) There is hereby established within the Mississippi
28 Department of Environmental Quality and the Mississippi Department



29 of Health the Mississippi Municipality and County Water and
30 Wastewater Infrastructure (MCWWI) Grant Program under which
31 municipalities and counties may apply for reimbursable grants to
32 make necessary investments in water and wastewater infrastructure
33 to improve access to clean drinking water and wastewater
34 infrastructure to be funded by the Legislature utilizing
35 Coronavirus State Fiscal Recovery Funds made available under the
36 federal American Rescue Plan Act of 2021 (ARPA). Such grants
37 shall be made available to municipalities and counties to be
38 matched with the Coronavirus Local Fiscal Recovery Funds awarded
39 to them under ARPA on a one-to-one matching basis. Any
40 Coronavirus Local Fiscal Recovery Funds that a county transfers to
41 a municipality will also be matched on a one-to-one matching
42 basis. Of the funds provided to the MCWWI Grant Program, an
43 amount not to exceed Fifty Million Dollars (\$50,000,000.00) shall
44 be used for an additional match on a one-to-one basis for
45 municipalities who received less than One Million Dollars
46 (\$1,000,000.00) in Coronavirus Local Fiscal Recovery Funds. The
47 funds that are eligible for this additional match are only the
48 municipality's Coronavirus Local Fiscal Recovery Funds awarded to
49 them under ARPA. None of the grants provided to municipalities
50 and counties by the MCWWI Grant Program shall be used for the
51 reimbursement of professional fees.

52 (3) There is hereby established within the Mississippi
53 Department of Environmental Quality and the Mississippi Department



54 of Health, the Mississippi Rural Water and Wastewater
55 Infrastructure (RWWI) Grant Program under which rural water
56 associations with two hundred fifty (250) residential meters or
57 more may apply for reimbursable grants to make necessary
58 investments in water and wastewater infrastructure to improve
59 access to clean drinking water and wastewater infrastructure to be
60 funded by the Legislature utilizing Coronavirus State Fiscal
61 Recovery Funds made available under the federal American Rescue
62 Plan Act of 2021 (ARPA). Such grants shall be made available to
63 rural water associations to be matched on a one-to-one matching
64 basis from any funds available. Any Coronavirus Local Recovery
65 Funds that a county transfers to a rural water association will
66 also be matched on a one-to-one matching basis. The maximum
67 allowable amount of funds to any rural water association shall be
68 Two Million Five Hundred Thousand Dollars (\$2,500,000.00). None
69 of the grants provided to rural water association by RWWI Grant
70 Program shall be used for the reimbursement of professional fees.

71 (4) For purposes of this act, unless the context requires
72 otherwise, the following terms shall have the meanings ascribed
73 herein:

74 (a) "MCWWI Grant Program" shall mean the Mississippi
75 Municipality and County Water and Wastewater Infrastructure Grant
76 Program.

77 (b) "RWWI Grant Program" shall mean the Mississippi
78 Rural Water and Wastewater Infrastructure Grant Program.



79 (c) "ARPA" shall mean the federal American Rescue Plan
80 Act of 2021, Public Law 117-2, which amends Title VI of the Social
81 Security Act.

82 (d) "State Recovery Funds" shall mean Coronavirus State
83 Fiscal Recovery Funds awarded through Section 602 of Title VI of
84 the Social Security Act amended by Section 9901 of the federal
85 American Rescue Plan Act of 2021, Public Law 117-2.

86 (e) "Local Recovery Funds" shall mean Coronavirus Local
87 Fiscal Recovery Funds awarded through Section 603 of Title VI of
88 the Social Security Act amended by Section 9901 of the federal
89 American Rescue Plan Act of 2021, Public Law 117-2.

90 (f) "Department" shall mean the Department of
91 Environmental Quality.

92 (5) On or before July 1, 2022, the Mississippi Commission on
93 Environmental Quality acting through the Mississippi Department of
94 Environmental Quality shall promulgate rules and regulations
95 necessary to administer the MCWWI and the RWWI Grant Program
96 prescribed under this act, including application procedures and
97 deadlines. The Mississippi State Board of Health acting through
98 the Mississippi Department of Health is authorized and directed to
99 advise the Mississippi Department of Environmental Quality
100 regarding all such rules and regulations. The Rural Water
101 Association's Board President and Chief Executive Officer or their
102 designees shall also advise the Mississippi Department of



103 Environmental Quality regarding all such rules and regulations
104 which apply to rural water associations.

105 (6) Funding under the MCWWI and the RWWI Grant Programs
106 shall be allocated to projects as either "design projects" or
107 "construction projects" to be certified by the Mississippi
108 Department of Environmental Quality as eligible for federal
109 funding and shall include, but not be limited to, the following:

110 (a) Construction of publicly owned treatment works;

111 (b) Projects pursuant to implementation of a nonpoint
112 source pollution management program established under the Clean
113 Water Act (CWA);

114 (c) Decentralized wastewater treatment systems that
115 treat municipal wastewater or domestic sewage;

116 (d) Management and treatment of storm water or
117 subsurface drainage water;

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

119 (f) Development and implementation of a conservation
120 and management plan under the CWA;

121 (g) Watershed projects meeting the criteria set forth
122 in the CWA;

123 (h) Energy consumption reduction for publicly owned
124 treatment works;

125 (i) Reuse or recycling of wastewater, stormwater, or
126 subsurface drainage water;

127 (j) Security of publicly owned treatment works;



- 128 (k) Facilities to improve drinking water quality;
- 129 (l) Transmission and distribution, including
- 130 improvements of water pressure or prevention of contamination in
- 131 infrastructure and lead service line replacements;
- 132 (m) New sources to replace contaminated drinking water
- 133 or increase drought resilience, including aquifer storage and
- 134 recovery system for water storage;
- 135 (n) Green infrastructure, including green roofs,
- 136 rainwater harvesting collection, permeable pavement;
- 137 (o) Storage of drinking water, such as to prevent
- 138 contaminants or equalize water demands;
- 139 (p) Purchase of water systems and interconnection of
- 140 systems;
- 141 (q) New community water systems;
- 142 (r) Culvert repair, resizing, and removal, replacement
- 143 of storm sewers, and additional types of stormwater
- 144 infrastructure;
- 145 (s) Dam and reservoir rehabilitation if primary purpose
- 146 of dam or reservoir is for drinking water supply and project is
- 147 necessary for provision of drinking water;
- 148 (t) Broad set of lead remediation projects eligible
- 149 under EPA grant programs authorized by the Water Infrastructure
- 150 Improvements for the Nation (WIIN) Act; and
- 151 (u) Any eligible drinking water, wastewater or
- 152 stormwater project through ARPA guidelines, guidance, rules,



153 regulations and/or other criteria, as may be amended from time to
154 time, of the United States Department of the Treasury.

155 (7) The local municipal governing authority acting through
156 its municipal water/sewer department, the board of supervisors
157 acting through its county water/sewer department and the board of
158 trustees of any rural water association may submit an application
159 for grant funds under this act. Applicants shall certify to the
160 Department of Finance and Administration that each expenditure of
161 the funds appropriated to the DEQ under this act is in compliance
162 with the guidelines, guidance, rules, regulations and/or other
163 criteria, as may be amended from time to time, of the United
164 States Department of the Treasury regarding the use of monies from
165 the State Coronavirus State Fiscal Recovery Fund in Section 9901
166 of the American Rescue Plan Act of 2021 (Public Law No. 117-2).
167 Subsequent submissions will be due by the dates established by the
168 department.

169 (8) An application for a grant under this act shall be
170 submitted at such time, be in such form, and contain such
171 information as the department prescribes. Each application for
172 grant funds shall include the following at a minimum: applicant
173 contact information; project description and type of project;
174 project map; estimate of population served by the projects;
175 disadvantaged community criteria (population, median household
176 income, unemployment, current water/sewer rates); estimated
177 project cost; list of available match funds and documentation of



178 commitment; estimated project schedule and readiness to proceed;
179 engineering services agreement; engineering reports; and
180 information about status of obtaining any required permits.

181 (9) The department shall develop a system for use in ranking
182 the grant applications received. The ranking system shall include
183 the following factors, at a minimum: the environmental impact of
184 the proposed project; the proposed project's ability to address
185 noncompliance with state/federal requirements; the extent to which
186 the project promotes economic development; the number of people
187 served by the project (both new and existing users); impacts of
188 the proposed project on disadvantaged/overburdened communities;
189 the grant applicant's prior efforts to secure funding to address
190 the proposed project's objectives; the grant applicant's proposed
191 contribution of other funds or in-kind cost-sharing to the
192 proposed project; the grant applicant's long-term plans for the
193 financial and physical operation and maintenance of the project;
194 and the grant applicant's capacity to initiate construction in a
195 timely manner and complete the proposed project by the deadline
196 specified by the United States Department of Treasury rules for
197 ARPA funds.

198 (10) Applications shall be reviewed and scored as they are
199 received. The Mississippi Department of Environmental Quality
200 shall certify that each project submitted is a necessary
201 investment in water and sewer infrastructure as defined in the
202 American Rescue Plan Act and all applicable guidance issued by the



203 department. The Department of Environmental Quality shall review
204 the lists of recommended water and sewer infrastructure projects
205 and issue its list of recommended projects to the Mississippi
206 Department of Health for its advice. Grant agreements shall be
207 executed between the recipient and the Mississippi Department of
208 Environmental Quality. All final awards will be determined at the
209 discretion of the executive director of the department. Funds
210 shall be made available to a grantee upon the execution of a grant
211 agreement between the department and the approved applicant. The
212 Mississippi Department of Environmental Quality is authorized to
213 present additional rounds of grant proposals for application
214 consideration as needed.

215 (11) Grant requirements shall be used prospectively and
216 grants are not available to cover the costs of debt incurred prior
217 to the enactment of this program. The applicant shall agree to
218 obtain all necessary state and federal permits, follow all state
219 bidding and contracting laws and fiscally sound practices in the
220 administration of the funds.

221 (12) The review process shall include a specific emphasis on
222 the "readiness to proceed." Projects that already have approved
223 engineering/design, plans and permits and can begin construction
224 within six (6) months shall receive a greater score on the
225 application. Projects that are included on the municipal or
226 county engineer's approved list and provide applicable supporting



227 documentation will receive additional consideration awarded to the
228 application.

229 (13) The grant program will include a specific emphasis on
230 addressing the needs of an economically disadvantaged community,
231 including providing safe, reliable drinking water in areas that
232 lack infrastructure, providing sewage treatment capacity in
233 unsewered areas and promoting regional development of
234 infrastructure to serve multiple communities.

235 (14) (a) There is hereby created in the State Treasury two
236 (2) special funds to be known as (a) the "Mississippi Water and
237 Wastewater Infrastructure (MWWI) Municipal-County Grant Program
238 Fund," and (b) the "Mississippi Rural Water and Wastewater
239 Infrastructure (RWVI) Grant Program Fund," which shall consist of
240 funds appropriated by the Legislature from federal American Rescue
241 Plan (ARPA) monies or other available federal grant funds for the
242 purposes of awarding grants under this act to be disbursed by the
243 Mississippi Department of Environmental Quality.

244 (b) All monies disbursed from the funds created in this
245 act shall be in compliance with the guidelines, guidance, rules,
246 regulations or other criteria, as may be amended from time to
247 time, of the United States Department of the Treasury regarding
248 the use of monies from the Coronavirus State Fiscal Recovery Fund,
249 established by the American Rescue Plan of 2021. Unexpended
250 amounts remaining in the funds at the end of the fiscal year shall
251 not lapse into the Coronavirus State Fiscal Recovery Fund or the



252 State General Fund, and any investment earnings or interest earned
253 on amounts in the funds shall remain in the respective grant
254 program funds.

255 (c) If there are unobligated Coronavirus State Fiscal
256 Recovery Fund monies remaining in the funds created in this act,
257 on the later of December 17, 2024, or fourteen (14) days prior to
258 the fund obligation deadline provided by the federal government,
259 the Department of Finance and Administration shall transfer these
260 unobligated balances to the Coronavirus State Fiscal Recovery
261 Fund. The Department of Finance and Administration shall then
262 transfer the unobligated balance of Coronavirus State Fiscal
263 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
264 the State and School Employees' Life and Health Insurance Fund for
265 an amount not to exceed the lesser of Sixty Million Dollars
266 (\$60,000,000.00) or the amount of allowable ARPA expenditures, by
267 no later than December 31, 2024, or on the date of the fund
268 obligation deadline provided by the federal government. The
269 Department of Finance and Administration shall then transfer all
270 remaining unobligated balances of Coronavirus State Fiscal
271 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
272 the Unemployment Compensation Fund up to the ARPA allowable
273 amount, by no later than December 31, 2024, or on the date of the
274 fund obligation deadline provided by the federal government.

275 (d) The use of funds allocated under this program shall
276 be subject to audit by the United States Department of the



277 Treasury's Office of Inspector General and the Mississippi Office
278 of the State Auditor. Each person receiving funds under these
279 programs found to be fully or partially noncompliant with the
280 requirements in this act shall return to the state all or a
281 portion of the funds received.

282 (15) It is the intent of the Legislature that, in the first
283 fiscal year after the effective date of this act, fifty percent
284 (50%) of the funds appropriated to the (MCWWI) Grant Program Fund
285 and the (RWVI) Grant Program Fund shall be obligated to projects
286 that have completed plans and specifications, acquired all
287 necessary land and/or easements, and are ready to proceed to
288 construction.

289 (16) The department shall submit to the Lieutenant Governor,
290 Speaker of the House, House and Senate Appropriations Chairmen and
291 the Legislative Budget Office quarterly reports and annual reports
292 that are due by the dates established in the Compliance and
293 Reporting Guidance by the United States Department of Treasury.
294 The reports shall contain the applications received, the score of
295 the applications, the amount of grant funds awarded to each
296 applicant, the amount of grant funds expended by each applicant,
297 and status of each applicant's project.

298 (17) Grant funds shall be available under this act through
299 December 31, 2026. Each grant recipient shall certify for any
300 project that a grant is awarded that in the event the project is
301 not completed by December 31, 2026, and the United States Congress



302 does not enact an extension of the deadline on the availability of
303 ARPA Funds, then the grant recipient will complete the project
304 through any other funds available.

305 (18) The Mississippi commission on Environmental Quality may
306 retain an amount not to exceed two percent (2%) of the total funds
307 allocated to the program to defray administrative costs.

308 (19) The department shall be exempt from provisions of the
309 Public Procurement Review Board for any requirements of personal
310 or professional service contracts or the pre-approval of the
311 solicitation for such contracts used in the execution of its
312 responsibilities under the Mississippi Water and Wastewater
313 Transformation Infrastructure Grant Program Act of 2022. This
314 subsection shall stand repealed on July 1, 2026.

315 **SECTION 2.** Section 49-2-9, Mississippi Code of 1972, is
316 amended as follows:

317 49-2-9. (1) Effective July 1, 1979, the commission shall
318 have the following powers and duties:

319 (a) To formulate the policy of the department regarding
320 natural resources within the jurisdiction of the department;

321 (b) To adopt, modify, repeal, and promulgate, after due
322 notice and hearing, and where not otherwise prohibited by federal
323 or state law, to make exceptions to and grant exemptions and
324 variances from, and to enforce rules and regulations implementing
325 or effectuating the powers and duties of the commission under any
326 and all statutes within the commission's jurisdiction, and as the



327 commission may deem necessary to prevent, control and abate
328 existing or potential pollution;

329 (c) To apply for, receive and expend any federal or
330 state funds or contributions, gifts, devises, bequests or funds
331 from any other source;

332 (d) To commission or conduct studies designed to
333 determine alternative methods of managing or using the natural
334 resources of this state, in a manner to insure efficiency and
335 maximum productivity;

336 (e) To enter into, and to authorize the executive
337 director to execute with the approval of the commission,
338 contracts, grants and cooperative agreements with any federal or
339 state agency or subdivision thereof, or any public or private
340 institution located inside or outside the State of Mississippi, or
341 any person, corporation or association in connection with carrying
342 out the provisions of this chapter; but this authority under this
343 chapter and under any and all statutes within the commission's
344 jurisdiction, except those statutes relating to the Bureau of
345 Recreation and Parks, shall not include contracts, grants or
346 cooperative agreements which do not develop data or information
347 usable by the commission, or which provide goods, services or
348 facilities to the commission or any of its bureaus, and shall
349 exclude any monies for special interest groups for purposes of
350 lobbying or otherwise promoting their special interests; and



351 (f) To discharge such other duties, responsibilities
352 and powers as are necessary to implement the provisions of this
353 chapter.

354 (2) The Mississippi Department of Environmental Quality,
355 Office of Geology and Energy Resources shall be responsible for
356 program management, procurement, development and maintenance of
357 the Mississippi Digital Earth Model, which should include the
358 following seven (7) core data layers of a digital land base
359 computer model of the State of Mississippi:

360 (a) Geodetic control;

361 (b) Elevation and bathymetry;

362 (c) Orthoimagery;

363 (d) Hydrography;

364 (e) Transportation;

365 (f) Government boundaries; and

366 (g) Cadastral. With respect to the cadastral layer,
367 the authority and responsibility of the Mississippi Department of
368 Environmental Quality, Office of Geology and Energy Resources
369 shall be limited to compiling information submitted by counties.

370 For all seven (7) framework layers, the Mississippi
371 Department of Environmental Quality, Office of Geology and Energy
372 Resources shall be the integrator of data from all sources and the
373 guarantor of data completeness and consistency and shall
374 administer the council's policies and standards for the



375 procurement of remote sensing and geographic information system
376 data by state and local governmental entities.

377 (3) The Mississippi Department of Environmental Quality
378 shall have as additional responsibilities, the administration of
379 the Mississippi Water and Wastewater Transformation Infrastructure
380 Grant Program Act of 2022 and shall promulgate necessary rules and
381 regulations relating to the application of eligible municipal and
382 county and rural water associations for grant funds and the
383 awarding of such grants.

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

386 41-3-15. (1) (a) There shall be a State Department of
387 Health.

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

390 (i) To formulate the policy of the State
391 Department of Health regarding public health matters within the
392 jurisdiction of the department;

393 (ii) To adopt, modify, repeal and promulgate,
394 after due notice and hearing, and enforce rules and regulations
395 implementing or effectuating the powers and duties of the
396 department under any and all statutes within the department's
397 jurisdiction, and as the board may deem necessary;

398 (iii) To apply for, receive, accept and expend any
399 federal or state funds or contributions, gifts, trusts, devises,



400 bequests, grants, endowments or funds from any other source or
401 transfers of property of any kind;

402 (iv) To enter into, and to authorize the executive
403 officer to execute contracts, grants and cooperative agreements
404 with any federal or state agency or subdivision thereof, or any
405 public or private institution located inside or outside the State
406 of Mississippi, or any person, corporation or association in
407 connection with carrying out the provisions of this chapter, if it
408 finds those actions to be in the public interest and the contracts
409 or agreements do not have a financial cost that exceeds the
410 amounts appropriated for those purposes by the Legislature;

411 (v) To appoint, upon recommendation of the
412 Executive Officer of the State Department of Health, a Director of
413 Internal Audit who shall be either a Certified Public Accountant
414 or Certified Internal Auditor, and whose employment shall be
415 continued at the discretion of the board, and who shall report
416 directly to the board, or its designee; and

417 (vi) To discharge such other duties,
418 responsibilities and powers as are necessary to implement the
419 provisions of this chapter.

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

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



424 (ii) To supervise and direct all administrative
425 and technical activities of the department, except that the
426 department's internal auditor shall be subject to the sole
427 supervision and direction of the board;

428 (iii) To organize the administrative units of the
429 department in accordance with the plan adopted by the board and,
430 with board approval, alter the organizational plan and reassign
431 responsibilities as he or she may deem necessary to carry out the
432 policies of the board;

433 (iv) To coordinate the activities of the various
434 offices of the department;

435 (v) To employ, subject to regulations of the State
436 Personnel Board, qualified professional personnel in the subject
437 matter or fields of each office, and such other technical and
438 clerical staff as may be required for the operation of the
439 department. The executive officer shall be the appointing
440 authority for the department, and shall have the power to delegate
441 the authority to appoint or dismiss employees to appropriate
442 subordinates, subject to the rules and regulations of the State
443 Personnel Board;

444 (vi) To recommend to the board such studies and
445 investigations as he or she may deem appropriate, and to carry out
446 the approved recommendations in conjunction with the various
447 offices;



448 (vii) To prepare and deliver to the Legislature
449 and the Governor on or before January 1 of each year, and at such
450 other times as may be required by the Legislature or Governor, a
451 full report of the work of the department and the offices thereof,
452 including a detailed statement of expenditures of the department
453 and any recommendations the board may have;

454 (viii) To prepare and deliver to the Chairmen of
455 the Public Health and Welfare/Human Services Committees of the
456 Senate and House on or before January 1 of each year, a plan for
457 monitoring infant mortality in Mississippi and a full report of
458 the work of the department on reducing Mississippi's infant
459 mortality and morbidity rates and improving the status of maternal
460 and infant health; and

461 (ix) To enter into contracts, grants and
462 cooperative agreements with any federal or state agency or
463 subdivision thereof, or any public or private institution located
464 inside or outside the State of Mississippi, or any person,
465 corporation or association in connection with carrying out the
466 provisions of this chapter, if he or she finds those actions to be
467 in the public interest and the contracts or agreements do not have
468 a financial cost that exceeds the amounts appropriated for those
469 purposes by the Legislature. Each contract or agreement entered
470 into by the executive officer shall be submitted to the board
471 before its next meeting.



472 (2) The State Board of Health shall have the authority to
473 establish an Office of Rural Health within the department. The
474 duties and responsibilities of this office shall include the
475 following:

476 (a) To collect and evaluate data on rural health
477 conditions and needs;

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

480 (c) To develop and implement plans and provide
481 technical assistance to enable community health systems to respond
482 to various changes in their circumstances;

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

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

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

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

492 (a) To make investigations and inquiries with respect
493 to the causes of disease and death, and to investigate the effect
494 of environment, including conditions of employment and other
495 conditions that may affect health, and to make such other



496 investigations as it may deem necessary for the preservation and
497 improvement of health.

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

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

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

509 (e) To charge and collect reasonable fees for health
510 services, including immunizations, inspections and related
511 activities, and the board shall charge fees for those services;
512 however, if it is determined that a person receiving services is
513 unable to pay the total fee, the board shall collect any amount
514 that the person is able to pay. Any increase in the fees charged
515 by the board under this paragraph shall be in accordance with the
516 provisions of Section 41-3-65.

517 (f) (i) To establish standards for, issue permits and
518 exercise control over, any cafes, restaurants, food or drink
519 stands, sandwich manufacturing establishments, and all other
520 establishments, other than churches, church-related and private



521 schools, and other nonprofit or charitable organizations, where
522 food or drink is regularly prepared, handled and served for pay;
523 and

524 (ii) To require that a permit be obtained from the
525 Department of Health before those persons begin operation. If any
526 such person fails to obtain the permit required in this
527 subparagraph (ii), the State Board of Health, after due notice and
528 opportunity for a hearing, may impose a monetary penalty not to
529 exceed One Thousand Dollars (\$1,000.00) for each violation.
530 However, the department is not authorized to impose a monetary
531 penalty against any person whose gross annual prepared food sales
532 are less than Five Thousand Dollars (\$5,000.00). Money collected
533 by the board under this subparagraph (ii) shall be deposited to
534 the credit of the State General Fund of the State Treasury.

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

538 (h) On presentation of proper authority, to enter into
539 and inspect any public place or building where the State Health
540 Officer or his representative deems it necessary and proper to
541 enter for the discovery and suppression of disease and for the
542 enforcement of any health or sanitary laws and regulations in the
543 state.

544 (i) To conduct investigations, inquiries and hearings,
545 and to issue subpoenas for the attendance of witnesses and the



546 production of books and records at any hearing when authorized and
547 required by statute to be conducted by the State Health Officer or
548 the State Board of Health.

549 (j) To promulgate rules and regulations, and to collect
550 data and information, on (i) the delivery of services through the
551 practice of telemedicine; and (ii) the use of electronic records
552 for the delivery of telemedicine services.

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

555 (5) (a) The State Board of Health shall have the authority,
556 in its discretion, to establish programs to promote the public
557 health, to be administered by the State Department of Health.
558 Specifically, those programs may include, but shall not be limited
559 to, programs in the following areas:

560 (i) Maternal and child health;

561 (ii) Family planning;

562 (iii) Pediatric services;

563 (iv) Services to crippled and disabled children;

564 (v) Control of communicable and noncommunicable
565 disease;

566 (vi) Chronic disease;

567 (vii) Accidental deaths and injuries;

568 (viii) Child care licensure;

569 (ix) Radiological health;

570 (x) Dental health;



571 (xi) Milk sanitation;
572 (xii) Occupational safety and health;
573 (xiii) Food, vector control and general
574 sanitation;
575 (xiv) Protection of drinking water;
576 (xv) Sanitation in food handling establishments
577 open to the public;
578 (xvi) Registration of births and deaths and other
579 vital events;
580 (xvii) Such public health programs and services as
581 may be assigned to the State Board of Health by the Legislature or
582 by executive order; and
583 (xviii) Regulation of domestic and imported fish
584 for human consumption.
585 (b) The State Board of Health and State Department of
586 Health shall not be authorized to sell, transfer, alienate or
587 otherwise dispose of any of the home health agencies owned and
588 operated by the department on January 1, 1995, and shall not be
589 authorized to sell, transfer, assign, alienate or otherwise
590 dispose of the license of any of those home health agencies,
591 except upon the specific authorization of the Legislature by an
592 amendment to this section. However, this paragraph (b) shall not
593 prevent the board or the department from closing or terminating
594 the operation of any home health agency owned and operated by the
595 department, or closing or terminating any office, branch office or



596 clinic of any such home health agency, or otherwise discontinuing
597 the providing of home health services through any such home health
598 agency, office, branch office or clinic, if the board first
599 demonstrates that there are other providers of home health
600 services in the area being served by the department's home health
601 agency, office, branch office or clinic that will be able to
602 provide adequate home health services to the residents of the area
603 if the department's home health agency, office, branch office or
604 clinic is closed or otherwise discontinues the providing of home
605 health services. This demonstration by the board that there are
606 other providers of adequate home health services in the area shall
607 be spread at length upon the minutes of the board at a regular or
608 special meeting of the board at least thirty (30) days before a
609 home health agency, office, branch office or clinic is proposed to
610 be closed or otherwise discontinue the providing of home health
611 services.

612 (c) The State Department of Health may undertake such
613 technical programs and activities as may be required for the
614 support and operation of those programs, including maintaining
615 physical, chemical, bacteriological and radiological laboratories,
616 and may make such diagnostic tests for diseases and tests for the
617 evaluation of health hazards as may be deemed necessary for the
618 protection of the people of the state.



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

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

623 (i) To enter into capitalization grant agreements
624 with the United States Environmental Protection Agency, or any
625 successor agency thereto;

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

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

631 (iv) To establish and collect fees to defray the
632 reasonable costs of administering the revolving fund or emergency
633 fund if the State Board of Health determines that those costs will
634 exceed the limitations established in the federal Safe Drinking
635 Water Act, as amended. The administration fees may be included in
636 loan amounts to loan recipients for the purpose of facilitating
637 payment to the board; however, those fees may not exceed five
638 percent (5%) of the loan amount.

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



644 forty-five (45) beds for developmentally disabled adults who have
645 been displaced from New Orleans, Louisiana, with the beds to be
646 located in a certified ICF-MR facility in the City of Laurel,
647 Mississippi. There shall be no prohibition or restrictions on
648 participation in the Medicaid program for the person receiving the
649 license under this subsection (7). The license described in this
650 subsection shall expire five (5) years from the date of its issue.
651 The license authorized by this subsection shall be issued upon the
652 initial payment by the licensee of an application fee of
653 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
654 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
655 the license, to be paid as long as the licensee continues to
656 operate. The initial and monthly licensing fees shall be
657 deposited by the State Department of Health into the special fund
658 created under Section 41-7-188.

659 (8) Notwithstanding any other provision to the contrary, the
660 State Department of Health shall have the following specific
661 powers: The State Department of Health is authorized to issue a
662 license to an existing home health agency for the transfer of a
663 county from that agency to another existing home health agency,
664 and to charge a fee for reviewing and making a determination on
665 the application for such transfer not to exceed one-half (1/2) of
666 the authorized fee assessed for the original application for the
667 home health agency, with the revenue to be deposited by the State



668 Department of Health into the special fund created under Section
669 41-7-188.

670 (9) Notwithstanding any other provision to the contrary, the
671 State Department of Health shall have the following specific
672 powers: For the period beginning July 1, 2010, through July 1,
673 2017, the State Department of Health is authorized and empowered
674 to assess a fee in addition to the fee prescribed in Section
675 41-7-188 for reviewing applications for certificates of need in an
676 amount not to exceed twenty-five one-hundredths of one percent
677 (.25 of 1%) of the amount of a proposed capital expenditure, but
678 shall be not less than Two Hundred Fifty Dollars (\$250.00)
679 regardless of the amount of the proposed capital expenditure, and
680 the maximum additional fee permitted shall not exceed Fifty
681 Thousand Dollars (\$50,000.00). Provided that the total
682 assessments of fees for certificate of need applications under
683 Section 41-7-188 and this section shall not exceed the actual cost
684 of operating the certificate of need program.

685 (10) Notwithstanding any other provision to the contrary,
686 the State Department of Health shall have the following specific
687 powers: The State Department of Health is authorized to extend
688 and renew any certificate of need that has expired, and to charge
689 a fee for reviewing and making a determination on the application
690 for such action not to exceed one-half (1/2) of the authorized fee
691 assessed for the original application for the certificate of need,



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

694 (11) Notwithstanding any other provision to the contrary,
695 the State Department of Health shall have the following specific
696 powers: The State Department of Health is authorized and
697 empowered, to revoke, immediately, the license and require closure
698 of any institution for the aged or infirm, including any other
699 remedy less than closure to protect the health and safety of the
700 residents of said institution or the health and safety of the
701 general public.

702 (12) Notwithstanding any other provision to the contrary,
703 the State Department of Health shall have the following specific
704 powers: The State Department of Health is authorized and
705 empowered, to require the temporary detainment of individuals for
706 disease control purposes based upon violation of any order of the
707 State Health Officer, as provided in Section 41-23-5. For the
708 purpose of enforcing such orders of the State Health Officer,
709 persons employed by the department as investigators shall have
710 general arrest powers. All law enforcement officers are
711 authorized and directed to assist in the enforcement of such
712 orders of the State Health Officer.

713 (13) The State Board of Health shall have as additional
714 responsibilities the formulation of technical advice and
715 recommendations to the Mississippi Department of Environmental
716 Quality relative to the administration of the Mississippi Water



717 and Wastewater Transformation Infrastructure Act of 2022 and
718 recommendations for the approval of grant applications under said
719 program.

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

