

By: Senator(s) Michel, Polk, Butler (36th),  
Frazier, Parks, Williams, McLendon, Branning,  
Boyd, McMahan, Parker, Seymour, Sparks, Hill,  
England, Barrett, Moran, Caughman

To: Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2822

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

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

22 **SECTION 1.** (1) This act shall be known and may be cited as  
23 the "Mississippi Water Infrastructure Grant Program Act of 2022."

24 (2) There is hereby established within the Mississippi  
25 Department of Environmental Quality the Mississippi Municipality  
26 and County Water Infrastructure (MCWI) Grant Program under which  
27 municipalities and counties may apply for reimbursable grants to



28 make necessary investments in water, wastewater, and stormwater  
29 infrastructure to be funded by the Legislature utilizing  
30 Coronavirus State Fiscal Recovery Funds made available under the  
31 federal American Rescue Plan Act of 2021 (ARPA). Such grants  
32 shall be made available to municipalities and counties to be  
33 matched with the Coronavirus Local Fiscal Recovery Funds awarded  
34 to them under ARPA on a one-to-one matching basis. Any  
35 Coronavirus Local Fiscal Recovery Funds that a county transfers to  
36 a municipality will also be matched on a one-to-one matching  
37 basis. Municipalities that received less than One Million Dollars  
38 (\$1,000,000.00) in the total allocation of Coronavirus Local  
39 Fiscal Recovery Funds shall be provided a two-to-one match only on  
40 the Coronavirus Local Fiscal Recovery Funds awarded to them under  
41 ARPA. The total funds provided for all two-to-one matches shall  
42 not exceed Fifty Million Dollars (\$50,000,000.00) of the funds  
43 provided to the MCWI Grant Program. None of the grants provided  
44 to municipalities and counties by the MCWI Grant Program shall be  
45 used for the reimbursement of professional fees.

46 (3) There is hereby established within the Mississippi  
47 Department of Environmental Quality, the Mississippi Rural Water  
48 Infrastructure (RWI) Grant Program under which rural water  
49 associations and utility authorities with two hundred fifty (250)  
50 residential meters or more may apply for reimbursable grants to  
51 make necessary investments in water, wastewater, and stormwater  
52 infrastructure to be funded by the Legislature utilizing



53 Coronavirus State Fiscal Recovery Funds made available under the  
54 federal American Rescue Plan Act of 2021 (ARPA). Such grants  
55 shall be made available to rural water associations and utility  
56 authorities to be matched on a one-to-one matching basis from any  
57 funds available. Any Coronavirus Local Recovery Funds that a  
58 county transfers to a rural water association or utility authority  
59 shall also be matched on a one-to-one matching basis. The maximum  
60 allowable amount of funds awarded to any rural water association  
61 or utility authority shall be Two Million Five Hundred Thousand  
62 Dollars (\$2,500,000.00). None of the grants provided to a rural  
63 water association or utility authority shall be used for the  
64 reimbursement of professional fees.

65 (4) For purposes of this act, unless the context requires  
66 otherwise, the following terms shall have the meanings ascribed  
67 herein:

68 (a) "MCWI Grant Program" shall mean the Mississippi  
69 Municipality and County Water Infrastructure Grant Program.

70 (b) "RWI Grant Program" shall mean the Mississippi  
71 Rural Water Infrastructure Grant Program.

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

75 (d) "State Recovery Funds" shall mean Coronavirus State  
76 Fiscal Recovery Funds awarded through Section 602 of Title VI of



77 the Social Security Act amended by Section 9901 of the federal  
78 American Rescue Plan Act of 2021, Public Law 117-2.

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

83 (f) "Department" shall mean the Department of  
84 Environmental Quality.

85 (g) "Professional fees" shall mean fees for the  
86 services of attorneys, engineering, surveying, and environmental  
87 studies.

88 (5) On or before July 1, 2022, the Department of  
89 Environmental Quality shall promulgate rules and regulations  
90 necessary to administer the MCWI and the RWI Grant Program  
91 prescribed under this act, including application procedures and  
92 deadlines. The Department of Health shall advise the Mississippi  
93 Department of Environmental Quality regarding all such rules and  
94 regulations as related to the federal Safe Drinking Water Act.

95 (6) Funding under the MCWI and the RWI Grant Programs shall  
96 be allocated to projects certified by the Mississippi Department  
97 of Environmental Quality as eligible for federal funding  
98 including, but not be limited to, the following:

99 (a) Construction of publicly owned treatment works;



- 100 (b) Projects pursuant to the implementation of a  
101 nonpoint source pollution management program established under the  
102 Clean Water Act (CWA);
- 103 (c) Decentralized wastewater treatment systems that  
104 treat municipal wastewater or domestic sewage;
- 105 (d) Management and treatment of stormwater or  
106 subsurface drainage water;
- 107 (e) Water conservation, efficiency, or reuse measures;
- 108 (f) Development and implementation of a conservation  
109 and management plan under the CWA;
- 110 (g) Watershed projects meeting the criteria set forth  
111 in the CWA;
- 112 (h) Energy consumption reduction for publicly owned  
113 treatment works;
- 114 (i) Reuse or recycling of wastewater, stormwater, or  
115 subsurface drainage water;
- 116 (j) Facilities to improve drinking water quality;
- 117 (k) Transmission and distribution, including  
118 improvements of water pressure or prevention of contamination in  
119 infrastructure and lead service line replacements;
- 120 (l) New sources to replace contaminated drinking water  
121 or increase drought resilience, including aquifer storage and  
122 recovery system for water storage;
- 123 (m) Storage of drinking water, such as to prevent  
124 contaminants or equalize water demands;



125 (n) Purchase of water systems and interconnection of  
126 systems;

127 (o) New community water systems;

128 (p) Culvert repair, resizing, and removal, replacement  
129 of storm sewers, and additional types of stormwater  
130 infrastructure;

131 (q) Dam and reservoir rehabilitation, if the primary  
132 purpose of dam or reservoir is for drinking water supply and  
133 project is necessary for the provision of drinking water;

134 (r) Broad set of lead remediation projects eligible  
135 under EPA grant programs authorized by the Water Infrastructure  
136 Improvements for the Nation (WIIN) Act; and

137 (s) Any eligible drinking water, wastewater or  
138 stormwater project through ARPA guidelines, guidance, rules,  
139 regulations and/or other criteria, as may be amended from time to  
140 time, by the United States Department of the Treasury.

141 (7) The governing authorities of a municipality, county,  
142 rural water association or utility authority may submit an  
143 application for grant funds under this act. Applicants shall  
144 certify to the department that each expenditure of the funds  
145 awarded to them under this act is in compliance with ARPA  
146 guidelines, guidance, rules, regulations and/or other criteria, as  
147 may be amended from time to time, by the United States Department  
148 of the Treasury regarding the use of monies from the State



149 Coronavirus State Fiscal Recovery Funds. Subsequent submissions  
150 will be due by the dates established by the department.

151 (8) An application for a grant under this act shall be  
152 submitted at such time, be in such form, and contain such  
153 information as the department prescribes. Each application for  
154 grant funds shall include the following at a minimum: applicant  
155 contact information; project description and type of project;  
156 project map; estimate of population served by the projects;  
157 disadvantaged community criteria (population, median household  
158 income, unemployment, current water/sewer rates); estimated  
159 project cost; list of available match funds and documentation of  
160 commitment; estimated project schedule and readiness to proceed;  
161 engineering services agreement; engineering reports; and  
162 information about status of obtaining any required permits.

163 (9) The department shall develop a system for use in ranking  
164 the grant applications received. When developing the ranking  
165 system, the department shall apply a greater weight to projects  
166 that have approved engineering/design, plans, permits and the  
167 department has deemed the project is ready to begin construction  
168 within six (6) months. Projects that are included on the  
169 municipal or county engineer's approved list and provide  
170 applicable supporting documentation shall receive additional  
171 consideration awarded to the application. The ranking system  
172 shall include the following factors, at a minimum: the  
173 environmental impact of the proposed project; the proposed



174 project's ability to address noncompliance with state/federal  
175 requirements; the extent to which the project promotes economic  
176 development; the number of people served by the project (both new  
177 and existing users); impacts of the proposed project on  
178 disadvantaged/overburdened communities; the grant applicant's  
179 prior efforts to secure funding to address the proposed project's  
180 objectives; the grant applicant's proposed contribution of other  
181 funds or in-kind cost-sharing to the proposed project; the grant  
182 applicant's long-term plans for the financial and physical  
183 operation and maintenance of the project; the grant applicant's  
184 capacity to initiate construction in a timely manner and complete  
185 the proposed project by the deadline specified by the United  
186 States Department of Treasury rules for ARPA funds; and any other  
187 factors as determined by the department.

188 (10) The grant program shall include a specific emphasis on  
189 addressing the needs of an economically disadvantaged community,  
190 including providing safe, reliable drinking water in areas that  
191 lack infrastructure, providing sewage treatment capacity in  
192 unsewered areas and providing regional development of  
193 infrastructure to serve multiple communities.

194 (11) Applications shall be reviewed and scored as they are  
195 received. The Mississippi Department of Environmental Quality  
196 shall certify that each project submitted is a "necessary  
197 investment" in water, wastewater, or stormwater infrastructure as  
198 defined in the American Rescue Plan Act and all applicable





199 guidance issued by the United States Department of the Treasury.  
200 The Department of Environmental Quality shall review the lists of  
201 recommended water, wastewater, or stormwater infrastructure  
202 projects and issue its list of recommended projects to the  
203 Mississippi Department of Health for its advice. Grant agreements  
204 shall be executed between the recipient and the Mississippi  
205 Department of Environmental Quality. All final awards shall be  
206 determined at the discretion of the executive director of the  
207 department. Funds shall be obligated to a grantee upon the  
208 execution of a grant agreement between the department and the  
209 approved applicant. Funds shall be made available to a grantee  
210 when the department obtains the necessary support for  
211 reimbursement. The department is authorized to conduct additional  
212 rounds of grants as needed; however, in the first round no more  
213 than forty percent (40%) of the total funds appropriated for each  
214 grant program may be awarded by the department, and the remaining  
215 funds may be awarded in the second or subsequent rounds which  
216 shall occur no later than six (6) months from the previous round.

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



223           (13) (a) There is hereby created in the State Treasury two  
224 (2) special funds to be known as (a) the "Mississippi  
225 Municipal-County Water Infrastructure (MCWI) Grant Program Fund,"  
226 and (b) the "Mississippi Rural Water Infrastructure (RWI) Grant  
227 Program Fund," which shall consist of funds appropriated by the  
228 Legislature from federal American Rescue Plan (ARPA) monies or  
229 other available federal grant funds for the purposes of awarding  
230 grants under this act to be disbursed by the Mississippi  
231 Department of Environmental Quality.

232           (b) All monies disbursed from the funds created in this  
233 act shall be in compliance with the guidelines, guidance, rules,  
234 regulations or other criteria, as may be amended from time to  
235 time, of the United States Department of the Treasury regarding  
236 the use of monies from the Coronavirus State Fiscal Recovery Fund,  
237 established by the American Rescue Plan of 2021. Unexpended  
238 amounts remaining in the funds at the end of the fiscal year shall  
239 not lapse into the Coronavirus State Fiscal Recovery Fund or the  
240 State General Fund, and any investment earnings or interest earned  
241 on amounts in the funds shall remain in the respective grant  
242 program funds.

243           (c) If there are unobligated Coronavirus State Fiscal  
244 Recovery Fund monies remaining in the funds created in this act,  
245 on the later of December 17, 2024, or fourteen (14) days prior to  
246 the fund obligation deadline provided by the federal government,  
247 the Department of Finance and Administration shall transfer these



248 unobligated balances to the Coronavirus State Fiscal Recovery  
249 Fund. The Department of Finance and Administration shall then  
250 transfer the unobligated balance of Coronavirus State Fiscal  
251 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to  
252 the State and School Employees' Life and Health Insurance Fund for  
253 an amount not to exceed the lesser of Sixty Million Dollars  
254 (\$60,000,000.00) or the amount of allowable ARPA expenditures, by  
255 no later than December 31, 2024, or on the date of the fund  
256 obligation deadline provided by the federal government. The  
257 Department of Finance and Administration shall then transfer all  
258 remaining unobligated balances of Coronavirus State Fiscal  
259 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to  
260 the Unemployment Compensation Fund up to the ARPA allowable  
261 amount, by no later than December 31, 2024, or on the date of the  
262 fund obligation deadline provided by the federal government.

263 (d) The use of funds allocated under this program shall  
264 be subject to audit by the United States Department of the  
265 Treasury's Office of Inspector General and the Mississippi Office  
266 of the State Auditor. Each person receiving funds under these  
267 programs found to be fully or partially noncompliant with the  
268 requirements in this act shall return to the state all or a  
269 portion of the funds received.

270 (14) It is the intent of the Legislature that, in the first  
271 fiscal year after the effective date of this act, forty percent  
272 (40%) of the funds appropriated to the (MCWI) Grant Program Fund



273 and the (RWI) Grant Program Fund be obligated to projects that  
274 have completed plans and specifications, acquired all necessary  
275 land and/or easements, and are ready to proceed to construction.

276 (15) The department shall submit to the Lieutenant Governor,  
277 Speaker of the House, House and Senate Appropriations Chairmen,  
278 and the Legislative Budget Office quarterly reports and annual  
279 reports that are due by the dates established in the Compliance  
280 and Reporting Guidance by the United States Department of  
281 Treasury. The reports shall contain the applications received,  
282 the score of the applications, the amount of grant funds awarded  
283 to each applicant, the amount of grant funds expended by each  
284 applicant, and status of each applicant's project.

285 (16) Grant funds shall be available under this act through  
286 December 31, 2026, or on the date of the fund expenditure deadline  
287 provided by the federal government, whichever occurs later. Each  
288 grant recipient shall certify for any project that a grant is  
289 awarded that in the event the project is not completed by December  
290 31, 2026, and the United States Congress does not enact an  
291 extension of the deadline on the availability of ARPA Funds, then  
292 the grant recipient will complete the project through any other  
293 funds available.

294 (17) The Mississippi Department of Environmental Quality may  
295 retain an amount not to exceed two percent (2%) of the total funds  
296 allocated to the program to defray administrative costs.



297 (18) The department shall be exempt from provisions of the  
298 Public Procurement Review Board for any requirements of personal  
299 or professional service contracts or the pre-approval of the  
300 solicitation for such contracts used in the execution of its  
301 responsibilities under this act.

302 (19) The provisions of this section shall stand repealed on  
303 July 1, 2026.

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

306 49-2-9. (1) Effective July 1, 1979, the commission shall  
307 have the following powers and duties:

308 (a) To formulate the policy of the department regarding  
309 natural resources within the jurisdiction of the department;

310 (b) To adopt, modify, repeal, and promulgate, after due  
311 notice and hearing, and where not otherwise prohibited by federal  
312 or state law, to make exceptions to and grant exemptions and  
313 variances from, and to enforce rules and regulations implementing  
314 or effectuating the powers and duties of the commission under any  
315 and all statutes within the commission's jurisdiction, and as the  
316 commission may deem necessary to prevent, control and abate  
317 existing or potential pollution;

318 (c) To apply for, receive and expend any federal or  
319 state funds or contributions, gifts, devises, bequests or funds  
320 from any other source;



321 (d) To commission or conduct studies designed to  
322 determine alternative methods of managing or using the natural  
323 resources of this state, in a manner to insure efficiency and  
324 maximum productivity;

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

340 (f) To discharge such other duties, responsibilities  
341 and powers as are necessary to implement the provisions of this  
342 chapter.

343 (2) The Mississippi Department of Environmental Quality,  
344 Office of Geology and Energy Resources shall be responsible for  
345 program management, procurement, development and maintenance of



346 the Mississippi Digital Earth Model, which should include the  
347 following seven (7) core data layers of a digital land base  
348 computer model of the State of Mississippi:

- 349 (a) Geodetic control;
- 350 (b) Elevation and bathymetry;
- 351 (c) Orthoimagery;
- 352 (d) Hydrography;
- 353 (e) Transportation;
- 354 (f) Government boundaries; and
- 355 (g) Cadastral. With respect to the cadastral layer,  
356 the authority and responsibility of the Mississippi Department of  
357 Environmental Quality, Office of Geology and Energy Resources  
358 shall be limited to compiling information submitted by counties.

359 For all seven (7) framework layers, the Mississippi  
360 Department of Environmental Quality, Office of Geology and Energy  
361 Resources shall be the integrator of data from all sources and the  
362 guarantor of data completeness and consistency and shall  
363 administer the council's policies and standards for the  
364 procurement of remote sensing and geographic information system  
365 data by state and local governmental entities.

366 (3) The Mississippi Department of Environmental Quality  
367 shall have as additional responsibilities, the administration of  
368 the Mississippi Water Infrastructure Grant Program Act of 2022 and  
369 shall promulgate necessary rules and regulations relating to the  
370 application of eligible municipalities, counties, rural water



371 associations and utility authorities for grant funds and the  
372 awarding of such grants.

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

375 41-3-15. (1) (a) There shall be a State Department of  
376 Health.

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

379 (i) To formulate the policy of the State  
380 Department of Health regarding public health matters within the  
381 jurisdiction of the department;

382 (ii) To adopt, modify, repeal and promulgate,  
383 after due notice and hearing, and enforce rules and regulations  
384 implementing or effectuating the powers and duties of the  
385 department under any and all statutes within the department's  
386 jurisdiction, and as the board may deem necessary;

387 (iii) To apply for, receive, accept and expend any  
388 federal or state funds or contributions, gifts, trusts, devises,  
389 bequests, grants, endowments or funds from any other source or  
390 transfers of property of any kind;

391 (iv) To enter into, and to authorize the executive  
392 officer to execute contracts, grants and cooperative agreements  
393 with any federal or state agency or subdivision thereof, or any  
394 public or private institution located inside or outside the State  
395 of Mississippi, or any person, corporation or association in





396 connection with carrying out the provisions of this chapter, if it  
397 finds those actions to be in the public interest and the contracts  
398 or agreements do not have a financial cost that exceeds the  
399 amounts appropriated for those purposes by the Legislature;

400 (v) To appoint, upon recommendation of the  
401 Executive Officer of the State Department of Health, a Director of  
402 Internal Audit who shall be either a Certified Public Accountant  
403 or Certified Internal Auditor, and whose employment shall be  
404 continued at the discretion of the board, and who shall report  
405 directly to the board, or its designee; and

406 (vi) To discharge such other duties,  
407 responsibilities and powers as are necessary to implement the  
408 provisions of this chapter.

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

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

413 (ii) To supervise and direct all administrative  
414 and technical activities of the department, except that the  
415 department's internal auditor shall be subject to the sole  
416 supervision and direction of the board;

417 (iii) To organize the administrative units of the  
418 department in accordance with the plan adopted by the board and,  
419 with board approval, alter the organizational plan and reassign



420 responsibilities as he or she may deem necessary to carry out the  
421 policies of the board;

422 (iv) To coordinate the activities of the various  
423 offices of the department;

424 (v) To employ, subject to regulations of the State  
425 Personnel Board, qualified professional personnel in the subject  
426 matter or fields of each office, and such other technical and  
427 clerical staff as may be required for the operation of the  
428 department. The executive officer shall be the appointing  
429 authority for the department, and shall have the power to delegate  
430 the authority to appoint or dismiss employees to appropriate  
431 subordinates, subject to the rules and regulations of the State  
432 Personnel Board;

433 (vi) To recommend to the board such studies and  
434 investigations as he or she may deem appropriate, and to carry out  
435 the approved recommendations in conjunction with the various  
436 offices;

437 (vii) To prepare and deliver to the Legislature  
438 and the Governor on or before January 1 of each year, and at such  
439 other times as may be required by the Legislature or Governor, a  
440 full report of the work of the department and the offices thereof,  
441 including a detailed statement of expenditures of the department  
442 and any recommendations the board may have;

443 (viii) To prepare and deliver to the Chairmen of  
444 the Public Health and Welfare/Human Services Committees of the



445 Senate and House on or before January 1 of each year, a plan for  
446 monitoring infant mortality in Mississippi and a full report of  
447 the work of the department on reducing Mississippi's infant  
448 mortality and morbidity rates and improving the status of maternal  
449 and infant health; and

450                   (ix) To enter into contracts, grants and  
451 cooperative agreements with any federal or state agency or  
452 subdivision thereof, or any public or private institution located  
453 inside or outside the State of Mississippi, or any person,  
454 corporation or association in connection with carrying out the  
455 provisions of this chapter, if he or she finds those actions to be  
456 in the public interest and the contracts or agreements do not have  
457 a financial cost that exceeds the amounts appropriated for those  
458 purposes by the Legislature. Each contract or agreement entered  
459 into by the executive officer shall be submitted to the board  
460 before its next meeting.

461           (2) The State Board of Health shall have the authority to  
462 establish an Office of Rural Health within the department. The  
463 duties and responsibilities of this office shall include the  
464 following:

465                   (a) To collect and evaluate data on rural health  
466 conditions and needs;

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



469           (c) To develop and implement plans and provide  
470 technical assistance to enable community health systems to respond  
471 to various changes in their circumstances;

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

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

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

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

481           (a) To make investigations and inquiries with respect  
482 to the causes of disease and death, and to investigate the effect  
483 of environment, including conditions of employment and other  
484 conditions that may affect health, and to make such other  
485 investigations as it may deem necessary for the preservation and  
486 improvement of health.

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

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



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

498 (e) To charge and collect reasonable fees for health  
499 services, including immunizations, inspections and related  
500 activities, and the board shall charge fees for those services;  
501 however, if it is determined that a person receiving services is  
502 unable to pay the total fee, the board shall collect any amount  
503 that the person is able to pay. Any increase in the fees charged  
504 by the board under this paragraph shall be in accordance with the  
505 provisions of Section 41-3-65.

506 (f) (i) To establish standards for, issue permits and  
507 exercise control over, any cafes, restaurants, food or drink  
508 stands, sandwich manufacturing establishments, and all other  
509 establishments, other than churches, church-related and private  
510 schools, and other nonprofit or charitable organizations, where  
511 food or drink is regularly prepared, handled and served for pay;  
512 and

513 (ii) To require that a permit be obtained from the  
514 Department of Health before those persons begin operation. If any  
515 such person fails to obtain the permit required in this  
516 subparagraph (ii), the State Board of Health, after due notice and  
517 opportunity for a hearing, may impose a monetary penalty not to  
518 exceed One Thousand Dollars (\$1,000.00) for each violation.



519 However, the department is not authorized to impose a monetary  
520 penalty against any person whose gross annual prepared food sales  
521 are less than Five Thousand Dollars (\$5,000.00). Money collected  
522 by the board under this subparagraph (ii) shall be deposited to  
523 the credit of the State General Fund of the State Treasury.

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

527 (h) On presentation of proper authority, to enter into  
528 and inspect any public place or building where the State Health  
529 Officer or his representative deems it necessary and proper to  
530 enter for the discovery and suppression of disease and for the  
531 enforcement of any health or sanitary laws and regulations in the  
532 state.

533 (i) To conduct investigations, inquiries and hearings,  
534 and to issue subpoenas for the attendance of witnesses and the  
535 production of books and records at any hearing when authorized and  
536 required by statute to be conducted by the State Health Officer or  
537 the State Board of Health.

538 (j) To promulgate rules and regulations, and to collect  
539 data and information, on (i) the delivery of services through the  
540 practice of telemedicine; and (ii) the use of electronic records  
541 for the delivery of telemedicine services.

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



544 (5) (a) The State Board of Health shall have the authority,  
545 in its discretion, to establish programs to promote the public  
546 health, to be administered by the State Department of Health.  
547 Specifically, those programs may include, but shall not be limited  
548 to, programs in the following areas:

549 (i) Maternal and child health;

550 (ii) Family planning;

551 (iii) Pediatric services;

552 (iv) Services to crippled and disabled children;

553 (v) Control of communicable and noncommunicable  
554 disease;

555 (vi) Chronic disease;

556 (vii) Accidental deaths and injuries;

557 (viii) Child care licensure;

558 (ix) Radiological health;

559 (x) Dental health;

560 (xi) Milk sanitation;

561 (xii) Occupational safety and health;

562 (xiii) Food, vector control and general  
563 sanitation;

564 (xiv) Protection of drinking water;

565 (xv) Sanitation in food handling establishments  
566 open to the public;

567 (xvi) Registration of births and deaths and other  
568 vital events;



569                   (xvii) Such public health programs and services as  
570 may be assigned to the State Board of Health by the Legislature or  
571 by executive order; and

572                   (xviii) Regulation of domestic and imported fish  
573 for human consumption.

574                   (b) The State Board of Health and State Department of  
575 Health shall not be authorized to sell, transfer, alienate or  
576 otherwise dispose of any of the home health agencies owned and  
577 operated by the department on January 1, 1995, and shall not be  
578 authorized to sell, transfer, assign, alienate or otherwise  
579 dispose of the license of any of those home health agencies,  
580 except upon the specific authorization of the Legislature by an  
581 amendment to this section. However, this paragraph (b) shall not  
582 prevent the board or the department from closing or terminating  
583 the operation of any home health agency owned and operated by the  
584 department, or closing or terminating any office, branch office or  
585 clinic of any such home health agency, or otherwise discontinuing  
586 the providing of home health services through any such home health  
587 agency, office, branch office or clinic, if the board first  
588 demonstrates that there are other providers of home health  
589 services in the area being served by the department's home health  
590 agency, office, branch office or clinic that will be able to  
591 provide adequate home health services to the residents of the area  
592 if the department's home health agency, office, branch office or  
593 clinic is closed or otherwise discontinues the providing of home





594 health services. This demonstration by the board that there are  
595 other providers of adequate home health services in the area shall  
596 be spread at length upon the minutes of the board at a regular or  
597 special meeting of the board at least thirty (30) days before a  
598 home health agency, office, branch office or clinic is proposed to  
599 be closed or otherwise discontinue the providing of home health  
600 services.

601 (c) The State Department of Health may undertake such  
602 technical programs and activities as may be required for the  
603 support and operation of those programs, including maintaining  
604 physical, chemical, bacteriological and radiological laboratories,  
605 and may make such diagnostic tests for diseases and tests for the  
606 evaluation of health hazards as may be deemed necessary for the  
607 protection of the people of the state.

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

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

612 (i) To enter into capitalization grant agreements  
613 with the United States Environmental Protection Agency, or any  
614 successor agency thereto;

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



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

620 (iv) To establish and collect fees to defray the  
621 reasonable costs of administering the revolving fund or emergency  
622 fund if the State Board of Health determines that those costs will  
623 exceed the limitations established in the federal Safe Drinking  
624 Water Act, as amended. The administration fees may be included in  
625 loan amounts to loan recipients for the purpose of facilitating  
626 payment to the board; however, those fees may not exceed five  
627 percent (5%) of the loan amount.

628 (7) Notwithstanding any other provision to the contrary, the  
629 State Department of Health shall have the following specific  
630 powers: The department shall issue a license to Alexander Milne  
631 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
632 construction, conversion, expansion and operation of not more than  
633 forty-five (45) beds for developmentally disabled adults who have  
634 been displaced from New Orleans, Louisiana, with the beds to be  
635 located in a certified ICF-MR facility in the City of Laurel,  
636 Mississippi. There shall be no prohibition or restrictions on  
637 participation in the Medicaid program for the person receiving the  
638 license under this subsection (7). The license described in this  
639 subsection shall expire five (5) years from the date of its issue.  
640 The license authorized by this subsection shall be issued upon the  
641 initial payment by the licensee of an application fee of



642 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
643 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
644 the license, to be paid as long as the licensee continues to  
645 operate. The initial and monthly licensing fees shall be  
646 deposited by the State Department of Health into the special fund  
647 created under Section 41-7-188.

648 (8) Notwithstanding any other provision to the contrary, the  
649 State Department of Health shall have the following specific  
650 powers: The State Department of Health is authorized to issue a  
651 license to an existing home health agency for the transfer of a  
652 county from that agency to another existing home health agency,  
653 and to charge a fee for reviewing and making a determination on  
654 the application for such transfer not to exceed one-half (1/2) of  
655 the authorized fee assessed for the original application for the  
656 home health agency, with the revenue to be deposited by the State  
657 Department of Health into the special fund created under Section  
658 41-7-188.

659 (9) Notwithstanding any other provision to the contrary, the  
660 State Department of Health shall have the following specific  
661 powers: For the period beginning July 1, 2010, through July 1,  
662 2017, the State Department of Health is authorized and empowered  
663 to assess a fee in addition to the fee prescribed in Section  
664 41-7-188 for reviewing applications for certificates of need in an  
665 amount not to exceed twenty-five one-hundredths of one percent  
666 (.25 of 1%) of the amount of a proposed capital expenditure, but



667 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
668 regardless of the amount of the proposed capital expenditure, and  
669 the maximum additional fee permitted shall not exceed Fifty  
670 Thousand Dollars (\$50,000.00). Provided that the total  
671 assessments of fees for certificate of need applications under  
672 Section 41-7-188 and this section shall not exceed the actual cost  
673 of operating the certificate of need program.

674 (10) Notwithstanding any other provision to the contrary,  
675 the State Department of Health shall have the following specific  
676 powers: The State Department of Health is authorized to extend  
677 and renew any certificate of need that has expired, and to charge  
678 a fee for reviewing and making a determination on the application  
679 for such action not to exceed one-half (1/2) of the authorized fee  
680 assessed for the original application for the certificate of need,  
681 with the revenue to be deposited by the State Department of Health  
682 into the special fund created under Section 41-7-188.

683 (11) Notwithstanding any other provision to the contrary,  
684 the State Department of Health shall have the following specific  
685 powers: The State Department of Health is authorized and  
686 empowered, to revoke, immediately, the license and require closure  
687 of any institution for the aged or infirm, including any other  
688 remedy less than closure to protect the health and safety of the  
689 residents of said institution or the health and safety of the  
690 general public.



691 (12) Notwithstanding any other provision to the contrary,  
692 the State Department of Health shall have the following specific  
693 powers: The State Department of Health is authorized and  
694 empowered, to require the temporary detainment of individuals for  
695 disease control purposes based upon violation of any order of the  
696 State Health Officer, as provided in Section 41-23-5. For the  
697 purpose of enforcing such orders of the State Health Officer,  
698 persons employed by the department as investigators shall have  
699 general arrest powers. All law enforcement officers are  
700 authorized and directed to assist in the enforcement of such  
701 orders of the State Health Officer.

702 (13) The State Board of Health shall have as additional  
703 responsibilities the formulation of technical advice and  
704 recommendations to the Mississippi Department of Environmental  
705 Quality relative to the administration of the Mississippi Water  
706 Infrastructure Act of 2022 and recommendations for the approval of  
707 grant applications under said program.

708 **SECTION 4.** This act shall take effect and be in force from  
709 and after its passage.

