

Senate Amendments to House Bill No. 1425

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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.

SS08\HB1425A.J

Eugene S. Clarke
Secretary of the Senate