

By: Representative Wallace

To: Appropriations

HOUSE BILL NO. 1185

1 AN ACT TO AMEND SECTION 41-3-16.1, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT CERTAIN ENTITIES ARE ELIGIBLE TO PARTICIPATE IN
3 THE ARPA RURAL WATER ASSOCIATIONS INFRASTRUCTURE GRANT PROGRAM;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-3-16.1, Mississippi Code of 1972, is
7 amended as follows:

8 41-3-16.1. (1) The State Department of Health (department)
9 shall establish a grant program to be known as the ARPA Rural
10 Water Associations Infrastructure Grant Program (program) to
11 assist rural water associations and any entity operating as a
12 rural water association, regardless of whether the entity was user
13 created or organized not for profit or has been granted tax exempt
14 status under state or federal law, in the construction of eligible
15 drinking water infrastructure projects as provided in the Final
16 Rule for the Coronavirus State and Local Fiscal Recovery Funds as
17 established by the federal American Rescue Plan Act (ARPA).

18 (2) The program shall be funded from appropriations by the
19 Legislature to the department from the Coronavirus State Fiscal



20 Recovery Fund, and the department shall expend all such funds for
21 the purposes provided in subsection (1) of this section. It is
22 the intent of the Legislature that, in the first fiscal year after
23 April 25, 2022, twenty percent (20%) of the funds appropriated to
24 the department for the program be obligated to projects that have
25 completed plans and specifications, acquired all necessary land
26 and/or easements, and are ready to proceed to construction.

27 (3) The department shall obligate the funds by the deadline
28 set by the rules and guidelines of the United States Department of
29 the Treasury and will adhere to the Treasury's rules and
30 guidelines for reporting and monitoring projects funded through
31 ARPA.

32 (4) The department shall develop a system for use in ranking
33 the grant applications received. The ranking system shall include
34 the following factors, at a minimum: (a) the environmental impact
35 of the proposed project; (b) the proposed project's ability to
36 address noncompliance with state/federal requirements; (c) the
37 extent to which the project promotes economic development; (d) the
38 number of people served by the project (both new and existing
39 users); (e) impacts of the proposed project on disadvantaged/
40 overburdened communities; (f) the grant applicant's prior efforts
41 to secure funding to address the proposed project's objectives;
42 (g) the grant applicant's proposed contribution of other funds or
43 in-kind cost-sharing to the proposed project; (h) the grant
44 applicant's long-term plans for the financial and physical



45 operation and maintenance of the project; and (i) the grant
46 applicant's capacity to initiate construction in a timely manner
47 and complete the proposed project by the deadline specified by
48 rules and guidelines of the United States Department of the
49 Treasury for ARPA funds.

50 (5) An application for a grant under this section shall be
51 submitted at such time, be in such form, and contain such
52 information as the department prescribes.

53 (6) Upon the approval of an application for a grant under
54 this section, the department shall enter into a project grant
55 agreement with each grantee to establish the terms of the grant
56 for the project, including the amount of the grant. The maximum
57 amount of funds that may be provided to any rural water
58 association or other eligible entity from all grants under the
59 program is Two Million Five Hundred Thousand Dollars
60 (\$2,500,000.00).

61 (7) The department shall have all powers necessary to
62 implement and administer the program. Of the funds appropriated
63 to the department for the program, not more than five percent (5%)
64 may be used by the department to cover the department's costs of
65 administering the program.

66 (8) In carrying out its responsibilities under the program,
67 for any contract under the purview of the Public Procurement
68 Review Board (PPRB), the department shall be exempt from any
69 requirement that the PPRB approve any personal or professional



70 services contracts or pre-approve any solicitation of such
71 contracts. This subsection shall stand repealed on July 1, 2026.

72 (9) The department shall submit an annual report regarding
73 the program no later than December 31 of each year to the
74 Lieutenant Governor, the Speaker of the House, and the Chairmen of
75 the Senate and House Appropriations Committees.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after its passage.

