

By: Representative Carpenter

To: Public Utilities

HOUSE BILL NO. 1292

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 or is known as a district, in
15 the construction of eligible drinking water infrastructure
16 projects as provided in the Final Rule for the Coronavirus State
17 and Local Fiscal Recovery Funds as established by the federal
18 American Rescue Plan Act (ARPA).



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

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

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



44 in-kind cost-sharing to the proposed project; (h) the grant
45 applicant's long-term plans for the financial and physical
46 operation and maintenance of the project; and (i) the grant
47 applicant's capacity to initiate construction in a timely manner
48 and complete the proposed project by the deadline specified by
49 rules and guidelines of the United States Department of the
50 Treasury for ARPA funds.

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

54 (6) Upon the approval of an application for a grant under
55 this section, the department shall enter into a project grant
56 agreement with each grantee to establish the terms of the grant
57 for the project, including the amount of the grant. The maximum
58 amount of funds that may be provided to any rural water
59 association or other eligible entity from all grants under the
60 program is Two Million Five Hundred Thousand Dollars
61 (\$2,500,000.00).

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

67 (8) In carrying out its responsibilities under the program,
68 for any contract under the purview of the Public Procurement



69 Review Board (PPRB), the department shall be exempt from any
70 requirement that the PPRB approve any personal or professional
71 services contracts or pre-approve any solicitation of such
72 contracts. This subsection shall stand repealed on July 1, 2026.

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

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

