

By: Senator(s) Hopson

To: Appropriations

SENATE BILL NO. 2444

1 AN ACT TO BRING FORWARD SECTION 49-2-131, 41-3-16.1,  
 2 57-123-9, 57-123-11, 45-2-41, MISSISSIPPI CODE OF 1972, WHICH ARE  
 3 CERTAIN ARPA PROGRAMS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
 4 BRING FORWARD SECTION 5, CHAPTER 113, LAWS OF 2022, WHICH IS AN  
 5 ADDITIONAL APPROPRIATION OF ARPA FUNDS TO THE BUREAU OF BUILDING  
 6 WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATIONS, FOR THE  
 7 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 49-2-131, Mississippi Code of 1972, is  
 10 brought forward as follows:

11 49-2-131. (1) This section shall be known and may be cited  
 12 as the "Mississippi Municipality and County Water Infrastructure  
 13 Grant Program Act of 2022."

14 (2) There is hereby established within the Mississippi  
 15 Department of Environmental Quality the Mississippi Municipality  
 16 and County Water Infrastructure (MCWI) Grant Program under which  
 17 municipalities, counties and certain public utilities not  
 18 regulated by the Public Service Commission may apply for  
 19 reimbursable grants to make necessary investments in water,  
 20 wastewater, and stormwater infrastructure to be funded by the



21 Legislature utilizing Coronavirus State Fiscal Recovery Funds made  
22 available under the federal American Rescue Plan Act of 2021  
23 (ARPA). Such grants shall be made available to municipalities and  
24 counties to be matched with the Coronavirus Local Fiscal Recovery  
25 Funds awarded or to be awarded to them under ARPA on a one-to-one  
26 matching basis. Coronavirus Local Fiscal Recovery Funds that a  
27 county transfers to a municipality or that a county or  
28 municipality transfers to a public utility not regulated by the  
29 Public Service Commission are eligible on a one-to-one matching  
30 basis. Municipalities that received less than One Million Dollars  
31 (\$1,000,000.00) in the total allocation of Coronavirus Local  
32 Fiscal Recovery Funds are eligible for a two-to-one match only on  
33 the Coronavirus Local Fiscal Recovery Funds awarded or to be  
34 awarded to them under ARPA. The total funds provided for all  
35 two-to-one matches shall not exceed Fifty Million Dollars  
36 (\$50,000,000.00). The dollar amount for professional fees that  
37 can be allocated as a part of a county's, municipality's or public  
38 utility's matching share is not to exceed four percent (4%) of the  
39 total project cost.

40 (3) For purposes of this section, unless the context  
41 requires otherwise, the following terms shall have the meanings  
42 ascribed herein:

43 (a) "MCWI Grant Program" means the Mississippi  
44 Municipality and County Water Infrastructure Grant Program.



45 (b) "ARPA" means the federal American Rescue Plan Act  
46 of 2021, Public Law 117-2, which amends Title VI of the Social  
47 Security Act.

48 (c) "State Recovery Funds" means Coronavirus State  
49 Fiscal Recovery Funds awarded through Section 602 of Title VI of  
50 the Social Security Act amended by Section 9901 of the federal  
51 American Rescue Plan Act of 2021, Public Law 117-2.

52 (d) "Local Recovery Funds" means Coronavirus Local  
53 Fiscal Recovery Funds awarded through Section 603 of Title VI of  
54 the Social Security Act amended by Section 9901 of the federal  
55 American Rescue Plan Act of 2021, Public Law 117-2.

56 (e) "Department" means the Department of Environmental  
57 Quality.

58 (f) "Professional fees" means fees for the services of  
59 attorneys and engineering, surveying, and environmental studies.

60 (g) "Project" means the infrastructure improvements  
61 defined in an application that (i) complies with all requirements  
62 of ARPA, and (ii) is eligible for a grant award under this  
63 section.

64 (4) (a) On or before July 1, 2022, the Department of  
65 Environmental Quality shall promulgate rules and regulations  
66 necessary to administer the MCWI Grant Program prescribed under  
67 this section, including application procedures and deadlines. The  
68 department is exempt from compliance with the Mississippi



69 Administrative Procedures Law in fulfilling the requirements of  
70 this section.

71 (b) The Department of Health shall advise the  
72 Mississippi Department of Environmental Quality regarding all such  
73 rules and regulations as related to the federal Safe Drinking  
74 Water Act.

75 (5) Funding under the MCWI Grant Program shall be allocated  
76 to projects certified by the Mississippi Department of  
77 Environmental Quality as eligible for federal funding, including,  
78 but not be limited to, the following:

79 (a) Construction of publicly owned treatment works;

80 (b) Projects pursuant to the implementation of a  
81 nonpoint source pollution management program established under the  
82 Clean Water Act (CWA);

83 (c) Decentralized wastewater treatment systems that  
84 treat municipal wastewater or domestic sewage;

85 (d) Management and treatment of stormwater or  
86 subsurface drainage water;

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

88 (f) Development and implementation of a conservation  
89 and management plan under the CWA;

90 (g) Watershed projects meeting the criteria set forth  
91 in the CWA;

92 (h) Energy consumption reduction for publicly owned  
93 treatment works;



- 94 (i) Reuse or recycling of wastewater, stormwater, or  
95 subsurface drainage water;
- 96 (j) Facilities to improve drinking water quality;
- 97 (k) Transmission and distribution, including  
98 improvements of water pressure or prevention of contamination in  
99 infrastructure and lead service line replacements;
- 100 (l) New sources to replace contaminated drinking water  
101 or increase drought resilience, including aquifer storage and  
102 recovery system for water storage;
- 103 (m) Storage of drinking water, such as to prevent  
104 contaminants or equalize water demands;
- 105 (n) Purchase of water systems and interconnection of  
106 systems;
- 107 (o) New community water systems;
- 108 (p) Culvert repair, resizing, and removal, replacement  
109 of storm sewers, and additional types of stormwater  
110 infrastructure;
- 111 (q) Dam and reservoir rehabilitation, if the primary  
112 purpose of dam or reservoir is for drinking water supply and  
113 project is necessary for the provision of drinking water;
- 114 (r) Broad set of lead remediation projects eligible  
115 under EPA grant programs authorized by the Water Infrastructure  
116 Improvements for the Nation (WIIN) Act; and
- 117 (s) Any eligible drinking water, wastewater or  
118 stormwater project through ARPA guidelines, guidance, rules,



119 regulations and other criteria, as may be amended from time to  
120 time, by the United States Department of the Treasury.

121 (6) The governing authority of a municipality, county or  
122 public utility that is not regulated by the Public Service  
123 Commission may submit an application for grant funds under this  
124 section if the applicant is an operator-member of Mississippi 811,  
125 Inc., as defined in Section 77-13-3. Applicants shall certify to  
126 the department that each expenditure of the funds awarded to them  
127 under this section is in compliance with ARPA guidelines,  
128 guidance, rules, regulations and other criteria, as may be amended  
129 from time to time, by the United States Department of the Treasury  
130 regarding the use of monies from the State Coronavirus State  
131 Fiscal Recovery Funds. Subsequent submissions will be due by the  
132 dates established by the department.

133 (7) An application for a grant under this section shall be  
134 submitted at such time, be in such form, and contain such  
135 information as the department prescribes. Each application for  
136 grant funds shall include the following at a minimum: (a)  
137 applicant contact information; (b) project description and type of  
138 project; (c) project map; (d) estimate of population affected by  
139 the project; (e) disadvantaged community criteria (population,  
140 median household income, unemployment, current water/sewer rates);  
141 (f) estimated project cost; (g) list of match funds of direct  
142 Coronavirus Local Fiscal Recovery Funds received and to be  
143 received from the federal government, a certification that such



144 funds have been or will be used for the project detailed in the  
145 application, and documentation of commitment; (h) estimated  
146 project schedule and readiness to proceed; (i) engineering  
147 services agreement; (j) engineering reports; and (k) information  
148 about status of obtaining any required permits.

149 (8) The department must apply a system for use in ranking  
150 the grant applications received. When applying the ranking  
151 system, the department shall apply a greater weight to projects  
152 that have approved engineering/design, plans and permits if the  
153 department has deemed the project is ready to begin construction  
154 within six (6) months. Projects that are included on the  
155 municipal or county engineer's approved list and provide  
156 applicable supporting documentation shall receive additional  
157 consideration awarded to the application. The ranking system  
158 shall include the following factors, at a minimum: (a) the  
159 environmental impact of the proposed project; (b) the proposed  
160 project's ability to address noncompliance with state/federal  
161 requirements; (c) the extent to which the project promotes  
162 economic development; (d) the number of people served by the  
163 project and the number of communities the project serves; (e)  
164 impacts of the proposed project on disadvantaged/overburdened  
165 communities; (f) the grant applicant's prior efforts to secure  
166 funding to address the proposed project's objectives; (g) the  
167 grant applicant's proposed contribution of other funds or in-kind  
168 cost-sharing to the proposed project; (h) the grant applicant's



169 long-term plans for the financial and physical operation and  
170 maintenance of the project; (i) the grant applicant's capacity to  
171 initiate construction in a timely manner and complete the proposed  
172 project by the deadline specified by the United States Department  
173 of Treasury rules for ARPA funds; (j) the extent to which the  
174 project benefits multiple political subdivisions in a regional  
175 manner; (k) the project's ability to enhance public service  
176 infrastructure, including transportation and emergency access; and  
177 (l) any other factors as determined by the department.

178 (9) The grant program shall include a specific emphasis on  
179 addressing the needs of an economically disadvantaged community,  
180 including providing safe, reliable drinking water in areas that  
181 lack infrastructure, providing sewage treatment capacity in  
182 unsewered areas and providing regional development of  
183 infrastructure to serve multiple communities.

184 (10) Applications shall be reviewed and scored as they are  
185 received. The Mississippi Department of Environmental Quality  
186 shall certify whether each project submitted is a "necessary  
187 investment" in water, wastewater, or stormwater infrastructure as  
188 defined in the American Rescue Plan Act and all applicable  
189 guidance issued by the United States Department of the Treasury.  
190 The Department of Environmental Quality shall review the lists of  
191 recommended water infrastructure projects and issue its list of  
192 recommended projects to the Mississippi Department of Health for  
193 its advice. Grant agreements shall be executed between the





194 recipient and the Mississippi Department of Environmental Quality.  
195 All final awards shall be determined at the discretion of the  
196 executive director of the department. Any funds awarded to the  
197 City of Jackson under this section shall be deposited in the  
198 Capital City Water/Sewer Projects Fund of the State Treasury.  
199 Funds shall be obligated to a grantee upon the execution of a  
200 grant agreement between the department and the approved applicant.  
201 Funds shall be made available to a grantee when the department  
202 obtains the necessary support for reimbursement. The department  
203 is authorized to conduct additional rounds of grants as needed;  
204 however, in the first round no more than forty percent (40%) of  
205 the total funds appropriated for each grant program may be awarded  
206 by the department, and the remaining funds may be awarded in the  
207 second or subsequent rounds which shall occur no later than six  
208 (6) months from the previous round. To ensure equitable treatment  
209 between the categories of projects, no less than twenty percent  
210 (20%) awarded under this section shall be allocated to each of the  
211 three (3) categories of drinking water projects, wastewater  
212 projects and stormwater projects. In second or subsequent rounds,  
213 any funds not requested may be allocated to any category.

214 (11) Grant funds shall be used prospectively; however, grant  
215 funds may be used to reimburse expenses incurred before the  
216 enactment of this program if the costs are adequately documented  
217 and comply with applicable ARPA guidelines. An applicant must  
218 agree to obtain all necessary state and federal permits and follow



219 all state bidding and contracting laws and fiscally sound  
220 practices in the administration of the funds.

221 (12) (a) Monies must be disbursed under this section in  
222 compliance with the guidelines, guidance, rules, regulations or  
223 other criteria, as may be amended from time to time, of the United  
224 States Department of the Treasury regarding the use of monies from  
225 the Coronavirus State Fiscal Recovery Fund, established by the  
226 American Rescue Plan of 2021.

227 (b) The use of funds allocated under this program shall  
228 be subject to audit by the United States Department of the  
229 Treasury's Office of Inspector General and the Mississippi Office  
230 of the State Auditor. Each person receiving funds under these  
231 programs found to be fully or partially noncompliant with the  
232 requirements in this section shall return to the state all or a  
233 portion of the funds received.

234 (13) The department shall submit to the Lieutenant Governor,  
235 Speaker of the House, House and Senate Appropriations Chairmen,  
236 and the Legislative Budget Office quarterly reports and annual  
237 reports that are due by the dates established in the Compliance  
238 and Reporting Guidance by the United States Department of  
239 Treasury. The reports shall contain the applications received,  
240 the score of the applications, the amount of grant funds awarded  
241 to each applicant, the amount of grant funds expended by each  
242 applicant, and status of each applicant's project.



243 (14) Grant funds shall be available under this section  
244 through December 31, 2026, or on the date of the fund expenditure  
245 deadline provided by the federal government, whichever occurs  
246 later. Each grant recipient shall certify for any project for  
247 which a grant is awarded that if the project is not completed by  
248 December 31, 2026, and the United States Congress does not enact  
249 an extension of the deadline on the availability of ARPA funds,  
250 then the grant recipient will complete the project through other  
251 funds.

252 (15) The Mississippi Department of Environmental Quality may  
253 retain an amount not to exceed five percent (5%) of the total  
254 funds allocated to the program to defray administrative costs.

255 (16) The department shall be exempt from provisions of the  
256 Public Procurement Review Board for any requirements of personal  
257 or professional service contracts or the pre-approval of the  
258 solicitation for such contracts used in the execution of its  
259 responsibilities under this section. This subsection shall stand  
260 repealed on January 1, 2026.

261 (17) The provisions of this section shall stand repealed on  
262 January 1, 2027.

263 **SECTION 2.** Section 41-3-16.1, Mississippi Code of 1972, is  
264 brought forward as follows:

265 41-3-16.1. (1) The State Department of Health (department)  
266 shall establish a grant program to be known as the ARPA Rural  
267 Water Associations Infrastructure Grant Program (program) to



268 assist rural water associations in the construction of eligible  
269 drinking water infrastructure projects as provided in the Final  
270 Rule for the Coronavirus State and Local Fiscal Recovery Funds as  
271 established by the federal American Rescue Plan Act (ARPA).

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

281 (3) The department shall obligate the funds by the deadline  
282 set by the rules and guidelines of the United States Department of  
283 the Treasury and will adhere to the Treasury's rules and  
284 guidelines for reporting and monitoring projects funded through  
285 ARPA.

286 (4) The department shall develop a system for use in ranking  
287 the grant applications received. The ranking system shall include  
288 the following factors, at a minimum: (a) the environmental impact  
289 of the proposed project; (b) the proposed project's ability to  
290 address noncompliance with state/federal requirements; (c) the  
291 extent to which the project promotes economic development; (d) the  
292 number of people served by the project (both new and existing



293 users); (e) impacts of the proposed project on disadvantaged/  
294 overburdened communities; (f) the grant applicant's prior efforts  
295 to secure funding to address the proposed project's objectives;  
296 (g) the grant applicant's proposed contribution of other funds or  
297 in-kind cost-sharing to the proposed project; (h) the grant  
298 applicant's long-term plans for the financial and physical  
299 operation and maintenance of the project; and (i) the grant  
300 applicant's capacity to initiate construction in a timely manner  
301 and complete the proposed project by the deadline specified by  
302 rules and guidelines of the United States Department of the  
303 Treasury for ARPA funds.

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

307 (6) Upon the approval of an application for a grant under  
308 this section, the department shall enter into a project grant  
309 agreement with each grantee to establish the terms of the grant  
310 for the project, including the amount of the grant. The maximum  
311 amount of funds that may be provided to any rural water  
312 association from all grants under the program is Two Million Five  
313 Hundred Thousand Dollars (\$2,500,000.00).

314 (7) The department shall have all powers necessary to  
315 implement and administer the program. Of the funds appropriated  
316 to the department for the program, not more than five percent (5%)



317 may be used by the department to cover the department's costs of  
318 administering the program.

319 (8) In carrying out its responsibilities under the program,  
320 for any contract under the purview of the Public Procurement  
321 Review Board (PPRB), the department shall be exempt from any  
322 requirement that the PPRB approve any personal or professional  
323 services contracts or pre-approve any solicitation of such  
324 contracts. This subsection shall stand repealed on July 1, 2026.

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

329 **SECTION 3.** Section 57-123-9, Mississippi Code of 1972, is  
330 brought forward as follows:

331 57-123-9. (1) The Department of Finance and Administration  
332 shall establish a program for the purpose of providing assistance  
333 to Mississippi nonprofit museums as provided in this section.  
334 Monies disbursed by the Department of Finance and Administration  
335 under this section shall be disbursed in compliance with all  
336 requirements and/or conditions on funds appropriated from the  
337 Coronavirus State Fiscal Recovery Fund for the program established  
338 under this section. The Department of Finance and Administration  
339 shall disburse funds under this section to nonprofit museums  
340 located in municipalities with a population of not more than fifty  
341 thousand (50,000) according to the latest federal decennial census



342 to assist in paying costs associated with advertising and other  
343 forms of promoting and publicizing nonprofit museums and museum  
344 related activities, and repairs and renovations of and upgrades  
345 and improvements to such museums for health and safety purposes  
346 related to the Coronavirus Disease 19. Of the monies disbursed by  
347 the Department of Finance and Administration under this section,  
348 twenty-five percent (25%) of such monies shall be used to provide  
349 assistance for requests for assistance of less than Three Hundred  
350 Thousand Dollars (\$300,000.00); thirty-five percent (35%) of such  
351 monies shall be used to provide assistance for requests for  
352 assistance of Three Hundred Thousand Dollars (\$300,000.00) or more  
353 but less than Seven Hundred Thousand Dollars (\$700,000.00) and  
354 forty percent (40%) of such monies shall be used to provide  
355 assistance for requests for assistance of Seven Hundred Thousand  
356 Dollars (\$700,000.00) or more. A museum desiring assistance under  
357 this section must submit an application to the Department of  
358 Finance and Administration. The application must include a  
359 description of the purposes for which the assistance is requested,  
360 the amount of the assistance requested and any other information  
361 required by the department.

362 (2) The Department of Finance and Administration shall have  
363 all powers necessary for the implementation of this section.

364 **SECTION 4.** Section 57-123-11, Mississippi Code of 1972, is  
365 brought forward as follows:



366 57-123-11. (1) The Department of Finance and Administration  
367 shall establish a program for the purpose of providing funds to  
368 Mississippi Main Street Association as provided in this section.  
369 Monies disbursed by the Department of Finance and Administration  
370 under this section shall be disbursed in compliance with all  
371 requirements and/or conditions on funds appropriated from the  
372 Coronavirus State Fiscal Recovery Fund for the program established  
373 under this section. The Department of Finance and Administration  
374 shall disburse funds under this section to Mississippi Main Street  
375 Association to be used for the purpose of making revitalization  
376 grants to Mississippi communities as follows:

| 2020<br>population   | Number of<br>communities | Grant<br>amount | Total<br>grants |
|----------------------|--------------------------|-----------------|-----------------|
| More than 25,000     | 8                        | \$ 125,000.00   | \$ 1,000,000.00 |
| Not more than 25,000 | 40                       | \$ 100,000.00   | \$ 4,000,000.00 |
| Total                |                          |                 | \$ 5,000,000.00 |

382 (2) The Department of Finance and Administration shall have  
383 all powers necessary for the implementation of this section.

384 **SECTION 5.** Section 45-2-41, Mississippi Code of 1972, is  
385 brought forward as follows:

386 45-2-41. (1) There is created the "Mississippi Law  
387 Enforcement and Fire Fighters Premium Pay Program," which shall be  
388 administered by the Department of Public Safety to provide premium  
389 pay to those law enforcement officers and firefighters in the  
390 State of Mississippi as provided for in subsection (2) of this





391 section. Monies disbursed by the Department of Public Safety  
392 under this section shall be disbursed in compliance with all  
393 requirements and/or conditions on funds appropriated from the  
394 Coronavirus State Fiscal Recovery Fund for the program established  
395 under this section.

396 (2) The program shall be funded from monies appropriated by  
397 the Legislature from the Coronavirus State Fiscal Recovery Fund  
398 for that purpose. The Department of Public Safety shall  
399 distribute the monies for the program in accordance with the  
400 following:

401 (a) One Thousand Dollars (\$1,000.00) of premium pay  
402 shall be paid to each eligible individual.

403 (b) Eligible individuals are all certified, full-time  
404 and part-time law enforcement officers and certified, full-time  
405 and part-time firefighters who are serving in the State of  
406 Mississippi on July 1, 2022, except those excluded under paragraph  
407 (c) of this subsection (2). If a person is an eligible individual  
408 in more than one (1) position covered under this paragraph, that  
409 person shall only be eligible for one (1) payment of premium pay  
410 under paragraph (a) of this subsection.

411 (c) Any law enforcement officer who received hazard pay  
412 from the Governor's discretionary funds authorized by the  
413 Legislature from the federal Coronavirus Aid, Relief and Economic  
414 Security Act is not eligible to receive monies under this section.



415 (d) The department also shall distribute monies to  
416 counties, municipalities and other governmental entities that,  
417 before July 1, 2022, paid premium pay to law enforcement officers  
418 and firefighters employed by them from funds received under the  
419 federal American Rescue Plan Act, to reimburse those governmental  
420 entities for not more than One Thousand Dollars (\$1,000.00) of the  
421 amount of premium pay that the governmental entity paid to each  
422 recipient.

423 **SECTION 6.** Section 5, Chapter 113, Laws of 2022, additional  
424 appropriation to DFA-Bureau of Building,-ARPA Funds, is brought  
425 forward as follows:

426 Section 5. Of the funds appropriated under the provisions of  
427 Section 1 of this act, One Hundred Seventy-nine Million Seven  
428 Hundred Fifty Thousand Dollars (\$179,750,000.00) or so much  
429 thereof as may be necessary, shall be provided for capital  
430 projects at state-owned buildings or grounds occupied by the  
431 following state agencies, or for the following purposes as cited  
432 herein:

- 433 (a) Any state-owned building as deemed  
434 necessary by the Department of Finance and  
435 Administration Bureau of Building, Grounds  
436 and Real Property Management.....\$ 14,000,000.00.
- 437 (b) The Department of Corrections.....\$ 80,000,000.00.
- 438 (c) The Department of Mental Health.....\$ 40,000,000.00.
- 439 (d) The Department of Human Services



440 Oakley Youth Development Center.....\$ 5,000,000.00.  
441 (e) State Department of Health for  
442 necessary capital investment to assist  
443 in responding to the public health emergency.....\$ 12,000,000.00.  
444 (f) The State Fire Academy.....\$ 750,000.00.  
445 (g) To the entity that oversees the  
446 operations of state parks for the purpose of  
447 eligible water, wastewater, and stormwater  
448 projects.....\$ 12,000,000.00.  
449 (h) To the entity that oversees the  
450 operations of state parks for the purpose of  
451 improvements to state parks due to increased use  
452 and to promote tourism.....\$ 16,000,000.00.  
453 **SECTION 7.** This act shall take effect and be in force from  
454 and after its passage.

