

By: Senator(s) Hopson, Butler

To: Appropriations

SENATE BILL NO. 2848
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-104-323, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER TO THE CORONAVIRUS
3 STATE FISCAL RECOVERY FUND THE FULL AMOUNT OF ANY INTEREST EARNED
4 ON AMOUNTS IN THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND THAT ARE
5 REMAINING IN THE LOCAL FUND ON JULY 1, 2024; TO PROVIDE THAT ANY
6 INTEREST EARNED ON AMOUNTS IN THE CORONAVIRUS LOCAL FISCAL
7 RECOVERY FUND AFTER JULY 1, 2024, SHALL BE DEPOSITED TO THE CREDIT
8 OF THE CORONAVIRUS STATE FISCAL RECOVERY FUND; TO AUTHORIZE THE
9 STATE FISCAL OFFICER TO TRANSFER TO THE FEDERAL GOVERNMENT ANY
10 FUNDS IN THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND THAT HAVE NOT
11 BEEN USED FOR THE PURPOSE FOR WHICH THEY WERE RECEIVED; TO AMEND
12 SECTION 37-106-64, MISSISSIPPI CODE OF 1972, TO REVISE ELIGIBILITY
13 FOR THE SKILLED NURSING HOME AND HOSPITAL NURSES RETENTION LOAN
14 REPAYMENT PROGRAM; TO AMEND SECTION 41-3-16.1, MISSISSIPPI CODE OF
15 1972, TO DIRECT THE DEPARTMENT OF HEALTH'S DISTRIBUTION OF FUNDS
16 APPROPRIATED TO THE ARPA RURAL WATER ASSOCIATIONS INFRASTRUCTURE
17 GRANT PROGRAM; TO REQUIRE THE STATE FISCAL OFFICER TO TRANSFER
18 CERTAIN FUNDS; TO CREATE THE "ARPA-MDOT MAINTENANCE PROJECT FUND"
19 AS A SPECIAL FUND WITHIN THE STATE TREASURY; TO DIRECT THE STATE
20 TREASURER, IN CONJUNCTION WITH THE STATE FISCAL OFFICER, TO
21 TRANSFER CERTAIN FUNDS TO THE CORONAVIRUS STATE FISCAL RECOVERY
22 FUND; TO DIRECT THE STATE TREASURER, IN CONJUNCTION WITH THE STATE
23 FISCAL OFFICER, TO TRANSFER CERTAIN FUNDS TO THE CORONAVIRUS STATE
24 FISCAL RECOVERY LOST REVENUE FUND; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 27-104-323, Mississippi Code of 1972, is
27 amended as follows:

28 27-104-323. (1) All funds received by or on behalf of the
29 State of Mississippi through the Coronavirus Local Fiscal Recovery



30 Fund in Section 9901 of the American Rescue Plan Act of 2021
31 (Public Law No. 117-2) for distribution to nonentitlement units of
32 local government shall be deposited into the Coronavirus Local
33 Fiscal Recovery Fund created in subsection (2) of this section.

34 (2) There is created in the State Treasury a special fund to
35 be designated as the "Coronavirus Local Fiscal Recovery Fund" to
36 be administered by the Department of Finance and Administration.
37 The special fund shall consist of funds required to be deposited
38 into the special fund by subsection (1) of this section, funds
39 appropriated or otherwise made available by the Legislature in any
40 manner, and funds from any other source designated for deposit
41 into the special fund. The Department of Finance and
42 Administration shall distribute the funds to the nonentitlement
43 units of local government in accordance with the Coronavirus Local
44 Fiscal Recovery Fund in Section 9901 of the American Rescue Plan
45 Act of 2021 (Public Law No. 117-2) and any applicable federal
46 guidelines. Such funds shall only be used as provided in the
47 Coronavirus Local Fiscal Recovery Fund in Section 9901 of the
48 American Rescue Plan Act of 2021 (Public Law No. 117-2) or as
49 authorized by federal rule or regulation or guidelines.

50 (3) Unexpended amounts remaining in the special fund at the
51 end of a fiscal year shall not lapse into the State General Fund
52 but shall remain in the Coronavirus Local Fiscal Recovery Fund.
53 The State Fiscal Officer shall transfer to the Coronavirus State
54 Fiscal Recovery Fund the full amount of any investment earnings or



55 interest earned on amounts in the Coronavirus Local Fiscal
56 Recovery Fund that are remaining in the Coronavirus Local Fiscal
57 Recovery Fund on July 1, 2024. Any investment earnings or
58 interest earned on amounts in the * * * Coronavirus Local Fiscal
59 Recovery Fund after July 1, 2024, shall be deposited to the credit
60 of the * * * Coronavirus State Fiscal Recovery Fund created in
61 Section 27-104-321.

62 (4) The State Fiscal Officer is authorized, in his or her
63 discretion, to transfer to the federal government any funds in the
64 Coronavirus Local Fiscal Recovery Fund that have not been used for
65 the purpose for which they were received.

66 **SECTION 2.** Section 37-106-64, Mississippi Code of 1972, is
67 amended as follows:

68 37-106-64. (1) There is established the "Skilled Nursing
69 Home and Hospital Nurses Retention Loan Repayment Program"
70 for * * * nursing graduates to be administered by the Mississippi
71 Postsecondary Education Financial Assistance Board.

72 (2) Subject to the availability of funds, an eligible
73 applicant for an initial award must have:

74 (a) Legal residency in the State of Mississippi;

75 (b) Gained employment * * * as a full-time licensed
76 practical nurse or licensed registered nurse at a skilled nursing
77 home in the State of Mississippi or a general acute care hospital
78 in the State of Mississippi that is licensed by the Mississippi
79 State Department of Health;



80 (c) A current relevant Mississippi professional
81 license; and

82 (d) Outstanding qualifying educational loans, received
83 at any point during the recipients postsecondary education career,
84 which may include the principal, interest and related expenses
85 such as the required interest premium on the unpaid balances of
86 government and commercial loans obtained by the recipient for
87 educational expense.

88 (3) Persons who have received funds from state-forgivable
89 loan programs established under Mississippi law, or who are in
90 default or delinquent on any federal, state, local or commercial
91 qualifying educational loan, shall not be eligible for this
92 program.

93 (4) Recipients in the program shall be selected on a
94 first-come, first-served basis from all eligible applicants. The
95 Mississippi Postsecondary Education Financial Assistance Board
96 shall renew eligible applicants approved in prior years only if
97 the renewal applicant continues to meet the standards set forth in
98 this act, and the renewal applicant has not received full funding
99 provided by this subsection (4).

100 (5) Awards for recipients who are employed at a skilled
101 nursing home or a licensed general acute care hospital in the
102 state may be a maximum of Six Thousand Dollars (\$6,000.00) for
103 each year of employment up to three (3) years.



104 (6) A recipient shall not be penalized for ending employment
105 at a skilled nursing home or a licensed general acute care
106 hospital in the State of Mississippi if the recipient begins
107 working for another skilled nursing home or licensed general acute
108 care hospital in the State of Mississippi during the year on which
109 the award is based.

110 (7) Awards shall be granted on a year-to-year basis, and
111 recipients have no obligation to seek a subsequent award.

112 (8) Awards shall be paid annually, after the expiration of
113 the year of employment for which the award was granted, to the
114 recipient's lender or loan service provider, to be applied to the
115 outstanding balance. Monies paid by the recipient or on the
116 recipient's behalf toward qualifying educational loans before
117 payment of the award shall not be eligible for reimbursement
118 through the program.

119 (9) During the employment year for which the award is
120 granted, a recipient shall at all times keep the State Financial
121 Aid Board informed of any changes to the recipient's current,
122 correct and complete employment information and status.

123 (10) Recipients, who fail to maintain a relevant Mississippi
124 professional license or fail to fulfill the year of employment on
125 which the award was based, forfeit any right to the award.

126 (11) The Mississippi Postsecondary Education Financial
127 Assistance Board, in collaboration with the State Board of Nursing
128 and any other applicable state agency as determined by the



129 Mississippi Postsecondary Education Financial Assistance Board,
130 shall attempt to track award recipients under this program through
131 their third employment year, unless the recipient leaves
132 employment at a skilled nursing home or a licensed general acute
133 care hospital in the state at an earlier date. Data collected
134 shall include each recipients' place of employment and any other
135 pertinent information necessary to determine the efficacy of the
136 program in retaining nurses in skilled nursing homes or licensed
137 general acute care hospitals in the State of Mississippi.

138 (12) The Mississippi Postsecondary Education Financial
139 Assistance Board shall promulgate regulations necessary for the
140 proper administration of this section, including setting a fiscal
141 year policy for the program and application dates and deadlines.

142 (13) This section shall stand repealed on July 1, 2027.

143 **SECTION 3.** Section 41-3-16.1, Mississippi Code of 1972, is
144 amended as follows:

145 41-3-16.1. (1) (a) The State Department of Health
146 (department) shall establish a grant program to be known as the
147 ARPA Rural Water Associations Infrastructure Grant Program
148 (program) to assist rural water associations and entities in the
149 construction of eligible drinking water infrastructure projects as
150 provided in the Final Rule for the Coronavirus State and Local
151 Fiscal Recovery Funds as established by the federal American
152 Rescue Plan Act (ARPA).



153 (b) Rural water associations and any entity that
154 received funding under the ARPA Rural Water Associations
155 Infrastructure Grant Program or the Mississippi Municipality and
156 County Water Infrastructure (MCWI) Grant Program before April 14,
157 2023, shall be ineligible for additional grants under this
158 section.

159 (2) The program shall be funded from appropriations by the
160 Legislature to the department from the Coronavirus State Fiscal
161 Recovery Fund, and the department shall expend all such funds for
162 the purposes provided in subsection (1) of this section.

163 (3) The department shall obligate the funds by the deadline
164 set by the rules and guidelines of the United States Department of
165 the Treasury and will adhere to the Treasury's rules and
166 guidelines for reporting and monitoring projects funded through
167 ARPA.

168 (4) (a) The department shall develop a system for use in
169 ranking the grant applications received. The ranking system shall
170 include the following factors, at a minimum: (a) the
171 environmental impact of the proposed project; (b) the proposed
172 project's ability to address noncompliance with state/federal
173 requirements; (c) the extent to which the project promotes
174 economic development; (d) the number of people served by the
175 project (both new and existing users); (e) impacts of the proposed
176 project on disadvantaged/overburdened communities; (f) the grant
177 applicant's prior efforts to secure funding to address the



178 proposed project's objectives; (g) the grant applicant's proposed
179 contribution of other funds or in-kind cost-sharing to the
180 proposed project; (h) the grant applicant's long-term plans for
181 the financial and physical operation and maintenance of the
182 project; and (i) the grant applicant's capacity to initiate
183 construction in a timely manner and complete the proposed project
184 by the deadline specified by rules and guidelines of the United
185 States Department of the Treasury for ARPA funds.

186 (b) For the second round of grant awards, the
187 department shall apply a greater weight to grant applications that
188 promote consolidation of separate systems. In order to receive
189 the additional weight, the systems that will consolidate shall be
190 in a proximity of each other as determined by the department.

191 (c) In addition to the points awarded under paragraph
192 (b) of this subsection, an additional ten (10) points shall be
193 added to any application with at least one (1) system that has
194 consolidated after January 1, 2018, and before application to this
195 program and is otherwise eligible under this section.

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

199 (6) (a) Upon the approval of an application for a grant
200 under this section, the department shall enter into a project
201 grant agreement with each grantee to establish the terms of the
202 grant for the project, including the amount of the grant.



203 (b) (i) For the first award of grants, the maximum
204 amount of funds that may be provided to any rural water
205 association or entity from all grants under the program is Two
206 Million Five Hundred Thousand Dollars (\$2,500,000.00).

207 (ii) For the second round of grant awards, the
208 maximum amount of funds that may be provided to any eligible
209 association or entity from all grants under the program is Two
210 Million Dollars (\$2,000,000.00).

211 (c) Associations or entities that received funding
212 under the first round of grant awards for this program or received
213 funding in the Mississippi Municipality and County Water
214 Infrastructure Grant Program Act of 2022 are ineligible to receive
215 funding under the second round.

216 (7) With any funds appropriated to the department for the
217 program after April 1, 2024, the department shall distribute the
218 funds to projects from the second round of grant awards in the
219 order in which the applications were ranked for grants as long as
220 the department determines that the project can obligate the funds
221 by October 1, 2024, and expend the funds by December 31, 2026.
222 Where the department determines that a project cannot obligate or
223 expend the funds by the required dates, the department shall not
224 fund the project, and it shall continue from the second round of
225 grant awards in the order in which the applications were ranked
226 for grants.



227 (* * *8) The department shall have all powers necessary to
228 implement and administer the program. Of the funds appropriated
229 to the department for the program, not more than five percent (5%)
230 may be used by the department to cover the department's costs of
231 administering the program.

232 (* * *9) In carrying out its responsibilities under the
233 program, for any contract under the purview of the Public
234 Procurement Review Board (PPRB), the department shall be exempt
235 from any requirement that the PPRB approve any personal or
236 professional services contracts or pre-approve any solicitation of
237 such contracts. This subsection shall stand repealed on July 1,
238 2026.

239 (* * *10) The department shall submit an annual report
240 regarding the program no later than December 31 of each year to
241 the Lieutenant Governor, the Speaker of the House, and the
242 Chairmen of the Senate and House Appropriations Committees.

243 (* * *11) For the purposes of this section, "entity" means:

244 (a) Any entity operating as a rural water association,
245 regardless of whether such entities were user created, were
246 initially organized not for profit, or have been granted
247 tax-exempt status under state or federal law.

248 (b) Any nonprofit water or sewer provider not owned by
249 the municipality or county and are not a Rural Water Association.

250 (c) Any entity eligible under this program shall be
251 currently operating as a not-for-profit entity.



252 (d) "Entity" under this subsection does not include any
253 state agency. No state agency shall be eligible under this
254 program.

255 **SECTION 4.** (1) The Legislature, based upon current United
256 States Treasury guidance, has determined that all Coronavirus
257 State Fiscal Recovery Funds must be obligated by December 31,
258 2024, and expended by December 31, 2026.

259 (2) (a) In order to meet the obligation deadline set forth
260 by the United States Treasury, the State Fiscal Officer shall
261 determine the amount of Coronavirus State Fiscal Recovery Funds
262 appropriated to various agencies that will not be obligated as of
263 October 1, 2024.

264 (b) In making the determination required by this
265 section, the State Fiscal Officer shall use the guidance released
266 by the United States Treasury to determine if the Coronavirus
267 State Fiscal Recovery Funds are not obligated.

268 (3) If at any time during the period from passage of this
269 act to October 1, 2024, a state agency determines that Coronavirus
270 State Fiscal Recovery Funds will not be obligated by October 1,
271 2024, the state agency shall notify the State Fiscal Officer.

272 (4) If at any time the State Fiscal Officer determines that
273 funds will be unobligated as of October 1, 2024, under subsection
274 (2) or (3) of this section, the State Treasurer, in coordination
275 with the State Fiscal Officer, shall transfer these funds to the
276 Coronavirus State Fiscal Recovery Fund (Fund No. 682111300) by no



277 later than October 5, 2024. The State Fiscal Officer may retain
278 an amount not to exceed the lesser of the estimated cost of ARPA
279 administration or Twenty-five Million Dollars (\$25,000,000.00) in
280 the Coronavirus State Fiscal Recovery Fund to be utilized for
281 administrative and reporting costs. No later than October 6,
282 2024, the State Treasurer, in conjunction with the State Fiscal
283 Officer, shall transfer the funds to the ARPA-MDOT Maintenance
284 Project Fund.

285 **SECTION 5.** There is created in the State Treasury a special
286 fund to be designated as the "ARPA-MDOT Maintenance Project Fund,"
287 which shall consist of funds made available by the Legislature in
288 any manner and funds from any other source designated for deposit
289 into such fund. The fund shall be maintained by the State
290 Treasurer as a separate and special fund, separate and apart from
291 the General Fund of the state. Unexpended amounts remaining in
292 the fund at the end of a fiscal year shall not lapse into the
293 State General Fund, and any investment earnings or interest earned
294 on amounts in the fund shall be deposited to the credit of the
295 fund. Monies in the fund shall be used by the Department of
296 Transportation for eligible Surface Transportation maintenance
297 projects included in the Maintenance Program of the Three-Year
298 Plan as adopted by, amended by, or reissued by the Mississippi
299 Transportation Commission under the authority of Section 65-1-141.
300 The Department of Transportation may escalate its budget upon
301 receiving Coronavirus State Fiscal Recovery Funds and expend such



302 funds in accordance with rules and regulations of the Department
303 of Finance and Administration in a manner consistent with the
304 escalation of federal funds.

305 The Department of Transportation shall determine if a project
306 is eligible based upon Section 602 of the federal Social Security
307 Act as added by Section 9901 of the federal American Rescue Plan
308 Act of 2021 (ARPA) and its implementing guidelines, guidance,
309 rules, regulations and/or other criteria, as may be amended or
310 supplemented from time to time, by the United States Department of
311 the Treasury, including, but not limited to, Federal Register
312 Volume 88, Issue 181, September 20, 2023, which allows for Surface
313 Transportation projects.

314 **SECTION 6.** Upon the effective date of this act, the State
315 Treasurer, in conjunction with the State Fiscal Officer, shall
316 transfer to the Coronavirus State Fiscal Recovery Fund (Fund No.
317 6821113000) from the following named funds the following sums:

318 FUND	FUND NUMBER	AMOUNT
319 Mississippi Municipal 320 and County Water 321 Infrastructure Fund	6822147000.....	\$ 25,265,726.00
322 ARPA- Tourism Fund	6822113300.....	\$ 861,050.00
323 Mississippi Hospital 324 Sustainability 325 Grant Program Fund	6822130500.....	\$ 39,460,629.00
326 MH SB Corona State Fiscal		



327	Rec Funds ARPA Fund	6822437100.....	\$ 29,384,500.00
328	MH CO Corona State Fiscal		
329	Rec Funds ARPA Fund	6822337100.....	\$ 18,057,096.00
330	Mississippi Law Enforcement		
331	and Fire Fighters		
332	Premium Pay Fund	6822171100.....	\$ 3,316,000.00
333	Trial Judges-ARPA 2021-		
334	(CPS) Fund	6822105100.....	\$ 1,500,000.00
335	Trial Judges-ARPA 2021-		
336	Temporary Courts Fund	6822105200.....	<u>\$ 3,063,505.00</u>
337	TOTAL.....		\$120,908,506.00

338 **SECTION 7.** Upon the effective date of this act, the State
339 Treasurer, in conjunction with the State Fiscal Officer, shall
340 transfer the sum of Fifty-four Million One Hundred Thousand
341 Dollars (\$54,100,000.00) from the Coronavirus State Fiscal
342 Recovery Fund (Fund No. 6821113000) to the Coronavirus State
343 Fiscal Recovery Lost Revenue Fund (Fund No. 3822113000).

344 **SECTION 8.** This act shall take effect and be in force from
345 and after its passage.

