

By: Senator(s) Horhn

To: Appropriations

SENATE BILL NO. 2775

1 AN ACT TO ESTABLISH THE "MISSISSIPPI ECONOMICALLY  
2 DISADVANTAGED COMMUNITY (EDC) INFRASTRUCTURE GRANT PROGRAM ACT OF  
3 2022" ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL  
4 QUALITY AND THE MISSISSIPPI DEPARTMENT OF HEALTH UTILIZING FUNDS  
5 MADE AVAILABLE UNDER THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY  
6 FUNDS AND THE FEDERAL AMERICAN RESCUE PLAN ACT (ARPA) BLENDED WITH  
7 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; TO PROVIDE THAT SUCH  
8 GRANTS SHALL BE MADE AVAILABLE TO ECONOMICALLY DISADVANTAGED  
9 COMMUNITIES AND TO PRESCRIBE ELIGIBLE PROJECTS UNDER THE GRANT  
10 PROGRAM; TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO  
11 PROMULGATE GRANT APPLICATION REGULATIONS AND ENGINEERING  
12 ASSISTANCE; TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
13 TO ADMINISTER THE GRANT PROGRAM AND RETAIN ADMINISTRATIVE COSTS;  
14 TO CREATE IN THE STATE TREASURY SPECIAL FUNDS DESIGNATED AS THE  
15 "MISSISSIPPI ECONOMICALLY DISADVANTAGED COMMUNITY (EDC)  
16 INFRASTRUCTURE GRANT PROGRAM FUND"; TO AMEND SECTIONS 49-2-9 AND  
17 41-3-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED  
18 PURPOSES.

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

20 **SECTION 1.** (1) This act shall be known and may be cited as  
21 the "Mississippi Economically Disadvantaged Community (EDC)  
22 Infrastructure Grant Program Act of 2022."

23 (2) There is hereby established within the Mississippi  
24 Department of Environmental Quality and the Mississippi Department  
25 of Health, the Mississippi Economically Disadvantaged Community  
26 (EDC) Infrastructure Grant Program under which EDCs may apply for



27 reimbursable grants to make necessary investments in public  
28 health, economic harm and disproportionate impact infrastructure  
29 to be funded by the Legislature utilizing Coronavirus State Fiscal  
30 Recovery Funds made available under the federal American Rescue  
31 Plan Act (ARPA) blended with Community Development Block Grant  
32 Funds. There shall be no local matching fund requirements under  
33 this EDC Infrastructure Grant Program.

34 (3) For purposes of this act, unless the context requires  
35 otherwise, the following terms shall have the meanings ascribed  
36 herein:

37 (a) "EDC Grant Program" shall mean the Mississippi  
38 Economically Disadvantaged Community (EDC) Infrastructure Grant  
39 Program.

40 (b) "EDC" or "Economically Disadvantaged Community"  
41 shall mean a census tract with a median household income less than  
42 eighty percent (80%) of the area median income (AMI).

43 (c) "ARPA" shall mean the federal American Rescue Plan  
44 Act of 2021, Public Law 117-2, which amends Title VI of the Social  
45 Security Act.

46 (d) "Community Development Block Grants (CDBG)" shall  
47 mean federally funded Community Development Block Grants (CDBG)  
48 entitlement jurisdictions defined under federal law.

49 (e) "State Recovery Funds" shall mean Coronavirus State  
50 Fiscal Recovery Funds awarded through Section 602 of Title VI of  
51 the Social Security Act amended by Section 9901 of the federal



52 American Rescue Plan Act of 2021, Public Law 117-2 and Community  
53 Development Block Grant (CDBG) Funds.

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

58 (g) "Department" shall mean the Department of  
59 Environmental Quality.

60 (5) On or before July 1, 2022, the Mississippi Commission on  
61 Environmental Quality acting through the Mississippi Department of  
62 Environmental Quality shall promulgate rules and regulations  
63 necessary to administer the EDC Grant Program prescribed under  
64 this act, including application procedures, deadlines and matching  
65 requirements. The Mississippi State Board of Health acting  
66 through the Mississippi Department of Health and the Mississippi  
67 Development Authority are authorized and directed to advise the  
68 Mississippi Department of Environmental Quality regarding all such  
69 rules and regulations.

70 (6) Funding under the EDC Grant Program shall be allocated  
71 to projects as either "design projects" or "construction projects"  
72 to be certified by the Mississippi Department of Environmental  
73 Quality as eligible for federal funding and shall include, but not  
74 be limited to, the following:

75 (a) Investments in water, sewer and broadband  
76 infrastructure;



77 (b) COVID-19 expenditures or negative economic impacts  
78 of COVID-19, including assistance to small businesses, households  
79 and hard-hit industries, and economic recovery;

80 (c) Revenue replacement for the provision of government  
81 services to the extent of the reduction in revenue due to the  
82 COVID-19 public health emergency, relative to revenues collected  
83 in the most recent fiscal year prior to the emergency;

84 (d) Premium pay for essential workers;

85 (e) Improving public health in the EDC;

86 (f) Assistance to households in the EDC;

87 (g) Assistance to small businesses in the EDC;

88 (h) Assistance to nonprofits in the EDC;

89 (i) Aid to impacted industries in the EDC;

90 (j) Improving public sector capacity in the EDC;

91 (k) Funds allocated to EDCs cannot be used to directly  
92 or indirectly offset tax reductions or delay a tax or tax  
93 increase; and

94 (l) Funds allocated to EDCs cannot be deposited into  
95 any pension fund.

96 (7) The local municipal governing authority of the EDC may  
97 submit an application for grant funds under this act. Applicants  
98 shall certify that each project submitted is a necessary  
99 investment in infrastructure as defined in ARPA; and its  
100 implementing guidelines, guidance, rules, regulations and/or other  
101 criteria, as may be amended or supplemented from time to time, by



102 the United States Department of the Treasury; and all applicable  
103 guidance issued by the department. Subsequent submissions will be  
104 due by the dates established by the department.

105 (8) Applications shall be reviewed and scored as they are  
106 received. The Mississippi Department of Environmental Quality  
107 shall certify that each project submitted is a necessary  
108 investment in infrastructure as defined in the American Rescue  
109 Plan Act and all applicable guidance issued by the department.  
110 The Department of Environmental Quality shall review the lists of  
111 recommended infrastructure projects and issue its list of  
112 recommended projects to the Mississippi Department of Health  
113 and/or the Mississippi Development Authority for its advice.  
114 Grant agreements shall be executed between the recipient and the  
115 Mississippi Department of Environmental Quality. All final awards  
116 will be determined at the discretion of the executive director of  
117 the department. Funds shall be made available to a grantee upon  
118 the execution of a grant agreement between the department and the  
119 approved applicant. Each application shall include the following  
120 at a minimum: applicant contact information; project description  
121 and type of project; project map; estimate of population served by  
122 the projects; disadvantaged community criteria (population, median  
123 household income, unemployment, current water/sewer rates);  
124 estimated project cost; list of available match funds and  
125 documentation of commitment; estimated project schedule and  
126 readiness to proceed; engineering services agreement; engineering



127 reports; and information about status of obtaining any required  
128 permits. The Mississippi Department of Environmental Quality is  
129 authorized to present additional rounds of grant proposals for  
130 application consideration as needed.

131 (9) Grant requirements shall be used prospectively and the  
132 grant is not available to cover the costs of debt incurred prior  
133 to the enactment of this program. The applicant shall agree to  
134 obtain all necessary state and federal permits, follow all state  
135 bidding and contracting laws and fiscally sound practices in the  
136 administration of the funds.

137 (10) The review process shall include a specific emphasis on  
138 the "readiness to proceed." Projects that already have approved  
139 engineering/design, plans and permits and can begin construction  
140 within six (6) months shall receive a greater score on the  
141 application. Projects that are included on the municipal or  
142 county engineer's approved list and provide applicable supporting  
143 documentation will receive additional consideration awarded to the  
144 application.

145 (11) The grant program will include a specific emphasis on  
146 addressing the needs of an economically disadvantaged community,  
147 including providing safe, reliable drinking water in areas that  
148 lack infrastructure, providing sewage treatment capacity in  
149 unsewered areas and promoting regional development of  
150 infrastructure to serve multiple communities.



151           (12) There is hereby created in the State Treasury a special  
152 fund to be known as the "Mississippi Economically Disadvantaged  
153 Community (EDC) Infrastructure Grant Program Fund," which shall  
154 consist of funds appropriated by the Legislature from federal  
155 American Rescue Plan (ARPA) monies or other available federal  
156 grant funds for the purposes of awarding grants under this act.  
157 The balance of the EDC Fund shall not exceed Fifty Million Dollars  
158 (\$50,000,000.00). Unexpended amounts remaining in the fund at the  
159 end of the fiscal year shall not lapse into the State General  
160 Fund, and any interest earned on amounts in the fund shall remain  
161 in the fund. The expenditure of monies in the Mississippi  
162 Economically Disadvantaged Community (EDC) Infrastructure Grant  
163 Program Fund shall be under the direction of the Mississippi  
164 Department of Environmental Quality and such funds shall be paid  
165 by the State Treasurers upon warrants issued by the Department of  
166 Finance and Administration.

167           (13) The department shall submit to the Lieutenant Governor,  
168 Speaker of the House, House and Senate Appropriations Chairmen and  
169 the Legislative Budget Office quarterly reports and annual reports  
170 that are due by the dates established in the Compliance and  
171 Reporting Guidance by the United States Department of Treasury.  
172 The reports shall contain the applications received, the score of  
173 the applications, the amount of grant funds awarded to each  
174 applicant, the amount of grant funds expended by each applicant,  
175 and status of each applicant's project.



176 (14) Grant funds shall be available under this act through  
177 December 31, 2026. Each grant recipient shall certify for any  
178 project that a grant is awarded that in the event the project is  
179 not completed by December 31, 2026, and the United States Congress  
180 does not enact an extension of the deadline on the availability of  
181 ARPA Funds, then the grant recipient will complete the project  
182 through any other funds available.

183 (15) The Mississippi commission on Environmental Quality may  
184 retain an amount not to exceed two percent (2%) of the annual  
185 grant awards to defray administrative costs.

186 **SECTION 2.** Section 49-2-9, Mississippi Code of 1972, is  
187 amended as follows:

188 49-2-9. (1) Effective July 1, 1979, the commission shall  
189 have the following powers and duties:

190 (a) To formulate the policy of the department regarding  
191 natural resources within the jurisdiction of the department;

192 (b) To adopt, modify, repeal, and promulgate, after due  
193 notice and hearing, and where not otherwise prohibited by federal  
194 or state law, to make exceptions to and grant exemptions and  
195 variances from, and to enforce rules and regulations implementing  
196 or effectuating the powers and duties of the commission under any  
197 and all statutes within the commission's jurisdiction, and as the  
198 commission may deem necessary to prevent, control and abate  
199 existing or potential pollution;





200 (c) To apply for, receive and expend any federal or  
201 state funds or contributions, gifts, devises, bequests or funds  
202 from any other source;

203 (d) To commission or conduct studies designed to  
204 determine alternative methods of managing or using the natural  
205 resources of this state, in a manner to \* \* \* ensure efficiency  
206 and maximum productivity;

207 (e) To enter into, and to authorize the executive  
208 director to execute with the approval of the commission,  
209 contracts, grants and cooperative agreements with any federal or  
210 state agency or subdivision thereof, or any public or private  
211 institution located inside or outside the State of Mississippi, or  
212 any person, corporation or association in connection with carrying  
213 out the provisions of this chapter; but this authority under this  
214 chapter and under any and all statutes within the commission's  
215 jurisdiction, except those statutes relating to the Bureau of  
216 Recreation and Parks, shall not include contracts, grants or  
217 cooperative agreements which do not develop data or information  
218 usable by the commission, or which provide goods, services or  
219 facilities to the commission or any of its bureaus, and shall  
220 exclude any monies for special interest groups for purposes of  
221 lobbying or otherwise promoting their special interests; and  
222 (f) To discharge such other duties, responsibilities  
223 and powers as are necessary to implement the provisions of this  
224 chapter.



225 (2) The Mississippi Department of Environmental Quality,  
226 Office of Geology and Energy Resources shall be responsible for  
227 program management, procurement, development and maintenance of  
228 the Mississippi Digital Earth Model, which should include the  
229 following seven (7) core data layers of a digital land base  
230 computer model of the State of Mississippi:

231 (a) Geodetic control;

232 (b) Elevation and bathymetry;

233 (c) Orthoimagery;

234 (d) Hydrography;

235 (e) Transportation;

236 (f) Government boundaries; and

237 (g) Cadastral. With respect to the cadastral layer,  
238 the authority and responsibility of the Mississippi Department of  
239 Environmental Quality, Office of Geology and Energy Resources  
240 shall be limited to compiling information submitted by counties.

241 For all seven (7) framework layers, the Mississippi  
242 Department of Environmental Quality, Office of Geology and Energy  
243 Resources shall be the integrator of data from all sources and the  
244 guarantor of data completeness and consistency and shall  
245 administer the council's policies and standards for the  
246 procurement of remote sensing and geographic information system  
247 data by state and local governmental entities.

248 (3) The Mississippi Department of Environmental Quality  
249 shall have as additional responsibilities, the administration of



250 the Mississippi Economically Disadvantaged Community (EDC)  
251 Infrastructure Grant Program Act of 2022 and shall promulgate  
252 necessary rules and regulations relating to the application of  
253 eligible municipal and county and rural water associations for  
254 grant funds and the awarding of such grants.

255         **SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is  
256 amended as follows:

257             41-3-15. (1) (a) There shall be a State Department of  
258 Health.

259                     (b) The State Board of Health shall have the following  
260 powers and duties:

261                             (i) To formulate the policy of the State  
262 Department of Health regarding public health matters within the  
263 jurisdiction of the department;

264                             (ii) To adopt, modify, repeal and promulgate,  
265 after due notice and hearing, and enforce rules and regulations  
266 implementing or effectuating the powers and duties of the  
267 department under any and all statutes within the department's  
268 jurisdiction, and as the board may deem necessary;

269                             (iii) To apply for, receive, accept and expend any  
270 federal or state funds or contributions, gifts, trusts, devises,  
271 bequests, grants, endowments or funds from any other source or  
272 transfers of property of any kind;

273                             (iv) To enter into, and to authorize the executive  
274 officer to execute contracts, grants and cooperative agreements



275 with any federal or state agency or subdivision thereof, or any  
276 public or private institution located inside or outside the State  
277 of Mississippi, or any person, corporation or association in  
278 connection with carrying out the provisions of this chapter, if it  
279 finds those actions to be in the public interest and the contracts  
280 or agreements do not have a financial cost that exceeds the  
281 amounts appropriated for those purposes by the Legislature;

282 (v) To appoint, upon recommendation of the  
283 Executive Officer of the State Department of Health, a Director of  
284 Internal Audit who shall be either a Certified Public Accountant  
285 or Certified Internal Auditor, and whose employment shall be  
286 continued at the discretion of the board, and who shall report  
287 directly to the board, or its designee; and

288 (vi) To discharge such other duties,  
289 responsibilities and powers as are necessary to implement the  
290 provisions of this chapter.

291 (c) The Executive Officer of the State Department of  
292 Health shall have the following powers and duties:

293 (i) To administer the policies of the State Board  
294 of Health within the authority granted by the board;

295 (ii) To supervise and direct all administrative  
296 and technical activities of the department, except that the  
297 department's internal auditor shall be subject to the sole  
298 supervision and direction of the board;



299 (iii) To organize the administrative units of the  
300 department in accordance with the plan adopted by the board and,  
301 with board approval, alter the organizational plan and reassign  
302 responsibilities as he or she may deem necessary to carry out the  
303 policies of the board;

304 (iv) To coordinate the activities of the various  
305 offices of the department;

306 (v) To employ, subject to regulations of the State  
307 Personnel Board, qualified professional personnel in the subject  
308 matter or fields of each office, and such other technical and  
309 clerical staff as may be required for the operation of the  
310 department. The executive officer shall be the appointing  
311 authority for the department, and shall have the power to delegate  
312 the authority to appoint or dismiss employees to appropriate  
313 subordinates, subject to the rules and regulations of the State  
314 Personnel Board;

315 (vi) To recommend to the board such studies and  
316 investigations as he or she may deem appropriate, and to carry out  
317 the approved recommendations in conjunction with the various  
318 offices;

319 (vii) To prepare and deliver to the Legislature  
320 and the Governor on or before January 1 of each year, and at such  
321 other times as may be required by the Legislature or Governor, a  
322 full report of the work of the department and the offices thereof,



323 including a detailed statement of expenditures of the department  
324 and any recommendations the board may have;

325                   (viii) To prepare and deliver to the Chairmen of  
326 the Public Health and Welfare/Human Services Committees of the  
327 Senate and House on or before January 1 of each year, a plan for  
328 monitoring infant mortality in Mississippi and a full report of  
329 the work of the department on reducing Mississippi's infant  
330 mortality and morbidity rates and improving the status of maternal  
331 and infant health; and

332                   (ix) To enter into contracts, grants and  
333 cooperative agreements with any federal or state agency or  
334 subdivision thereof, or any public or private institution located  
335 inside or outside the State of Mississippi, or any person,  
336 corporation or association in connection with carrying out the  
337 provisions of this chapter, if he or she finds those actions to be  
338 in the public interest and the contracts or agreements do not have  
339 a financial cost that exceeds the amounts appropriated for those  
340 purposes by the Legislature. Each contract or agreement entered  
341 into by the executive officer shall be submitted to the board  
342 before its next meeting.

343           (2) The State Board of Health shall have the authority to  
344 establish an Office of Rural Health within the department. The  
345 duties and responsibilities of this office shall include the  
346 following:



347 (a) To collect and evaluate data on rural health  
348 conditions and needs;

349 (b) To engage in policy analysis, policy development  
350 and economic impact studies with regard to rural health issues;

351 (c) To develop and implement plans and provide  
352 technical assistance to enable community health systems to respond  
353 to various changes in their circumstances;

354 (d) To plan and assist in professional recruitment and  
355 retention of medical professionals and assistants; and

356 (e) To establish information clearinghouses to improve  
357 access to and sharing of rural health care information.

358 (3) The State Board of Health shall have general supervision  
359 of the health interests of the people of the state and to exercise  
360 the rights, powers and duties of those acts which it is authorized  
361 by law to enforce.

362 (4) The State Board of Health shall have authority:

363 (a) To make investigations and inquiries with respect  
364 to the causes of disease and death, and to investigate the effect  
365 of environment, including conditions of employment and other  
366 conditions that may affect health, and to make such other  
367 investigations as it may deem necessary for the preservation and  
368 improvement of health.

369 (b) To make such sanitary investigations as it may,  
370 from time to time, deem necessary for the protection and



371 improvement of health and to investigate nuisance questions that  
372 affect the security of life and health within the state.

373 (c) To direct and control sanitary and quarantine  
374 measures for dealing with all diseases within the state possible  
375 to suppress same and prevent their spread.

376 (d) To obtain, collect and preserve such information  
377 relative to mortality, morbidity, disease and health as may be  
378 useful in the discharge of its duties or may contribute to the  
379 prevention of disease or the promotion of health in this state.

380 (e) To charge and collect reasonable fees for health  
381 services, including immunizations, inspections and related  
382 activities, and the board shall charge fees for those services;  
383 however, if it is determined that a person receiving services is  
384 unable to pay the total fee, the board shall collect any amount  
385 that the person is able to pay. Any increase in the fees charged  
386 by the board under this paragraph shall be in accordance with the  
387 provisions of Section 41-3-65.

388 (f) (i) To establish standards for, issue permits and  
389 exercise control over, any cafes, restaurants, food or drink  
390 stands, sandwich manufacturing establishments, and all other  
391 establishments, other than churches, church-related and private  
392 schools, and other nonprofit or charitable organizations, where  
393 food or drink is regularly prepared, handled and served for pay;  
394 and





395                   (ii) To require that a permit be obtained from the  
396 Department of Health before those persons begin operation. If any  
397 such person fails to obtain the permit required in this  
398 subparagraph (ii), the State Board of Health, after due notice and  
399 opportunity for a hearing, may impose a monetary penalty not to  
400 exceed One Thousand Dollars (\$1,000.00) for each violation.  
401 However, the department is not authorized to impose a monetary  
402 penalty against any person whose gross annual prepared food sales  
403 are less than Five Thousand Dollars (\$5,000.00). Money collected  
404 by the board under this subparagraph (ii) shall be deposited to  
405 the credit of the State General Fund of the State Treasury.

406                   (g) To promulgate rules and regulations and exercise  
407 control over the production and sale of milk pursuant to the  
408 provisions of Sections 75-31-41 through 75-31-49.

409                   (h) On presentation of proper authority, to enter into  
410 and inspect any public place or building where the State Health  
411 Officer or his representative deems it necessary and proper to  
412 enter for the discovery and suppression of disease and for the  
413 enforcement of any health or sanitary laws and regulations in the  
414 state.

415                   (i) To conduct investigations, inquiries and hearings,  
416 and to issue subpoenas for the attendance of witnesses and the  
417 production of books and records at any hearing when authorized and  
418 required by statute to be conducted by the State Health Officer or  
419 the State Board of Health.



420 (j) To promulgate rules and regulations, and to collect  
421 data and information, on (i) the delivery of services through the  
422 practice of telemedicine; and (ii) the use of electronic records  
423 for the delivery of telemedicine services.

424 (k) To enforce and regulate domestic and imported fish  
425 as authorized under Section 69-7-601 et seq.

426 (5) (a) The State Board of Health shall have the authority,  
427 in its discretion, to establish programs to promote the public  
428 health, to be administered by the State Department of Health.  
429 Specifically, those programs may include, but shall not be limited  
430 to, programs in the following areas:

- 431 (i) Maternal and child health;
- 432 (ii) Family planning;
- 433 (iii) Pediatric services;
- 434 (iv) Services to crippled and disabled children;
- 435 (v) Control of communicable and noncommunicable  
436 disease;
- 437 (vi) Chronic disease;
- 438 (vii) Accidental deaths and injuries;
- 439 (viii) Child care licensure;
- 440 (ix) Radiological health;
- 441 (x) Dental health;
- 442 (xi) Milk sanitation;
- 443 (xii) Occupational safety and health;



444                   (xiii) Food, vector control and general  
445 sanitation;  
446                   (xiv) Protection of drinking water;  
447                   (xv) Sanitation in food handling establishments  
448 open to the public;  
449                   (xvi) Registration of births and deaths and other  
450 vital events;  
451                   (xvii) Such public health programs and services as  
452 may be assigned to the State Board of Health by the Legislature or  
453 by executive order; and  
454                   (xviii) Regulation of domestic and imported fish  
455 for human consumption.

456                   (b) The State Board of Health and State Department of  
457 Health shall not be authorized to sell, transfer, alienate or  
458 otherwise dispose of any of the home health agencies owned and  
459 operated by the department on January 1, 1995, and shall not be  
460 authorized to sell, transfer, assign, alienate or otherwise  
461 dispose of the license of any of those home health agencies,  
462 except upon the specific authorization of the Legislature by an  
463 amendment to this section. However, this paragraph (b) shall not  
464 prevent the board or the department from closing or terminating  
465 the operation of any home health agency owned and operated by the  
466 department, or closing or terminating any office, branch office or  
467 clinic of any such home health agency, or otherwise discontinuing  
468 the providing of home health services through any such home health



469 agency, office, branch office or clinic, if the board first  
470 demonstrates that there are other providers of home health  
471 services in the area being served by the department's home health  
472 agency, office, branch office or clinic that will be able to  
473 provide adequate home health services to the residents of the area  
474 if the department's home health agency, office, branch office or  
475 clinic is closed or otherwise discontinues the providing of home  
476 health services. This demonstration by the board that there are  
477 other providers of adequate home health services in the area shall  
478 be spread at length upon the minutes of the board at a regular or  
479 special meeting of the board at least thirty (30) days before a  
480 home health agency, office, branch office or clinic is proposed to  
481 be closed or otherwise discontinue the providing of home health  
482 services.

483 (c) The State Department of Health may undertake such  
484 technical programs and activities as may be required for the  
485 support and operation of those programs, including maintaining  
486 physical, chemical, bacteriological and radiological laboratories,  
487 and may make such diagnostic tests for diseases and tests for the  
488 evaluation of health hazards as may be deemed necessary for the  
489 protection of the people of the state.

490 (6) (a) The State Board of Health shall administer the  
491 local governments and rural water systems improvements loan  
492 program in accordance with the provisions of Section 41-3-16.

493 (b) The State Board of Health shall have authority:



494 (i) To enter into capitalization grant agreements  
495 with the United States Environmental Protection Agency, or any  
496 successor agency thereto;

497 (ii) To accept capitalization grant awards made  
498 under the federal Safe Drinking Water Act, as amended;

499 (iii) To provide annual reports and audits to the  
500 United States Environmental Protection Agency, as may be required  
501 by federal capitalization grant agreements; and

502 (iv) To establish and collect fees to defray the  
503 reasonable costs of administering the revolving fund or emergency  
504 fund if the State Board of Health determines that those costs will  
505 exceed the limitations established in the federal Safe Drinking  
506 Water Act, as amended. The administration fees may be included in  
507 loan amounts to loan recipients for the purpose of facilitating  
508 payment to the board; however, those fees may not exceed five  
509 percent (5%) of the loan amount.

510 (7) Notwithstanding any other provision to the contrary, the  
511 State Department of Health shall have the following specific  
512 powers: The department shall issue a license to Alexander Milne  
513 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
514 construction, conversion, expansion and operation of not more than  
515 forty-five (45) beds for developmentally disabled adults who have  
516 been displaced from New Orleans, Louisiana, with the beds to be  
517 located in a certified ICF-MR facility in the City of Laurel,  
518 Mississippi. There shall be no prohibition or restrictions on



519 participation in the Medicaid program for the person receiving the  
520 license under this subsection (7). The license described in this  
521 subsection shall expire five (5) years from the date of its issue.  
522 The license authorized by this subsection shall be issued upon the  
523 initial payment by the licensee of an application fee of  
524 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
525 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
526 the license, to be paid as long as the licensee continues to  
527 operate. The initial and monthly licensing fees shall be  
528 deposited by the State Department of Health into the special fund  
529 created under Section 41-7-188.

530 (8) Notwithstanding any other provision to the contrary, the  
531 State Department of Health shall have the following specific  
532 powers: The State Department of Health is authorized to issue a  
533 license to an existing home health agency for the transfer of a  
534 county from that agency to another existing home health agency,  
535 and to charge a fee for reviewing and making a determination on  
536 the application for such transfer not to exceed one-half (1/2) of  
537 the authorized fee assessed for the original application for the  
538 home health agency, with the revenue to be deposited by the State  
539 Department of Health into the special fund created under Section  
540 41-7-188.

541 (9) Notwithstanding any other provision to the contrary, the  
542 State Department of Health shall have the following specific  
543 powers: For the period beginning July 1, 2010, through July 1,



544 2017, the State Department of Health is authorized and empowered  
545 to assess a fee in addition to the fee prescribed in Section  
546 41-7-188 for reviewing applications for certificates of need in an  
547 amount not to exceed twenty-five one-hundredths of one percent  
548 (.25 of 1%) of the amount of a proposed capital expenditure, but  
549 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
550 regardless of the amount of the proposed capital expenditure, and  
551 the maximum additional fee permitted shall not exceed Fifty  
552 Thousand Dollars (\$50,000.00). Provided that the total  
553 assessments of fees for certificate of need applications under  
554 Section 41-7-188 and this section shall not exceed the actual cost  
555 of operating the certificate of need program.

556 (10) Notwithstanding any other provision to the contrary,  
557 the State Department of Health shall have the following specific  
558 powers: The State Department of Health is authorized to extend  
559 and renew any certificate of need that has expired, and to charge  
560 a fee for reviewing and making a determination on the application  
561 for such action not to exceed one-half (1/2) of the authorized fee  
562 assessed for the original application for the certificate of need,  
563 with the revenue to be deposited by the State Department of Health  
564 into the special fund created under Section 41-7-188.

565 (11) Notwithstanding any other provision to the contrary,  
566 the State Department of Health shall have the following specific  
567 powers: The State Department of Health is authorized and  
568 empowered, to revoke, immediately, the license and require closure



569 of any institution for the aged or infirm, including any other  
570 remedy less than closure to protect the health and safety of the  
571 residents of said institution or the health and safety of the  
572 general public.

573 (12) Notwithstanding any other provision to the contrary,  
574 the State Department of Health shall have the following specific  
575 powers: The State Department of Health is authorized and  
576 empowered, to require the temporary detainment of individuals for  
577 disease control purposes based upon violation of any order of the  
578 State Health Officer, as provided in Section 41-23-5. For the  
579 purpose of enforcing such orders of the State Health Officer,  
580 persons employed by the department as investigators shall have  
581 general arrest powers. All law enforcement officers are  
582 authorized and directed to assist in the enforcement of such  
583 orders of the State Health Officer.

584 (13) The State Board of Health shall have as additional  
585 responsibilities the formulation of technical advice and  
586 recommendations to the Mississippi Department of Environmental  
587 Quality relative to the administration of the Mississippi  
588 Economically Disadvantaged Community (EDC) Infrastructure Act of  
589 2022 and recommendations for the approval of grant applications  
590 under said program.

591 **SECTION 4.** This act shall take effect and be in force from  
592 and after July 1, 2022.

