MISSISSIPPI LEGISLATURE

REGULAR SESSION 2023

By: Representative Read

To: Appropriations

HOUSE BILL NO. 604


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

SECTION 1. Section 27-104-321, Mississippi Code of 1972, is brought forward as follows:
27-104-321. (1) All funds received by or on behalf of the State of Mississippi through the Coronavirus State Fiscal Recovery Fund in Section 9901 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) shall be deposited into the Coronavirus State Fiscal Recovery Fund created in subsection (2) of this section.

(2) There is created in the State Treasury a special fund to be designated as the "Coronavirus State Fiscal Recovery Fund." The special fund shall consist of funds required to be deposited into the special fund by subsection (1) of this section, funds appropriated or otherwise made available by the Legislature in any manner, and funds from any other source designated for deposit into the special fund. Monies in the fund shall only be spent upon appropriation by the Legislature and shall only be used as provided in the Coronavirus State Fiscal Recovery Fund in Section 9901 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) or as authorized by federal rule or regulation or guidelines.

(3) Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund but shall remain in the Coronavirus State Fiscal Recovery Fund. Any investment earnings or interest earned on amounts in the special fund shall be deposited to the credit of the special fund.

SECTION 2. Section 27-104-325, Mississippi Code of 1972, is brought forward as follows:
27-104-325. There is created in the State Treasury a special fund to be designated as the "Coronavirus State Fiscal Recovery Lost Revenue Fund," which shall consist of funds calculated based on a reduction in the state's general revenue due to the coronavirus public health emergency, made available through the Coronavirus State Fiscal Recovery Fund established by the American Rescue Plan Act of 2021, and transferred into the fund by act of the Legislature. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Department of Finance and Administration, upon appropriation by the Legislature, for the purpose of providing government services.

SECTION 3. Section 37-106-60, Mississippi Code of 1972, is brought forward as follows:

37-106-60. (1) This section shall be known as the Nursing and Respiratory Therapy Education Incentive Program.

(2) There is created a forgivable loan program for study in nursing to become a licensed practical nurse or a registered nurse, for advanced study in nursing by licensed registered nurses, or for study in respiratory therapy to become a respiratory therapist. Forgivable loans are established and shall
be allocated to students who: (a) are accepted and enrolled in an
accredited nursing program or respiratory therapy program approved
by the board; (b) complete an application by the deadline
established by the board; and (c) enter into contract with the
board, obligating themselves to pursue to completion the course of
study agreed upon, and following the completion of the course of
study, to practice nursing or respiratory therapy, as the case may
be, in the State of Mississippi for not less than five (5) years.
(3) Repayment and conversion terms shall be the same as
outlined in Section 37-106-53, except that the following
provisions shall apply instead of subsection (1)(b) of that
section: In lieu of payment in full of both principal and
interest, a loan recipient under this section may elect to repay
by entry into service employment as provided in subsection (2)(c)
of this section. Repayment under this option shall convert the
loan to an interest-free scholarship and discharge the same, on
the basis of one fifth (1/5) of the total loan amount for each
full year of service, or the appropriate proportion of the total
outstanding balance of principal and interest, all as established
by rule and regulation of the board. If at any time before the
repayment in full of the total obligation the recipient abandons
or abrogates repayment by this service option, the provisions of
Section 37-106-53(1)(c) shall apply.
(4) The board shall establish the rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

SECTION 4. Section 41-3-16.1, Mississippi Code of 1972, is brought forward as follows:

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

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

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

(4) The department shall develop a system for use in ranking the grant applications received. The ranking system shall include the following factors, at a minimum: (a) the environmental impact of the proposed project; (b) the proposed project's ability to address noncompliance with state/federal requirements; (c) the extent to which the project promotes economic development; (d) the number of people served by the project (both new and existing users); (e) impacts of the proposed project on disadvantaged/overburdened communities; (f) the grant applicant's prior efforts to secure funding to address the proposed project's objectives; (g) the grant applicant's proposed contribution of other funds or in-kind cost-sharing to the proposed project; (h) the grant applicant's long-term plans for the financial and physical operation and maintenance of the project; and (i) the grant applicant's capacity to initiate construction in a timely manner and complete the proposed project by the deadline specified by rules and guidelines of the United States Department of the Treasury for ARPA funds.

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

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

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

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

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

SECTION 5. Section 41-14-31, Mississippi Code of 1972, is brought forward as follows:

41-14-31. (1) The Mississippi Department of Health shall establish and administer the Covid-19 Hospital Expanded Capacity Program for the purpose of providing funds to hospitals that
increased treatment capacity related to the COVID-19 pandemic.

The program shall make grants to hospitals as a reimbursement for expenses incurred during the period beginning on March 3, 2021, through December 31, 2023, in the following manner:

(a) Funds shall first be expended for the reimbursement to hospitals for the creation of ICU beds at a maximum amount of Two Hundred Thousand Dollars ($200,000.00) per bed. If the reimbursement for allowable expenditures submitted by all hospitals exceeds the amount of funds appropriated to this program, then the Department of Health shall allocate the reimbursement to each hospital per ICU bed created.

(b) After such reimbursement is made in paragraph (a) of this subsection, any remaining funds shall be used to reimburse hospitals for the creation of negative pressure beds at a maximum amount of Fifty Thousand dollars ($50,000.00) per bed. If the reimbursement for allowable expenditures submitted by all hospitals exceeds the amount of funds appropriated to this program, then the Department of Health shall allocate the reimbursement to each hospital per negative pressure bed created.

(2) The Department of Health shall:

(a) Promulgate rules and regulations necessary to implement the purposes of this act.

(b) Require all applications for grants to be filed no later than December 31, 2023.
(c) Require recipients of funds under this program to certify that the reimbursement for the creation of the intensive care units or negative pressure room is for allowable expenditures under the American Rescue Plan Act (ARPA) of 2021, Public Law 117-2, which amends Title VI of the Social Security Act; and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury.

(d) Certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the office under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus State Fiscal Recovery Fund in Section 9901 of ARPA.

(3) The department shall not:

(a) Reimburse hospitals for funds expended by the "Mississippi ICU Infrastructure Act," Sections 41-14-1 through 41-14-11.

(b) Reimburse hospitals for professional fees expended in the creation of the beds.

(4) The Department of Health may retain up to One Hundred Fifty Thousand Dollars ($150,000.00) of the funds appropriated to the program established in this act to pay reasonable expenses incurred in the administration of the program.
(5) The department shall operate and administer the grant
program from funds appropriated by the Legislature from the
Coronavirus State Fiscal Recovery Funds.

(6) The Department of Health shall submit to the Joint
Legislative Budget Committee before October 1 of each year an
annual report containing, at a minimum, the number of submitted
applications, the amount of grant funds awarded to each hospital
for both ICU beds and negative pressure beds, and the number of
ICU beds and negative pressure beds that were provided a
reimbursement.

(7) This act shall stand repealed on July 1, 2026.

SECTION 6. Section 41-139-1, Mississippi Code of 1972, is
brought forward as follows:

41-139-1. (1) As used in this section, the following terms
shall be defined as provided in this subsection:

(a) "Local health care provider" or "provider" means a
facility that is licensed, certified or otherwise authorized or
permitted by law to provide health care in the ordinary course of
business in the State of Mississippi, including, but not limited
to, skilled nursing facilities, direct primary care clinics,
provider owned clinics, rural health clinics, academic medical
centers, community health centers and/or independent physician
practices.

(b) "Transitional assistance" means any assistance
related to changing a provider's current health care delivery
model to a model more appropriate for the community that the
provider serves, including, but not limited to:

(i) Conducting a market study of health care
services needed and provided in the community;

(ii) Acquiring and implementing new technological
tools and infrastructure, including, but not limited to,
telemedicine delivery methods, development of health information
exchange platforms to electronically share medical records,
electronic health record optimization, purchasing connected
devices, upgrading digital devices, improving broadband
connectivity, public health reporting, and implementing online or
mobile patient appointment management applications; and

(iii) Supporting the implementation of population
health management.

(2) There is established the COVID-19 Mississippi Local
Provider Innovation Grant Program to be administered by the State
Department of Health. The program and any grant awarded under the
program shall be for the purpose of strengthening and improving
the health care system and increasing access to health care
services providers to help communities achieve and maintain
optimal health by providing transitional assistance to providers.
The department may award an innovation grant to a local health
care provider that applies in accordance with this section.
Eligible local health care providers shall provide the following information to the department in their application for a grant:

(a) A description of the location or locations for which the grant monies will be expended, including the name and locations of where the provider administers health care services;

(b) A statement of the amount of grant monies requested;

(c) A description of the needs of the provider, the transitional assistance for which the grant monies will be expended and how such transitional assistance will meet the stated needs;

(d) Evidence that the provider has played an active role in the community to combat the spread of COVID-19, including, but not limited to, testing, vaccination and antibody treatment; and

(e) Any other information that the department deems necessary to administer this section.

(4) Applicants are limited to one (1) application per business entity as determined by the applicant's business filing status with the Secretary of State. Subsidiaries of the entity are not eligible to submit separate applications. Health systems that affiliate, own or control multiple clinics are only eligible to submit to one (1) application under the parent entity. The department shall determine the amount of the grant to be awarded
to each applicant based on the factors detailed in the
application, with the maximum amount of a grant that may be
awarded to an applicant being Two Hundred Fifty Thousand Dollars
($250,000.00).

(5) The COVID-19 Mississippi Local Provider Innovation Grant
Program created under this section shall be funded by
appropriation of the Legislature from the Coronavirus State Fiscal
Recovery Fund.

SECTION 7. Section 45-2-41, Mississippi Code of 1972, is
brought forward as follows:

45-2-41. (1) There is created the "Mississippi Law
Enforcement and Fire Fighters Premium Pay Program," which shall be
administered by the Department of Public Safety to provide premium
pay to those law enforcement officers and firefighters in the
State of Mississippi as provided for in subsection (2) of this
section. Monies disbursed by the Department of Public Safety
under this section shall be disbursed in compliance with all
requirements and/or conditions on funds appropriated from the
Coronavirus State Fiscal Recovery Fund for the program established
under this section.

(2) The program shall be funded from monies appropriated by
the Legislature from the Coronavirus State Fiscal Recovery Fund
for that purpose. The Department of Public Safety shall
distribute the monies for the program in accordance with the
following:
(a) One Thousand Dollars ($1,000.00) of premium pay shall be paid to each eligible individual.

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

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

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

SECTION 8. Section 25-3-25, Mississippi Code of 1972, is brought forward as follows:
25-3-25. (1) Except as otherwise provided in subsections (2) through (9), the salaries of sheriffs of the various counties are fixed as full compensation for their services.

The annual salary for each sheriff shall be based upon the total population of his county according to the latest federal decennial census in the following categories and for the following amounts; however, no sheriff shall be paid less than the salary authorized under this section to be paid the sheriff based upon the population of the county according to the most recent federal decennial census:

(a) For counties with a total population of more than one hundred thousand (100,000), a salary of One Hundred Four Thousand Dollars ($104,000.00).

(b) For counties with a total population of more than forty-four thousand (44,000) and not more than one hundred thousand (100,000), a salary of Ninety-five Thousand Dollars ($95,000.00).

(c) For counties with a total population of more than thirty thousand (30,000) and not more than forty-four thousand (44,000), a salary of Ninety Thousand Dollars ($90,000.00).

(d) For counties with a total population of more than twelve thousand five hundred (12,500) and not more than thirty thousand (30,000), a salary of Eighty-five Thousand Dollars ($85,000.00).
(e) For counties with a total population of not more than twelve thousand five hundred (12,500), a salary of Eighty Thousand Dollars ($80,000.00).

(2) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Leflore County, in its discretion, may pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county for the following reasons:

(a) The Mississippi Department of Corrections operates and maintains a restitution center within the county;

(b) The Mississippi Department of Corrections operates and maintains a community work center within the county;

(c) There is a resident circuit court judge in the county whose office is located at the Leflore County Courthouse;

(d) There is a resident chancery court judge in the county whose office is located at the Leflore County Courthouse;

(e) The Magistrate for the Fourth Circuit Court District is located in the county and maintains his office at the Leflore County Courthouse;

(f) The Region VI Mental Health-Mental Retardation Center, which serves a multicounty area, calls upon the sheriff to provide security for out-of-town mental patients, as well as patients from within the county;
(g) The increased activity of the Child Support Division of the Department of Human Services in enforcing in the courts parental obligations has imposed additional duties on the sheriff; and

(h) The dispatchers of the enhanced E-911 system in place in Leflore County have been placed under the direction and control of the sheriff.

(3) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Rankin County, in its discretion, may pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county for the following reasons:

(a) The Mississippi Department of Corrections operates and maintains the Central Mississippi Correctional Facility within the county;

(b) The State Hospital is operated and maintained within the county at Whitfield;

(c) Hudspeth Regional Center, a facility maintained for the care and treatment of persons with an intellectual disability, is located within the county;

(d) The Mississippi Law Enforcement Officers Training Academy is operated and maintained within the county;
(e) The State Fire Academy is operated and maintained within the county;

(f) The Pearl River Valley Water Supply District, ordinarily known as the "Reservoir District," is located within the county;

(g) The Jackson-Medgar Wiley Evers International Airport is located within the county;

(h) The patrolling of the state properties located within the county has imposed additional duties on the sheriff; and

(i) The sheriff, in addition to providing security to the nearly one hundred thousand (100,000) residents of the county, has the duty to investigate, solve and assist in the prosecution of any misdemeanor or felony committed upon any state property located in Rankin County.

(4) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Neshoba County shall pay an annual supplement to the sheriff of the county an amount equal to Ten Thousand Dollars ($10,000.00).

(5) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Tunica County, in its discretion, may pay an annual supplement to the sheriff of the county an amount equal to Ten Thousand Dollars ($10,000.00), payable beginning April 1, 1997.
In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Hinds County shall pay an annual supplement to the sheriff of the county in an amount equal to Fifteen Thousand Dollars ($15,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county for the following reasons:

(a) Hinds County has the greatest population of any county, two hundred fifty-four thousand four hundred forty-one (254,441) by the 1990 census, being almost one hundred thousand (100,000) more than the next most populous county;

(b) Hinds County is home to the State Capitol and the seat of all state government offices;

(c) Hinds County is the third largest county in geographic area, containing eight hundred seventy-five (875) square miles;

(d) Hinds County is comprised of two (2) judicial districts, each having a courthouse and county office buildings;

(e) There are four (4) resident circuit judges, four (4) resident chancery judges, and three (3) resident county judges in Hinds County, the most of any county, with the sheriff acting as chief executive officer and provider of bailiff services for all;

(f) The main offices for the clerk and most of the judges and magistrates for the United States District Court for
the Southern District of Mississippi are located within the county;

(g) The state's only urban university, Jackson State University, is located within the county;

(h) The University of Mississippi Medical Center, combining the medical school, dental school, nursing school and hospital, is located within the county;

(i) Mississippi Veterans Memorial Stadium, the state's largest sports arena, is located within the county;

(j) The Mississippi State Fairgrounds, including the Coliseum and Trade Mart, are located within the county;

(k) Hinds County has the largest criminal population in the state, such that the Hinds County Sheriff's Department operates the largest county jail system in the state, housing almost one thousand (1,000) inmates in three (3) separate detention facilities;

(l) The Hinds County Sheriff's Department handles more mental and drug and alcohol commitment cases than any other sheriff's department in the state;

(m) The Mississippi Department of Corrections maintains a restitution center within the county;

(n) The Mississippi Department of Corrections regularly houses as many as one hundred (100) state convicts within the Hinds County jail system; and
(o) The Hinds County Sheriff's Department is regularly asked to provide security services not only at the Fairgrounds and Memorial Stadium, but also for events at the Mississippi Museum of Art and Jackson City Auditorium.

(7) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Wilkinson County, in its discretion, may pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county because the Mississippi Department of Corrections contracts for the private incarceration of state inmates at a private correctional facility within the county.

(8) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Marshall County, in its discretion, may pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county because the Mississippi Department of Corrections contracts for the private incarceration of state inmates at a private correctional facility within the county.

(9) In addition to the salary provided in subsection (1) of this section, the Board of Supervisors of Greene County, in its discretion, may pay an annual supplement to the sheriff of the
county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county for the following reasons:

(a) The Mississippi Department of Corrections operates and maintains the South Mississippi Correctional Facility within the county;

(b) In 1996, additional facilities to house another one thousand four hundred sixteen (1,416) male offenders were constructed at the South Mississippi Correctional Facility within the county; and

(c) The patrolling of the state properties located within the county has imposed additional duties on the sheriff justifying additional compensation.

(10) In addition to the salary provided in subsection (1) of this section, the board of supervisors of any county, in its discretion, may pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The amount of the supplement shall be spread on the minutes of the board. The annual supplement authorized in this subsection shall not be in addition to the annual supplements authorized in subsections (2) through (9).

(11) In addition to the salary provided in subsection (1) and the supplements authorized in subsections (2) through (10), the board of supervisors of any county, in its discretion, may pay
an annual supplement in an amount not to exceed Five Thousand Dollars ($5,000.00) to the sheriff of any county in which a juvenile detention center is located. The amount of the supplement shall be spread on the minutes of the board.

(12) (a) The salaries provided in this section shall be payable monthly on the first day of each calendar month by chancery clerk's warrant drawn on the general fund of the county; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

(b) At least Ten Dollars ($10.00) from each fee collected and deposited into the county's general fund under the provisions of paragraphs (a), (c) and (g) of subsection (1) of Section 25-7-19 shall be used for the sheriffs' salaries authorized in Section 25-3-25; as such Ten Dollar ($10.00) amount was authorized during the 2007 Regular Session in Chapter 331, Laws of 2007, for the purpose of providing additional monies to the counties for sheriffs' salaries.

(13) (a) All sheriffs, each year, shall attend twenty (20) hours of continuing education courses in law enforcement. Such courses shall be approved by the Mississippi Board on Law Enforcement Officers Standards and Training. Such education
courses may be provided by an accredited law enforcement academy
or by the Mississippi Sheriffs' Association.

(b) The Mississippi Board on Law Enforcement Officers
Standards and Training shall reimburse each county for the
expenses incurred by sheriffs and deputy sheriffs for attendance
at any approved training programs as required by this subsection.

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

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

(2) There is hereby established within the Mississippi
Department of Environmental Quality the Mississippi Municipality
and County Water Infrastructure (MCWI) Grant Program under which
municipalities, counties and certain public utilities not
regulated by the Public Service Commission may apply for
reimbursable grants to make necessary investments in water,
wastewater, and stormwater infrastructure to be funded by the
Legislature utilizing Coronavirus State Fiscal Recovery Funds made
available under the federal American Rescue Plan Act of 2021
(ARPA). Such grants shall be made available to municipalities and
counties to be matched with the Coronavirus Local Fiscal Recovery
Funds awarded or to be awarded to them under ARPA on a one-to-one
matching basis. Coronavirus Local Fiscal Recovery Funds that a
county transfers to a municipality or that a county or
municipality transfers to a public utility not regulated by the Public Service Commission are eligible on a one-to-one matching basis. Municipalities that received less than One Million Dollars ($1,000,000.00) in the total allocation of Coronavirus Local Fiscal Recovery Funds are eligible for a two-to-one match only on the Coronavirus Local Fiscal Recovery Funds awarded or to be awarded to them under ARPA. The total funds provided for all two-to-one matches shall not exceed Fifty Million Dollars ($50,000,000.00). The dollar amount for professional fees that can be allocated as a part of a county's, municipality's or public utility's matching share is not to exceed four percent (4%) of the total project cost.

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

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

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

(c) "State Recovery Funds" means Coronavirus State Fiscal Recovery Funds awarded through Section 602 of Title VI of the Social Security Act amended by Section 9901 of the federal American Rescue Plan Act of 2021, Public Law 117-2.
(d) "Local Recovery Funds" means Coronavirus Local Fiscal Recovery Funds awarded through Section 603 of Title VI of the Social Security Act amended by Section 9901 of the federal American Rescue Plan Act of 2021, Public Law 117-2.

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

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

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

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

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

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

(a) Construction of publicly owned treatment works;
(b) Projects pursuant to the implementation of a nonpoint source pollution management program established under the Clean Water Act (CWA);
(c) Decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;
(d) Management and treatment of stormwater or subsurface drainage water;
(e) Water conservation, efficiency, or reuse measures;
(f) Development and implementation of a conservation and management plan under the CWA;
(g) Watershed projects meeting the criteria set forth in the CWA;
(h) Energy consumption reduction for publicly owned treatment works;
(i) Reuse or recycling of wastewater, stormwater, or subsurface drainage water;
(j) Facilities to improve drinking water quality;
(k) Transmission and distribution, including improvements of water pressure or prevention of contamination in infrastructure and lead service line replacements;
(l) New sources to replace contaminated drinking water or increase drought resilience, including aquifer storage and recovery system for water storage;

(m) Storage of drinking water, such as to prevent contaminants or equalize water demands;

(n) Purchase of water systems and interconnection of systems;

(o) New community water systems;

(p) Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure;

(q) Dam and reservoir rehabilitation, if the primary purpose of dam or reservoir is for drinking water supply and project is necessary for the provision of drinking water;

(r) Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act; and

(s) Any eligible drinking water, wastewater or stormwater project through ARPA guidelines, guidance, rules, regulations and other criteria, as may be amended from time to time, by the United States Department of the Treasury.

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

(7) An application for a grant under this section shall be
submitted at such time, be in such form, and contain such
information as the department prescribes. Each application for
grant funds shall include the following at a minimum: (a)
applicant contact information; (b) project description and type of
project; (c) project map; (d) estimate of population affected by
the project; (e) disadvantaged community criteria (population,
median household income, unemployment, current water/sewer rates);
(f) estimated project cost; (g) list of match funds of direct
Coronavirus Local Fiscal Recovery Funds received and to be
received from the federal government, a certification that such
funds have been or will be used for the project detailed in the
application, and documentation of commitment; (h) estimated
project schedule and readiness to proceed; (i) engineering
services agreement; (j) engineering reports; and (k) information
about status of obtaining any required permits.
(8) The department must apply a system for use in ranking the grant applications received. When applying the ranking system, the department shall apply a greater weight to projects that have approved engineering/design, plans and permits if the department has deemed the project is ready to begin construction within six (6) months. Projects that are included on the municipal or county engineer's approved list and provide applicable supporting documentation shall receive additional consideration awarded to the application. The ranking system shall include the following factors, at a minimum: (a) the environmental impact of the proposed project; (b) the proposed project's ability to address noncompliance with state/federal requirements; (c) the extent to which the project promotes economic development; (d) the number of people served by the project and the number of communities the project serves; (e) impacts of the proposed project on disadvantaged/overburdened communities; (f) the grant applicant's prior efforts to secure funding to address the proposed project's objectives; (g) the grant applicant's proposed contribution of other funds or in-kind cost-sharing to the proposed project; (h) the grant applicant's long-term plans for the financial and physical operation and maintenance of the project; (i) the grant applicant's capacity to initiate construction in a timely manner and complete the proposed project by the deadline specified by the United States Department of Treasury rules for ARPA funds; (j) the extent to which the
project benefits multiple political subdivisions in a regional manner; (k) the project's ability to enhance public service infrastructure, including transportation and emergency access; and (l) any other factors as determined by the department.

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

(10) Applications shall be reviewed and scored as they are received. The Mississippi Department of Environmental Quality shall certify whether each project submitted is a "necessary investment" in water, wastewater, or stormwater infrastructure as defined in the American Rescue Plan Act and all applicable guidance issued by the United States Department of the Treasury. The Department of Environmental Quality shall review the lists of recommended water infrastructure projects and issue its list of recommended projects to the Mississippi Department of Health for its advice. Grant agreements shall be executed between the recipient and the Mississippi Department of Environmental Quality. All final awards shall be determined at the discretion of the executive director of the department. Any funds awarded to the City of Jackson under this section shall be deposited in the Capital City Water/Sewer Projects Fund of the State Treasury.
Funds shall be obligated to a grantee upon the execution of a grant agreement between the department and the approved applicant. Funds shall be made available to a grantee when the department obtains the necessary support for reimbursement. The department is authorized to conduct additional rounds of grants as needed; however, in the first round no more than forty percent (40%) of the total funds appropriated for each grant program may be awarded by the department, and the remaining funds may be awarded in the second or subsequent rounds which shall occur no later than six (6) months from the previous round. To ensure equitable treatment between the categories of projects, no less than twenty percent (20%) awarded under this section shall be allocated to each of the three (3) categories of drinking water projects, wastewater projects and stormwater projects. In second or subsequent rounds, any funds not requested may be allocated to any category.

(11) Grant funds shall be used prospectively; however, grant funds may be used to reimburse expenses incurred before the enactment of this program if the costs are adequately documented and comply with applicable ARPA guidelines. An applicant must agree to obtain all necessary state and federal permits and follow all state bidding and contracting laws and fiscally sound practices in the administration of the funds.

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

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

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

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

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

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

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

SECTION 10. Section 57-123-7, Mississippi Code of 1972, is brought forward as follows:

57-123-7. (1) As used in this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Destination marketing organization" means:

(i) Special local governmental units created by local and private laws of the State of Mississippi for the purpose of tourism promotion, funded by special local tax levies, and staffed with professionals engaged in out-of-state tourism
marketing and tourism product development for municipalities, counties and/or regions; or

(ii) Publicly-funded local organizations that engage in out-of-state tourism marketing and tourism development for municipalities, counties and/or regions.

(b) "Marketing activities" means multimedia marketing and advertising, including digital media, broadcast media and printed media, including travel publications, production, travel market sector analysis, consumer travel sentiment, public relations, communication strategy, direct sales bookings, group tour bookings, tourism development and administrative costs to execute marketing activities related to the business disruption effects of the Coronavirus Disease 2019 as expressed in Section 1 of Chapter 399, Laws of 2022.

(2) (a) The Department of Finance and Administration shall establish a program for the purpose of providing funds to assist destination marketing organizations in paying costs for marketing activities as provided in this section. Monies disbursed by the Department of Finance and Administration under this section shall be disbursed in compliance with all requirements and/or conditions on funds appropriated from the Coronavirus State Fiscal Recovery Fund for the program established under this section. The Department of Finance and Administration shall determine, in conjunction with the destination marketing organizations, the
allocation of funds under this section and shall disburse funds as
follows:

(i) Not more than Nine Million Four Hundred Twenty-seven Thousand Five Hundred Fifty-seven Dollars ($9,427,557.00) of such monies shall be allocated to destination marketing organizations in a manner that will provide monies to a destination marketing organization in an amount equal to seventy-five percent (75%) of the destination marketing organization's marketing and advertising expenditures during the 2019 fiscal year, and

(ii) Not more than Twenty Million Five Hundred Seventy-two Thousand Four Hundred Forty-three Dollars ($20,572,443.00) of such monies shall be allocated to destination marketing organizations based on the proportion that a destination marketing organization's contribution toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report bears to all destination marketing organizations' contributions toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report. However, a destination marketing organization shall not receive an amount less than Two Hundred Fifty Thousand Dollars ($250,000.00) under this subparagraph (ii).

(b) Within fifteen (15) days after July 1, 2022, the Department of Finance and Administration shall distribute the
funds allocated under paragraph (a) of this subsection (2) to eligible destination marketing organizations. Before receiving funds under this subsection (2), a destination marketing organization must certify to the Department of Finance and Administration that:

(i) The funds will only be used for marketing activities, and

(ii) The destination marketing organization will comply with applicable federal and state regulations and requirements related to American Rescue Plan Act funds, and

(iii) The destination marketing organization will obligate all funds by December 31, 2024, and fully expend all funds by December 31, 2026.

(c) Destination marketing organizations receiving funds under this subsection (2) shall keep and maintain records related to expenditures. Destination marketing organizations receiving funds under this subsection (2) shall also track impacts of their marketing activities through special levy tax receipts, hotel occupancy indicators, other tourism industry metrics, and analytics from marketing campaigns, as appropriate. Such destination marketing organizations shall provide semi-annual reports on expenditures and economic impacts of their marketing activities to the Department of Finance and Administration, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Department of Audit.
(d) Subject to applicable purchasing laws, destination marketing organizations will give preference, when available and practical, to Mississippi-based companies for any new contracts entered into for marketing activities.

(3) The Department of Finance and Administration and the Department of Audit shall have all powers necessary for the implementation of this section.

SECTION 11. Section 57-123-9, Mississippi Code of 1972, is brought forward as follows:

57-123-9. (1) The Department of Finance and Administration shall establish a program for the purpose of providing assistance to Mississippi nonprofit museums as provided in this section. Monies disbursed by the Department of Finance and Administration under this section shall be disbursed in compliance with all requirements and/or conditions on funds appropriated from the Coronavirus State Fiscal Recovery Fund for the program established under this section. The Department of Finance and Administration shall disburse funds under this section to nonprofit museums located in municipalities with a population of not more than fifty thousand (50,000) according to the latest federal decennial census to assist in paying costs associated with advertising and other forms of promoting and publicizing nonprofit museums and museum related activities, and repairs and renovations of and upgrades and improvements to such museums for health and safety purposes related to the Coronavirus Disease 19. Of the monies disbursed by
the Department of Finance and Administration under this section, twenty-five percent (25%) of such monies shall be used to provide assistance for requests for assistance of less than Three Hundred Thousand Dollars ($300,000.00); thirty-five percent (35%) of such monies shall be used to provide assistance for requests for assistance of Three Hundred Thousand Dollars ($300,000.00) or more but less than Seven Hundred Thousand Dollars ($700,000.00) and forty percent (40%) of such monies shall be used to provide assistance for requests for assistance of Seven Hundred Thousand Dollars ($700,000.00) or more. A museum desiring assistance under this section must submit an application to the Department of Finance and Administration. The application must include a description of the purposes for which the assistance is requested, the amount of the assistance requested and any other information required by the department.

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

**SECTION 12.** Section 57-123-11, Mississippi Code of 1972, is brought forward as follows:

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

<table>
<thead>
<tr>
<th></th>
<th>Number of</th>
<th>Grant amount</th>
<th>Total grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 25,000</td>
<td>8</td>
<td>$125,000.00</td>
<td>$1,000,000.00</td>
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<tr>
<td>Not more than 25,000</td>
<td>40</td>
<td>$100,000.00</td>
<td>$4,000,000.00</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$5,000,000.00</td>
</tr>
</tbody>
</table>

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

SECTION 13. This act shall take effect and be in force from and after July 1, 2023.