

By: Representative Weathersby

To: Public Utilities

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1309

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS  
2 SECTION 41-26-103, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE  
3 DEPARTMENT OF HEALTH TO DEVELOP ANNUALLY A LIST OF POTENTIALLY  
4 NON-VIABLE COMMUNITY PUBLIC WATER SYSTEMS AND TO REQUIRE THE  
5 DEPARTMENT OF HEALTH TO OFFER THOSE SYSTEMS TECHNICAL ASSISTANCE  
6 AT NO COST TO THE SYSTEM; TO REQUIRE THE DEPARTMENT OF HEALTH TO  
7 NOTIFY THE PUBLIC UTILITIES STAFF IF THE SYSTEM REFUSES THE  
8 ASSISTANCE OR FAILS TO RESPOND; TO AUTHORIZE THE PUBLIC UTILITY  
9 STAFF TO CONDUCT A FINANCIAL OR MANAGERIAL REVIEW, OR BOTH, ON  
10 SYSTEMS REFUSING ASSISTANCE OF FAILING TO RESPOND; TO AUTHORIZE  
11 THE PUBLIC UTILITIES STAFF TO ASSESS AND COLLECT THE COSTS OF THE  
12 REVIEW OR REVIEWS FROM THE APPROPRIATE SYSTEM; AND FOR RELATED  
13 PURPOSES.

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

15 SECTION 1. The following shall be codified as Section  
16 41-26-103, Mississippi Code of 1972:

17 41-26-103. (1) The department shall develop annually a list  
18 of community public water systems that the department, after  
19 consultation with the public utilities staff, considers to be  
20 potentially nonviable or experiencing other problems that may make  
21 the system potentially nonviable. The list shall state the areas  
22 of concern and shall be prioritized based upon viability  
23 considerations. The department shall notify at a minimum those  
24 systems shown in top ten (10) places on the list and shall offer  
25 to provide each of those systems with technical assistance  
26 pertaining to the areas of concern for the system at no cost to  
27 the system. If the notified community public water system refuses  
28 the offer of technical assistance at no cost to the system or  
29 fails to respond within sixty (60) days of the written offer, the  
30 department shall notify the public utilities staff in writing.

31 (2) Following receipt of notification from the department

32 that a community public water system has refused to accept  
33 technical assistance or failed to respond, the public utilities  
34 staff may conduct a financial or managerial review, or both, of  
35 the system and shall submit a copy of any report to the  
36 department. The public utilities staff may assess and collect the  
37 cost of any financial or management review, or both, from the  
38 community public water system on which the review or reviews are  
39 conducted.

40 (3) This section shall be repealed on July 1, 2002.

41 SECTION 2. This act shall take effect and be in force from  
42 and after July 1, 1999.