

By: Representative Weathersby

To: Public Utilities

HOUSE BILL NO. 1309
(As Passed the House)

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.