

By: Representative Weathersby

To: Public Utilities

HOUSE BILL NO. 1309
(As Sent to Governor)

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 NON
4 NONVIABLE 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 OR 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 created in Section
20 77-2-1, considers to be potentially nonviable or experiencing
21 other problems that may make the system potentially nonviable.
22 The list shall state the areas of concern and shall be prioritized
23 based upon viability considerations. The department shall notify
24 at a minimum those systems shown in top ten (10) places on the
25 list and shall offer to provide each of those systems with
26 technical assistance pertaining to the areas of concern for the
27 system at no cost to the system. If the notified community public
28 water system refuses the offer of technical assistance at no cost
29 to the system or fails to respond within sixty (60) days of the
30 written offer, the department shall notify the Public Utilities
31 Staff in writing.

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

41 (3) This section shall be repealed on July 1, 2002.

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