

By: Ford

To: Ways and Means

HOUSE BILL NO. 339

1 AN ACT TO AMEND SECTION 43-35-504, MISSISSIPPI CODE OF 1972,
 2 TO EXTEND THE DATE OF THE REPEALER ON THE PROHIBITION AGAINST THE
 3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY
 4 DEVELOPMENT MAKING A COMMUNITY DEVELOPMENT BLOCK GRANT TO A COUNTY
 5 OR MUNICIPALITY FOR IMPROVEMENTS TO AN EXISTING PUBLIC WATER
 6 SYSTEM UNLESS THE SYSTEM IS VIABLE OR MAY BECOME VIABLE AS A
 7 RESULT OF THE GRANT OR AN EXTREME EMERGENCY EXISTS; AND FOR
 8 RELATED PURPOSES.

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

10 SECTION 1. Section 43-35-504, Mississippi Code of 1972, is
 11 amended as follows:[LH1]

12 43-35-504. (1) (a) Except as provided in subsection (2) of
 13 this section, the Executive Director of the Department of Economic
 14 and Community Development shall not award a community development
 15 block grant to any county or municipality for the purpose of
 16 making improvements, including expansions, rehabilitation or
 17 repair, to an existing public water system, unless that system is
 18 determined to be viable. The Department of Economic and Community
 19 Development may require any applicant for which a determination of
 20 viability is required under this section to submit information
 21 deemed necessary by the executive director for that determination.
 22 A preliminary determination of viability shall be made by the
 23 Executive Director of the Department of Economic and Community
 24 Development following receipt of a written recommendation on

25 viability from the State Health Officer and the Executive Director
26 of the Public Utilities Staff. The recommendation of the State
27 Health Officer and the Executive Director of the Public Utilities
28 Staff shall be based on information received from the Department
29 of Economic and Community Development and any other information
30 available to the State Department of Health or Public Utilities
31 Staff, as applicable. The State Department of Health and the
32 Public Utilities Staff shall assist the Department of Economic and
33 Community Development in developing appropriate forms as required
34 for implementation of this section.

35 (b) Within five (5) days following a preliminary
36 determination that a public water system is not viable by the
37 Executive Director of the Department of Economic and Community
38 Development, the executive director shall provide written notice
39 by certified mail, return receipt requested to the owner or
40 president of the board of the system and the governing authority
41 of the applicant. The notice shall contain the reasons for the
42 determination of nonviability. The owner or president of the
43 board of the system may appeal the preliminary determination to
44 the Executive Director of the Department of Economic and Community
45 Development, who shall make a final determination.

46 (2) The Executive Director of the Department of Economic and
47 Community Development may award a community development block
48 grant to any county or municipality for the purpose of making
49 improvements, including expansions, rehabilitation or repair, to
50 an existing public water system, if after receipt of a written
51 recommendation from the State Health Officer and the Executive
52 Director of the Public Utilities Staff, the Executive Director of
53 the Department of Economic and Community Development makes a final
54 determination that the public water system may become viable as
55 the result of the grant award. The Executive Director of the

56 Department of Economic and Community Development may also award a
57 grant if an extreme emergency exists. In making a grant award,
58 the Executive Director of the Department of Economic and Community
59 Development may impose any conditions on the grant deemed
60 necessary after consultation with the State Health Officer and the
61 Executive Director of the Public Utilities Staff, including, but
62 not limited to, interconnection with another existing system or
63 satellite or contract management.

64 (3) This section shall be repealed from and after July 1,
65 2001.

66 SECTION 2. This act shall take effect and be in force from
67 and after July 1, 2000.