

By: Representative Ford

To: Ways and Means

HOUSE BILL NO. 449

1 AN ACT TO AMEND SECTION 43-35-504, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER FROM JULY 1, 2001, TO JULY 1,
3 2002, ON THE PROHIBITION AGAINST THE EXECUTIVE DIRECTOR OF THE
4 MISSISSIPPI DEVELOPMENT AUTHORITY MAKING A COMMUNITY DEVELOPMENT
5 BLOCK GRANT TO A COUNTY OR MUNICIPALITY FOR IMPROVEMENTS TO AN
6 EXISTING PUBLIC WATER SYSTEM UNLESS THE SYSTEM IS VIABLE OR MAY
7 BECOME VIABLE AS A RESULT OF THE GRANT OR AN EXTREME EMERGENCY
8 EXISTS; AND FOR 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:

12 43-35-504. (1) (a) Except as provided in subsection (2) of
13 this section, the Executive Director of the Mississippi
14 Development Authority 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 Mississippi Development Authority
19 may require any applicant for which a determination of viability
20 is required under this section to submit information deemed
21 necessary by the executive director for that determination. A
22 preliminary determination of viability shall be made by the
23 Executive Director of the Mississippi Development Authority
24 following receipt of a written recommendation on viability from
25 the State Health Officer and the Executive Director of the Public
26 Utilities Staff. The recommendation of the State Health Officer
27 and the Executive Director of the Public Utilities Staff shall be
28 based on information received from the Mississippi Development
29 Authority and any other information available to the State

30 Department of Health or Public Utilities Staff, as applicable.
31 The State Department of Health and the Public Utilities Staff
32 shall assist the Mississippi Development Authority in developing
33 appropriate forms as required for implementation of this section.

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

45 (2) The Executive Director of the Mississippi Development
46 Authority may award a community development block grant to any
47 county or municipality for the purpose of making improvements,
48 including expansions, rehabilitation or repair, to an existing
49 public water system, if after receipt of a written recommendation
50 from the State Health Officer and the Executive Director of the
51 Public Utilities Staff, the Executive Director of the Mississippi
52 Development Authority makes a final determination that the public
53 water system may become viable as the result of the grant award.
54 The Executive Director of the Mississippi Development Authority
55 may also award a grant if an extreme emergency exists. In making
56 a grant award, the Executive Director of the Mississippi
57 Development Authority may impose any conditions on the grant
58 deemed necessary after consultation with the State Health Officer
59 and the Executive Director of the Public Utilities Staff,
60 including, but not limited to, interconnection with another
61 existing system or satellite or contract management.

62 (3) This section shall be repealed from and after July 1,
63 2002.

64 SECTION 2. This act shall take effect and be in force from
65 and after July 1, 2001.