

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1018

1 AN ACT TO REENACT SECTIONS 41-3-1 THROUGH 41-3-19,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF HEALTH  
3 AND THE STATE DEPARTMENT OF HEALTH AND PRESCRIBE THEIR POWERS AND  
4 DUTIES; TO AMEND SECTION 41-3-20, MISSISSIPPI CODE OF 1972, TO  
5 EXTEND THE AUTOMATIC REPEALER ON THE STATUTES WHICH CREATE THE  
6 STATE BOARD OF HEALTH AND THE STATE DEPARTMENT OF HEALTH AND  
7 PRESCRIBE THEIR POWERS AND DUTIES; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 41-3-1, Mississippi Code of 1972, is  
10 reenacted as follows:

11 41-3-1. (1) The present members of the State Board of  
12 Health shall continue to serve until July 1, 1980, whereupon the  
13 board shall be reconstituted as follows:

14 There is hereby created the State Board of Health which shall  
15 consist of thirteen (13) members, appointed by the Governor with  
16 the advice and consent of the Senate, as hereinafter set forth:  
17 two (2) of whom shall be from each congressional district as  
18 constituted on January 1, 1980, and three (3) of whom shall be  
19 from the state at large. The members so appointed shall either be  
20 engaged professionally in rendering health services or shall be  
21 consumers of health services who have no financial interest in any  
22 provider thereof. All appointees shall be persons knowledgeable  
23 in at least one (1) of the matters of jurisdiction of the board.

24 (2) The original appointments of the reconstituted board  
25 shall be made no later than June 30, 1980, for terms to begin on  
26 July 1, 1980. The Governor shall designate the initial terms of  
27 the members of the board as follows: Four (4) members shall be  
28 appointed for a term which expires July 1, 1982; four (4) members

29 shall be appointed for a term which expires July 1, 1984; and five  
30 (5) members shall be appointed for a term which expires July 1,  
31 1986. Thereafter, all succeeding appointments shall be for terms  
32 of six (6) years from the expiration of the previous term.  
33 Vacancies in office shall be filled by appointment of the Governor  
34 in the same manner as the appointment to the position which  
35 becomes vacant, subject to the advice and consent of the Senate at  
36 the next regular session of the Legislature. An appointment to  
37 fill a vacancy other than by expiration of a term of office shall  
38 be for the balance of the unexpired term.

39 SECTION 2. Section 41-3-3, Mississippi Code of 1972, is  
40 reenacted as follows:

41 41-3-3. Each person appointed as a member of the State Board  
42 of Health shall immediately take the oath prescribed by Section  
43 268 of the Constitution and file a certificate thereof in the  
44 Office of the Secretary of State. Thereupon a commission shall be  
45 issued to him under the terms as specified in Section 41-3-1.

46 SECTION 3. Section 41-3-4, Mississippi Code of 1972, is  
47 reenacted as follows:

48 41-3-4. (1) There shall be a chairman and vice chairman of  
49 the State Board of Health elected by and from its membership at  
50 the first meeting of the board; and the chairman shall be the  
51 presiding officer of the board. The board shall adopt rules and  
52 regulations governing times and places for meetings, and governing  
53 the manner of conducting its business. Any member who shall not  
54 attend three (3) consecutive regular meetings of the board shall  
55 be subject to removal by a majority vote of the board members.  
56 All meetings of the board shall be called by the chairman or by a  
57 majority of the members of the board, except the first meeting of  
58 the original appointees which shall be called by the Governor.

59 (2) The members of the board shall receive no annual salary  
60 but shall receive per diem compensation as is authorized by law  
61 for each day devoted to the discharge of official board duties and

62 shall be entitled to reimbursement for all actual and necessary  
63 expenses incurred in the discharge of their duties, including  
64 mileage as authorized by Section 25-3-41.

65 SECTION 4. Section 41-3-5, Mississippi Code of 1972, is  
66 reenacted as follows:

67 41-3-5. The board shall proceed to elect an executive  
68 officer who shall be a physician having earned a graduate degree  
69 in public health or health care administration or, in the  
70 alternative, be a physician who in the opinion of the board is  
71 fitted and equipped to execute the duties incumbent upon him by  
72 law. The executive officer shall not engage in the private  
73 practice of medicine. His term of office shall be six (6) years.  
74 The executive officer shall be vested with all the authority of  
75 the board when it is not in session, and he shall be subject to  
76 such rules and regulations as may be prescribed by the State Board  
77 of Health. The executive officer shall be the State Health  
78 Officer with such authority and responsibility as is prescribed by  
79 law. The executive officer may be removed for cause by majority  
80 vote of the members of the board.

81 SECTION 5. Section 41-3-6, Mississippi Code of 1972, is  
82 reenacted as follows:

83 41-3-6. It shall be the duty of the State Board of Health to  
84 review the statutes of the State of Mississippi affecting public  
85 health and submit at least thirty (30) days prior to each regular  
86 session of the Legislature any proposed legislation as may be  
87 necessary to enhance the effective and efficient delivery of  
88 public health services and to bring existing statutes into  
89 compliance with modern technology and terminology. The board  
90 shall formulate a plan for consolidating and reorganizing existing  
91 state agencies having responsibilities in the field of public  
92 health to eliminate any needless duplication in services which may  
93 be found to exist. In carrying out the provisions of this  
94 section, the State Board of Health shall cooperate with and may

95 utilize the services, facilities and personnel of any department  
96 or agency of the state, any private citizen task force and the  
97 committees on public health of both houses of the Legislature.  
98 The State Board of Health is authorized to apply for and expend  
99 funds made available to it by grant from any source in order to  
100 perform its responsibilities under this section.

101 SECTION 6. Section 41-3-15, Mississippi Code of 1972, is  
102 reenacted as follows:

103 41-3-15. (1) There shall be a State Department of Health  
104 which shall be organized into such bureaus and divisions as are  
105 considered necessary by the executive officer, and shall be  
106 assigned appropriate functions as are required of the State Board  
107 of Health by law, subject to the approval of the board.

108 (2) The State Board of Health shall have the authority to  
109 establish an Office of Rural Health within the department. The  
110 duties and responsibilities of this office shall include the  
111 following:

112 (a) To collect and evaluate data on rural health  
113 conditions and needs;

114 (b) To engage in policy analysis, policy development  
115 and economic impact studies with regard to rural health issues;

116 (c) To develop and implement plans and provide  
117 technical assistance to enable community health systems to respond  
118 to various changes in their circumstances;

119 (d) To plan and assist in professional recruitment and  
120 retention of medical professionals and assistants; and

121 (e) To establish information clearinghouses to improve  
122 access to and sharing of rural health care information.

123 (3) The State Board of Health shall have general supervision  
124 of the health interests of the people of the state and to exercise  
125 the rights, powers and duties of those acts which it is authorized  
126 by law to enforce.

127 (4) The State Board of Health shall have authority:

128           (a) To make investigations and inquiries with respect  
129 to the causes of disease and death, and to investigate the effect  
130 of environment, including conditions of employment and other  
131 conditions which may affect health, and to make such other  
132 investigations as it may deem necessary for the preservation and  
133 improvement of health.

134           (b) To make such sanitary investigations as it may,  
135 from time to time, deem necessary for the protection and  
136 improvement of health and to investigate nuisance questions which  
137 affect the security of life and health within the state.

138           (c) To direct and control sanitary and quarantine  
139 measures for dealing with all diseases within the state possible  
140 to suppress same and prevent their spread.

141           (d) To obtain, collect and preserve such information  
142 relative to mortality, morbidity, disease and health as may be  
143 useful in the discharge of its duties or may contribute to the  
144 prevention of disease or the promotion of health in this state.

145           (e) To enter into contracts or agreements with any  
146 other state or federal agency, or with any private person,  
147 organization or group capable of contracting, if it finds such  
148 action to be in the public interest.

149           (f) To charge and collect reasonable fees for health  
150 services, including immunizations, inspections and related  
151 activities, and the board shall charge fees for such services;  
152 provided, however, if it is determined that a person receiving  
153 services is unable to pay the total fee, the board shall collect  
154 any amount such person is able to pay.

155           (g) To accept gifts, trusts, bequests, grants,  
156 endowments or transfers of property of any kind.

157           (h) To receive monies coming to it by way of fees for  
158 services or by appropriations.

159           (i) (i) To establish standards for, issue permits and  
160 exercise control over, any cafes, restaurants, food or drink

161 stands, sandwich manufacturing establishments, and all other  
162 establishments, other than churches, church-related and private  
163 schools, and other nonprofit or charitable organizations, where  
164 food or drink is regularly prepared, handled and served for pay;  
165 and

166 (ii) To require that a permit be obtained from the  
167 Department of Health before such persons begin operation.

168 (j) To promulgate rules and regulations and exercise  
169 control over the production and sale of milk pursuant to the  
170 provisions of Sections 75-31-41 through 75-31-49.

171 (k) On presentation of proper authority, to enter into  
172 and inspect any public place or building where the State Health  
173 Officer or his representative deems it necessary and proper to  
174 enter for the discovery and suppression of disease and for the  
175 enforcement of any health or sanitary laws and regulations in the  
176 state.

177 (l) To conduct investigations, inquiries and hearings,  
178 and to issue subpoenas for the attendance of witnesses and the  
179 production of books and records at any hearing when authorized and  
180 required by statute to be conducted by the State Health Officer or  
181 the State Board of Health.

182 (m) To employ, subject to the regulations of the State  
183 Personnel Board, qualified professional personnel in the subject  
184 matter or fields of each bureau, and such other technical and  
185 clerical staff as may be required for the operation of the  
186 department. The executive officer shall be the appointing  
187 authority for the department, and shall have the power to delegate  
188 the authority to appoint or dismiss employees to appropriate  
189 subordinates, subject to the rules and regulations of the State  
190 Personnel Board.

191 (n) To promulgate rules and regulations, and to collect  
192 data and information, on (i) the delivery of services through the

193 practice of telemedicine; and (ii) the use of electronic records  
194 for the delivery of telemedicine services.

195 (5) (a) The State Board of Health shall have the authority,  
196 in its discretion, to establish programs to promote the public  
197 health, to be administered by the State Department of Health.  
198 Specifically, such programs may include, but shall not be limited  
199 to, programs in the following areas:

200 (i) Maternal and child health;

201 (ii) Family planning;

202 (iii) Pediatric services;

203 (iv) Services to crippled and disabled children;

204 (v) Control of communicable and noncommunicable

205 disease;

206 (vi) Child care licensure;

207 (vii) Radiological health;

208 (viii) Dental health;

209 (ix) Milk sanitation;

210 (x) Occupational safety and health;

211 (xi) Food, vector control and general sanitation;

212 (xii) Protection of drinking water;

213 (xiii) Sanitation in food handling establishments

214 open to the public;

215 (xiv) Registration of births and deaths and other

216 vital events;

217 (xv) Such public health programs and services as

218 may be assigned to the State Board of Health by the Legislature or  
219 by executive order.

220 (b) The State Board of Health and State Department of  
221 Health shall not be authorized to sell, transfer, alienate or  
222 otherwise dispose of any of the home health agencies owned and  
223 operated by the department on January 1, 1995, and shall not be  
224 authorized to sell, transfer, assign, alienate or otherwise  
225 dispose of the license of any of those home health agencies,

226 except upon the specific authorization of the Legislature by an  
227 amendment to this section. However, this paragraph (b) shall not  
228 prevent the board or the department from closing or terminating  
229 the operation of any home health agency owned and operated by the  
230 department, or closing or terminating any office, branch office or  
231 clinic of any such home health agency, or otherwise discontinuing  
232 the providing of home health services through any such home health  
233 agency, office, branch office or clinic, if the board first  
234 demonstrates that there are other providers of home health  
235 services in the area being served by the department's home health  
236 agency, office, branch office or clinic that will be able to  
237 provide adequate home health services to the residents of the area  
238 if the department's home health agency, office, branch office or  
239 clinic is closed or otherwise discontinues the providing of home  
240 health services. This demonstration by the board that there are  
241 other providers of adequate home health services in the area shall  
242 be spread at length upon the minutes of the board at a regular or  
243 special meeting of the board at least thirty (30) days before a  
244 home health agency, office, branch office or clinic is proposed to  
245 be closed or otherwise discontinue the providing of home health  
246 services.

247 (c) The State Department of Health may undertake such  
248 technical programs and activities as may be required for the  
249 support and operation of such programs, including maintaining  
250 physical, chemical, bacteriological and radiological laboratories,  
251 and may make such diagnostic tests for diseases and tests for the  
252 evaluation of health hazards as may be deemed necessary for the  
253 protection of the people of the state.

254 (6) (a) The State Board of Health shall administer the  
255 local governments and rural water systems improvements loan  
256 program in accordance with the provisions of Section 41-3-16.

257 (b) The State Board of Health shall have authority:



258 (i) To enter into capitalization grant agreements  
259 with the United States Environmental Protection Agency, or any  
260 successor agency thereto;

261 (ii) To accept capitalization grant awards made  
262 under the federal Safe Drinking Water Act, as amended;

263 (iii) To provide annual reports and audits to the  
264 United States Environmental Protection Agency, as may be required  
265 by federal capitalization grant agreements; and

266 (iv) To establish and collect fees to defray the  
267 reasonable costs of administering the revolving fund or emergency  
268 fund if the State Board of Health determines that such costs will  
269 exceed the limitations established in the federal Safe Drinking  
270 Water Act, as amended. The administration fees may be included in  
271 loan amounts to loan recipients for the purpose of facilitating  
272 payment to the board; however, such fees may not exceed five  
273 percent (5%) of the loan amount.

274 SECTION 7. Section 41-3-16, Mississippi Code of 1972, is  
275 reenacted as follows:

276 41-3-16. (1) (a) There is established a local governments  
277 and rural water systems improvements revolving loan program to be  
278 administered by the State Department of Health, referred to in  
279 this section as "department," for the purpose of assisting  
280 counties, incorporated municipalities, districts or other water  
281 organizations that have been granted tax exempt status under  
282 either federal or state law, in making improvements to their water  
283 systems, including construction of new water systems or expansion  
284 or repair of existing water systems. Loan proceeds may be used by  
285 the recipient for planning, professional services, acquisition of  
286 interests in land, acquisition of personal property, construction,  
287 construction-related services, maintenance, and any other  
288 reasonable use which the board, in its discretion, may allow. For  
289 purposes of this section, "water systems" has the same meaning as  
290 the term "public water system" under Section 41-26-3.

291           (b) (i) There is created a board to be known as the  
292 "Local Governments and Rural Water Systems Improvements Board,"  
293 referred to in this section as "board," to be composed of the  
294 following nine (9) members: the State Health Officer, or his  
295 designee, who shall serve as chairman of the board; the Executive  
296 Director of the Department of Economic and Community Development,  
297 or his designee; the Executive Director of the Department of  
298 Environmental Quality, or his designee; the Executive Director of  
299 the Department of Finance and Administration, or his designee; the  
300 Executive Director of the Mississippi Association of Supervisors,  
301 or his designee; the Executive Director of the Mississippi  
302 Municipal League, or his designee; the Executive Director of the  
303 Consulting Engineers Council, or his designee; the State Director  
304 of the United States Department of Agriculture, Rural Development,  
305 or his designee; and a manager of a rural water system.

306           The Governor shall appoint a manager of a rural water system  
307 from a list of candidates provided by the Executive Director of  
308 the Mississippi Rural Water Association. The Executive Director  
309 of the Mississippi Rural Water Association shall provide the  
310 Governor a list of candidates which shall contain a minimum of  
311 three (3) candidates for each appointment.

312           (ii) Nonappointed members of the board may  
313 designate another representative of their agency or association to  
314 serve as an alternate.

315           (iii) The gubernatorial appointee shall serve a  
316 term concurrent with the term of the Governor and until a  
317 successor is appointed and qualified. No member, officer or  
318 employee of the Board of Directors of the Mississippi Rural Water  
319 Association shall be eligible for appointment.

320           (c) The department, if requested by the board, shall  
321 furnish the board with facilities and staff as needed to  
322 administer this section. The department may contract, upon  
323 approval by the board, for those facilities and staff needed to

324 administer this section, including routine management, as it deems  
325 necessary. The board may advertise for or solicit proposals from  
326 public or private sources, or both, for administration of this  
327 section or any services required for administration of this  
328 section or any portion thereof. It is the intent of the  
329 Legislature that the board endeavor to ensure that the costs of  
330 administration of this section are as low as possible in order to  
331 provide the water consumers of Mississippi safe drinking water at  
332 affordable prices.

333 (d) Members of the board may not receive any salary,  
334 compensation or per diem for the performance of their duties under  
335 this section.

336 (2) (a) There is created a special fund in the State  
337 Treasury to be designated as the "Local Governments and Rural  
338 Water Systems Improvements Revolving Loan Fund," referred to in  
339 this section as "revolving fund," which fund shall consist of  
340 those monies as provided in Sections 6 and 13 of Chapter 521, Laws  
341 of 1995. The revolving fund may receive appropriations, bond  
342 proceeds, grants, gifts, donations or funds from any source,  
343 public or private. The revolving fund shall be credited with all  
344 repayments of principal and interest derived from loans made from  
345 the revolving fund. The monies in the revolving fund may be  
346 expended only in amounts appropriated by the Legislature. The  
347 revolving fund shall be maintained in perpetuity for the purposes  
348 established in this section and Sections 6 through 20 of Chapter  
349 521, Laws of 1995. Unexpended amounts remaining in the revolving  
350 fund at the end of a fiscal year shall not lapse into the State  
351 General Fund, and any interest earned on amounts in the revolving  
352 fund shall be deposited to the credit of the fund. Monies in the  
353 revolving fund may not be used or expended for any purpose except  
354 as authorized under this section and Sections 6 through 20 of  
355 Chapter 521, Laws of 1995. Any monies in the fund may be used to  
356 match any federal funds that are available for the same or related

357 purposes for which funds are used and expended under this section  
358 and Sections 6 through 20 of Chapter 521, Laws of 1995. Any  
359 federal funds shall be used and expended only in accordance with  
360 federal laws, rules and regulations governing the expenditure of  
361 those funds. No person shall use any monies from the revolving  
362 fund for the acquisition of real property or any interest in real  
363 property unless that property is integral to the project funded  
364 under this section and the purchase is made from a willing seller.  
365 No county, incorporated municipality or district shall acquire any  
366 real property or any interest in any real property for a project  
367 funded through the revolving fund by condemnation. The board's  
368 application of Sections 43-37-1 through 43-37-13 shall be no more  
369 stringent or extensive in scope, coverage and effect than federal  
370 property acquisition laws and regulations.

371 (b) There is created a special fund in the State  
372 Treasury to be designated as the "Local Governments and Rural  
373 Water Systems Emergency Loan Fund," hereinafter referred to as  
374 "emergency fund," which fund shall consist of those monies as  
375 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The  
376 emergency fund may receive appropriations, bond proceeds, grants,  
377 gifts, donations or funds from any source, public or private. The  
378 emergency fund shall be credited with all repayments of principal  
379 and interest derived from loans made from the emergency fund. The  
380 monies in the emergency fund may be expended only in amounts  
381 appropriated by the Legislature. The emergency fund shall be  
382 maintained in perpetuity for the purposes established in this  
383 section and Section 6 of Chapter 521, Laws of 1995. Unexpended  
384 amounts remaining in the emergency fund at the end of a fiscal  
385 year shall not lapse into the State General Fund. Any interest  
386 earned on amounts in the emergency fund shall be deposited to the  
387 credit of the fund. Monies in the emergency fund may not be used  
388 or expended for any purpose except as authorized under this  
389 section and Section 6 of Chapter 521, Laws of 1995.

390           (c) The board created in subsection (1) shall establish  
391 loan programs by which loans may be made available to counties,  
392 incorporated municipalities, districts or other water  
393 organizations that have been granted tax exempt status under  
394 either federal or state law, to assist those counties,  
395 incorporated municipalities, districts or water organizations in  
396 making water systems improvements, including the construction of  
397 new water systems or expansion or repair of existing water  
398 systems. The interest rate on those loans may vary from time to  
399 time and from loan to loan, and will be at or below market  
400 interest rates as determined by the board. The board shall act as  
401 quickly as is practicable and prudent in deciding on any loan  
402 request that it receives. Loans from the revolving fund or  
403 emergency fund may be made to counties, incorporated  
404 municipalities, districts or other water organizations that have  
405 been granted tax exempt status under either federal or state law,  
406 as set forth in a loan agreement in amounts not to exceed one  
407 hundred percent (100%) of eligible project costs as established by  
408 the board. The board may require county, municipal, district or  
409 other water organization participation or funding from other  
410 sources, or otherwise limit the percentage of costs covered by  
411 loans from the revolving fund or the emergency fund. The maximum  
412 amount for any loan from the emergency fund shall be Five Hundred  
413 Thousand Dollars (\$500,000.00), and the maximum amount for any  
414 loan from the revolving fund shall be One Million Five Hundred  
415 Thousand Dollars (\$1,500,000.00).

416           (d) A county that receives a loan from the revolving  
417 fund or the emergency fund shall pledge for repayment of the loan  
418 any part of the homestead exemption annual tax loss reimbursement  
419 to which it may be entitled under Section 27-33-77, as may be  
420 required to meet the repayment schedule contained in the loan  
421 agreement. An incorporated municipality that receives a loan from  
422 the revolving fund or the emergency fund shall pledge for

423 repayment of the loan any part of the sales tax revenue  
424 distribution to which it may be entitled under Section 27-65-75,  
425 as may be required to meet the repayment schedule contained in the  
426 loan agreement. All recipients of such loans shall establish a  
427 dedicated source of revenue for repayment of the loan. Before any  
428 county or incorporated municipality shall receive any loan, it  
429 shall have executed with the State Tax Commission and the board a  
430 loan agreement evidencing that loan. The loan agreement shall not  
431 be construed to prohibit any recipient from prepaying any part or  
432 all of the funds received. The repayment schedule in each loan  
433 agreement shall provide for (i) monthly payments, (ii) semiannual  
434 payments or (iii) other periodic payments, the annual total of  
435 which shall not exceed the annual total for any other year of the  
436 loan by more than fifteen percent (15%). The loan agreement shall  
437 provide for the repayment of all funds received from the revolving  
438 fund within not more than fifteen (15) years or a term as  
439 otherwise allowed by the federal Safe Drinking Water Act, and all  
440 funds received from the emergency fund within not more than five  
441 (5) years from the date of project completion, and any repayment  
442 shall commence not later than one (1) year after project  
443 completion. The State Tax Commission shall withhold semiannually  
444 from counties and monthly from incorporated municipalities from  
445 the amount to be remitted to the county or municipality, a sum  
446 equal to the next repayment as provided in the loan agreement.

447 (e) Any county, incorporated municipality, district or  
448 other water organization desiring to construct a project approved  
449 by the board which receives a loan from the state for that purpose  
450 but which is not eligible to pledge for repayment under the  
451 provisions of paragraph (d) of this subsection, shall repay that  
452 loan by making payments each month to the State Treasurer through  
453 the Department of Finance and Administration for and on behalf of  
454 the board according to Section 7-7-15, to be credited to either  
455 the revolving fund or the emergency fund, whichever is

456 appropriate, in lieu of pledging homestead exemption annual tax  
457 loss reimbursement or sales tax revenue distribution.

458         Loan repayments shall be according to a repayment schedule  
459 contained in each loan agreement as provided in paragraph (d) of  
460 this subsection.

461             (f) Any district created pursuant to Sections 19-5-151  
462 through 19-5-207 that receives a loan from the revolving fund or  
463 the emergency fund shall pledge for repayment of the loan any part  
464 of the revenues received by that district pursuant to Sections  
465 19-5-151 through 19-5-207, as may be required to meet the  
466 repayment schedule contained in the loan agreement.

467             (g) The State Auditor, upon request of the board, shall  
468 audit the receipts and expenditures of a county, an incorporated  
469 municipality, district or other water organization whose loan  
470 repayments appear to be in arrears, and if the Auditor finds that  
471 the county, incorporated municipality, district or other water  
472 organization is in arrears in those repayments, the Auditor shall  
473 immediately notify the chairman of the board who may take any  
474 action as may be necessary to enforce the terms of the loan  
475 agreement, including liquidation and enforcement of the security  
476 given for repayment of the loan, and the Executive Director of the  
477 Department of Finance and Administration who shall withhold all  
478 future payments to the county of homestead exemption annual tax  
479 loss reimbursements under Section 27-33-77 and all sums allocated  
480 to the county or the incorporated municipality under Section  
481 27-65-75 until such time as the county or the incorporated  
482 municipality is again current in its loan repayments as certified  
483 by the board.

484             (h) All monies deposited in the revolving fund or the  
485 emergency fund, including loan repayments and interest earned on  
486 those repayments, shall be used only for providing loans or other  
487 financial assistance to water systems as the board deems  
488 appropriate. In addition, any amounts in the revolving fund or

489 the emergency fund may be used to defray the reasonable costs of  
490 administering the revolving fund or the emergency fund and  
491 conducting activities under this section and Sections 6 through 20  
492 of Chapter 521, Laws of 1995, subject to any limitations  
493 established in the federal Safe Drinking Water Act, as amended and  
494 subject to annual appropriation by the Legislature. The  
495 department is authorized, upon approval by the board, to use  
496 amounts available to it from the revolving fund or the emergency  
497 fund to contract for those facilities and staff needed to  
498 administer and provide routine management for the funds and loan  
499 program.

500 (3) In administering this section and Sections 6 through 20  
501 of Chapter 521, Laws of 1995, the board created in subsection (1)  
502 of this section shall have the following powers and duties:

503 (a) To supervise the use of all funds made available  
504 under this section and Sections 6 through 20 of Chapter 521, Laws  
505 of 1995, for local governments and rural water systems  
506 improvements;

507 (b) To promulgate rules and regulations, to make  
508 variances and exceptions thereto, and to establish procedures in  
509 accordance with this section and Sections 6 through 20 of Chapter  
510 521, Laws of 1995, for the implementation of the local governments  
511 and rural water systems improvements revolving loan program;

512 (c) To require, at the board's discretion, any loan  
513 recipient to impose a per connection fee or surcharge or amended  
514 water rate schedule or tariff on each customer or any class of  
515 customers, benefiting from an improvement financed by a loan made  
516 under this act, for repayment of any loan funds provided under  
517 this section and Sections 6 through 20 of Chapter 521, Laws of  
518 1995. The board may require any loan recipient to undergo a water  
519 system viability analysis and may require a loan recipient to  
520 implement any result of the viability analysis. If the loan  
521 recipient fails to implement any result of a viability analysis as



522 required by the board, the board may impose a monetary penalty or  
523 increase the interest rate on the loan, or both;

524 (d) To review and certify all projects for which funds  
525 are authorized to be made available under this section and  
526 Sections 6 through 20 of Chapter 521, Laws of 1995, for local  
527 governments and rural water systems improvements;

528 (e) To requisition monies in the Local Governments and  
529 Rural Water Systems Improvements Revolving Loan Fund and the Local  
530 Governments and Rural Water Systems Emergency Loan Fund and  
531 distribute those monies on a project-by-project basis in  
532 accordance with this section;

533 (f) To ensure that the funds made available under this  
534 section and Sections 6 through 20 of Chapter 521, Laws of 1995, to  
535 a county, an incorporated municipality, a district or a water  
536 organization that has been granted tax exempt status under either  
537 federal or state law provide for a distribution of projects and  
538 funds among the entities under a priority system established by  
539 the board;

540 (g) To maintain in accordance with generally accepted  
541 government accounting standards an accurate record of all monies  
542 in the revolving fund and the emergency fund made available to  
543 counties, incorporated municipalities, districts or other water  
544 organizations under this section and Sections 6 through 20 of  
545 Chapter 521, Laws of 1995, and the costs for each project;

546 (h) To establish policies, procedures and requirements  
547 concerning viability and financial capability to repay loans that  
548 may be used in approving loans available under this section,  
549 including a requirement that all loan recipients have a rate  
550 structure which will be sufficient to cover the costs of  
551 operation, maintenance, major equipment replacement and repayment  
552 of any loans made under this section; and

553 (i) To file annually with the Legislature a report  
554 detailing how monies in the Local Governments and Rural Water

555 Systems Improvements Revolving Loan Fund and the Local Governments  
556 and Rural Water Systems Emergency Loan Fund were spent during the  
557 preceding fiscal year in each county, incorporated municipality,  
558 district or other water organization, the number of projects  
559 approved and constructed, and the cost of each project.

560 For efficient and effective administration of the loan  
561 program, revolving fund and emergency fund, the board may  
562 authorize the department or the State Health Officer to carry out  
563 any or all of the powers and duties enumerated above.

564 SECTION 8. Section 41-3-17, Mississippi Code of 1972, is  
565 reenacted as follows:

566 41-3-17. The State Board of Health is authorized to make and  
567 publish all reasonable rules and regulations necessary to enable  
568 it to discharge its duties and powers and to carry out the  
569 purposes and objectives of its creation. It is further authorized  
570 to make reasonable sanitary rules and regulations, to be enforced  
571 in the several counties by the county health officer under the  
572 supervision and control of the State Board of Health. The State  
573 Board of Health shall not make or enforce any rule or regulation  
574 that prohibits consumers from providing their own containers for  
575 the purpose of purchasing or accepting water from any vending  
576 machine or device which filters or treats water that has already  
577 been tested and determined to meet or exceed the minimum health  
578 protection standards prescribed for drinking water under the  
579 Mississippi Safe Drinking Water Law, if that vending machine or  
580 device meets or exceeds United States Environmental Protection  
581 Agency or national automatic merchandising standards.

582 SECTION 9. Section 41-3-18, Mississippi Code of 1972, is  
583 reenacted as follows:

584 41-3-18. The board shall assess fees in the following  
585 amounts and for the following purposes:

586 (a) Food establishment annual permit fee, based on the  
587 assessment factors of the establishment as follows:

588	Assessment Category 1.....	\$ 15.00
589	Assessment Category 2.....	30.00
590	Assessment Category 3.....	70.00
591	Assessment Category 4 .....	100.00
592	Assessment Category 5 .....	150.00
593	(b) Private water supply approval fee.....	\$ 10.00

594 The board may develop such reasonable standards, rules and  
595 regulations to clearly define each assessment category.

596 Assessment categories shall be based upon the factors to the  
597 public health implications of the category and type of food  
598 preparation being utilized by the food establishment, utilizing  
599 the model Food Code of 1995, or as may be amended by the federal  
600 Food and Drug Administration.

601 The fee authorized under paragraph (a) of this section shall  
602 not be assessed for food establishments operated by public  
603 schools, public junior and community colleges, or state agencies  
604 or institutions, including without limitation, the state  
605 institutions of higher learning and the State Penitentiary.

606 The fee authorized under paragraph (b) of this section shall  
607 not be assessed for private water supplies used by foster homes  
608 licensed by the Department of Human Services.

609 SECTION 10. Section 41-3-19, Mississippi Code of 1972, is  
610 reenacted as follows:

611 41-3-19. It is the duty of the State Board of Health to make  
612 a report, in writing, to the Governor, on or before the first day  
613 of December next preceding each session, not an extraordinary  
614 session of the Legislature, upon the sanitary condition, prospect,  
615 and needs of the state, setting forth the action of said board, of  
616 its officers and agents, the names thereof, and all its  
617 expenditures since the last preceding report, and such other  
618 matters as it may deem proper for the promotion of health or the  
619 prevention of disease. The report shall be laid before the  
620 Legislature by the Governor at its ensuing term.

621 SECTION 11. Section 41-3-20, Mississippi Code of 1972, is  
622 amended as follows:

623 41-3-20. Sections 41-3-1 through 41-3-19, which create the  
624 State Board of Health and the State Department of Health and  
625 prescribe their powers and duties, shall stand repealed on June  
626 30, 2007.

627 SECTION 12. This act shall take effect and be in force from  
628 and after June 30, 2001.