

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2211

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.