

By: Representative Ford

To: Ways and Means

HOUSE BILL NO. 484

1 AN ACT TO REENACT SECTION 43-35-504, MISSISSIPPI CODE OF
2 1972, WHICH PROHIBITS THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI
3 DEVELOPMENT AUTHORITY FROM MAKING A COMMUNITY DEVELOPMENT BLOCK
4 GRANT TO A COUNTY OR MUNICIPALITY FOR IMPROVEMENTS TO AN EXISTING
5 PUBLIC WATER SYSTEM UNLESS THE SYSTEM IS VIABLE OR MAY BECOME
6 VIABLE AS A RESULT OF THE GRANT OR AN EXTREME EMERGENCY EXISTS; TO
7 AMEND REENACTED SECTION 43-35-504, MISSISSIPPI CODE OF 1972, TO
8 EXTEND THE DATE OF REPEAL ON THAT SECTION FROM JULY 1, 2002, TO
9 JULY 1, 2003; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-35-504, Mississippi Code of 1972, is
12 reenacted and amended as follows:

13 43-35-504. (1) (a) Except as provided in subsection (2) of
14 this section, the Executive Director of the Mississippi
15 Development Authority shall not award a community development
16 block grant to any county or municipality for the purpose of
17 making improvements, including expansions, rehabilitation or
18 repair, to an existing public water system, unless that system is
19 determined to be viable. The Mississippi Development Authority
20 may require any applicant for which a determination of viability
21 is required under this section to submit information deemed
22 necessary by the executive director for that determination. A
23 preliminary determination of viability shall be made by the
24 Executive Director of the Mississippi Development Authority
25 following receipt of a written recommendation on viability from
26 the State Health Officer and the Executive Director of the Public
27 Utilities Staff. The recommendation of the State Health Officer
28 and the Executive Director of the Public Utilities Staff shall be
29 based on information received from the Mississippi Development
30 Authority and any other information available to the State



31 Department of Health or Public Utilities Staff, as applicable.
32 The State Department of Health and the Public Utilities Staff
33 shall assist the Mississippi Development Authority in developing
34 appropriate forms as required 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 Mississippi Development Authority, the
38 executive director shall provide written notice by certified mail,
39 return receipt requested to the owner or president of the board of
40 the system and the governing authority of the applicant. The
41 notice shall contain the reasons for the determination of
42 nonviability. The owner or president of the board of the system
43 may appeal the preliminary determination to the Executive Director
44 of the Mississippi Development Authority, who shall make a final
45 determination.

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



63 (3) This section shall be repealed from and after July 1,
64 2003.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2002.

