

By: Representative Ford

To: Ways and Means

HOUSE BILL NO. 484
(As Passed the House)

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

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

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

11 43-35-504. (1) (a) Except as provided in subsection (2) of
12 this section, the Executive Director of the Mississippi
13 Development Authority shall not award a community development
14 block grant to any county or municipality for the purpose of
15 making improvements, including expansions, rehabilitation or
16 repair, to an existing public water system, unless that system is
17 determined to be viable. The Mississippi Development Authority
18 may require any applicant for which a determination of viability
19 is required under this section to submit information deemed
20 necessary by the executive director for that determination. A
21 preliminary determination of viability shall be made by the
22 Executive Director of the Mississippi Development Authority
23 following receipt of a written recommendation on viability from
24 the State Health Officer and the Executive Director of the Public
25 Utilities Staff. The recommendation of the State Health Officer
26 and the Executive Director of the Public Utilities Staff shall be
27 based on information received from the Mississippi Development
28 Authority and any other information available to the State
29 Department of Health or Public Utilities Staff, as applicable.



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

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

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

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

