SENATE BILL NO. 2238

AN ACT TO AMEND SECTIONS 41-3-18, 41-67-12 AND 45-23-41, MISSISSIPPI CODE OF 1972, TO REVISE THE SCHEDULE OF FEES CHARGED BY THE STATE DEPARTMENT OF HEALTH FOR FOOD SERVICE ESTABLISHMENT PERMITS, FOR WASTEWATER DISPOSAL SYSTEM EVALUATION, CERTIFICATION AND MANUFACTURER REGISTRATION AND FOR BOILER AND PRESSURE VESSEL CERTIFICATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 41-3-18, Mississippi Code of 1972, is amended as follows:

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

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

Assessment Category 1 ......................... $ 15.00
Assessment Category 2 ......................... 30.00
Assessment Category 3 ......................... 70.00
Assessment Category 4 ......................... 100.00
Assessment Category 5 ......................... 150.00

(b) Food processing establishment annual permit fee, based on the assessment factors of the establishment as follows:

Assessment Categories 1 and 2 ................. $ 50.00
Assessment Category 3 .......................... 150.00
Assessment Categories 4 and 5 ................. 250.00

(c) Plan Review fees for food establishments, based on the assessment factors of the establishment as follows:

Assessment Categories 1 and 2 ................. $100.00
Assessment Category 3 .......................... 200.00
Assessment Categories 4 and 5 ................. 300.00

(d) Private water supply approval fee .......... $ 10.00
The board may develop such reasonable standards, rules and regulations to clearly define each assessment category. Assessment categories shall be based upon the factors to the public health implications of the category and type of food preparation being utilized by the food establishment, utilizing the model Food Code of 1995, or as may be amended by the federal Food and Drug Administration.

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

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

SECTION 2. Section 41-67-12, Mississippi Code of 1972, is amended as follows:

41-67-12. (1) The department shall assess fees in the following amounts for the following purposes:

   (a) A fee of Seventy-five Dollars ($75.00) shall be levied for soil and site evaluation and recommendation of individual on-site wastewater disposal systems.

   (b) A fee of One Hundred Dollars ($100.00) shall be levied annually for the certification of installers and persons engaging in the removal and disposal of the sludge and liquid wastes from individual on-site wastewater disposal systems.

   (c) A fee of Two Hundred Dollars ($200.00) for each product registered shall be levied annually for the registration of manufacturers.

   (2) In the discretion of the board, a person shall be liable for a penalty equal to one and one-half (1-1/2) times the amount of the fee due and payable for failure to pay the fee on or before
the date due, plus any amount necessary to reimburse the cost of collection.

(3) The fee authorized under this section shall not be assessed for any system operated by state agencies or institutions, including without limitation, foster homes licensed by the State Department of Human Services. The fee authorized under this section shall not be charged again after payment of the initial fee for any system that has been installed in accordance with this chapter, within a period of twenty-four (24) months following the date that the system was originally installed.

SECTION 3. Section 45-23-41, Mississippi Code of 1972, is amended as follows:

45-23-41. Each company employing special inspectors, except a company operating boilers and/or pressure vessels covered by owner or user inspection service meeting the requirements of Section 45-23-21(b) shall, within thirty (30) days following each certificate inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms as promulgated by the board. If such report shows that a boiler or pressure vessel is found to comply with the rules and regulations of the board, the owner or user thereof shall pay directly to the board the fee of Twenty Dollars ($20.00) for an annual certificate or Thirty Dollars ($30.00) for a biennial certificate, and the chief inspector or his duly authorized representative shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated.

Such inspection certificate shall be valid for not more than fourteen (14) months from its date in the case of power boilers and high pressure, high temperature water boilers, and for not more than twenty-six (26) months in the case of heating boilers and pressure vessels.
In the case of those boilers and pressure vessels covered by Section 45-23-33(a), (b), (c) and (d) for which the board has established or extended the operating period between required inspections, pursuant to the provisions of Section 45-23-33(g) or (h), the certificate shall be valid for a period not more than two (2) months beyond the period set by the board.

Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected. If the boiler or pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or pressure vessel inspected, or in any place where it will be accessible to interested parties.

SECTION 4. This act shall take effect and be in force from and after July 1, 2003.