

By: Representative Holland

To: Public Health and Human  
Services; Appropriations

## HOUSE BILL NO. 907

1 AN ACT TO BRING FORWARD SECTIONS 41-3-1, 41-3-3, 41-3-4,  
2 41-3-5, 41-3-6, 41-3-15, 41-3-16, 41-3-17, 41-3-18, 41-3-19,  
3 41-3-20, 41-3-37, 41-3-41, 41-3-43, 41-3-45, 41-3-49, 41-3-51,  
4 41-3-53, 41-3-57 AND 41-3-59, MISSISSIPPI CODE OF 1972, WHICH  
5 RELATE TO THE STATE BOARD OF HEALTH AND COUNTY HEALTH OFFICERS,  
6 FOR THE PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-3-1, Mississippi Code of 1972, is  
9 brought forward as follows:

10 41-3-1. (1) The present members of the State Board of  
11 Health shall continue to serve until their terms expire. As a  
12 board member's term expires, the new appointee shall be selected  
13 based on the following consideration of an appointee's residence  
14 so that by July 1, 2008, the board shall be reconstituted as  
15 follows:

16 There is hereby created the State Board of Health which shall  
17 consist of thirteen (13) members, appointed by the Governor with  
18 the advice and consent of the Senate, as hereinafter set forth:

19 (a) twelve (12) of the members of the board shall be selected  
20 according to the congressional districts as constituted on January  
21 1, 2003, each congressional district being represented by three  
22 (3) members, and (b) one (1) member of the board shall be selected  
23 from the state at large. The members so appointed shall either be  
24 engaged professionally in rendering health services or shall be  
25 consumers of health services who have no financial interest in any  
26 provider thereof. All appointees shall be persons knowledgeable  
27 in at least one (1) of the matters of jurisdiction of the board.  
28 Appointees who are selected because they engage professionally in  
29 rendering health services shall be selected to represent a wide

30 range of interests in the area of rendering health services. Nine  
31 (9) members shall be persons engaged professionally in rendering  
32 health services, and of those nine (9) members (a) no more than  
33 four (4) may be engaged professionally in rendering the same  
34 general type of health services or possess the same type of  
35 professional license and (b) no two (2) members may be associated  
36 or affiliated with, or employed by, the same entity or employer.  
37 It is the intent of the Legislature that the membership of the  
38 board reflect the population of the State of Mississippi.

39 (2) A member of the board shall serve for a term of six (6)  
40 years from the expiration of the previous term and thereafter  
41 until his or her successor is duly appointed. Vacancies in office  
42 shall be filled by appointment of the Governor in the same manner  
43 as the appointment to the position which becomes vacant, subject  
44 to the advice and consent of the Senate at the next regular  
45 session of the Legislature. An appointment to fill a vacancy  
46 other than by expiration of a term of office shall be for the  
47 balance of the unexpired term and thereafter until his or her  
48 successor is duly appointed.

49 **SECTION 2.** Section 41-3-3, Mississippi Code of 1972, is  
50 brought forward as follows:

51 41-3-3. Each person appointed as a member of the State Board  
52 of Health shall immediately take the oath prescribed by Section  
53 268 of the Constitution and file a certificate thereof in the  
54 Office of the Secretary of State. Thereupon a commission shall be  
55 issued to him under the terms as specified in Section 41-3-1.

56 **SECTION 3.** Section 41-3-4, Mississippi Code of 1972, is  
57 brought forward as follows:

58 41-3-4. (1) There shall be a chairman and vice chairman of  
59 the State Board of Health elected by and from its membership at  
60 the first meeting of the board; and the chairman shall be the  
61 presiding officer of the board. The board shall adopt rules and  
62 regulations governing times and places for meetings, and governing

63 the manner of conducting its business. Any member who shall not  
64 attend three (3) consecutive regular meetings of the board shall  
65 be subject to removal by a majority vote of the board members.  
66 All meetings of the board shall be called by the chairman or by a  
67 majority of the members of the board, except the first meeting of  
68 the original appointees which shall be called by the Governor.

69 (2) The members of the board shall receive no annual salary  
70 but shall receive per diem compensation as is authorized by law  
71 for each day devoted to the discharge of official board duties and  
72 shall be entitled to reimbursement for all actual and necessary  
73 expenses incurred in the discharge of their duties, including  
74 mileage as authorized by Section 25-3-41.

75 **SECTION 4.** Section 41-3-5, Mississippi Code of 1972, is  
76 brought forward as follows:

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

91 **SECTION 5.** Section 41-3-6, Mississippi Code of 1972, is  
92 brought forward as follows:

93 41-3-6. It shall be the duty of the State Board of Health to  
94 review the statutes of the State of Mississippi affecting public  
95 health and submit at least thirty (30) days prior to each regular

96 session of the Legislature any proposed legislation as may be  
97 necessary to enhance the effective and efficient delivery of  
98 public health services and to bring existing statutes into  
99 compliance with modern technology and terminology. The board  
100 shall formulate a plan for consolidating and reorganizing existing  
101 state agencies having responsibilities in the field of public  
102 health to eliminate any needless duplication in services which may  
103 be found to exist. In carrying out the provisions of this  
104 section, the State Board of Health shall cooperate with and may  
105 utilize the services, facilities and personnel of any department  
106 or agency of the state, any private citizen task force and the  
107 committees on public health of both houses of the Legislature.  
108 The State Board of Health is authorized to apply for and expend  
109 funds made available to it by grant from any source in order to  
110 perform its responsibilities under this section.

111 **SECTION 6.** Section 41-3-15, Mississippi Code of 1972, is  
112 brought forward as follows:

113 41-3-15. (1) There shall be a State Department of Health  
114 which shall be organized into such bureaus and divisions as are  
115 considered necessary by the executive officer, and shall be  
116 assigned appropriate functions as are required of the State Board  
117 of Health by law, subject to the approval of the board.

118 (2) The State Board of Health shall have the authority to  
119 establish an Office of Rural Health within the department. The  
120 duties and responsibilities of this office shall include the  
121 following:

122 (a) To collect and evaluate data on rural health  
123 conditions and needs;

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

126 (c) To develop and implement plans and provide  
127 technical assistance to enable community health systems to respond  
128 to various changes in their circumstances;

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

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

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

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

138           (a) To make investigations and inquiries with respect  
139 to the causes of disease and death, and to investigate the effect  
140 of environment, including conditions of employment and other  
141 conditions which may affect health, and to make such other  
142 investigations as it may deem necessary for the preservation and  
143 improvement of health.

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

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

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

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

159           (f) To charge and collect reasonable fees for health  
160 services, including immunizations, inspections and related  
161 activities, and the board shall charge fees for such services;

162 provided, however, if it is determined that a person receiving  
163 services is unable to pay the total fee, the board shall collect  
164 any amount such person is able to pay.

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

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

169 (i) (i) To establish standards for, issue permits and  
170 exercise control over, any cafes, restaurants, food or drink  
171 stands, sandwich manufacturing establishments, and all other  
172 establishments, other than churches, church-related and private  
173 schools, and other nonprofit or charitable organizations, where  
174 food or drink is regularly prepared, handled and served for pay;  
175 and

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

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

181 (k) On presentation of proper authority, to enter into  
182 and inspect any public place or building where the State Health  
183 Officer or his representative deems it necessary and proper to  
184 enter for the discovery and suppression of disease and for the  
185 enforcement of any health or sanitary laws and regulations in the  
186 state.

187 (l) To conduct investigations, inquiries and hearings,  
188 and to issue subpoenas for the attendance of witnesses and the  
189 production of books and records at any hearing when authorized and  
190 required by statute to be conducted by the State Health Officer or  
191 the State Board of Health.

192 (m) To employ, subject to the regulations of the State  
193 Personnel Board, qualified professional personnel in the subject  
194 matter or fields of each bureau, and such other technical and

195 clerical staff as may be required for the operation of the  
196 department. The executive officer shall be the appointing  
197 authority for the department, and shall have the power to delegate  
198 the authority to appoint or dismiss employees to appropriate  
199 subordinates, subject to the rules and regulations of the State  
200 Personnel Board.

201 (n) To promulgate rules and regulations, and to collect  
202 data and information, on (i) the delivery of services through the  
203 practice of telemedicine; and (ii) the use of electronic records  
204 for the delivery of telemedicine services.

205 (o) To enforce and regulate domestic and imported fish  
206 as authorized under Section 69-7-601 et seq.

207 (5) (a) The State Board of Health shall have the authority,  
208 in its discretion, to establish programs to promote the public  
209 health, to be administered by the State Department of Health.  
210 Specifically, such programs may include, but shall not be limited  
211 to, programs in the following areas:

212 (i) Maternal and child health;

213 (ii) Family planning;

214 (iii) Pediatric services;

215 (iv) Services to crippled and disabled children;

216 (v) Control of communicable and noncommunicable

217 disease;

218 (vi) Child care licensure;

219 (vii) Radiological health;

220 (viii) Dental health;

221 (ix) Milk sanitation;

222 (x) Occupational safety and health;

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

224 (xii) Protection of drinking water;

225 (xiii) Sanitation in food handling establishments

226 open to the public;

227                   (xiv) Registration of births and deaths and other  
228 vital events;

229                   (xv) Such public health programs and services as  
230 may be assigned to the State Board of Health by the Legislature or  
231 by executive order; and

232                   (xvi) Regulation of domestic and imported fish for  
233 human consumption.

234                   (b) The State Board of Health and State Department of  
235 Health shall not be authorized to sell, transfer, alienate or  
236 otherwise dispose of any of the home health agencies owned and  
237 operated by the department on January 1, 1995, and shall not be  
238 authorized to sell, transfer, assign, alienate or otherwise  
239 dispose of the license of any of those home health agencies,  
240 except upon the specific authorization of the Legislature by an  
241 amendment to this section. However, this paragraph (b) shall not  
242 prevent the board or the department from closing or terminating  
243 the operation of any home health agency owned and operated by the  
244 department, or closing or terminating any office, branch office or  
245 clinic of any such home health agency, or otherwise discontinuing  
246 the providing of home health services through any such home health  
247 agency, office, branch office or clinic, if the board first  
248 demonstrates that there are other providers of home health  
249 services in the area being served by the department's home health  
250 agency, office, branch office or clinic that will be able to  
251 provide adequate home health services to the residents of the area  
252 if the department's home health agency, office, branch office or  
253 clinic is closed or otherwise discontinues the providing of home  
254 health services. This demonstration by the board that there are  
255 other providers of adequate home health services in the area shall  
256 be spread at length upon the minutes of the board at a regular or  
257 special meeting of the board at least thirty (30) days before a  
258 home health agency, office, branch office or clinic is proposed to



259 be closed or otherwise discontinue the providing of home health  
260 services.

261 (c) The State Department of Health may undertake such  
262 technical programs and activities as may be required for the  
263 support and operation of such programs, including maintaining  
264 physical, chemical, bacteriological and radiological laboratories,  
265 and may make such diagnostic tests for diseases and tests for the  
266 evaluation of health hazards as may be deemed necessary for the  
267 protection of the people of the state.

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

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

272 (i) To enter into capitalization grant agreements  
273 with the United States Environmental Protection Agency, or any  
274 successor agency thereto;

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

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

280 (iv) To establish and collect fees to defray the  
281 reasonable costs of administering the revolving fund or emergency  
282 fund if the State Board of Health determines that such costs will  
283 exceed the limitations established in the federal Safe Drinking  
284 Water Act, as amended. The administration fees may be included in  
285 loan amounts to loan recipients for the purpose of facilitating  
286 payment to the board; however, such fees may not exceed five  
287 percent (5%) of the loan amount.

288 **SECTION 7.** Section 41-3-16, Mississippi Code of 1972, is  
289 brought forward as follows:

290 41-3-16. (1) (a) There is established a local governments  
291 and rural water systems improvements revolving loan and grant

292 program to be administered by the State Department of Health,  
293 referred to in this section as "department," for the purpose of  
294 assisting counties, incorporated municipalities, districts or  
295 other water organizations that have been granted tax exempt status  
296 under either federal or state law, in making improvements to their  
297 water systems, including construction of new water systems or  
298 expansion or repair of existing water systems. Loan and grant  
299 proceeds may be used by the recipient for planning, professional  
300 services, acquisition of interests in land, acquisition of  
301 personal property, construction, construction-related services,  
302 maintenance, and any other reasonable use which the board, in its  
303 discretion, may allow. For purposes of this section, "water  
304 systems" has the same meaning as the term "public water system"  
305 under Section 41-26-3.

306 (b) (i) There is created a board to be known as the  
307 "Local Governments and Rural Water Systems Improvements Board,"  
308 referred to in this section as "board," to be composed of the  
309 following nine (9) members: the State Health Officer, or his  
310 designee, who shall serve as chairman of the board; the Executive  
311 Director of the Mississippi Development Authority, or his  
312 designee; the Executive Director of the Department of  
313 Environmental Quality, or his designee; the Executive Director of  
314 the Department of Finance and Administration, or his designee; the  
315 Executive Director of the Mississippi Association of Supervisors,  
316 or his designee; the Executive Director of the Mississippi  
317 Municipal League, or his designee; the Executive Director of the  
318 Consulting Engineers Council, or his designee; the State Director  
319 of the United States Department of Agriculture, Rural Development,  
320 or his designee; and a manager of a rural water system.

321 The Governor shall appoint a manager of a rural water system  
322 from a list of candidates provided by the Executive Director of  
323 the Mississippi Rural Water Association. The Executive Director  
324 of the Mississippi Rural Water Association shall provide the

325 Governor a list of candidates which shall contain a minimum of  
326 three (3) candidates for each appointment.

327 (ii) Nonappointed members of the board may  
328 designate another representative of their agency or association to  
329 serve as an alternate.

330 (iii) The gubernatorial appointee shall serve a  
331 term concurrent with the term of the Governor and until a  
332 successor is appointed and qualified. No member, officer or  
333 employee of the Board of Directors of the Mississippi Rural Water  
334 Association shall be eligible for appointment.

335 (c) The department, if requested by the board, shall  
336 furnish the board with facilities and staff as needed to  
337 administer this section. The department may contract, upon  
338 approval by the board, for those facilities and staff needed to  
339 administer this section, including routine management, as it deems  
340 necessary. The board may advertise for or solicit proposals from  
341 public or private sources, or both, for administration of this  
342 section or any services required for administration of this  
343 section or any portion thereof. It is the intent of the  
344 Legislature that the board endeavor to ensure that the costs of  
345 administration of this section are as low as possible in order to  
346 provide the water consumers of Mississippi safe drinking water at  
347 affordable prices.

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

351 (2) (a) There is created a special fund in the State  
352 Treasury to be designated as the "Local Governments and Rural  
353 Water Systems Improvements Revolving Loan Fund," referred to in  
354 this section as "revolving fund," which fund shall consist of  
355 those monies as provided in Sections 6 and 13 of Chapter 521, Laws  
356 of 1995. The revolving fund may receive appropriations, bond  
357 proceeds, grants, gifts, donations or funds from any source,

358 public or private. The revolving fund shall be credited with all  
359 repayments of principal and interest derived from loans made from  
360 the revolving fund. The monies in the revolving fund may be  
361 expended only in amounts appropriated by the Legislature, and the  
362 different amounts specifically provided for the loan program and  
363 the grant program shall be so designated. Monies in the fund may  
364 only be expended for the grant program from the amount designated  
365 for such program. The revolving fund shall be maintained in  
366 perpetuity for the purposes established in this section and  
367 Sections 6 through 20 of Chapter 521, Laws of 1995. Unexpended  
368 amounts remaining in the revolving fund at the end of a fiscal  
369 year shall not lapse into the State General Fund, and any interest  
370 earned on amounts in the revolving fund shall be deposited to the  
371 credit of the fund. Monies in the revolving fund may not be used  
372 or expended for any purpose except as authorized under this  
373 section and Sections 6 through 20 of Chapter 521, Laws of 1995.  
374 Any monies in the fund may be used to match any federal funds that  
375 are available for the same or related purposes for which funds are  
376 used and expended under this section and Sections 6 through 20 of  
377 Chapter 521, Laws of 1995. Any federal funds shall be used and  
378 expended only in accordance with federal laws, rules and  
379 regulations governing the expenditure of those funds. No person  
380 shall use any monies from the revolving fund for the acquisition  
381 of real property or any interest in real property unless that  
382 property is integral to the project funded under this section and  
383 the purchase is made from a willing seller. No county,  
384 incorporated municipality or district shall acquire any real  
385 property or any interest in any real property for a project funded  
386 through the revolving fund by condemnation. The board's  
387 application of Sections 43-37-1 through 43-37-13 shall be no more  
388 stringent or extensive in scope, coverage and effect than federal  
389 property acquisition laws and regulations.

390           (b) There is created a special fund in the State  
391 Treasury to be designated as the "Local Governments and Rural  
392 Water Systems Emergency Loan Fund," hereinafter referred to as  
393 "emergency fund," which fund shall consist of those monies as  
394 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The  
395 emergency fund may receive appropriations, bond proceeds, grants,  
396 gifts, donations or funds from any source, public or private. The  
397 emergency fund shall be credited with all repayments of principal  
398 and interest derived from loans made from the emergency fund. The  
399 monies in the emergency fund may be expended only in amounts  
400 appropriated by the Legislature. The emergency fund shall be  
401 maintained in perpetuity for the purposes established in this  
402 section and Section 6 of Chapter 521, Laws of 1995. Unexpended  
403 amounts remaining in the emergency fund at the end of a fiscal  
404 year shall not lapse into the State General Fund. Any interest  
405 earned on amounts in the emergency fund shall be deposited to the  
406 credit of the fund. Monies in the emergency fund may not be used  
407 or expended for any purpose except as authorized under this  
408 section and Section 6 of Chapter 521, Laws of 1995.

409           (c) The board created in subsection (1) shall establish  
410 loan and grant programs by which loans and grants may be made  
411 available to counties, incorporated municipalities, districts or  
412 other water organizations that have been granted tax exempt status  
413 under either federal or state law, to assist those counties,  
414 incorporated municipalities, districts or water organizations in  
415 making water systems improvements, including the construction of  
416 new water systems or expansion or repair of existing water  
417 systems. Any entity eligible under this section may receive  
418 either a loan or a grant, or both. No grant awarded under the  
419 program established in this section may be made using funds from  
420 the loan program. Grants may be awarded only when the Legislature  
421 specifically appropriates funds for that particular purpose. The  
422 interest rate on those loans may vary from time to time and from

423 loan to loan, and will be at or below market interest rates as  
424 determined by the board. The board shall act as quickly as is  
425 practicable and prudent in deciding on any loan request that it  
426 receives. Loans from the revolving fund or emergency fund may be  
427 made to counties, incorporated municipalities, districts or other  
428 water organizations that have been granted tax exempt status under  
429 either federal or state law, as set forth in a loan agreement in  
430 amounts not to exceed one hundred percent (100%) of eligible  
431 project costs as established by the board. The board may require  
432 county, municipal, district or other water organization  
433 participation or funding from other sources, or otherwise limit  
434 the percentage of costs covered by loans from the revolving fund  
435 or the emergency fund. The maximum amount for any loan from the  
436 emergency fund shall be Five Hundred Thousand Dollars  
437 (\$500,000.00), and the maximum amount for any loan from the  
438 revolving fund shall be One Million Five Hundred Thousand Dollars  
439 (\$1,500,000.00).

440 (d) A county that receives a loan from the revolving  
441 fund or the emergency fund shall pledge for repayment of the loan  
442 any part of the homestead exemption annual tax loss reimbursement  
443 to which it may be entitled under Section 27-33-77, as may be  
444 required to meet the repayment schedule contained in the loan  
445 agreement. An incorporated municipality that receives a loan from  
446 the revolving fund or the emergency fund shall pledge for  
447 repayment of the loan any part of the sales tax revenue  
448 distribution to which it may be entitled under Section 27-65-75,  
449 as may be required to meet the repayment schedule contained in the  
450 loan agreement. All recipients of such loans shall establish a  
451 dedicated source of revenue for repayment of the loan. Before any  
452 county or incorporated municipality shall receive any loan, it  
453 shall have executed with the State Tax Commission and the board a  
454 loan agreement evidencing that loan. The loan agreement shall not  
455 be construed to prohibit any recipient from prepaying any part or

456 all of the funds received. The repayment schedule in each loan  
457 agreement shall provide for (i) monthly payments, (ii) semiannual  
458 payments or (iii) other periodic payments, the annual total of  
459 which shall not exceed the annual total for any other year of the  
460 loan by more than fifteen percent (15%). The loan agreement shall  
461 provide for the repayment of all funds received from the revolving  
462 fund within not more than fifteen (15) years or a term as  
463 otherwise allowed by the federal Safe Drinking Water Act, and all  
464 funds received from the emergency fund within not more than five  
465 (5) years from the date of project completion, and any repayment  
466 shall commence not later than one (1) year after project  
467 completion. The State Tax Commission shall withhold semiannually  
468 from counties and monthly from incorporated municipalities from  
469 the amount to be remitted to the county or municipality, a sum  
470 equal to the next repayment as provided in the loan agreement.

471 (e) Any county, incorporated municipality, district or  
472 other water organization desiring to construct a project approved  
473 by the board which receives a loan from the state for that purpose  
474 but which is not eligible to pledge for repayment under the  
475 provisions of paragraph (d) of this subsection, shall repay that  
476 loan by making payments each month to the State Treasurer through  
477 the Department of Finance and Administration for and on behalf of  
478 the board according to Section 7-7-15, to be credited to either  
479 the revolving fund or the emergency fund, whichever is  
480 appropriate, in lieu of pledging homestead exemption annual tax  
481 loss reimbursement or sales tax revenue distribution.

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

485 (f) Any district created pursuant to Sections 19-5-151  
486 through 19-5-207 that receives a loan from the revolving fund or  
487 the emergency fund shall pledge for repayment of the loan any part  
488 of the revenues received by that district pursuant to Sections

489 19-5-151 through 19-5-207, as may be required to meet the  
490 repayment schedule contained in the loan agreement.

491 (g) The State Auditor, upon request of the board, shall  
492 audit the receipts and expenditures of a county, an incorporated  
493 municipality, district or other water organization whose loan  
494 repayments appear to be in arrears, and if the Auditor finds that  
495 the county, incorporated municipality, district or other water  
496 organization is in arrears in those repayments, the Auditor shall  
497 immediately notify the chairman of the board who may take any  
498 action as may be necessary to enforce the terms of the loan  
499 agreement, including liquidation and enforcement of the security  
500 given for repayment of the loan, and the Executive Director of the  
501 Department of Finance and Administration who shall withhold all  
502 future payments to the county of homestead exemption annual tax  
503 loss reimbursements under Section 27-33-77 and all sums allocated  
504 to the county or the incorporated municipality under Section  
505 27-65-75 until such time as the county or the incorporated  
506 municipality is again current in its loan repayments as certified  
507 by the board.

508 (h) All monies deposited in the revolving fund or the  
509 emergency fund, including loan repayments and interest earned on  
510 those repayments, shall be used only for providing loans or other  
511 financial assistance to water systems as the board deems  
512 appropriate. In addition, any amounts in the revolving fund or  
513 the emergency fund may be used to defray the reasonable costs of  
514 administering the revolving fund or the emergency fund and  
515 conducting activities under this section and Sections 6 through 20  
516 of Chapter 521, Laws of 1995, subject to any limitations  
517 established in the federal Safe Drinking Water Act, as amended and  
518 subject to annual appropriation by the Legislature. The  
519 department is authorized, upon approval by the board, to use  
520 amounts available to it from the revolving fund or the emergency  
521 fund to contract for those facilities and staff needed to



522 administer and provide routine management for the funds and loan  
523 program.

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

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

531 (b) To promulgate rules and regulations, to make  
532 variances and exceptions thereto, and to establish procedures in  
533 accordance with this section and Sections 6 through 20 of Chapter  
534 521, Laws of 1995, for the implementation of the local governments  
535 and rural water systems improvements revolving loan program;

536 (c) To require, at the board's discretion, any loan or  
537 grant recipient to impose a per connection fee or surcharge or  
538 amended water rate schedule or tariff on each customer or any  
539 class of customers, benefiting from an improvement financed by a  
540 loan or grant made under this section, for repayment of any loan  
541 funds provided under this section and Sections 6 through 20 of  
542 Chapter 521, Laws of 1995. The board may require any loan or  
543 grant recipient to undergo a water system viability analysis and  
544 may require a loan or grant recipient to implement any result of  
545 the viability analysis. If the loan recipient fails to implement  
546 any result of a viability analysis as required by the board, the  
547 board may impose a monetary penalty or increase the interest rate  
548 on the loan, or both. If the grant recipient fails to implement  
549 any result of a viability analysis as required by the board, the  
550 board may impose a monetary penalty on the grant;

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

555           (e) To requisition monies in the Local Governments and  
556 Rural Water Systems Improvements Revolving Loan Fund and the Local  
557 Governments and Rural Water Systems Emergency Loan Fund and  
558 distribute those monies on a project-by-project basis in  
559 accordance with this section;

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

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

573           (h) To establish policies, procedures and requirements  
574 concerning viability and financial capability to repay loans that  
575 may be used in approving loans available under this section,  
576 including a requirement that all loan recipients have a rate  
577 structure which will be sufficient to cover the costs of  
578 operation, maintenance, major equipment replacement and repayment  
579 of any loans made under this section; and

580           (i) To file annually with the Legislature a report  
581 detailing how monies in the Local Governments and Rural Water  
582 Systems Improvements Revolving Loan Fund and the Local Governments  
583 and Rural Water Systems Emergency Loan Fund were spent during the  
584 preceding fiscal year in each county, incorporated municipality,  
585 district or other water organization, the number of projects  
586 approved and constructed, and the cost of each project.

587 For efficient and effective administration of the loan  
588 program, revolving fund and emergency fund, the board may  
589 authorize the department or the State Health Officer to carry out  
590 any or all of the powers and duties enumerated above.

591 **SECTION 8.** Section 41-3-17, Mississippi Code of 1972, is  
592 brought forward as follows:

593 41-3-17. The State Board of Health is authorized to make and  
594 publish all reasonable rules and regulations necessary to enable  
595 it to discharge its duties and powers and to carry out the  
596 purposes and objectives of its creation. It is further authorized  
597 to make reasonable sanitary rules and regulations, to be enforced  
598 in the several counties by the county health officer under the  
599 supervision and control of the State Board of Health. The State  
600 Board of Health shall not make or enforce any rule or regulation  
601 that prohibits consumers from providing their own containers for  
602 the purpose of purchasing or accepting water from any vending  
603 machine or device which filters or treats water that has already  
604 been tested and determined to meet or exceed the minimum health  
605 protection standards prescribed for drinking water under the  
606 Mississippi Safe Drinking Water Law, if that vending machine or  
607 device meets or exceeds United States Environmental Protection  
608 Agency or national automatic merchandising standards.

609 **SECTION 9.** Section 41-3-18, Mississippi Code of 1972, is  
610 brought forward as follows:

611 41-3-18. The board shall assess fees in the following  
612 amounts and for the following purposes:

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

615	Assessment Category 1.....	\$ 15.00
616	Assessment Category 2.....	30.00
617	Assessment Category 3.....	70.00
618	Assessment Category 4 .....	100.00
619	Assessment Category 5 .....	150.00

620 (b) Private water supply approval fee..... \$ 10.00

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

623 Assessment categories shall be based upon the factors to the  
624 public health implications of the category and type of food  
625 preparation being utilized by the food establishment, utilizing  
626 the model Food Code of 1995, or as may be amended by the federal  
627 Food and Drug Administration.

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

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

636 **SECTION 10.** Section 41-3-19, Mississippi Code of 1972, is  
637 brought forward as follows:

638 41-3-19. It is the duty of the State Board of Health to make  
639 a report, in writing, to the Governor, on or before the first day  
640 of December next preceding each session, not an extraordinary  
641 session of the Legislature, upon the sanitary condition, prospect,  
642 and needs of the state, setting forth the action of said board, of  
643 its officers and agents, the names thereof, and all its  
644 expenditures since the last preceding report, and such other  
645 matters as it may deem proper for the promotion of health or the  
646 prevention of disease. The report shall be laid before the  
647 Legislature by the Governor at its ensuing term.

648 **SECTION 11.** Section 41-3-20, Mississippi Code of 1972, is  
649 brought forward as follows:

650 41-3-20. Sections 41-3-1 through 41-3-19, which create the  
651 State Board of Health and the State Department of Health and

652 prescribe their powers and duties, shall stand repealed on June  
653 30, 2007.

654 **SECTION 12.** Section 41-3-37, Mississippi Code of 1972, is  
655 brought forward as follows:

656 41-3-37. A competent physician shall be appointed county  
657 health officer for each county by the State Board of Health or its  
658 executive officer. Said board shall cause the appointment to be  
659 certified by its secretary to the board of supervisors of the  
660 county for which the appointment was made.

661 **SECTION 13.** Section 41-3-41, Mississippi Code of 1972, is  
662 brought forward as follows:

663 41-3-41. It shall be the duty of the county health officer  
664 to administer programs and enforce the public health provisions of  
665 the Mississippi Code and the rules and regulations of the State  
666 Board of Health applicable in his county. He shall report his  
667 actions and all informations and results of his investigations to  
668 the board of supervisors and State Board of Health, and he shall  
669 do such other things as the State Board of Health may lawfully  
670 require of him.

671 **SECTION 14.** Section 41-3-43, Mississippi Code of 1972, is  
672 brought forward as follows:

673 41-3-43. (1) Each county in the state is authorized in its  
674 discretion to create a county health department and to appropriate  
675 funds for its support. A director for the same shall be appointed  
676 in accordance with Section 41-3-37 and certified to the board of  
677 supervisors of the county. Said director shall be a licensed  
678 physician, well trained in health work and shall be required to  
679 give his entire time to the work.

680 (2) (a) The State Board of Health may create public health  
681 districts of two (2) or more counties for the purpose of  
682 administering health programs and supervising public health  
683 workers in the district. The State Board of Health or its  
684 executive officer shall appoint for each such district created a

685 district director, who shall be a licensed physician, well trained  
686 in public health work, who shall give his entire time to the work.  
687 The district director may serve as county health officer of any or  
688 all counties in the district.

689 (b) The boards of supervisors of the counties  
690 comprising a public health district are hereby authorized, in  
691 their discretion, to appropriate funds for the support of the  
692 public health district from the general funds of the counties; and  
693 pursuant to Section 19-9-97, to levy additional taxes for the  
694 support of county or district health departments.

695 (3) When any county or counties create a health department  
696 hereunder, then all other local or municipal or county public  
697 health agencies and departments are thereby automatically  
698 abolished, and said county and district health departments shall  
699 have full control over all health matters in said county and  
700 counties, including all municipalities therein, subject to the  
701 supervision, direction, and jurisdiction of the State Board of  
702 Health. The proper authorities of any municipality in the State  
703 of Mississippi are hereby authorized in their discretion to make  
704 an appropriation for the support of such county or district health  
705 department from the general funds of such municipality.

706 **SECTION 15.** Section 41-3-45, Mississippi Code of 1972, is  
707 brought forward as follows:

708 41-3-45. The State Board of Health shall remove any director  
709 at any time for such conduct as it may deem improper, or for  
710 neglect of duty, or for incompetency, or for any offense which in  
711 its judgment, is detrimental to the public welfare. It may  
712 summarily suspend any director until any complaint made of such  
713 director may be fully investigated by the State Board of Health.

714 **SECTION 16.** Section 41-3-49, Mississippi Code of 1972, is  
715 brought forward as follows:

716 41-3-49. The director appointed pursuant to Section 41-3-43  
717 shall be given authority to enforce all health laws of the

718 district or county under the supervision and direction of the  
719 State Board of Health, or its executive committee, and to make  
720 such investigation of health problems and recommend and institute  
721 such measures as may be necessary. He shall be under the  
722 supervision, direction and jurisdiction of the State Board of  
723 Health, or its executive committee, and he shall make report to  
724 said board of health of all matters concerning the sanitary  
725 conditions of his district or county in the manner prescribed by  
726 the State Board of Health, or its executive committee.

727       **SECTION 17.** Section 41-3-51, Mississippi Code of 1972, is  
728 brought forward as follows:

729       41-3-51. The director appointed pursuant to Section 41-3-43  
730 of any county or district shall keep an accurate record of all  
731 activities of the department of health of the county or district  
732 which he serves for use of the public and for information to the  
733 board of health, and such reports as required by the board of  
734 health shall be made to it. All officers and employees of the  
735 county or district department of health shall be subject to the  
736 jurisdiction and regulations of the State Board of Health or its  
737 executive committee.

738       **SECTION 18.** Section 41-3-53, Mississippi Code of 1972, is  
739 brought forward as follows:

740       41-3-53. The board of supervisors shall be authorized to  
741 make such appropriations for the department of health as may be  
742 necessary to pay the salary of the director, and the salaries of  
743 all necessary sanitary inspectors, nurses, and such other  
744 employees as may be employed for carrying on the work. The board  
745 shall be authorized to pay all necessary traveling expenses of  
746 said employees in the performance of their duties. The board  
747 shall be authorized to pay for all necessary medicine, materials  
748 and supplies. The board shall provide an office for its health  
749 department, and furnish said office, and its employees, with all  
750 necessary record books, stationery, stamps, tables, chairs,

751 furniture and all other necessary articles. The board is also  
752 authorized to do any and all things necessary and proper to  
753 maintain and support a health department. Where two or more  
754 counties shall unite in having a department of health, the amount  
755 contributed by each for maintaining and supporting the work shall  
756 be agreed upon by the respective counties, subject to the approval  
757 of the State Board of Health, or its executive committee, and all  
758 salaries to be paid shall be recommended by the State Board of  
759 Health, or its executive committee to the board of supervisors of  
760 the county or counties for which the officers or employees are to  
761 act. All employees shall be recommended by the State Board of  
762 Health, or its executive committee, and all salaries shall be  
763 recommended in the same way.

764 **SECTION 19.** Section 41-3-57, Mississippi Code of 1972, is  
765 brought forward as follows:

766 41-3-57. Any municipality may pass public health laws or  
767 ordinances and enforce the collection and registration of birth,  
768 health, and mortuary statistics. However, such power shall be  
769 subject to and not inconsistent with the rules and regulations of  
770 the State Board of Health touching the health interests of the  
771 county in which such municipality is situated. In the absence of  
772 an explicit agreement to the contrary between the State Board of  
773 Health and such municipality, enforcement of municipal laws shall  
774 be the responsibility of the municipality.

775 **SECTION 20.** Section 41-3-59, Mississippi Code of 1972, is  
776 brought forward as follows:

777 41-3-59. Except as may otherwise be provided, any person who  
778 shall knowingly violate any of the provisions of this chapter, or  
779 any rule or regulation of the State Board of Health, or any order  
780 or regulation of the board of supervisors of any county or any  
781 municipal ordinance herein authorized to be made, shall be guilty  
782 of a misdemeanor, and on conviction shall be punished by fine not



783 exceeding Five Hundred Dollars (\$500.00), or by imprisonment in  
784 the county jail for not more than six (6) months, or by both.

785         **SECTION 21.** This act shall take effect and be in force from  
786 and after July 1, 2004.