

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 911

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

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

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

10 41-3-18. The board shall assess fees in the following
11 amounts and for the following purposes:

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

14	Assessment Category 1.....	\$ <u>25.00</u>
15	Assessment Category 2.....	<u>50.00</u>
16	Assessment Category 3.....	<u>100.00</u>
17	Assessment Category 4	<u>200.00</u>
18	Assessment Category 5	<u>300.00</u>

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

21	<u>Assessment Categories 1 and 2</u>	<u>\$50.00</u>
22	<u>Assessment Category 3.....</u>	<u>150.00</u>
23	<u>Assessment Categories 4 and 5</u>	<u>250.00</u>

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

26	<u>Assessment Categories 1 and 2</u>	<u>\$100.00</u>
27	<u>Assessment Category 3.....</u>	<u>200.00</u>
28	<u>Assessment Categories 4 and 5</u>	<u>300.00</u>

29 (d) Private water supply approval fee..... \$ 10.00

30 The board may develop such reasonable standards, rules and
31 regulations to clearly define each assessment category.
32 Assessment categories shall be based upon the factors to the
33 public health implications of the category and type of food
34 preparation being utilized by the food establishment, utilizing
35 the model Food Code of 1995, or as may be amended by the federal
36 Food and Drug Administration.

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

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

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

47 41-67-12. (1) The department shall assess fees in the
48 following amounts for the following purposes:

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

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

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

59 (d) A fee of Two Hundred Fifty Dollars (\$250.00) shall
60 be levied for a general soil evaluation conducted by the
61 department for a proposed subdivision.

62 (e) A fee of Fifty Dollars (\$50.00) shall be levied for
63 review of wastewater disposal system designs which are submitted
64 by a professional engineer.

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

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

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

80 45-23-41. Each company employing special inspectors, except
81 a company operating boilers and/or pressure vessels covered by
82 owner or user inspection service meeting the requirements of
83 Section 45-23-21(b) shall, within thirty (30) days following each
84 certificate inspection made by such inspectors, file a report of
85 such inspection with the chief inspector upon appropriate forms as
86 promulgated by the board. If such report shows that a boiler or
87 pressure vessel is found to comply with the rules and regulations
88 of the board, the owner or user thereof shall pay directly to the
89 board the fee of Twenty Dollars (\$20.00) for an annual certificate
90 or Thirty Dollars (\$30.00) for a biennial certificate, and the
91 chief inspector or his duly authorized representative shall issue
92 to such owner or user an inspection certificate bearing the date
93 of inspection and specifying the maximum pressure under which the
94 boiler or pressure vessel may be operated.

95 Such inspection certificate shall be valid for not more than
96 fourteen (14) months from its date in the case of power boilers
97 and high pressure, high temperature water boilers, and for not
98 more than twenty-six (26) months in the case of heating boilers
99 and pressure vessels.

100 In the case of those boilers and pressure vessels covered by
101 Section 45-23-33(a), (b), (c) and (d) for which the board has
102 established or extended the operating period between required
103 inspections, pursuant to the provisions of Section 45-23-33(g) or
104 (h), the certificate shall be valid for a period not more than two
105 (2) months beyond the period set by the board.

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

112 **SECTION 4.** This act shall take effect and be in force from
113 and after July 1, 2004.