

By: Representative Hines

To: Judiciary A; Public Health and Human Services

HOUSE BILL NO. 1304

1 AN ACT TO AUTHORIZE OUR HOUSE, INCORPORATED, TO SERVE AS A
2 STATEWIDE BEHAVIORAL MODIFICATION INSTITUTE TO PROVIDE TRAINING
3 RELATED TO BEHAVIORAL MODIFICATION; TO AMEND SECTION 27-31-1,
4 MISSISSIPPI CODE OF 1972, TO EXEMPT THE PROPERTY OF OUR HOUSE,
5 INCORPORATED, FROM AD VALOREM TAXES; TO AMEND SECTION 27-65-111,
6 MISSISSIPPI CODE OF 1972, TO EXEMPT SALES TO OUR HOUSE,
7 INCORPORATED, FROM SALES TAXES; TO AMEND SECTION 41-3-15,
8 MISSISSIPPI CODE OF 1972, TO PROVIDE OVERSIGHT BY THE STATE BOARD
9 OF HEALTH; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Our House, Incorporated, is hereby authorized to
12 serve as a statewide behavioral modification institute to provide
13 training throughout the state in the area of behavioral
14 modification, domestic violence, child abuse, rape, sexual assault
15 and sexually transmitted diseases including HIV and AIDS. Our
16 House, Incorporated, shall provide certification in each
17 curriculum for which it provides training and it shall provide
18 continuing education courses in each curriculum. Our House,
19 Incorporated, shall establish sites in north, central and south
20 Mississippi to carry out the purposes of this act. The State
21 Board of Health shall provide oversight and assistance to Our
22 House, Incorporated, to assist in carrying out the provisions of
23 this act.

24 **SECTION 2.** Section 27-31-1, Mississippi Code of 1972, is
25 amended as follows:

26 27-31-1. The following shall be exempt from taxation:

27 (a) All cemeteries used exclusively for burial
28 purposes.

29 (b) All property, real or personal, belonging to the
30 State of Mississippi or any of its political subdivisions, except

31 property of a municipality not being used for a proper municipal
32 purpose and located outside the county or counties in which such
33 municipality is located. A proper municipal purpose within the
34 meaning of this section shall be any authorized governmental or
35 corporate function of a municipality.

36 (c) All property, real or personal, owned by units of
37 the Mississippi National Guard, or title to which is vested in
38 trustees for the benefit of any unit of the Mississippi National
39 Guard; provided such property is used exclusively for such unit,
40 or for public purposes, and not for profit.

41 (d) All property, real or personal, belonging to any
42 religious society, or ecclesiastical body, or any congregation
43 thereof, or to any charitable society, or to any historical or
44 patriotic association or society, or to any garden or pilgrimage
45 club or association and used exclusively for such society or
46 association and not for profit; not exceeding, however, the amount
47 of land which such association or society may own as provided in
48 Section 79-11-33. All property, real or personal, belonging to
49 any rural waterworks system or rural sewage disposal system
50 incorporated under the provisions of Section 79-11-1. All
51 property, real or personal, belonging to any college or
52 institution for the education of youths, used directly and
53 exclusively for such purposes, provided that no such college or
54 institution for the education of youths shall have exempt from
55 taxation more than six hundred forty (640) acres of land;
56 provided, however, this exemption shall not apply to commercial
57 schools and colleges or trade institutions or schools where the
58 profits of same inure to individuals, associations or
59 corporations. All property, real or personal, belonging to an
60 individual, institution or corporation and used for the operation
61 of a grammar school, junior high school, high school or military
62 school. All property, real or personal, owned and occupied by a
63 fraternal and benevolent organization, when used by such

64 organization, and from which no rentals or other profits accrue to
65 the organization, but any part rented or from which revenue is
66 received shall be taxed.

67 (e) All property, real or personal, held and occupied
68 by trustees of public schools, and school lands of the respective
69 townships for the use of public schools, and all property kept in
70 storage for the convenience and benefit of the State of
71 Mississippi in warehouses owned or leased by the State of
72 Mississippi, wherein said property is to be sold by the Alcoholic
73 Beverage Control Division of the State Tax Commission of the State
74 of Mississippi.

75 (f) All property, real or personal, whether belonging
76 to religious or charitable or benevolent organizations, which is
77 used for hospital purposes, and nurses' homes where a part
78 thereof, and which maintain one or more charity wards that are for
79 charity patients, and where all the income from said hospitals and
80 nurses' homes is used entirely for the purposes thereof and no
81 part of the same for profit.

82 (g) The wearing apparel of every person; and also
83 jewelry and watches kept by the owner for personal use to the
84 extent of One Hundred Dollars (\$100.00) in value for each owner.

85 (h) Provisions on hand for family consumption.

86 (i) All farm products grown in this state for a period
87 of two (2) years after they are harvested, when in the possession
88 of or the title to which is in the producer, except the tax of
89 one-fifth of one percent (1/5 of 1%) per pound on lint cotton now
90 levied by the Board of Commissioners of the Mississippi Levee
91 District; and lint cotton for five (5) years, and cottonseed,
92 soybeans, oats, rice and wheat for one (1) year regardless of
93 ownership.

94 (j) All guns and pistols kept by the owner for private
95 use.

96 (k) All poultry in the hands of the producer.

97 (1) Household furniture, including all articles kept in
98 the home by the owner for his own personal or family use; but this
99 shall not apply to hotels, rooming houses or rented or leased
100 apartments.

101 (m) All cattle and oxen.

102 (n) All sheep, goats and hogs.

103 (o) All horses, mules and asses.

104 (p) Farming tools, implements and machinery, when used
105 exclusively in the cultivation or harvesting of crops or timber.

106 (q) All property of agricultural and mechanical
107 associations and fairs used for promoting their objects, and where
108 no part of the proceeds is used for profit.

109 (r) The libraries of all persons.

110 (s) All pictures and works of art, not kept for or
111 offered for sale as merchandise.

112 (t) The tools of any mechanic necessary for carrying on
113 his trade.

114 (u) All state, county, municipal, levee, drainage and
115 all school bonds or other governmental obligations, and all bonds
116 and/or evidences of debts issued by any church or church
117 organization in this state, and all notes and evidences of
118 indebtedness which bear a rate of interest not greater than the
119 maximum rate per annum applicable under the law; and all money
120 loaned at a rate of interest not exceeding the maximum rate per
121 annum applicable under the law; and all stock in or bonds of
122 foreign corporations or associations shall be exempt from all ad
123 valorem taxes.

124 (v) All lands and other property situated or located
125 between the Mississippi River and the levee shall be exempt from
126 the payment of any and all road taxes levied or assessed under any
127 road laws of this state.

128 (w) Any and all money on deposit in either national
129 banks, state banks or trust companies, on open account, savings
130 account or time deposit.

131 (x) All wagons, carts, drays, carriages and other horse
132 drawn vehicles, kept for the use of the owner.

133 (y) (1) Boats, seines and fishing equipment used in
134 fishing and shrimping operations and in the taking or catching of
135 oysters.

136 (2) All towboats, tugboats and barges documented
137 under the laws of the United States, except watercraft of every
138 kind and character used in connection with gaming operations.

139 (z) All materials used in the construction and/or
140 conversion of vessels in this state; vessels while under
141 construction and/or conversion; vessels while in the possession of
142 the manufacturer, builder or converter, for a period of twelve
143 (12) months after completion of construction and/or conversion,
144 and as used herein the term "vessel" shall include ships, offshore
145 drilling equipment, dry docks, boats and barges, except watercraft
146 of every kind and character used in connection with gaming
147 operations.

148 (aa) Sixty-six and two-thirds percent (66-2/3%) of
149 nuclear fuel and reprocessed, recycled or residual nuclear fuel
150 by-products, fissionable or otherwise, used or to be used in
151 generation of electricity by persons defined as public utilities
152 in Section 77-3-3.

153 (bb) All growing nursery stock.

154 (cc) A semitrailer used in interstate commerce.

155 (dd) All property, real or personal, used exclusively
156 for the housing of and provision of services to elderly persons,
157 disabled persons, mentally impaired persons or as a nursing home,
158 which is owned, operated and managed by a not-for-profit
159 corporation, qualified under Section 501(c)(3) of the Internal
160 Revenue Code, whose membership or governing body is appointed or

161 confirmed by a religious society or ecclesiastical body or any
162 congregation thereof.

163 (ee) All vessels while in the hands of bona fide
164 dealers as merchandise and which are not being operated upon the
165 waters of this state shall be exempt from ad valorem taxes. As
166 used in this paragraph, the terms "vessel" and "waters of this
167 state" shall have the meaning ascribed to such terms in Section
168 59-21-3.

169 (ff) All property, real or personal, owned by a
170 nonprofit organization that: (i) is qualified as tax exempt under
171 Section 501(c)(4) of the Internal Revenue Code of 1986, as
172 amended; (ii) assists in the implementation of the national
173 contingency plan or area contingency plan, and which is created in
174 response to the requirements of Title IV, Subtitle B of the Oil
175 Pollution Act of 1990, Public Law 101-380; (iii) engages primarily
176 in programs to contain, clean up and otherwise mitigate spills of
177 oil or other substances occurring in the United States coastal or
178 tidal waters; and (iv) is used for the purposes of the
179 organization.

180 (gg) If a municipality changes its boundaries so as to
181 include within the boundaries of such municipality the project
182 site of any project as defined in Section 57-75-5(f)(iv)1, all
183 real and personal property located on the project site within the
184 boundaries of such municipality that is owned by a business
185 enterprise operating such project, shall be exempt from ad valorem
186 taxation for a period of time not to exceed thirty (30) years upon
187 receiving approval for such exemption by the Mississippi Major
188 Economic Impact Authority. The provisions of this subsection
189 shall not be construed to authorize a breach of any agreement
190 entered into pursuant to Section 21-1-59.

191 (hh) All leases, lease contracts or lease agreements
192 (including, but not limited to, subleases, sublease contracts and
193 sublease agreements), and leaseholds or leasehold interests

194 (including, but not limited to, subleaseholds and subleasehold
195 interests), of or with respect to any and all property (real,
196 personal or mixed) constituting all or any part of a facility for
197 the manufacture, production, generation, transmission and/or
198 distribution of electricity, and any real property related
199 thereto, shall be exempt from ad valorem taxation during the
200 period as the United States is both the title owner of the
201 property and a sublessee of or with respect to the property;
202 however, the exemption authorized by this paragraph (hh) shall not
203 apply to any entity to whom the United States sub-subleases its
204 interest in the property nor to any entity to whom the United
205 States assigns its sublease interest in the property. As used in
206 this paragraph, the term "United States" includes an agency or
207 instrumentality of the United States of America. This paragraph
208 (hh) shall apply to all assessments for ad valorem taxation for
209 the 2003 calendar year and each calendar year thereafter.

210 (ii) All property, real, personal or mixed, including
211 fixtures and leaseholds, used by Mississippi nonprofit entities
212 qualified, on or before January 1, 2005, under Section 501(c)(3)
213 of the Internal Revenue Code to provide support and operate
214 technology incubators for research and development start-up
215 companies, telecommunication start-up companies and/or other
216 technology start-up companies, utilizing technology spun-off from
217 research and development activities of the public colleges and
218 universities of this state, State of Mississippi governmental
219 research or development activities resulting therefrom located
220 within the State of Mississippi.

221 (jj) All property, real, personal or mixed, including
222 fixtures and leaseholds, of start-up companies (as described in
223 paragraph (ii) of this section) for the period of time, not to
224 exceed five (5) years, that the start-up company remains a tenant
225 of a technology incubator (as described in paragraph (ii) of this
226 section).

227 (kk) All property, real, personal or mixed, including
228 fixtures and leaseholds, of Our House, Incorporated, utilized for
229 the purposes described in Section 1 of House Bill No. 1304, 2005
230 Regular Session.

231 **SECTION 3.** Section 27-65-111, Mississippi Code of 1972, is
232 amended as follows:

233 27-65-111. The exemptions from the provisions of this
234 chapter which are not industrial, agricultural or governmental, or
235 which do not relate to utilities or taxes, or which are not
236 properly classified as one of the exemption classifications of
237 this chapter, shall be confined to persons or property exempted by
238 this section or by the Constitution of the United States or the
239 State of Mississippi. No exemptions as now provided by any other
240 section, except the classified exemption sections of this chapter
241 set forth herein, shall be valid as against the tax herein levied.
242 Any subsequent exemption from the tax levied hereunder, except as
243 indicated above, shall be provided by amendments to this section.

244 No exemption provided in this section shall apply to taxes
245 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

246 The tax levied by this chapter shall not apply to the
247 following:

248 (a) Sales of tangible personal property and services to
249 hospitals or infirmaries owned and operated by a corporation or
250 association in which no part of the net earnings inures to the
251 benefit of any private shareholder, group or individual, and which
252 are subject to and governed by Sections 41-7-123 through 41-7-127.

253 Only sales of tangible personal property or services which
254 are ordinary and necessary to the operation of such hospitals and
255 infirmaries are exempted from tax.

256 (b) Sales of daily or weekly newspapers, and
257 periodicals or publications of scientific, literary or educational
258 organizations exempt from federal income taxation under Section

259 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of
260 March 31, 1975, and subscription sales of all magazines.

261 (c) Sales of coffins, caskets and other materials used
262 in the preparation of human bodies for burial.

263 (d) Sales of tangible personal property for immediate
264 export to a foreign country.

265 (e) Sales of tangible personal property to an
266 orphanage, old men's or ladies' home, supported wholly or in part
267 by a religious denomination, fraternal nonprofit organization or
268 other nonprofit organization.

269 (f) Sales of tangible personal property, labor or
270 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,
271 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a
272 corporation or association in which no part of the net earnings
273 inures to the benefit of any private shareholder, group or
274 individual.

275 (g) Sales to elementary and secondary grade schools,
276 junior and senior colleges owned and operated by a corporation or
277 association in which no part of the net earnings inures to the
278 benefit of any private shareholder, group or individual, and which
279 are exempt from state income taxation, provided that this
280 exemption does not apply to sales of property or services which
281 are not to be used in the ordinary operation of the school, or
282 which are to be resold to the students or the public.

283 (h) The gross proceeds of retail sales and the use or
284 consumption in this state of drugs and medicines:

285 (i) Prescribed for the treatment of a human being
286 by a person authorized to prescribe the medicines, and dispensed
287 or prescription filled by a registered pharmacist in accordance
288 with law; or

289 (ii) Furnished by a licensed physician, surgeon,
290 dentist or podiatrist to his own patient for treatment of the
291 patient; or

292 (iii) Furnished by a hospital for treatment of any
293 person pursuant to the order of a licensed physician, surgeon,
294 dentist or podiatrist; or

295 (iv) Sold to a licensed physician, surgeon,
296 podiatrist, dentist or hospital for the treatment of a human
297 being; or

298 (v) Sold to this state or any political
299 subdivision or municipal corporation thereof, for use in the
300 treatment of a human being or furnished for the treatment of a
301 human being by a medical facility or clinic maintained by this
302 state or any political subdivision or municipal corporation
303 thereof.

304 "Medicines," as used in this paragraph (h), shall mean and
305 include any substance or preparation intended for use by external
306 or internal application to the human body in the diagnosis, cure,
307 mitigation, treatment or prevention of disease and which is
308 commonly recognized as a substance or preparation intended for
309 such use; provided that "medicines" do not include any auditory,
310 prosthetic, ophthalmic or ocular device or appliance, any dentures
311 or parts thereof or any artificial limbs or their replacement
312 parts, articles which are in the nature of splints, bandages,
313 pads, compresses, supports, dressings, instruments, apparatus,
314 contrivances, appliances, devices or other mechanical, electronic,
315 optical or physical equipment or article or the component parts
316 and accessories thereof, or any alcoholic beverage or any other
317 drug or medicine not commonly referred to as a prescription drug.

318 Notwithstanding the preceding sentence of this paragraph (h),
319 "medicines" as used in this paragraph (h), shall mean and include
320 sutures, whether or not permanently implanted, bone screws, bone
321 pins, pacemakers and other articles permanently implanted in the
322 human body to assist the functioning of any natural organ, artery,
323 vein or limb and which remain or dissolve in the body.

324 "Hospital," as used in this paragraph (h), shall have the
325 meaning ascribed to it in Section 41-9-3, Mississippi Code of
326 1972.

327 Insulin furnished by a registered pharmacist to a person for
328 treatment of diabetes as directed by a physician shall be deemed
329 to be dispensed on prescription within the meaning of this
330 paragraph (h).

331 (i) Retail sales of automobiles, trucks and
332 truck-tractors if exported from this state within forty-eight (48)
333 hours and registered and first used in another state.

334 (j) Sales of tangible personal property or services to
335 the Salvation Army and the Muscular Dystrophy Association, Inc.

336 (k) From July 1, 1985, through December 31, 1992,
337 retail sales of "alcohol blended fuel" as such term is defined in
338 Section 75-55-5. The gasoline-alcohol blend or the straight
339 alcohol eligible for this exemption shall not contain alcohol
340 distilled outside the State of Mississippi.

341 (l) Sales of tangible personal property or services to
342 the Institute for Technology Development.

343 (m) The gross proceeds of retail sales of food and
344 drink for human consumption made through vending machines serviced
345 by full line vendors from and not connected with other taxable
346 businesses.

347 (n) The gross proceeds of sales of motor fuel.

348 (o) Retail sales of food for human consumption
349 purchased with food stamps issued by the United States Department
350 of Agriculture, or other federal agency, from and after October 1,
351 1987, or from and after the expiration of any waiver granted
352 pursuant to federal law, the effect of which waiver is to permit
353 the collection by the state of tax on such retail sales of food
354 for human consumption purchased with food stamps.

355 (p) Sales of cookies for human consumption by the Girl
356 Scouts of America no part of the net earnings from which sales
357 inures to the benefit of any private group or individual.

358 (q) Gifts or sales of tangible personal property or
359 services to public or private nonprofit museums of art.

360 (r) Sales of tangible personal property or services to
361 alumni associations of state-supported colleges or universities.

362 (s) Sales of tangible personal property or services to
363 chapters of the National Association of Junior Auxiliaries, Inc.

364 (t) Sales of tangible personal property or services to
365 domestic violence shelters which qualify for state funding under
366 Sections 93-21-101 through 93-21-113.

367 (u) Sales of tangible personal property or services to
368 the National Multiple Sclerosis Society, Mississippi Chapter.

369 (v) Retail sales of food for human consumption
370 purchased with food instruments issued the Mississippi Band of
371 Choctaw Indians under the Women, Infants and Children Program
372 (WIC) funded by the United States Department of Agriculture.

373 (w) Sales of tangible personal property or services to
374 a private company, as defined in Section 57-61-5, which is making
375 such purchases with proceeds of bonds issued under Section 57-61-1
376 et seq., the Mississippi Business Investment Act.

377 (x) The gross collections from the operation of
378 self-service, coin-operated car washing equipment and sales of the
379 service of washing motor vehicles with portable high-pressure
380 washing equipment on the premises of the customer.

381 (y) Sales of tangible personal property or services to
382 the Mississippi Technology Alliance.

383 (z) Sales of tangible personal property or services to
384 Our House, Incorporated.

385 **SECTION 4.** Section 41-3-15, Mississippi Code of 1972, is
386 amended as follows:

387 41-3-15. (1) There shall be a State Department of Health
388 which shall be organized into such bureaus and divisions as are
389 considered necessary by the executive officer, and shall be
390 assigned appropriate functions as are required of the State Board
391 of Health by law, subject to the approval of the board.

392 (2) The State Board of Health shall have the authority to
393 establish an Office of Rural Health within the department. The
394 duties and responsibilities of this office shall include the
395 following:

396 (a) To collect and evaluate data on rural health
397 conditions and needs;

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

400 (c) To develop and implement plans and provide
401 technical assistance to enable community health systems to respond
402 to various changes in their circumstances;

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

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

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

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

412 (a) To make investigations and inquiries with respect
413 to the causes of disease and death, and to investigate the effect
414 of environment, including conditions of employment and other
415 conditions which may affect health, and to make such other
416 investigations as it may deem necessary for the preservation and
417 improvement of health.

418 (b) To make such sanitary investigations as it may,
419 from time to time, deem necessary for the protection and

420 improvement of health and to investigate nuisance questions which
421 affect the security of life and health within the state.

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

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

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

433 (f) To charge and collect reasonable fees for health
434 services, including immunizations, inspections and related
435 activities, and the board shall charge fees for such services;
436 provided, however, if it is determined that a person receiving
437 services is unable to pay the total fee, the board shall collect
438 any amount such person is able to pay.

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

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

443 (i) (i) To establish standards for, issue permits and
444 exercise control over, any cafes, restaurants, food or drink
445 stands, sandwich manufacturing establishments, and all other
446 establishments, other than churches, church-related and private
447 schools, and other nonprofit or charitable organizations, where
448 food or drink is regularly prepared, handled and served for pay;
449 and

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

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

455 (k) On presentation of proper authority, to enter into
456 and inspect any public place or building where the State Health
457 Officer or his representative deems it necessary and proper to
458 enter for the discovery and suppression of disease and for the
459 enforcement of any health or sanitary laws and regulations in the
460 state.

461 (l) To conduct investigations, inquiries and hearings,
462 and to issue subpoenas for the attendance of witnesses and the
463 production of books and records at any hearing when authorized and
464 required by statute to be conducted by the State Health Officer or
465 the State Board of Health.

466 (m) To employ, subject to the regulations of the State
467 Personnel Board, qualified professional personnel in the subject
468 matter or fields of each bureau, and such other technical and
469 clerical staff as may be required for the operation of the
470 department. The executive officer shall be the appointing
471 authority for the department, and shall have the power to delegate
472 the authority to appoint or dismiss employees to appropriate
473 subordinates, subject to the rules and regulations of the State
474 Personnel Board.

475 (n) To promulgate rules and regulations, and to collect
476 data and information, on (i) the delivery of services through the
477 practice of telemedicine; and (ii) the use of electronic records
478 for the delivery of telemedicine services.

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

481

(p) To carry out the purposes of House Bill No. 1304,
482 2005 Regular Session.

483 (5) (a) The State Board of Health shall have the authority,
484 in its discretion, to establish programs to promote the public

485 health, to be administered by the State Department of Health.

486 Specifically, such programs may include, but shall not be limited
487 to, programs in the following areas:

488 (i) Maternal and child health;

489 (ii) Family planning;

490 (iii) Pediatric services;

491 (iv) Services to crippled and disabled children;

492 (v) Control of communicable and noncommunicable
493 disease;

494 (vi) Child care licensure;

495 (vii) Radiological health;

496 (viii) Dental health;

497 (ix) Milk sanitation;

498 (x) Occupational safety and health;

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

500 (xii) Protection of drinking water;

501 (xiii) Sanitation in food handling establishments
502 open to the public;

503 (xiv) Registration of births and deaths and other
504 vital events;

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

508 (xvi) Regulation of domestic and imported fish for
509 human consumption.

510 (b) The State Board of Health and State Department of
511 Health shall not be authorized to sell, transfer, alienate or
512 otherwise dispose of any of the home health agencies owned and
513 operated by the department on January 1, 1995, and shall not be
514 authorized to sell, transfer, assign, alienate or otherwise
515 dispose of the license of any of those home health agencies,
516 except upon the specific authorization of the Legislature by an
517 amendment to this section. However, this paragraph (b) shall not

518 prevent the board or the department from closing or terminating
519 the operation of any home health agency owned and operated by the
520 department, or closing or terminating any office, branch office or
521 clinic of any such home health agency, or otherwise discontinuing
522 the providing of home health services through any such home health
523 agency, office, branch office or clinic, if the board first
524 demonstrates that there are other providers of home health
525 services in the area being served by the department's home health
526 agency, office, branch office or clinic that will be able to
527 provide adequate home health services to the residents of the area
528 if the department's home health agency, office, branch office or
529 clinic is closed or otherwise discontinues the providing of home
530 health services. This demonstration by the board that there are
531 other providers of adequate home health services in the area shall
532 be spread at length upon the minutes of the board at a regular or
533 special meeting of the board at least thirty (30) days before a
534 home health agency, office, branch office or clinic is proposed to
535 be closed or otherwise discontinue the providing of home health
536 services.

537 (c) The State Department of Health may undertake such
538 technical programs and activities as may be required for the
539 support and operation of such programs, including maintaining
540 physical, chemical, bacteriological and radiological laboratories,
541 and may make such diagnostic tests for diseases and tests for the
542 evaluation of health hazards as may be deemed necessary for the
543 protection of the people of the state.

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

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

548 (i) To enter into capitalization grant agreements
549 with the United States Environmental Protection Agency, or any
550 successor agency thereto;

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

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

556 (iv) To establish and collect fees to defray the
557 reasonable costs of administering the revolving fund or emergency
558 fund if the State Board of Health determines that such costs will
559 exceed the limitations established in the federal Safe Drinking
560 Water Act, as amended. The administration fees may be included in
561 loan amounts to loan recipients for the purpose of facilitating
562 payment to the board; however, such fees may not exceed five
563 percent (5%) of the loan amount.

564 **SECTION 5.** This act shall take effect and be in force from
565 and after July 1, 2005.