

By: Representative Holland

To: Public Health and Human Services; Conservation and Water Resources

HOUSE BILL NO. 559

1 AN ACT TO AMEND SECTIONS 41-3-18, 41-67-12 AND 45-23-41,
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF HEALTH
3 TO ESTABLISH A SCHEDULE OF FEES 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 amounts not
11 exceeding the cost of providing the service, for the following
12 purposes:

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

- 15 Assessment Category 1 * * *
- 16 Assessment Category 2 * * *
- 17 Assessment Category 3 * * *
- 18 Assessment Category 4 * * *
- 19 Assessment Category 5 * * *

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

- 22 Assessment Categories 1 and 2
- 23 Assessment Category 3
- 24 Assessment Categories 4 and 5

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

- 27 Assessment Categories 1 and 2
- 28 Assessment Category 3
- 29 Assessment Categories 4 and 5

30 (d) Private water supply approval fee.

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

33 Assessment categories shall be based upon the factors to the
34 public health implications of the category and type of food
35 preparation being utilized by the food establishment, utilizing
36 the model Food Code of 1995, or as may be amended by the federal
37 Food and Drug Administration.

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

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

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

48 41-67-12. (1) The department shall assess fees in * * *
49 amounts not exceeding the cost of providing the service, for the
50 following purposes:

51 (a) A fee * * * for soil and site evaluation and
52 recommendation of individual on-site wastewater disposal systems.

53 (b) An annual fee * * * for the certification of
54 installers and persons engaging in the removal and disposal of the
55 sludge and liquid wastes from individual on-site wastewater
56 disposal systems.

57 (c) An annual fee * * * for the registration of
58 manufacturers.

59 (d) A fee for a general soil evaluation conducted by
60 the department for a proposed subdivision.

61 (e) A fee for review of wastewater disposal system
62 designs that are submitted by a professional engineer.

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

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

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

78 45-23-41. Each company employing special inspectors, except
79 a company operating boilers and/or pressure vessels covered by
80 owner or user inspection service meeting the requirements of
81 Section 45-23-21(b) shall, within thirty (30) days following each
82 certificate inspection made by such inspectors, file a report of
83 such inspection with the chief inspector upon appropriate forms as
84 promulgated by the board. If such report shows that a boiler or
85 pressure vessel is found to comply with the rules and regulations
86 of the board, the owner or user thereof shall pay directly to the
87 board a fee, in an amount not exceeding the cost of providing the
88 service, for an annual certificate or for a biennial certificate,
89 and the chief inspector or his duly authorized representative
90 shall issue to such owner or user an inspection certificate
91 bearing the date of inspection and specifying the maximum pressure
92 under which the boiler or pressure vessel may be operated.

93 Such inspection certificate shall be valid for not more than
94 fourteen (14) months from its date in the case of power boilers
95 and high pressure, high temperature water boilers, and for not

96 more than twenty-six (26) months in the case of heating boilers
97 and pressure vessels.

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

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

110 **SECTION 4.** This act shall take effect and be in force from
111 and after July 1, 2006.