

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 561

1 AN ACT TO AMEND SECTION 41-26-23, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM WATER QUALITY ANALYSIS FEE PER CONNECTION
3 THAT MAY BE CHARGED BY THE STATE DEPARTMENT OF HEALTH; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-26-23, Mississippi Code of 1972, is
7 amended as follows:

8 41-26-23. (1) There is created in the State Treasury a fund
9 to be designated as the "Drinking Water Quality Analysis Fund."
10 The fund shall be treated as a special trust fund. Interest
11 earned on the principal in the fund shall be credited by the
12 Treasurer to the fund. The fund may receive monies from any
13 available public or private source, including fees, proceeds and
14 grants. The department shall expend or utilize monies in the fund
15 to pay all reasonable direct and indirect costs of water quality
16 analysis and related activities as required by the federal Safe
17 Drinking Water Act, as amended. Monies in the fund at the end of
18 the fiscal year shall be retained in the fund for use in the
19 succeeding fiscal year. Except as provided in subsection (5) of
20 this section, if the annual fees collected exceed the cost of
21 administering the water quality analysis program in that fiscal
22 year, the excess shall be applied to the cost of administering the
23 program in the succeeding fiscal year. In the succeeding fiscal
24 year, the total to be collected from fees shall be reduced by the
25 excess retained in the fund and the assessment rates shall be
26 adjusted proportionately.

27 (2) The department annually shall assess and collect fees
28 for water quality analysis and related activities as required by

29 the federal Safe Drinking Water Act, as amended, which shall not
30 exceed Three Dollars (\$3.00) per connection or Forty Thousand
31 Dollars (\$40,000.00) per system, whichever is less. The
32 department annually shall adopt by rule, in accordance with the
33 Administrative Procedures Law and following a public hearing, a
34 fee schedule to cover all reasonable direct and indirect costs of
35 water quality analysis and related activities as required by the
36 federal Safe Drinking Water Act, as amended. In adopting a fee
37 schedule, the department shall consider the recommendations of the
38 advisory committee created in this section, if those
39 recommendations are made in a timely manner as provided.

40 (3) An advisory committee is created to study the program
41 needs and costs for the implementation of the water quality
42 analysis program and to conduct an annual review of the needs and
43 costs of administering that program. The annual review shall
44 include an independent recommendation on an equitable fee schedule
45 for the succeeding fiscal year. Each annual review report shall
46 be due to the department by May 1. The advisory committee shall
47 consist of one (1) member appointed by the Mississippi Rural Water
48 Association, one (1) member appointed by the Mississippi Municipal
49 Association, one (1) member appointed by the Mississippi
50 Association of Supervisors and one (1) member appointed by the
51 Mississippi Water and Pollution Control Operators Association,
52 Inc.

53 (4) All suppliers of water for which water quality analysis
54 and related activities as required by the federal Safe Drinking
55 Water Act, as amended, are performed by the State Department of
56 Health shall pay the water quality analysis fee within forty-five
57 (45) days following receipt of an invoice from the department. In
58 the discretion of the department, any supplier of water required
59 to pay the fee shall be liable for a penalty equal to a maximum of
60 two (2) times the amount of fees due and payable plus an amount
61 necessary to reimburse the costs of delinquent fee collection for

62 failure to pay the fee within ninety (90) days following the
63 receipt of the invoice. Any person making sales to customers of
64 water for residential, noncommercial or nonagricultural use and
65 who recovers the fee required by this section or any portion
66 thereof from any customer shall indicate on each statement
67 rendered to customers that these fees are for water quality
68 analyses required by the federal government under the Safe
69 Drinking Water Act, as amended.

70 (5) There is created within the Drinking Water Quality
71 Analysis Fund an equipment capital expenditure account,
72 hereinafter referred to as the "account." The department may
73 transfer any excess fees, not exceeding ten percent (10%) of the
74 total fees assessed under this section, to the account. The
75 balance in the account shall not exceed Five Hundred Thousand
76 Dollars (\$500,000.00). Funds in the account shall be used by the
77 department, as appropriated by the Legislature, to defray the
78 costs of purchasing new equipment or repairing existing equipment
79 for the analysis of drinking water.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after July 1, 2006.