

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 775

1 AN ACT TO AMEND SECTION 41-67-21, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL REQUIRE A  
3 PROPERTY OWNER OR LESSEE TO REPAIR AN INDIVIDUAL ON-SITE  
4 WASTEWATER DISPOSAL SYSTEM ON THE OWNER'S OR LESSEE'S PROPERTY  
5 WHERE WASTE FROM THE SYSTEM IS BEING DISCHARGED OFF THE PROPERTY;  
6 TO INCREASE THE MAXIMUM DAILY AMOUNT OF THE CIVIL PENALTY THAT THE  
7 DEPARTMENT MAY ASSESS A PROPERTY OWNER OR LESSEE FOR EACH DAY THAT  
8 AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM REMAINS  
9 UNREPAIRED AFTER BEING GIVEN NOTICE OF A MALFUNCTIONING OR  
10 IMPROPERLY DISCHARGING SYSTEM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 41-67-21, Mississippi Code of 1972, is  
13 amended as follows:

14 41-67-21. (1) The board or the department may require a  
15 property owner or lessee to repair a malfunctioning individual  
16 on-site wastewater disposal system on the owner's or lessee's  
17 property, and shall require a property owner or lessee to repair  
18 an individual on-site wastewater disposal system on the owner's or  
19 lessee's property where waste from the system is being discharged  
20 off the owner's or lessee's property, before the thirtieth day  
21 after the date on which the owner or lessee is notified by the  
22 department of the malfunctioning or improperly discharging system.

23 (2) The property owner or lessee shall take adequate  
24 measures as soon as practicable to abate an immediate health  
25 hazard.

26 (3) The board may assess the property owner or lessee of an  
27 individual on-site wastewater disposal system a civil penalty not  
28 to exceed Twenty Dollars (\$20.00) for each day that the \* \* \*  
29 system remains unrepaired after the thirty-day period specified in  
30 subsection (1) of this section.

31           (4) The board may assess the property owner or lessee of an  
32 individual on-site wastewater disposal system authorized under  
33 Section 41-67-3(4) a civil penalty not to exceed Fifty Dollars  
34 (\$50.00) for each day the system fails to meet the performance  
35 standards of that system after the thirty-day period specified in  
36 subsection (1) of this section.

37           (5) All penalties collected by the board under this section  
38 shall be deposited in the State General Fund.

39           (6) Appeals from the imposition of civil penalty under this  
40 section may be taken as provided in Section 41-67-29.

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