

By: Representative Roberson

To: Public Health and Human Services

HOUSE BILL NO. 522

1 AN ACT TO REENACT SECTIONS 41-67-1 THROUGH 41-67-7, 41-67-9  
 2 THROUGH 41-67-12, 41-67-15, 41-67-19 THROUGH 41-67-29, 41-67-33  
 3 AND 41-67-37 THROUGH 41-67-41, MISSISSIPPI CODE OF 1972, WHICH ARE  
 4 THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM LAW;  
 5 TO AMEND REENACTED SECTION 41-67-33, MISSISSIPPI CODE OF 1972, TO  
 6 CORRECT A GRAMMATICAL ERROR; TO AMEND SECTION 41-67-31,  
 7 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON  
 8 THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM LAW;  
 9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 41-67-1, Mississippi Code of 1972, is  
 12 reenacted as follows:

13 41-67-1. (1) This chapter shall be known and may be cited  
 14 as the "Mississippi Individual On-Site Wastewater Disposal System  
 15 Law."

16 (2) It is the purpose of the Legislature through this  
 17 chapter to protect human health and the environment while  
 18 providing for reasonable use of individual on-site wastewater  
 19 disposal systems. The Legislature finds that continued  
 20 installation and operation of individual on-site wastewater  
 21 disposal systems in a faulty or improper manner, in a manner that



22 lacks essential maintenance for the system, or in areas where  
23 unsuitable soil and population density adversely affect the  
24 efficiency and functioning of these systems, has a detrimental  
25 effect on the public health and welfare and the environment  
26 through contamination of land, groundwater and surface waters.  
27 The Legislature, therefore, expresses a general preference for the  
28 installation and operation of centralized wastewater treatment  
29 systems in Mississippi, where feasible. The Legislature  
30 recognizes, however, that individual on-site wastewater treatment  
31 and disposal systems help meet the needs of the state's citizens,  
32 especially in rural locations, and can be rendered ecologically  
33 safe and protective of the public health if the systems are  
34 designed, installed, constructed, maintained and operated  
35 properly. It is the intent of the Legislature to allow the  
36 continued installation, use and maintenance of individual on-site  
37 wastewater disposal systems in a manner that will not jeopardize  
38 public health and welfare or the environment.

39       **SECTION 2.** Section 41-67-2, Mississippi Code of 1972, is  
40 reenacted as follows:

41       41-67-2. For purposes of this chapter, the following words  
42 shall have the meanings ascribed herein unless the context clearly  
43 indicates otherwise:

44           (a) "Advanced treatment system" means an individual  
45 on-site wastewater treatment system that complies with Section  
46 41-67-10.



47 (b) "Board" means the Mississippi State Board of  
48 Health.

49 (c) "Centralized wastewater treatment system" means a  
50 wastewater collection and treatment system that consists of  
51 collection sewers and a centralized treatment facility other than  
52 an individual on-site wastewater disposal system.

53 (d) "Certified installer" means any person who has met  
54 the requirements of Section 41-67-25.

55 (e) "Certified manufacturer" means any person  
56 registered with the department who holds a written certification  
57 issued by the department allowing the manufacturer to sell on-site  
58 wastewater products in the state.

59 (f) "Certified professional evaluator" means any person  
60 who has met the requirements of Section 41-67-37 or a licensed  
61 professional engineer.

62 (g) "Certified pumper" means any person registered with  
63 the department who holds a written certification issued by the  
64 department allowing the person to engage in the removal and  
65 disposal of sludge, grease and waste and who has met the  
66 requirements of Section 41-67-39.

67 (h) "Cluster system" means a wastewater collection and  
68 treatment system under some form of common or private ownership  
69 and management that provides treatment and dispersal/discharge of  
70 wastewater from two (2) or more homes or buildings but less than a  
71 subdivision.



72 (i) "Conventional system" means an individual on-site  
73 wastewater disposal system consisting of a septic tank and  
74 subsurface disposal field.

75 (j) "Department" means the Mississippi State Department  
76 of Health.

77 (k) "Decentralized wastewater treatment system" means  
78 any commercial wastewater treatment for fewer than ten (10) lots.

79 (l) "Effluent" means sewage, water, or other liquid,  
80 partially or completely treated or in its natural state, flowing  
81 out of a septic tank, advanced treatment system, or other  
82 treatment system or system component by the department.

83 (m) "Final approval" means an issuance of a document  
84 from the department stating that a determination has been made by  
85 the department that the individual on-site wastewater disposal  
86 system recommended/designed has been installed and fulfills all  
87 requirements under this chapter or any variance that has been  
88 granted by the department.

89 (n) "Generator" means any person whose act or process  
90 produces sewage or other material suitable for disposal in an  
91 individual on-site wastewater disposal system.

92 (o) "Individual on-site wastewater disposal system"  
93 means a sewage treatment and effluent disposal system that does  
94 not discharge into waters of the state, that serves only one (1)  
95 legal tract, that accepts only residential waste and similar waste  
96 streams maintained on the property of the generator, and that is



97 designed and installed in accordance with this law and regulations  
98 of the board.

99 (p) "Notice of intent" means notification by an  
100 applicant to the department prior to construction and submission  
101 of all required information, which is used by the department to  
102 initiate the process to evaluate the property for the suitability  
103 of an individual on-site wastewater disposal system.

104 (q) "Performance-based system" means an individual  
105 on-site wastewater disposal system designed to meet standards  
106 established to designate a level of treatment of wastewater that  
107 an individual on-site wastewater disposal system must meet,  
108 including, but not limited to, biochemical oxygen demand, total  
109 suspended solids, nutrient reduction and fecal coliform.

110 (r) "Permit/recommendation" means that a person has  
111 filed a notice of intent with the department and the department  
112 has made a determination of the suitability of the property for  
113 the use of an individual on-site wastewater disposal system.

114 (s) "Person" means any individual, trust, firm,  
115 joint-stock company, public or private corporation (including a  
116 government corporation), partnership, association, state, or any  
117 agency or institution thereof, municipality, commission, political  
118 subdivision of a state or any interstate body, and includes any  
119 officer or governing or managing body of any municipality,  
120 political subdivision, or the United States or any officer or  
121 employee thereof.



122           (t) "Plot plan" means a property drawing reflecting  
123 property lines, site features (such as ponds, wells, etc.),  
124 dwellings and any other intended uses of the property therein  
125 including encumbrances.

126           (u) "Property of the generator" means land owned by or  
127 under permanent legal easement or lease to the generator.

128           (v) "Qualified homeowner maintenance provider" means  
129 the current owner of a specific residence where that homeowner  
130 resides and where the homeowner has met the requirements of the  
131 rules and regulations of the department to provide maintenance for  
132 his or her system.

133           (w) "Licensed professional engineer" means any person  
134 who has met the requirements under Section 73-13-23(1) and who has  
135 been issued a certificate of registration as a professional  
136 engineer.

137           (x) "Septage" means the liquid, solid, and semisolid  
138 material that results from wastewater pretreatment in a septic  
139 tank, portable toilet, or grease trap, which must be pumped,  
140 hauled, treated and disposed of properly.

141           (y) "Subdivision" means any tract or combination of  
142 adjacent tracts of land that is subdivided into ten (10) or more  
143 tracts, sites or parcels for the purpose of commercial or  
144 residential development.

145           **SECTION 3.** Section 41-67-3, Mississippi Code of 1972, is  
146 reenacted as follows:



147           41-67-3. (1) The board and/or the department shall have the  
148 following duties and responsibilities:

149           (a) To exercise general supervision over the design,  
150 installation, operation and maintenance of individual on-site  
151 wastewater disposal systems, decentralized wastewater treatment  
152 systems and cluster systems;

153           (b) To adopt, modify, repeal and promulgate rules and  
154 regulations, after due notice and hearing, and where not otherwise  
155 prohibited by federal or state law, to make exceptions to, to  
156 grant exemptions from and to enforce rules and regulations  
157 implementing or effectuating the duties of the board under this  
158 chapter to protect the public health. The board may grant  
159 variances from rules and regulations adopted under this chapter,  
160 including requirements for buffer zones, or from setbacks required  
161 under Section 41-67-7 where the granting of a variance shall not  
162 subject the public to unreasonable health risks or jeopardize  
163 environmental resources;

164           (c) To provide or deny certification for persons  
165 engaging in the business for hire of the installation, operation  
166 or maintenance of individual on-site wastewater disposal systems  
167 and persons engaging in the removal and disposal of the sludge and  
168 liquid waste from those systems;

169           (d) To suspend or revoke certifications issued to  
170 persons engaging in the business for hire of the installation,  
171 operation or maintenance of individual on-site wastewater disposal



172 systems or persons engaging in the removal and disposal of the  
173 sludge and liquid waste from those systems, when it is determined  
174 the person has violated this chapter or applicable rules and  
175 regulations;

176 (e) To require the submission of information deemed  
177 necessary by the department to determine the suitability of  
178 individual lots for individual on-site wastewater disposal systems  
179 for the purpose of commercial or residential development; and

180 (f) To adopt, modify, repeal and promulgate rules and  
181 regulations, after due notice and hearing, and where not otherwise  
182 prohibited by federal or state law, as necessary to determine the  
183 suitability of individual on-site wastewater disposal systems in  
184 subdivisions.

185 (2) To assure the effective and efficient administration of  
186 this chapter, the board shall adopt rules governing the design,  
187 construction or installation, operation and maintenance of  
188 individual on-site wastewater disposal systems, including rules  
189 concerning the:

190 (a) Review and approval of individual on-site  
191 wastewater disposal systems in accordance with Section 41-67-6;

192 (b) Certification of installers;

193 (c) Certification of pumpers;

194 (d) Certification of manufacturers;

195 (e) Certification of professional evaluators; and





196 (f) Creation of regulations that authorize the original  
197 and any subsequent homeowner to be trained by certified installers  
198 as defined in Section 41-67-25(2) or other factory representatives  
199 in order to educate the homeowner with the necessary knowledge to  
200 provide maintenance to the homeowner's system; no fees shall be  
201 charged to the homeowner for such training, thus allowing the  
202 homeowner to meet the requirements of Section 41-67-7(5).

203 (3) In addition, the board shall adopt rules establishing  
204 performance standards for individual on-site wastewater disposal  
205 systems for single family residential generators and rules  
206 concerning the operation and maintenance of individual on-site  
207 wastewater disposal systems designed to meet those standards. The  
208 performance standards shall be consistent with the federal Clean  
209 Water Act, maintaining the wastes on the property of the generator  
210 and protection of the public health. Rules for the operation and  
211 maintenance of individual on-site wastewater disposal systems  
212 designed to meet performance standards shall include rules  
213 concerning the following:

214 (a) A standard application form and requirements for  
215 supporting documentation;

216 (b) Application review;

217 (c) Approval or denial of authorization for proposed  
218 systems;

219 (d) Requirements, as deemed appropriate by the board,  
220 for annual renewal of authorization;



221 (e) Enforcement of the requirements and conditions of  
222 authorization; and

223 (f) Inspection, monitoring, sampling and reporting on  
224 the performance of the system.

225 Any system proposed for authorization in accordance with  
226 performance standards must be designed and certified by a licensed  
227 professional engineer in the State of Mississippi and must be  
228 authorized by the department before installation.

229 (4) To the extent practicable, all rules and regulations  
230 adopted under this chapter shall give maximum flexibility to  
231 persons installing individual on-site wastewater disposal systems  
232 and all options consistent with the federal Clean Water Act,  
233 consistent with maintaining the wastes on the property of the  
234 generator and consistent with protection of the public health. In  
235 addition, all rules and regulations, to the extent practicable,  
236 shall encourage the use of economically feasible systems,  
237 including all techniques and technologies for individual on-site  
238 wastewater disposal.

239 (5) All regulations shall be applied uniformly in all areas  
240 of the state and shall take into consideration and make provision  
241 for different types of soil in the state when performing soil and  
242 site evaluations.

243 **SECTION 4.** Section 41-67-4, Mississippi Code of 1972, is  
244 reenacted as follows:



245           41-67-4. (1) The department shall determine the feasibility  
246 of establishing centralized wastewater treatment systems upon the  
247 submission by the developer of a preliminary design and  
248 feasibility study prepared by a licensed professional engineer.  
249 The developer may request and obtain a hearing before the board if  
250 the developer is dissatisfied with the department's determination  
251 of feasibility. The determination that a centralized wastewater  
252 treatment system must be established shall be made without regard  
253 to whether the establishment of a centralized wastewater treatment  
254 system is authorized by law or is subject to approval by one or  
255 more state or local government or public bodies. Whenever a  
256 developer requests a determination of feasibility, the department  
257 must make the determination within thirty (30) days after receipt  
258 of the preliminary design and feasibility study from the  
259 developer. The department shall state in writing the reasons for  
260 its determination. If the department does not make a  
261 determination within thirty (30) days, all sites within the  
262 subdivision shall be approved, if a certified installer attests or  
263 a department environmentalist determines that each site can be  
264 adequately served by an individual on-site wastewater disposal  
265 system.

266           (2) Where subdivisions are proposed that are composed of  
267 fewer than thirty-five (35) building sites, and no centralized  
268 wastewater treatment system is available, the department may waive  
269 the requirement for a feasibility study. If the feasibility study



270 is waived, all sites within the subdivision shall be approved, if  
271 a certified installer attests or a department environmentalist  
272 determines that each site can be adequately served by an  
273 individual on-site wastewater disposal system.

274 (3) No feasibility study or centralized wastewater treatment  
275 system shall be required for subdivisions designed, laid out,  
276 platted or partially constructed before July 1, 1988, or for any  
277 subdivision that was platted and recorded during the period from  
278 July 1, 1995, through June 30, 1996.

279 (4) "Feasibility study" means a written evaluation and  
280 analysis of the potential of a proposed project that is based on  
281 investigation and research by a licensed professional engineer to  
282 give cost comparison between centralized or decentralized  
283 treatment and disposal and individual on-site wastewater disposal  
284 systems.

285 **SECTION 5.** Section 41-67-5, Mississippi Code of 1972, is  
286 reenacted as follows:

287 41-67-5. (1) No owner, lessee or developer shall construct  
288 or place any mobile, modular or permanently constructed residence,  
289 building or facility, which may require the installation of an  
290 individual on-site wastewater disposal system, without having  
291 first submitted a notice of intent to the department. Upon  
292 receipt of a notice of intent, the department shall provide the  
293 owner, lessee or developer with complete information on individual  
294 on-site wastewater disposal systems, including, but not limited



295 to, applicable rules and regulations regarding the design,  
296 installation, operation and maintenance of individual on-site  
297 wastewater disposal systems and known requirements of lending  
298 institutions for approval of the systems.

299 (2) No public utility supplying water shall make connection  
300 to any dwelling, house, mobile home or residence without the prior  
301 written approval of the department certifying that the plan for  
302 the sewage treatment and disposal system at the location of the  
303 property complies with this chapter. Connections of water  
304 utilities may be made during construction if the department has  
305 approved a plan for a sewage treatment and disposal system and the  
306 owner of the property has agreed to have the system inspected and  
307 approved by the department before the use or occupancy of the  
308 property.

309 (3) The department shall furnish to the county tax assessor  
310 or collector, upon request, the name and address of the person  
311 submitting a notice of intent and the section, township and range  
312 of the lot or tract of land on which the individual on-site  
313 wastewater disposal system will be installed.

314 **SECTION 6.** Section 41-67-6, Mississippi Code of 1972, is  
315 reenacted as follows:

316 41-67-6. (1) Nothing in this chapter shall preclude a  
317 certified professional evaluator or licensed professional engineer  
318 from providing services relating to the design of an individual  
319 on-site wastewater disposal system to comply with this chapter,



320 except for performance-based systems as specified in Section  
321 41-67-3(3). A certified professional evaluator or licensed  
322 professional engineer shall notify the department in writing of  
323 those services being provided, including the type of treatment,  
324 the type of disposal, and the property address for the treatment  
325 and disposal system. Construction or installation shall not begin  
326 before authorization by the department. The department shall  
327 respond within ten (10) business days with authorization that the  
328 certified professional evaluator or licensed professional engineer  
329 fulfills the requirements of the law.

330 (2) Within five (5) working days following receipt of the  
331 notice of intent and plot plan by an owner, lessee or developer of  
332 any lot or tract of land, the department shall conduct a soil and  
333 site evaluation, except in cases where a certified professional  
334 evaluator or licensed professional engineer provides services  
335 relating to the design, construction or installation of an  
336 individual on-site wastewater disposal system to comply with this  
337 chapter. All regulations shall be applied uniformly in all areas  
338 of the state and shall take into consideration and make provision  
339 for different types of soil in the state when performing soil and  
340 site evaluations. Within ten (10) additional working days, the  
341 department shall make recommendations to the owner, lessee or  
342 developer of the type or types of individual on-site wastewater  
343 disposal systems suitable for installation on the lot or tract,  
344 unless there are conditions requiring further investigation that



345 are revealed in the initial evaluation. In making recommendations  
346 on the type or types of individual on-site wastewater disposal  
347 systems suitable for installation on a lot or tract, personnel of  
348 the department shall use best professional judgment based on rules  
349 and regulations adopted by the board, considering the type or  
350 types of systems which are installed and functioning on lots or  
351 tracts near the subject lot or tract. To the extent practicable,  
352 the recommendations shall give the owner, lessee or developer  
353 maximum flexibility and all options consistent with the federal  
354 Clean Water Act, consistent with maintaining the wastes on the  
355 property of the generator and consistent with protection of the  
356 public health. The system or systems recommended shall be  
357 environmentally sound and cost-effective. The department, a  
358 licensed professional engineer or a certified professional  
359 evaluator shall provide complete information, including all  
360 applicable requirements and regulations on all systems  
361 recommended. The owner, lessee or developer shall have the right  
362 to choose among systems. The department shall provide the owner,  
363 lessee or developer with a permit/recommendation that specifies  
364 all types of individual on-site wastewater disposal systems that  
365 are suitable for installation on the lot or tract.

366 (3) Within thirty (30) days of receipt of a request for  
367 determination of suitability of individual on-site wastewater  
368 disposal systems in a subdivision, the department shall advise the  
369 developer in writing either that all necessary information needed



370 for determination of suitability has been received or state the  
371 additional information needed by the department for determination  
372 of suitability.

373 (4) Whenever a developer requests a determination of  
374 suitability of individual on-site wastewater disposal systems in a  
375 subdivision, the department must make the determination within  
376 thirty (30) days after receipt of all necessary information needed  
377 for the determination of suitability from the developer. The  
378 department shall state in writing the reasons for its  
379 determination.

380 (5) (a) The certified installer shall notify the department  
381 at least twenty-four (24) hours before beginning installation of  
382 an individual on-site wastewater disposal system and, at that  
383 time, schedule a time for inspection of the system with the  
384 appropriate county department of health.

385 (b) A certified installer, or designated agent thereof,  
386 shall not cover his work with soil or other surface material  
387 unless the installer has received authorization to cover the  
388 system after an inspection by a department environmentalist, or  
389 unless a department environmentalist does not arrive for  
390 inspection within thirty (30) minutes of the designated and agreed  
391 upon time, in which case a certified installer, or designated  
392 agent thereof, may submit an affidavit of proper installation to  
393 the department for final approval.





394 (6) A person may not design, construct or install, or cause  
395 to be designed, constructed or installed an individual on-site  
396 wastewater disposal system that does not comply with this chapter  
397 and rules and regulations of the board.

398 (7) Any lot or tract that is two (2) acres or larger shall  
399 be exempt from the requirements of this chapter and regulations of  
400 the department relating to approval of individual on-site  
401 wastewater disposal systems by the department, and shall be exempt  
402 from the provisions of Section 41-67-5(2), provided that:

403 (a) All wastewater is contained on the lot or tract;

404 (b) No watercourse, as defined in Section 51-3-3(h), of  
405 Mississippi or the United States is impacted; and

406 (c) The person who installed the individual on-site  
407 wastewater disposal system provides the department with a signed  
408 affidavit attesting that the requirements of paragraphs (a) and  
409 (b) are met.

410 **SECTION 7.** Section 41-67-7, Mississippi Code of 1972, is  
411 reenacted as follows:

412 41-67-7. (1) Approval of the design, construction or  
413 installation of an individual on-site wastewater disposal system  
414 by the department is required, except as otherwise provided in  
415 Section 41-67-6(7). Upon completion of installation of the  
416 system, the department shall approve the design, construction or  
417 installation of that system, as requested, if the system is  
418 designed, constructed and installed, as the case may be, in



419 accordance with the rules and regulations of the board. Whenever  
420 a person requests approval of an individual on-site wastewater  
421 disposal system and has met the requirements in subsection (3) of  
422 this section, the department must approve or disapprove the  
423 request within five (5) working days. If the department  
424 disapproves the request, the department shall state in writing the  
425 reasons for the disapproval. If the department does not respond  
426 to the request within ten (10) calendar days, the request for  
427 approval of the individual on-site wastewater disposal system  
428 shall be deemed approved.

429 (2) Individual on-site wastewater disposal systems shall be  
430 considered acceptable, provided the following requirements are  
431 met:

432 (a) Centralized wastewater treatment systems are not  
433 available or feasible;

434 (b) The existing disposal systems in the area are  
435 functioning satisfactorily;

436 (c) Soil types, soil texture, seasonal water tables and  
437 other limiting factors are satisfactory for underground  
438 absorption;

439 (d) Any private water supply is located at a higher  
440 elevation or it must be properly protected, and at least fifty  
441 (50) feet from the individual on-site wastewater disposal system  
442 and at least one hundred (100) feet from the disposal field of the  
443 system; and



444 (e) The systems meet applicable water quality  
445 requirements of Section 41-67-10.

446 (3) After construction or installation of the individual  
447 on-site wastewater disposal system, the property owner or his  
448 agent shall provide a final approval request containing the  
449 following to the department:

450 (a) A signed affidavit from the installer that the  
451 system was installed in compliance with all requirements,  
452 regulations and permit conditions applicable to the system  
453 installed; and

454 (b) For any advanced treatment system, an affidavit  
455 from the property owner agreeing to a continuing maintenance  
456 agreement on the installed system at the end of the required  
457 manufacturer's maintenance agreement.

458 (4) If any person or certified installer fails to obtain  
459 final approval or submit an affidavit of proper installation to  
460 the department in the installation of the system, the board, after  
461 due notice and hearing, may levy an administrative fine not to  
462 exceed Ten Thousand Dollars (\$10,000.00). Each wastewater system  
463 installed not in compliance with this chapter or applicable rules  
464 and regulations of the board may be considered a separate offense.

465 (5) The property owner, if not a qualified homeowner  
466 maintenance provider, shall keep a continuing maintenance  
467 agreement with a certified installer on all advanced treatment  
468 systems in perpetuity. Any person violating this subsection shall



469 be subject to the penalties and damages as provided in Section  
470 41-67-28(5).

471 **SECTION 8.** Section 41-67-9, Mississippi Code of 1972, is  
472 reenacted as follows:

473 41-67-9. (1) All existing individual on-site wastewater  
474 disposal systems on July 1, 2014, shall be grandfathered in until  
475 a valid complaint is registered with a county department of health  
476 or until a property owner requests an inspection by the  
477 department.

478 (2) All existing individual on-site wastewater disposal  
479 systems shall be considered acceptable provided the following  
480 requirements are met:

481 (a) The existing individual on-site wastewater disposal  
482 system and all treated effluent is contained on the property of  
483 the generator;

484 (b) No evidence that any insufficiently treated  
485 effluent is leaving the property of the generator or has been  
486 seeping to the surface of the ground;

487 (c) Centralized wastewater treatment systems are not  
488 available;

489 (d) If a private water supply well is present, the well  
490 should be located at a higher elevation than the disposal system  
491 and is protected from surface contamination by a concrete slab of  
492 a thickness of at least four (4) inches extending at least two (2)  
493 feet in all directions from the well casing; and



494 (e) If an advanced treatment system is used, the  
495 property owner shall be required to contact an authorized  
496 representative of a certified manufacturer of the specific  
497 advanced treatment system to provide a continuous maintenance  
498 agreement or provide the property owner training to become a  
499 qualified homeowner maintenance provider.

500 (3) Owners of property on which an existing individual  
501 on-site wastewater disposal system does not meet the requirements  
502 of subsection (2) of this section shall be required by the  
503 department to meet Section 41-67-6 or Section 41-67-21.

504 **SECTION 9.** Section 41-67-10, Mississippi Code of 1972, is  
505 reenacted as follows:

506 41-67-10. (1) Advanced treatment systems may be installed  
507 only if they have been tested and are listed by an American  
508 National Standards Institute (ANSI) third-party certifying program  
509 at the time of installation. Advanced treatment systems shall be  
510 in compliance with standards for a Class I system as defined by  
511 the most current revision of American National Standards  
512 Institute/National Sanitation Foundation (ANSI/NSF) International  
513 Standard Number 40, which are incorporated by reference. An  
514 approved ANSI third-party certifying program shall comply with the  
515 following provisions for systems which it has certified to be  
516 installed in Mississippi:

517 (a) Be accredited by the American National Standards  
518 Institute;



519           (b) Have established procedures which send  
520 representatives to distributors in Mississippi on a recurring  
521 basis to conduct evaluations to assure that distributors of  
522 certified advanced treatment systems are providing proper  
523 maintenance, have sufficient replacement parts available and are  
524 maintaining service records;

525           (c) Notify the department of the results of monitoring  
526 visits to manufacturers and distributors within sixty (60) days of  
527 the conclusion of the monitoring; and

528           (d) Submit completion reports on testing and any other  
529 information as the department may require for its review.

530           (2) All manufacturers of advanced treatment systems  
531 certified in Mississippi shall provide technical training staff to  
532 the department as needed.

533           **SECTION 10.** Section 41-67-11, Mississippi Code of 1972, is  
534 reenacted as follows:

535           41-67-11. (1) Individual on-site wastewater disposal  
536 systems may be approved in an area where individual on-site  
537 wastewater disposal systems otherwise would not be approved  
538 because of the availability or feasibility of connection to a  
539 centralized wastewater treatment system only after a contract has  
540 been awarded or other definite commitments as are deemed  
541 sufficient to the department are formalized for the construction  
542 of a centralized wastewater treatment system that upon completion  
543 will adequately serve the property. Individual on-site wastewater



544 disposal systems shall only be approved when the centralized  
545 wastewater treatment system will be completed and available for  
546 use within thirty-six (36) months. The department may approve the  
547 installation of a system under these circumstances only if the  
548 system will comply with the requirements of Section 41-67-5(1) and  
549 comply with all construction requirements of the department. The  
550 system may be installed only after the developer has signed a  
551 written agreement with the centralized wastewater treatment  
552 provider stating that the developer will connect to the  
553 centralized wastewater treatment system when it becomes available,  
554 and the provider of the centralized wastewater treatment system  
555 being constructed certifies that the centralized wastewater  
556 treatment system will have adequate capacity to accept the sewage  
557 to be produced by the individual on-site wastewater disposal  
558 systems. The developer shall install an internal sewage  
559 collection system from each lot to the connection point to the  
560 centralized wastewater treatment system as he develops the streets  
561 of the subdivision. Upon completion of the construction of the  
562 centralized wastewater treatment system, all individual on-site  
563 wastewater disposal systems shall be abandoned and all residences,  
564 buildings or facilities connected to the centralized wastewater  
565 treatment system.

566 (2) The department may approve the use of a sewage holding  
567 tank for the purpose of providing sewage services. The department  
568 shall require the proper abandonment and removal of the sewage



569 holding tank and connection to a centralized wastewater treatment  
570 system when that system is available, or the usage is no longer  
571 needed.

572         **SECTION 11.** Section 41-67-12, Mississippi Code of 1972, is  
573 reenacted as follows:

574             41-67-12. (1) The department shall assess fees in the  
575 following amounts for the following purposes:

576                     (a) A fee of One Hundred Dollars (\$100.00) shall be  
577 levied for soil and site evaluation and recommendation of  
578 individual on-site wastewater disposal systems. The department  
579 may increase the amount of the fee authorized in this paragraph  
580 (a) not more than two (2) times during the period from July 1,  
581 2016, through June 30, 2020, with the percentage of each increase  
582 being not more than five percent (5%) of the amount of the fee in  
583 effect at the time of the increase.

584                     (b) A fee of One Hundred Fifty Dollars (\$150.00) shall  
585 be levied once every three (3) years for the certification of  
586 installers and pumpers.

587                     (c) A fee of Three Hundred Dollars (\$300.00) shall be  
588 levied once every three (3) years for the registration of  
589 manufacturers.

590             Any increase in the fee charged by the department under  
591 paragraph (b) or (c) of this subsection shall be in accordance  
592 with the provisions of Section 41-3-65.





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

598           (3) No fee authorized under this section shall be assessed  
599 by the department for state agencies or institutions, including,  
600 without limitation, foster homes licensed by the Mississippi  
601 Department of Human Services.

602           **SECTION 12.** Section 41-67-15, Mississippi Code of 1972, is  
603 reenacted as follows:

604           41-67-15. Nothing in this chapter shall limit the authority  
605 of a municipality or board of supervisors to adopt similar  
606 ordinances which may be, in whole or in part, more restrictive  
607 than this chapter, and in those cases the more restrictive  
608 ordinances will govern. The department shall not approve any  
609 system that does not comply with an ordinance adopted by a  
610 municipality or board of supervisors under the authority of this  
611 section.

612           **SECTION 13.** Section 41-67-19, Mississippi Code of 1972, is  
613 reenacted as follows:

614           41-67-19. Each authorized agent of the department  
615 implementing this chapter shall demonstrate to the department's  
616 satisfaction that the person:



617 (a) Is competent to review and provide any requested  
618 approval of design and installation of individual on-site  
619 wastewater disposal systems, as well as the operation, repair or  
620 maintenance of those systems, to make soil permeability tests or  
621 soil and site evaluations, and to conduct inspections of  
622 individual on-site wastewater disposal systems in accordance with  
623 this chapter and rules and regulations adopted under this chapter;  
624 and

625 (b) Has successfully completed the department's  
626 certification training program.

627 **SECTION 14.** Section 41-67-21, Mississippi Code of 1972, is  
628 reenacted as follows:

629 41-67-21. (1) The department shall require a property owner  
630 and/or lessee to repair a malfunctioning individual on-site  
631 wastewater disposal system on the owner's or lessee's property  
632 before the thirtieth day after the date on which the owner or  
633 lessee is notified by the department of the malfunctioning system.

634 (2) The property owner and/or lessee shall take adequate  
635 measures as soon as practicable to abate an immediate health  
636 hazard.

637 (3) If an existing residential individual on-site wastewater  
638 disposal system is malfunctioning, the system shall be repaired to  
639 reduce the volume of effluent, to adequately treat the effluent  
640 and to the greatest extent possible, to confine the discharge to  
641 the property of the generator. If repairs are made to



642 significantly upgrade the existing individual on-site wastewater  
643 disposal system, the department shall approve the system, if  
644 requested.

645 (4) The property owner or lessee may be assessed a civil  
646 penalty not to exceed Five Dollars (\$5.00) for each day the  
647 individual on-site wastewater disposal system remains unrepaired  
648 after the thirty-day period specified in subsection (1) of this  
649 section.

650 (5) The board may assess the property owner or lessee of an  
651 individual on-site wastewater disposal system authorized under  
652 Section 41-67-3(3) a civil penalty not to exceed Five Dollars  
653 (\$5.00) for each day the system fails to meet the performance  
654 standards of that system after the thirty-day period specified in  
655 subsection (1) of this section.

656 (6) All penalties collected by the board under this section  
657 shall be deposited in the State General Fund.

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

660 **SECTION 15.** Section 41-67-23, Mississippi Code of 1972, is  
661 reenacted as follows:

662 41-67-23. The department or its authorized representative  
663 may enter onto property and make inspections of any individual  
664 on-site wastewater disposal system as necessary to ensure that the  
665 system is in compliance with this chapter and the rules and  
666 regulations adopted under this chapter. The department shall give



667 reasonable notice to any property owner, lessee or occupant prior  
668 to entry onto the property. The owner, lessee, owner's  
669 representative, or occupant of the property on which the system is  
670 located shall give the department or its authorized representative  
671 reasonable access to the property at reasonable times to make  
672 necessary inspections.

673 **SECTION 16.** Section 41-67-25, Mississippi Code of 1972, is  
674 reenacted as follows:

675 41-67-25. (1) A person may not operate as an installer of  
676 individual on-site wastewater disposal systems unless that person  
677 is currently certified by the department. A person who installs  
678 an individual on-site wastewater disposal system on his own  
679 property for his primary residence is not considered an installer  
680 for purposes of this subsection.

681 (2) An installer of advanced treatment systems or products  
682 must be a factory-trained and authorized representative. The  
683 manufacturer must furnish documentation to the department  
684 certifying the satisfactory completion of factory training and the  
685 establishment of the installer as an authorized manufacturer's  
686 representative.

687 (3) The department shall issue a certification to an  
688 installer if the installer:

689 (a) Completes an application form that complies with  
690 this chapter and rules and regulations adopted by the board;



691 (b) Satisfactorily completes the training program for  
692 installation and maintenance provided by the department;

693 (c) Pays the certification fee once every three (3)  
694 years, which shall be an amount not greater than One Hundred Fifty  
695 Dollars (\$150.00); any increase in the fee charged by the  
696 department under this paragraph shall be in accordance with the  
697 provisions of Section 41-3-65; and

698 (d) Provides proof of having a valid general business  
699 liability insurance policy in effect with liability limits of at  
700 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at  
701 least One Hundred Thousand Dollars (\$100,000.00) in total  
702 aggregate amount.

703 (4) Each installer shall furnish proof of certification to a  
704 property owner, lessee, the owner's representative or occupant of  
705 the property on which an individual on-site wastewater disposal  
706 system is to be designed, constructed, repaired or installed by  
707 that installer and to the department or its authorized  
708 representative, if requested.

709 (5) The department shall provide for renewal of  
710 certifications once every three (3) years.

711 (6) (a) An installer's certification may be suspended or  
712 revoked by the department after notice and hearing if the  
713 installer violates this chapter or any rule or regulation adopted  
714 under this chapter.



715 (b) The installer may appeal a suspension or revocation  
716 under this section as provided by law.

717 (7) The department shall disseminate to the public an  
718 official list of certified installers.

719 (8) If any person is operating in the state as an installer  
720 without certification by the board, the board, after due notice  
721 and opportunity for a hearing, may impose a monetary penalty not  
722 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

723 (9) The department shall provide for renewal of installer  
724 certifications to be applied for at the local department offices.

725 **SECTION 17.** Section 41-67-27, Mississippi Code of 1972, is  
726 reenacted as follows:

727 41-67-27. A person may not operate a business in or do  
728 business in the State of Mississippi as a manufacturer of  
729 components used in an individual on-site wastewater disposal  
730 system without holding a valid manufacturer's registration issued  
731 by the department. If any person is operating in the state as a  
732 manufacturer without certification by the department, the  
733 department, after due notice and opportunity for a hearing, may  
734 impose a monetary penalty not to exceed Ten Thousand Dollars  
735 (\$10,000.00) for each violation.

736 **SECTION 18.** Section 41-67-28, Mississippi Code of 1972, is  
737 reenacted as follows:

738 41-67-28. (1) Except as otherwise provided in this chapter,  
739 any person who shall knowingly violate this chapter or any rule or



740 regulation or written order of the board in pursuance thereof is,  
741 upon conviction, guilty of a misdemeanor and shall be punished as  
742 provided in Section 41-3-59.

743 (2) Each day of a continuing violation is a separate  
744 violation.

745 (3) (a) In addition to all other statutory and common law  
746 rights, remedies and defenses, any person who purchases an  
747 individual on-site wastewater disposal system and suffers any  
748 ascertainable loss of money or property, real or personal, may  
749 bring an action at law in the court having jurisdiction in the  
750 county in which the installer or manufacturer has the principal  
751 place of business, where the act allegedly occurred, to recover  
752 any loss of money or damages for the loss of any property  
753 resulting from any of the following:

754 (i) Improper installation of an individual on-site  
755 wastewater disposal system due to faulty workmanship;

756 (ii) Failure of an individual on-site wastewater  
757 disposal system to operate properly due to failure to install the  
758 system in accordance with any requirements of the manufacturer or  
759 in compliance with any rules and regulations of the board; or

760 (iii) Failure of an individual on-site wastewater  
761 disposal system to operate properly due to installation.

762 (b) Nothing in this chapter shall be construed to  
763 permit any class action or suit, but every private action must be



764 maintained in the name of and for the sole use and benefit of the  
765 individual person.

766 (4) A person who violates this chapter thereby causing a  
767 discharge off the property of the generator shall be liable to the  
768 party aggrieved or damaged by that violation for the actual  
769 damages and additional punitive damages equal to a maximum of  
770 twenty-five percent (25%) of the actual damages proven by the  
771 aggrieved party, to be taxed by the court where the suit is heard  
772 on an original action, by appeal or otherwise and recovered by a  
773 suit at law in any court of competent jurisdiction. In addition,  
774 the court may award the prevailing party reasonable attorney's  
775 fees and court costs. Before filing suit, the party aggrieved or  
776 damaged must give thirty (30) days' written notice of its intent  
777 to file suit to the alleged violator.

778 (5) (a) Any person who violates Section 41-67-7(5) or  
779 41-67-11(2) may be assessed an administrative fine in the amount  
780 of Five Hundred Dollars (\$500.00) and the public water system may  
781 discontinue service to that property owner until the failure to  
782 comply with Section 41-67-7(5) or 41-67-11(2) has been corrected.

783 (b) All violators shall be given thirty (30) days'  
784 notice before any adverse action.

785 (c) Any violator shall have the right to appeal an  
786 adverse determination through the procedures set out in Section  
787 41-67-29.





788           **SECTION 19.** Section 41-67-29, Mississippi Code of 1972, is  
789 reenacted as follows:

790           41-67-29. Any person who is aggrieved by any final decision  
791 of the board may appeal that final decision to the chancery court  
792 of the county of the situs in whole or in part of the subject  
793 matter. The appellant shall give a cost bond with sufficient  
794 sureties, payable to the state in a sum to be fixed by the board  
795 or the court and to be filed with and approved by the clerk of the  
796 court. The aggrieved party may, within thirty (30) days following  
797 a final decision of the board, petition the chancery court for an  
798 appeal with supersedeas and the chancellor shall grant a hearing  
799 on the petition. Upon good cause shown the chancellor may grant  
800 the appeal with supersedeas. The appellant shall be required to  
801 post a bond with sufficient sureties according to law in an amount  
802 to be determined by the chancellor. The chancery court shall  
803 always be deemed open for hearing of appeals and the chancellor  
804 may hear the appeal in termtime or in vacation at any place in his  
805 district. The appeal shall have precedence over all civil cases,  
806 except election contests. The chancery court shall review all  
807 questions of law and of fact and may enter a final order or remand  
808 the matter to the board for appropriate action as may be indicated  
809 or necessary under the circumstances. Appeals may be taken from  
810 the chancery court to the Supreme Court in the manner as now  
811 required by law, but if a supersedeas is desired by the party  
812 appealing to the chancery court, that party may apply therefor to



813 the chancellor, who shall award a writ of supersedeas, without  
814 additional bond, if in the chancellor's judgment material damage  
815 is not likely to result. If material damage is likely to result,  
816 the chancellor shall require a supersedeas bond as deemed proper,  
817 which shall be liable to the state for any damage.

818 **SECTION 20.** Section 41-67-33, Mississippi Code of 1972, is  
819 reenacted and amended as follows:

820 41-67-33. (1) The department shall adopt and use procedures  
821 for conducting reviews requested by any person aggrieved by the  
822 disapproval or requirements for an on-site wastewater disposal  
823 system as provided by the department in written form under Section  
824 41-67-6. The procedures shall include that the person may request  
825 review by submitting a written request of review to the Director  
826 of the Office of Environmental Health. The request for review  
827 shall identify the matter contested and state the person's name,  
828 mailing address and home and daytime phone numbers. Within ten  
829 (10) business days of the receipt of the request for review, the  
830 department shall issue in writing a ruling and determination to  
831 the person and if any corrections are necessary to any form  
832 previously issued by the department, then new forms shall be  
833 submitted to the person.

834 (2) Property owners may apply for a variance from the  
835 department by submitting a report for a proposed system to the  
836 department from a licensed professional engineer that the proposed  
837 wastewater treatment system will properly treat and maintain



838 wastewater on the property and proof that the licensed  
839 professional engineer has errors and omissions insurance. The  
840 department shall grant the variance but still have authority for  
841 final approval to inspect that the system is installed as  
842 designed. All forms from the department relating to allowed  
843 wastewater systems shall include the variance option.

844 (3) Any person aggrieved by the ruling issued by the  
845 Director of the Office of Environmental Health may apply for a  
846 hearing. Any hearing shall be conducted by a hearing officer  
847 designated by the department. At the hearing, the hearing officer  
848 may conduct reasonable questioning of persons who make relevant  
849 factual allegations concerning the proposal. The hearing officer  
850 shall require that all persons be sworn in before they may offer  
851 any testimony at the hearing, and the hearing officer is  
852 authorized to administer oaths. Any person so choosing may be  
853 represented by counsel at the hearing. A record of the hearing  
854 shall be made, which shall consist of a transcript of all  
855 testimony received, all documents and other material introduced,  
856 the staff report and recommendation, and any other material as the  
857 hearing officer considers relevant. He shall make a  
858 recommendation within a reasonable period of time after the  
859 hearing is closed and after he has had an opportunity to review,  
860 study and analyze the evidence presented during the hearing. The  
861 completed record shall be certified to the State Health Officer,  
862 who shall consider only the record in making his decision, and



863 shall not consider any evidence or material that is not included.  
864 All final decisions regarding the disapproval or requirements for  
865 an on-site wastewater disposal system shall be made by the State  
866 Health Officer. The State Health Officer shall make his written  
867 findings and issue his order after reviewing the record, not to  
868 exceed thirty (30) days following his receipt of the record.

869 **SECTION 21.** Section 41-67-37, Mississippi Code of 1972, is  
870 reenacted as follows:

871 41-67-37. (1) A person may not operate as a certified  
872 professional evaluator in this state unless that person is  
873 currently certified by the department or is a licensed  
874 professional engineer.

875 (2) A person must meet one (1) of the following  
876 requirements, in addition to the additional requirements set forth  
877 in other sections of this chapter and rules and regulations of the  
878 board, in order to be eligible to become a certified professional  
879 evaluator:

880 (a) Be a professional geologist registered in the State  
881 of Mississippi;

882 (b) Be a professional soil classifier licensed in the  
883 State of Mississippi; or

884 (c) Be a person who possesses a demonstrable, adequate  
885 and appropriate record of professional experience and/or training  
886 as determined by the department.



887 (3) The department shall issue a certification to a  
888 certified professional evaluator if the certified professional  
889 evaluator:

890 (a) Completes an application form that complies with  
891 this chapter and rules adopted under this chapter;

892 (b) Satisfactorily completes the certified professional  
893 evaluator training program provided by the department;

894 (c) Pays the certification fee once every three (3)  
895 years; any increase in the fee charged by the department under  
896 this paragraph shall be in accordance with the provisions of  
897 Section 41-3-65; and

898 (d) Provides proof of having an errors and omissions  
899 policy or surety in effect with liability limits of at least Fifty  
900 Thousand Dollars (\$50,000.00) per occurrence and at least One  
901 Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

902 (4) Each certified professional evaluator shall furnish  
903 proof of certification to a property owner or the owner's  
904 representative of the property before performing a site evaluation  
905 of the property on which an individual on-site wastewater disposal  
906 system is to be designed, constructed, repaired or installed by  
907 the certified professional evaluator and to the department or its  
908 authorized representative, if requested.

909 (5) The department shall provide for renewal of  
910 certifications once every three (3) years.



911 (6) The department shall disseminate to the public an  
912 official list of certified professional evaluators.

913 (7) If any person who is not a licensed professional  
914 engineer operates in the state as a certified professional  
915 evaluator without certification by the department, the department,  
916 after due notice and opportunity for a hearing, may impose a  
917 monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00)  
918 for each violation.

919 **SECTION 22.** Section 41-67-39, Mississippi Code of 1972, is  
920 reenacted as follows:

921 41-67-39. (1) A person may not be engaged in the business  
922 of removing and disposing of the sludge and liquid waste (septage)  
923 from individual on-site wastewater disposal systems in this state  
924 unless that person has a valid certificate issued by the  
925 department.

926 (2) The department shall issue a certificate to a pumper if  
927 the pumper:

928 (a) Completes an application form that complies with  
929 this chapter and rules adopted under this chapter;

930 (b) Satisfactorily completes the certified pumper  
931 training program provided by the department;

932 (c) Satisfactorily complies with the requirements of  
933 his/her pumping and hauling equipment;



934 (d) Provides documentation of a disposal site approved  
935 by the Department of Environmental Quality, Office of Pollution  
936 Control;

937 (e) Pays the license fee once every three (3) years;  
938 any increase in the fee charged by the department under this  
939 paragraph shall be in accordance with the provisions of Section  
940 41-3-65; and

941 (f) Provides proof of having a valid general business  
942 liability insurance policy in effect with liability limits of at  
943 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at  
944 least One Hundred Thousand Dollars (\$100,000.00) in total  
945 aggregate amount.

946 (3) Each pumper or designated agent thereof, upon request,  
947 shall furnish proof of certification to an individual before  
948 entering a contract with that individual for the removing and  
949 disposing of the sludge and liquid waste (septage) from an  
950 individual on-site wastewater disposal system.

951 (4) The department shall disseminate to the public an  
952 official list of certified pumpers.

953 (5) If any person operates in the state as a certified  
954 pumper without a license by the board, the board, after due notice  
955 and opportunity for a hearing, may impose a monetary penalty not  
956 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

957 (6) The department may suspend or revoke a pumper  
958 certification if the pumper disposes of septage or other liquid



959 waste in an unpermitted or unapproved site and/or violates this  
960 chapter or rules and regulations under this chapter.

961 (7) A municipal wastewater treatment facility may make a  
962 site available for certified pumpers to dispose of septic or other  
963 liquid waste.

964 (8) The department shall provide for renewal of  
965 certifications once every three (3) years.

966 (9) The department must provide for renewal pumper  
967 certifications to be applied for at the local department offices.

968 **SECTION 23.** Section 41-67-41, Mississippi Code of 1972, is  
969 reenacted as follows:

970 41-67-41. (1) There is created the Wastewater Advisory  
971 Council for the purpose of advising the department regarding  
972 individual on-site wastewater disposal systems. The advisory  
973 council shall be composed of the following:

974 (a) One (1) appointee of the State Health Officer;

975 (b) One (1) appointee of the Chairman of the State  
976 Board of Health;

977 (c) One (1) appointee of the Chairman of the State  
978 Board of Health that represents a Mississippi Aerobic Treatment  
979 Unit (ATU) manufacturer;

980 (d) One (1) appointee of the Chairman of the State  
981 Board of Health that represents a certified installer;





982                   (e) One (1) appointee of the Chairman of the State  
983 Board of Health that represents a septic tank or aggregate  
984 disposal manufacturer;

985                   (f) One (1) appointee of the Executive Director of the  
986 Mississippi Department of Environmental Quality;

987                   (g) One (1) appointee of the Executive Director of the  
988 Office of Pollution Control;

989                   (h) One (1) appointee of the Executive Director of the  
990 Mississippi Soil and Water Conservation Commission;

991                   (i) One (1) appointee of the Director of the  
992 Mississippi State Board of Registered Professional Geologists;

993                   (j) One (1) appointee of the Chairman of the Department  
994 of the Mississippi State University School of Civil and  
995 Environmental Engineering Companies;

996                   (k) The federally appointed Mississippi State Soil  
997 Scientist, or his designee;

998                   (l) One (1) appointee of the Executive Director of the  
999 American Council of Engineering Companies;

1000                   (m) One (1) appointee of the Executive Director of the  
1001 Home Builders Association of Mississippi;

1002                   (n) One (1) appointee of the Executive Director of the  
1003 Mississippi Engineering Society;

1004                   (o) One (1) appointee of the Executive Director of the  
1005 Mississippi Manufactured Housing Association;



1006 (p) One (1) appointee of the Executive Director of the  
1007 Mississippi Rural Water Association;

1008 (q) One (1) appointee of the Executive Director of the  
1009 Mississippi Association of Supervisors;

1010 (r) One (1) appointee of the President of the  
1011 Mississippi Pumpers Association;

1012 (s) One (1) appointee of the President of the  
1013 Mississippi Water and Pollution Control Operators Association,  
1014 Inc.;

1015 (t) One (1) appointee of the Executive Director of the  
1016 Mississippi Association of Realtors; and

1017 (u) One (1) appointee of the Executive Director of the  
1018 Mississippi Municipal League.

1019 (2) The members of the advisory council shall elect a  
1020 chairman and vice chairman from its membership.

1021 (3) The terms of appointments for each member shall be for a  
1022 period of two (2) years.

1023 (4) The advisory council shall have quarterly meetings, with  
1024 at least one (1) of those meetings taking place between forty-five  
1025 (45) and sixty (60) days before the meeting of the board.

1026 (5) The department shall staff all advisory council meetings  
1027 and record minutes of those meetings.

1028 **SECTION 24.** Section 41-67-31, Mississippi Code of 1972, is  
1029 amended as follows:



1030 41-67-31. Sections 41-67-1 through 41-67-29 and Sections  
1031 41-67-33 through 41-67-41 shall stand repealed on July 1, \* \* \*  
1032 2026.

1033 **SECTION 25.** This act shall take effect and be in force from  
1034 and after July 1, 2023.

