

By: Dearing

To: Economic Dev, Tourism
and Parks

SENATE BILL NO. 2896
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 43-35-504, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REPEALER ON THE AUTHORITY OF THE EXECUTIVE DIRECTOR
3 OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO
4 WITHHOLD COMMUNITY DEVELOPMENT BLOCK GRANTS FROM WATER SYSTEMS
5 UNLESS THEY ARE VIABLE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 43-35-504, Mississippi Code of 1972, is
8 amended as follows:[CRG1]

9 43-35-504. (1) (a) Except as provided in subsection (2) of
10 this section, the Executive Director of the Department of Economic
11 and Community Development shall not award a community development
12 block grant to any county or municipality for the purpose of
13 making improvements, including expansions, rehabilitation or
14 repair, to an existing public water system, unless that system is
15 determined to be viable. The Department of Economic and Community
16 Development may require any applicant for which a determination of
17 viability is required under this section to submit information
18 deemed necessary by the executive director for that determination.
19 A preliminary determination of viability shall be made by the
20 Executive Director of the Department of Economic and Community
21 Development following receipt of a written recommendation on
22 viability from the State Health Officer and the Executive Director
23 of the Public Utilities Staff. The recommendation of the State
24 Health Officer and the Executive Director of the Public Utilities
25 Staff shall be based on information received from the Department
26 of Economic and Community Development and any other information
27 available to the State Department of Health or Public Utilities

28 Staff, as applicable. The State Department of Health and the
29 Public Utilities Staff shall assist the Department of Economic and
30 Community Development in developing appropriate forms as required
31 for implementation of this section.

32 (b) Within five (5) days following a preliminary
33 determination that a public water system is not viable by the
34 Executive Director of the Department of Economic and Community
35 Development, the executive director shall provide written notice
36 by certified mail, return receipt requested to the owner or
37 president of the board of the system and the governing authority
38 of the applicant. The notice shall contain the reasons for the
39 determination of nonviability. The owner or president of the
40 board of the system may appeal the preliminary determination to
41 the Executive Director of the Department of Economic and Community
42 Development, who shall make a final determination.

43 (2) The Executive Director of the Department of Economic and
44 Community Development may award a community development block
45 grant to any county or municipality for the purpose of making
46 improvements, including expansions, rehabilitation or repair, to
47 an existing public water system, if after receipt of a written
48 recommendation from the State Health Officer and the Executive
49 Director of the Public Utilities Staff, the Executive Director of
50 the Department of Economic and Community Development makes a final
51 determination that the public water system may become viable as
52 the result of the grant award. The Executive Director of the
53 Department of Economic and Community Development may also award a
54 grant if an extreme emergency exists. In making a grant award,
55 the Executive Director of the Department of Economic and Community
56 Development may impose any conditions on the grant deemed
57 necessary after consultation with the State Health Officer and the
58 Executive Director of the Public Utilities Staff, including, but
59 not limited to, interconnection with another existing system or
60 satellite or contract management.

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62 SECTION 2. This act shall take effect and be in force from
63 and after its passage.