

By: Minor

To: Economic Dev, Tourism  
and Parks

SENATE BILL NO. 2926

1 AN ACT TO AMEND SECTION 43-35-504, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF THE REPEALER ON THE PROHIBITION AGAINST THE  
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY  
4 DEVELOPMENT MAKING A COMMUNITY DEVELOPMENT BLOCK GRANT TO A COUNTY  
5 OR MUNICIPALITY FOR IMPROVEMENTS TO AN EXISTING PUBLIC WATER  
6 SYSTEM UNLESS THE SYSTEM IS VIABLE OR MAY BECOME VIABLE AS A  
7 RESULT OF THE GRANT OR AN EXTREME EMERGENCY EXISTS; AND FOR  
8 RELATED PURPOSES.

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

10 SECTION 1. Section 43-35-504, Mississippi Code of 1972, is  
11 amended as follows:[LH1]

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

30 available to the State Department of Health or Public Utilities  
31 Staff, as applicable. The State Department of Health and the  
32 Public Utilities Staff shall assist the Department of Economic and  
33 Community Development in developing appropriate forms as required  
34 for implementation of this section.

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

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

64 (3) This section shall be repealed from and after July 1,  
65 2001.

66 SECTION 2. This act shall take effect and be in force from

67 and after July 1, 2000.