

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 692: Public water systems; certain cross connections not required to have backflow preventers.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

40 SECTION 1. Section 41-26-14, Mississippi Code of 1972, is
41 amended as follows:

42 41-26-14. (1) The department shall develop and implement a
43 cross connection control program in accordance with this section.
44 Before development of the cross connection control program, the
45 department shall consult with the United States Environmental
46 Protection Agency regarding the development of a federal cross
47 connection control program. It is the intent of the Legislature
48 that any cross connection control program developed and
49 implemented by the department be equivalent to a federal program,
50 unless otherwise provided in this section. * * *

51 (2) (a) The board shall adopt regulations defining a high
52 hazard cross connection and a low hazard cross connection. The
53 board shall determine which low hazard cross connections pose a
54 very low risk and therefore are below regulatory concern. Those
55 low hazard cross connections posing a very low risk shall be
56 exempt from the requirements of this section and shall not be
57 required to have a backflow preventer device. In addition, the
58 regulations shall specify those backflow preventer devices which
59 are recommended to address both high hazard and low hazard cross
60 connections.

61 (b) For the purposes of this section, the following
62 cross connections shall be considered as low hazard cross
63 connections posing a very low risk:

64 (i) Any lawn sprinkler system or lawn irrigation
65 system that is connected to a public water system and was
66 professionally installed, regardless of whether the system is
67 underground or above ground or whether the system has pop-up
68 sprinkler heads;

69 (ii) Any swimming pool that is connected to a
70 public water system and was professionally installed, or any
71 swimming pool that is connected to a public water system and has a
72 fill line with an anti-siphon air gap;

73 (iii) Any water fountain or cooler that provides
74 drinking water for human consumption, that is connected to a
75 public water system and was professionally installed;

76 (iv) Any fire sprinkler system that contains only
77 water or a dry pipe and no chemicals, that is connected to a
78 public water system and was professionally installed; and

79 (v) Any commercial establishment that is connected
80 to a public water system, that contains no cross connections
81 directly with a dangerous or hazardous substance or material.

82 (c) For the purposes of this section, any lawn
83 sprinkler system or lawn irrigation system that is connected to a
84 public water system and either injects or stores lawn chemicals or
85 is connected to a wastewater supply shall be considered as high
86 hazard cross connections and not exempt from the requirements of
87 this section; however, the local public water system shall not be
88 required to conduct an on-site inspection to identify any such
89 system under this paragraph (c).

90 (d) Any regulations that were adopted before the
91 effective date of House Bill No. 692, 2001 Regular Session, to
92 implement a cross connection control program shall be void to the

93 extent those regulations are in conflict or inconsistent with this
94 section.

95 (3) Before December 31, 2000, each public water system shall
96 develop and implement a cross connection control program and shall
97 conduct a survey and on-site visits, as necessary, to locate cross
98 connections within its system. Single family dwellings and
99 multifamily dwellings * * * shall be excluded from the survey,
100 unless the public water system has reason to believe a cross
101 connection exists.

102 (4) Before June 30, 2001, each property owner identified by
103 the public water system as having a high hazard cross connection
104 shall install a backflow preventer device. If the property owner
105 already has a backflow preventer device installed and the backflow
106 preventer device functions properly, the public water system shall
107 consider the backflow preventer device approved and shall allow
108 the installed backflow preventer device to remain in place until
109 the backflow preventer device fails to function properly.
110 Additional backflow preventer devices shall not be required for
111 carbonated beverage dispensers if (a) the water supply connection
112 to the carbonated beverage dispenser is protected against backflow
113 by a backflow preventer device conforming to ASSE 1022 or by an
114 air gap, and (b) the backflow preventer device and the piping
115 downstream from the device are not affected by carbon dioxide gas.

116 (5) Before June 30, 2004, each property owner identified by
117 the public water system as having a low hazard cross connection
118 shall install a backflow preventer device. This requirement does
119 not apply to any low hazard cross connection that poses a very low
120 risk. If the property owner already has a backflow preventer
121 device installed and the backflow preventer device functions
122 properly, the public water system shall consider the backflow
123 preventer device approved and shall allow the installed backflow
124 preventer device to remain in place until the backflow preventer

125 device fails to function properly.

126 (6) Each high hazard backflow preventer device shall be
127 inspected and tested at least annually. * * * If a high hazard
128 backflow preventer device fails to function properly, the property
129 owner shall have the backflow preventer device repaired and
130 retested or shall install a new approved backflow preventer device
131 within thirty (30) days of the initial test. If a low hazard
132 backflow preventer device fails to function properly, the property
133 owner shall have the backflow preventer device repaired * * * or
134 shall install a new * * * backflow preventer device within ninety
135 (90) days after the date the backflow preventer device first fails
136 to function properly.

137 (7) All inspection and testing of backflow preventer devices
138 under this section shall be conducted by a certified tester,
139 unless otherwise provided in the regulations of the board.
140 Certified backflow preventer device testers shall be licensed by
141 the department under those conditions as the department deems
142 appropriate. * * *

143 (8) If a property owner fails to install a backflow
144 preventer device or fails to have a backflow preventer device
145 tested as required by this section, the public water system may
146 discontinue service to that property owner until the failure is
147 corrected.

148 (9) After the dates specified in subsections (4) and (5) of
149 this section, it is unlawful to install or allow the installation
150 or maintenance of any cross connection, auxiliary intake or
151 bypass, unless the source and quality of water from the auxiliary
152 supply, the method of connection and the use and operation of that
153 cross connection, auxiliary intake or bypass has been approved by
154 the director. However, this subsection does not authorize the
155 director to modify, supersede or suspend any provision of this
156 section regarding backflow preventer devices.

157 (10) (a) A municipality, county or public water system
158 shall not adopt or implement any ordinance, rule, regulation,
159 standard or policy regarding cross connections or backflow
160 preventer devices that is more stringent or extensive in scope,
161 coverage or effect than the provisions of this section or any
162 rules or regulations adopted by the board to implement this
163 section, or is in conflict or inconsistent with the provisions of
164 this section or any rules or regulations adopted by the board to
165 implement this section. Any such ordinance, rule, regulation,
166 standard or policy regarding cross connections or backflow
167 preventer devices that was adopted before the effective date of
168 House Bill No. 692, 2001 Regular Session, is void to the extent
169 that it is more stringent or extensive in scope, coverage or
170 effect than the provisions of this section or any rules or
171 regulations adopted by the board to implement this section, or is
172 in conflict or inconsistent with the provisions of this section or
173 any rules or regulations adopted by the board to implement this
174 section.

175 (b) If any municipality or county adopts or has
176 previously adopted a building code, plumbing code or any other
177 code that contains requirements or standards regarding cross
178 connections or backflow preventer devices, the municipality or
179 county or any public water system operating in the municipality or
180 county shall not implement or enforce any such requirements or
181 standards that are more stringent or extensive in scope, coverage
182 or effect than the provisions of this section or any rules or
183 regulations adopted by the board to implement this section, or are
184 in conflict or inconsistent with the provisions of this section or
185 any rules or regulations adopted by the board to implement this
186 section.

187 SECTION 2. Section 19-5-9, Mississippi Code of 1972, is
188 amended as follows:

189 19-5-9. The construction codes published by a nationally
190 recognized code group which sets minimum standards and has the
191 proper provisions to maintain up-to-date amendments are * * *
192 adopted as minimum standard guides for building, plumbing,
193 electrical, gas, sanitary, and other related codes in Mississippi.
194 Any county within the State of Mississippi, in the discretion of
195 the board of supervisors, may adopt building codes, plumbing
196 codes, electrical codes, sanitary codes, or other related codes
197 dealing with general public health, safety or welfare, or a
198 combination of the same, within but not exceeding the provisions
199 of the construction codes published by nationally recognized code
200 groups, by order or resolution in the manner * * * prescribed in
201 this section, but those codes so adopted shall apply only to the
202 unincorporated areas of the county. However, those codes shall
203 not apply to the erection, maintenance, repair or extension of
204 farm buildings or farm structures, except as may be required under
205 the terms of the "Flood Disaster Protection Act of 1973" and shall
206 apply to a master planned community as defined in Section 19-5-10,
207 only to the extent allowed in Section 19-5-10. The provisions of
208 this section shall not be construed to authorize the adoption of
209 any code which applies to the installation, repair or maintenance
210 of electric wires, pipelines, apparatus, equipment or devices by
211 or for a utility rendering public utility services, required by it
212 to be utilized in the rendition of its duly authorized service to
213 the public. Before any such code shall be adopted, it shall be
214 either printed or typewritten and shall be presented in pamphlet
215 form to the board of supervisors at a regular meeting. The order
216 or resolution adopting the code shall not set out the code in
217 full, but shall merely identify the same. The vote or passage of
218 the order or resolution shall be the same as on any other order or
219 resolution. After its adoption, the code or codes shall be
220 certified to by the president and clerk of the board of

221 supervisors and shall be filed as a permanent record in the office
222 of the clerk who shall not be required to transcribe and record
223 the same in the minute book as other orders and resolutions.

224 All provisions of this section shall apply to amendments and
225 revisions of the codes mentioned in this section. The provisions
226 of this section shall be in addition and supplemental to any
227 existing laws authorizing the adoption, amendment or revision of
228 county orders, resolutions or codes.

229 Any code adopted under the provisions of this section shall
230 not be in operation or force until sixty (60) days have elapsed
231 from the adoption of same; however, any code adopted for the
232 immediate preservation of the public health, safety and general
233 welfare may be effective from and after its adoption by a
234 unanimous vote of the members of the board. Within five (5) days
235 after the adoption or passage of an order or resolution adopting
236 that code or codes the clerk of the board of supervisors shall
237 publish in a legal newspaper published in the county the full text
238 of the order or resolution adopting and approving the code, and
239 the publication shall be inserted at least three (3) times, and
240 shall be completed within thirty (30) days after the passage of
241 the order or resolution.

242 Any person or persons objecting to the code or codes may
243 object in writing to the provisions of the code or codes within
244 sixty (60) days after the passage of the order or resolution
245 approving same, and if the board of supervisors adjudicates that
246 ten percent (10%) or more of the qualified electors residing in
247 the affected unincorporated areas of the county have objected in
248 writing to the code or codes, then in such event the code shall be
249 inoperative and not in effect unless adopted for the immediate
250 preservation of the public health, safety and general welfare
251 until approved by a special election called by the board of
252 supervisors as other special elections are called and conducted by

253 the election commissioners of the county as other special
254 elections are conducted, the special election to be participated
255 in by all the qualified electors of the county residing in the
256 unincorporated areas of the county. If the voters approve the
257 code or codes in the special election it shall be in force and in
258 operation thereafter until amended or modified as * * * provided
259 in this section. If the majority of the qualified electors voting
260 in the special election vote against the code or codes, then, in
261 such event, the code or codes shall be void and of no force and
262 effect, and no other code or codes dealing with that subject shall
263 be adopted under the provisions of this section until at least two
264 (2) years thereafter.

265 After any such code shall take effect the board of
266 supervisors is authorized to employ such directors and other
267 personnel as the board, in its discretion, deems necessary and to
268 expend general county funds or any other funds available to the
269 board to fulfill the purposes of this section.

270 For the purpose of promoting health, safety, morals or the
271 general welfare of the community, the governing authority of any
272 municipality, and, with respect to the unincorporated part of any
273 county, the governing authority of any county, in its discretion,
274 are empowered to regulate the height, number of stories and size
275 of building and other structures, the percentage of lot that may
276 be occupied, the size of the yards, courts and other open spaces,
277 the density or population, and the location and use of buildings,
278 structures and land for trade, industry, residence or other
279 purposes, but no permits shall be required except as may be
280 required under the terms of the "Flood Disaster Protection Act of
281 1973" for the erection, maintenance, repair or extension of farm
282 buildings or farm structures outside the corporate limits of
283 municipalities.

284 The authority * * * granted in this section is cumulative and

285 supplemental to any other authority granted by law.

286 Notwithstanding any provision of this section to the
287 contrary, any code adopted by a county before or after the
288 effective date of House Bill No. 692, 2001 Regular Session, is
289 subject to the provisions of Section 41-26-14(10).

290 SECTION 3. Section 21-19-25, Mississippi Code of 1972, is
291 amended as follows:

292 21-19-25. Any municipality within the State of Mississippi
293 may, in the discretion of its governing authorities, adopt
294 building codes, plumbing codes, electrical codes, gas codes,
295 sanitary codes, or any other codes dealing with general public
296 health, safety or welfare, or a combination of the same, by
297 ordinance, in the manner * * * prescribed in this section. Before
298 any such code shall be adopted, it shall be either printed or
299 typewritten, and it shall be presented in pamphlet form to the
300 governing authorities of the municipality at a regular meeting.
301 The ordinance adopting the code shall not set out the code in
302 full, but shall merely identify the same. The vote on passage of
303 the ordinance shall be the same as on any other ordinances.
304 After its adoption, the code shall be certified to by the mayor
305 and clerk of the municipality, and shall be filed as a permanent
306 record in the office of the clerk, who shall not be required to
307 transcribe and record the same in the ordinance book as other
308 ordinances. It shall not be necessary that the ordinance adopting
309 the code or the code itself be published in full, but notice of
310 the adoption of the code shall be given by publication in some
311 newspaper of the municipality for one (1) time, or if there be no
312 such newspaper, by posting at three (3) or more public places
313 within the corporate limits, a notice in substantially the
314 following form:

315 Notice is * * * given that the city (or town or
316 village) of _____, on the (give date of ordinance

317 adopting code), adopted (state type of code and other
318 information serving to identify the same) code.

319 All the provisions of this section shall apply to amendments
320 and revisions of the code mentioned in this section. Any code
321 adopted in accordance with this section shall not be in force for
322 one (1) month after its passage, unless the municipal authorities
323 in the ordinance authorize to the contrary. The provisions of of
324 this section shall be in addition and supplemental to any existing
325 laws authorizing the adoption, amendment or revision of municipal
326 ordinances or codes.

327 Notwithstanding any provision of this section to the
328 contrary, any code adopted by a municipality before or after the
329 effective date of House Bill No. 692, 2001 Regular Session, is
330 subject to the provisions of Section 41-26-14(10).

331 The provisions of this section shall apply to all
332 municipalities of this state, whether operating under the code
333 charter, a special charter, commission form, or other form of
334 government.

335 SECTION 4. This act shall take effect and be in force from
336 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 41-26-14, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY PROFESSIONALLY INSTALLED LAWN SPRINKLER
3 SYSTEM, LAWN IRRIGATION SYSTEM, SWIMMING POOL, WATER FOUNTAIN OR
4 COOLER, FIRE SPRINKLER SYSTEM CONTAINING NO CHEMICALS, OR ANY
5 COMMERCIAL ESTABLISHMENT THAT CONTAINS NO CROSS CONNECTIONS
6 DIRECTLY WITH HAZARDOUS MATERIALS, SHALL BE CONSIDERED AS A LOW
7 HAZARD CROSS CONNECTION POSING A VERY LOW RISK AND SHALL NOT BE
8 REQUIRED TO HAVE A BACKFLOW PREVENTER DEVICE; TO DEFINE CERTAIN
9 HIGH RISK SYSTEMS REQUIRING BACKFLOW PREVENTER DEVICES; TO PROVIDE
10 THAT ADDITIONAL BACKFLOW PREVENTER DEVICES SHALL NOT BE REQUIRED
11 FOR CARBONATED BEVERAGE DISPENSERS IF THEY ALREADY HAVE CERTAIN
12 BACKFLOW PREVENTER DEVICES INSTALLED; TO DELETE THE REQUIREMENT
13 THAT PROPERTY OWNERS MUST INSTALL APPROVED BACKFLOW PREVENTER
14 DEVICES; TO DELETE THE REQUIREMENT THAT PREVIOUSLY-INSTALLED
15 BACKFLOW PREVENTER DEVICES MUST BE TESTED; TO DELETE THE
16 REQUIREMENT THAT LOW HAZARD BACKFLOW PREVENTER DEVICES MUST BE
17 INSPECTED AND TESTED AT LEAST BIENNIALY AND MUST BE TESTED AFTER
18 A REPAIR OR A REPLACEMENT INSTALLATION; TO DELETE THE PROVISION

19 SETTING A MAXIMUM FEE THAT CERTIFIED BACKFLOW PREVENTER DEVICE
20 TESTERS MAY CHARGE FOR INSPECTING AND TESTING OF LOW HAZARD
21 BACKFLOW PREVENTER DEVICES; TO PROHIBIT ANY MUNICIPALITY, COUNTY
22 OR PUBLIC WATER SYSTEM FROM ADOPTING OR IMPLEMENTING ANY
23 ORDINANCE, REGULATION OR POLICY REGARDING CROSS CONNECTIONS OR
24 BACKFLOW PREVENTER DEVICES THAT IS MORE STRINGENT THAN OR IN
25 CONFLICT WITH THE PROVISIONS OF THIS SECTION OR ANY RELATED
26 REGULATION OF THE BOARD OF HEALTH; TO PROVIDE THAT ANY SUCH
27 ORDINANCE, REGULATION OR POLICY ADOPTED BEFORE THE EFFECTIVE DATE
28 OF THIS ACT IS VOID; TO PROVIDE THAT IF ANY MUNICIPALITY OR COUNTY
29 ADOPTS A BUILDING CODE, PLUMBING CODE OR ANY OTHER CODE THAT
30 CONTAINS REQUIREMENTS OR STANDARDS REGARDING CROSS CONNECTIONS OR
31 BACKFLOW PREVENTER DEVICES, THE MUNICIPALITY OR COUNTY OR ANY
32 PUBLIC WATER SYSTEM OPERATING IN THE MUNICIPALITY OR COUNTY IS
33 PROHIBITED FROM IMPLEMENTING OR ENFORCING ANY SUCH REQUIREMENTS OR
34 STANDARDS THAT ARE MORE STRINGENT THAN OR IN CONFLICT WITH THE
35 PROVISIONS OF THIS SECTION OR ANY RELATED REGULATION OF THE BOARD
36 OF HEALTH; TO AMEND SECTIONS 19-5-9 AND 21-19-25, MISSISSIPPI CODE
37 OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED
38 PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X
Bobby Moody

X
Robert G. Huggins

X
Jim Ellington

X
Alan Nunnelee

X
Bill Denny

X
Ron Farris