

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

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

H. B. No. 764: State Department of Health and State Board of Health; extend repealer on.

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:

18           **SECTION 1.** Section 41-3-1.1, Mississippi Code of 1972, is  
19 reenacted and amended as follows:

20           41-3-1.1. (1) The State Board of Health \* \* \* shall consist  
21 of eleven (11) members appointed by the Governor, with the advice  
22 and consent of the Senate, as follows:

23           (a) Five (5) members of the board shall be currently  
24 licensed physicians of good professional standing who have had at  
25 least seven (7) years' experience in the practice of medicine in  
26 this state. \* \* \*

27           (b) Six (6) members of the board shall be individuals  
28 who have a background in public health or an interest in public  
29 health who are not currently or formerly licensed  
30 physicians. \* \* \*



31 (c) The Governor, Lieutenant Governor and Attorney  
32 General shall give due regard to geographic distribution, race and  
33 gender in making their appointments to the board. It is the  
34 intent of the Legislature that the membership of the board reflect  
35 the population of the State of Mississippi. \* \* \* The terms of  
36 three (3) of the eleven (11) members of the board expired on June  
37 30, 2023, and their successors have been named and await Senate  
38 confirmation. The terms of four (4) members will expire on June  
39 30, 2025, and the terms of the other four (4) members will expire  
40 on June 30, 2027. For all appointments made from and after June  
41 1, 2024, the Governor shall ensure that the board will always have  
42 two (2) members from each of the state's congressional districts,  
43 as they exist at the time of the appointment. In submitting the  
44 appointments for confirmation, the Governor shall include a  
45 statement that he or she has ascertained the current domicile of  
46 each of the board members, and that the appointments comply with  
47 the geographical requirements of this section. No member shall be  
48 required to resign from the board because he or she changed his or  
49 her domicile.

50 (2) \* \* \* Vacancies in office shall be filled by \* \* \* the  
51 Governor, subject to the advice and consent of the Senate at the  
52 next regular session of the Legislature. An appointment to fill a  
53 vacancy other than by expiration of a term of office shall be for  
54 the balance of the unexpired term and thereafter until his or her  
55 successor is duly appointed.



56           (3) The Lieutenant Governor may designate one (1) Senator  
57 and the Speaker of the House of Representatives may designate one  
58 (1) Representative to attend any meeting of the State Board of  
59 Health. The appointing authorities may designate alternate  
60 members from their respective houses to serve when the regular  
61 designees are unable to attend the meetings of the board. Those  
62 legislative designees shall have no jurisdiction or vote on any  
63 matter within the jurisdiction of the board. For attending  
64 meetings of the board, the legislators shall receive per diem and  
65 expenses, which shall be paid from the contingent expense funds of  
66 their respective houses in the same amounts as provided for  
67 committee meetings when the Legislature is not in session;  
68 however, no per diem and expenses for attending meetings of the  
69 board will be paid while the Legislature is in session. No per  
70 diem and expenses will be paid except for attending meetings of  
71 the board without prior approval of the proper committee in their  
72 respective houses.

73           (4) (a) All members of the State Board of Health shall file  
74 with the Mississippi Ethics Commission, before the first day of  
75 May each year, the statement of economic interest as required by  
76 Sections 25-4-25 through 25-4-29.

77           (b) No member of the board shall participate in any  
78 action by the board or department if that action could have any  
79 monetary effect on any business with which that member is  
80 associated, as defined in Section 25-4-103.



81 (c) When any matter in which a member may not  
82 participate comes before the board or department, that member must  
83 fully recuse himself or herself from the entire matter. The  
84 member shall avoid debating, discussing or taking action on the  
85 subject matter during official meetings or deliberations by  
86 leaving the meeting room before the matter comes before the board  
87 and by returning only after the discussion, vote or other action  
88 is completed. The member shall not discuss the matter with other  
89 members, department staff or any other person. Any minutes or  
90 other record of the meeting shall accurately reflect the recusal.  
91 If a member is uncertain whether recusal is required, the member  
92 shall follow the determination of the Mississippi Ethics  
93 Commission. The commission may delegate that determination to its  
94 executive director.

95 (d) Upon a determination by the board or by any court  
96 of competent jurisdiction that a member of the board has violated  
97 the provisions of this subsection (4) regarding recusal, the  
98 member shall be removed from office. Any member of the board who  
99 violates the provisions of this section regarding recusal also  
100 shall be subject to the penalties set forth in Sections 25-4-109  
101 through 25-4-117. After removal from office, the member shall not  
102 be eligible for appointment to any agency, board or commission of  
103 the state for a period of two (2) years. Nothing in this section  
104 shall be construed to limit the restrictions codified in Section  
105 25-4-105.



106           **SECTION 2.** Section 41-3-3, Mississippi Code of 1972, is  
107 reenacted as follows:

108           41-3-3. Each person appointed as a member of the State Board  
109 of Health shall immediately take the oath prescribed by Section  
110 268 of the Constitution and file a certificate thereof in the  
111 Office of the Secretary of State. Thereupon a commission shall be  
112 issued to him under the terms as specified in Section 41-3-1.

113           **SECTION 3.** Section 41-3-4, Mississippi Code of 1972, is  
114 reenacted as follows:

115           41-3-4. (1) There shall be a Chairman and Vice Chairman of  
116 the State Board of Health elected by and from its membership at  
117 the first meeting of the board; and the chairman shall be the  
118 presiding officer of the board. The chairman shall always be a  
119 physician member of the board. The board shall adopt rules and  
120 regulations governing times and places for meetings, and governing  
121 the manner of conducting its business. The board shall meet not  
122 less frequently than once each quarter, and at such other times as  
123 determined to be necessary. The term of office of any member who  
124 does not attend three (3) consecutive regular meetings of the  
125 board shall be automatically terminated, and the position shall be  
126 considered as vacant, except in cases of the serious illness of a  
127 board member or of his or her immediate family member. All  
128 meetings of the board shall be called by the chairman or by a  
129 majority of the members of the board, except the first meeting of



130 the initial members of the reconstituted board, which shall be  
131 called by the Governor.

132 (2) The members of the board shall receive no annual salary  
133 but shall receive per diem compensation as is authorized by law  
134 for each day devoted to the discharge of official board duties and  
135 shall be entitled to reimbursement for all actual and necessary  
136 expenses incurred in the discharge of their duties, including  
137 mileage as authorized by Section 25-3-41.

138 **SECTION 4.** Section 41-3-5.1, Mississippi Code of 1972, is  
139 reenacted as follows:

140 41-3-5.1. The State Department of Health shall be headed by  
141 an executive officer who shall be appointed by the State Board of  
142 Health. The executive officer shall be either a physician who has  
143 earned a graduate degree in public health or health care  
144 administration, or a physician who in the opinion of the board is  
145 fitted and equipped to execute the duties incumbent upon him or  
146 her by law. The executive officer shall not engage in the private  
147 practice of medicine. The term of office of the executive officer  
148 shall be six (6) years, and the executive officer may be removed  
149 for cause by majority vote of the members of the board. The  
150 executive officer shall be subject to such rules and regulations  
151 as may be prescribed by the State Board of Health. The executive  
152 officer shall be the State Health Officer with such authority and  
153 responsibility as is prescribed by law.



154           **SECTION 5.** Section 41-3-6, Mississippi Code of 1972, is  
155 reenacted as follows:

156           41-3-6. It shall be the duty of the State Board of Health to  
157 review the statutes of the State of Mississippi affecting public  
158 health and submit at least thirty (30) days prior to each regular  
159 session of the Legislature any proposed legislation as may be  
160 necessary to enhance the effective and efficient delivery of  
161 public health services and to bring existing statutes into  
162 compliance with modern technology and terminology. The board  
163 shall formulate a plan for consolidating and reorganizing existing  
164 state agencies having responsibilities in the field of public  
165 health to eliminate any needless duplication in services which may  
166 be found to exist. In carrying out the provisions of this  
167 section, the State Board of Health shall cooperate with and may  
168 utilize the services, facilities and personnel of any department  
169 or agency of the state, any private citizen task force and the  
170 committees on public health of both houses of the Legislature.  
171 The State Board of Health is authorized to apply for and expend  
172 funds made available to it by grant from any source in order to  
173 perform its responsibilities under this section.

174           **SECTION 6.** Section 41-3-15, Mississippi Code of 1972, is  
175 reenacted and amended as follows:

176           41-3-15. (1) (a) There shall be a State Department of  
177 Health.



178 (b) The State Board of Health shall have the following  
179 powers and duties:

180 (i) To formulate the policy of the State  
181 Department of Health regarding public health matters within the  
182 jurisdiction of the department;

183 (ii) To adopt, modify, repeal and promulgate,  
184 after due notice and hearing, and enforce rules and regulations  
185 implementing or effectuating the powers and duties of the  
186 department under any and all statutes within the department's  
187 jurisdiction, and as the board may deem necessary;

188 (iii) To apply for, receive, accept and expend any  
189 federal or state funds or contributions, gifts, trusts, devises,  
190 bequests, grants, endowments or funds from any other source or  
191 transfers of property of any kind;

192 (iv) To enter into, and to authorize the executive  
193 officer to execute contracts, grants and cooperative agreements  
194 with any federal or state agency or subdivision thereof, or any  
195 public or private institution located inside or outside the State  
196 of Mississippi, or any person, corporation or association in  
197 connection with carrying out the provisions of this chapter, if it  
198 finds those actions to be in the public interest and the contracts  
199 or agreements do not have a financial cost that exceeds the  
200 amounts appropriated for those purposes by the Legislature;

201 (v) To appoint, upon recommendation of the  
202 Executive Officer of the State Department of Health, a Director of





203 Internal Audit who shall be either a Certified Public Accountant  
204 or Certified Internal Auditor, and whose employment shall be  
205 continued at the discretion of the board, and who shall report  
206 directly to the board, or its designee; and

207 (vi) To discharge such other duties,  
208 responsibilities and powers as are necessary to implement the  
209 provisions of this chapter.

210 (c) The Executive Officer of the State Department of  
211 Health shall have the following powers and duties:

212 (i) To administer the policies of the State Board  
213 of Health within the authority granted by the board;

214 (ii) To supervise and direct all administrative  
215 and technical activities of the department, except that the  
216 department's internal auditor shall be subject to the sole  
217 supervision and direction of the board;

218 (iii) To organize the administrative units of the  
219 department in accordance with the plan adopted by the board and,  
220 with board approval, alter the organizational plan and reassign  
221 responsibilities as he or she may deem necessary to carry out the  
222 policies of the board;

223 (iv) To coordinate the activities of the various  
224 offices of the department;

225 (v) To employ, subject to regulations of the State  
226 Personnel Board, qualified professional personnel in the subject  
227 matter or fields of each office, and such other technical and



228 clerical staff as may be required for the operation of the  
229 department. The executive officer shall be the appointing  
230 authority for the department, and shall have the power to delegate  
231 the authority to appoint or dismiss employees to appropriate  
232 subordinates, subject to the rules and regulations of the State  
233 Personnel Board;

234 (vi) To recommend to the board such studies and  
235 investigations as he or she may deem appropriate, and to carry out  
236 the approved recommendations in conjunction with the various  
237 offices;

238 (vii) To prepare and deliver to the Legislature  
239 and the Governor on or before January 1 of each year, and at such  
240 other times as may be required by the Legislature or Governor, a  
241 full report of the work of the department and the offices thereof,  
242 including a detailed statement of expenditures of the department  
243 and any recommendations the board may have;

244 (viii) To prepare and deliver to the Chairmen of  
245 the Public Health and Welfare/Human Services Committees of the  
246 Senate and House on or before January 1 of each year, a plan for  
247 monitoring infant mortality in Mississippi and a full report of  
248 the work of the department on reducing Mississippi's infant  
249 mortality and morbidity rates and improving the status of maternal  
250 and infant health; and

251 (ix) To enter into contracts, grants and  
252 cooperative agreements with any federal or state agency or



253 subdivision thereof, or any public or private institution located  
254 inside or outside the State of Mississippi, or any person,  
255 corporation or association in connection with carrying out the  
256 provisions of this chapter, if he or she finds those actions to be  
257 in the public interest and the contracts or agreements do not have  
258 a financial cost that exceeds the amounts appropriated for those  
259 purposes by the Legislature. Each contract or agreement entered  
260 into by the executive officer shall be submitted to the board  
261 before its next meeting.

262 (2) The State Board of Health shall have the authority to  
263 establish an Office of Rural Health within the department. The  
264 duties and responsibilities of this office shall include the  
265 following:

266 (a) To collect and evaluate data on rural health  
267 conditions and needs;

268 (b) To engage in policy analysis, policy development  
269 and economic impact studies with regard to rural health issues;

270 (c) To develop and implement plans and provide  
271 technical assistance to enable community health systems to respond  
272 to various changes in their circumstances;

273 (d) To plan and assist in professional recruitment and  
274 retention of medical professionals and assistants; and

275 (e) To establish information clearinghouses to improve  
276 access to and sharing of rural health care information.



277 (3) The State Board of Health shall have general supervision  
278 of the health interests of the people of the state and to exercise  
279 the rights, powers and duties of those acts which it is authorized  
280 by law to enforce.

281 (4) The State Board of Health shall have authority:

282 (a) To make investigations and inquiries with respect  
283 to the causes of disease and death, and to investigate the effect  
284 of environment, including conditions of employment and other  
285 conditions that may affect health, and to make such other  
286 investigations as it may deem necessary for the preservation and  
287 improvement of health.

288 (b) To make such sanitary investigations as it may,  
289 from time to time, deem necessary for the protection and  
290 improvement of health and to investigate nuisance questions that  
291 affect the security of life and health within the state.

292 (c) To direct and control sanitary and quarantine  
293 measures for dealing with all diseases within the state possible  
294 to suppress same and prevent their spread.

295 (d) To obtain, collect and preserve such information  
296 relative to mortality, morbidity, disease and health as may be  
297 useful in the discharge of its duties or may contribute to the  
298 prevention of disease or the promotion of health in this state.

299 (e) To charge and collect reasonable fees for health  
300 services, including immunizations, inspections and related  
301 activities, and the board shall charge fees for those services;



302 however, if it is determined that a person receiving services is  
303 unable to pay the total fee, the board shall collect any amount  
304 that the person is able to pay. Any increase in the fees charged  
305 by the board under this paragraph shall be in accordance with the  
306 provisions of Section 41-3-65.

307 (f) (i) To establish standards for, issue permits and  
308 exercise control over, any cafes, restaurants, food or drink  
309 stands, sandwich manufacturing establishments, and all other  
310 establishments, other than churches, church-related and private  
311 schools, and other nonprofit or charitable organizations, where  
312 food or drink is regularly prepared, handled and served for pay;  
313 and

314 (ii) To require that a permit be obtained from the  
315 Department of Health before those persons begin operation. If any  
316 such person fails to obtain the permit required in this  
317 subparagraph (ii), the State Board of Health, after due notice and  
318 opportunity for a hearing, may impose a monetary penalty not to  
319 exceed One Thousand Dollars (\$1,000.00) for each violation.  
320 However, the department is not authorized to impose a monetary  
321 penalty against any person whose gross annual prepared food sales  
322 are less than Five Thousand Dollars (\$5,000.00). Money collected  
323 by the board under this subparagraph (ii) shall be deposited to  
324 the credit of the State General Fund of the State Treasury.



325 (g) To promulgate rules and regulations and exercise  
326 control over the production and sale of milk pursuant to the  
327 provisions of Sections 75-31-41 through 75-31-49.

328 (h) On presentation of proper authority, to enter into  
329 and inspect any public place or building where the State Health  
330 Officer or his representative deems it necessary and proper to  
331 enter for the discovery and suppression of disease and for the  
332 enforcement of any health or sanitary laws and regulations in the  
333 state.

334 (i) To conduct investigations, inquiries and hearings,  
335 and to issue subpoenas for the attendance of witnesses and the  
336 production of books and records at any hearing when authorized and  
337 required by statute to be conducted by the State Health Officer or  
338 the State Board of Health.

339 (j) To promulgate rules and regulations, and to collect  
340 data and information, on (i) the delivery of services through the  
341 practice of telemedicine; and (ii) the use of electronic records  
342 for the delivery of telemedicine services.

343 (k) To enforce and regulate domestic and imported fish  
344 as authorized under Section 69-7-601 et seq.

345 (5) (a) The State Board of Health shall have the authority,  
346 in its discretion, to establish programs to promote the public  
347 health, to be administered by the State Department of Health.  
348 Specifically, those programs may include, but shall not be limited  
349 to, programs in the following areas:



- 350 (i) Maternal and child health;
- 351 (ii) Family planning;
- 352 (iii) Pediatric services;
- 353 (iv) Services to crippled and disabled children;
- 354 (v) Control of communicable and noncommunicable
- 355 disease;
- 356 (vi) Chronic disease;
- 357 (vii) Accidental deaths and injuries;
- 358 (viii) Child care licensure;
- 359 (ix) Radiological health;
- 360 (x) Dental health;
- 361 (xi) Milk sanitation;
- 362 (xii) Occupational safety and health;
- 363 (xiii) Food, vector control and general
- 364 sanitation;
- 365 (xiv) Protection of drinking water;
- 366 (xv) Sanitation in food handling establishments
- 367 open to the public;
- 368 (xvi) Registration of births and deaths and other
- 369 vital events;
- 370 (xvii) Such public health programs and services as
- 371 may be assigned to the State Board of Health by the Legislature or
- 372 by executive order; and
- 373 (xviii) Regulation of domestic and imported fish
- 374 for human consumption.



375 (b) \* \* \* [Deleted]

376 (c) The State Department of Health may undertake such  
377 technical programs and activities as may be required for the  
378 support and operation of those programs, including maintaining  
379 physical, chemical, bacteriological and radiological laboratories,  
380 and may make such diagnostic tests for diseases and tests for the  
381 evaluation of health hazards as may be deemed necessary for the  
382 protection of the people of the state.

383 (6) (a) The State Board of Health shall administer the  
384 local governments and rural water systems improvements loan  
385 program in accordance with the provisions of Section 41-3-16.

386 (b) The State Board of Health shall have authority:

387 (i) To enter into capitalization grant agreements  
388 with the United States Environmental Protection Agency, or any  
389 successor agency thereto;

390 (ii) To accept capitalization grant awards made  
391 under the federal Safe Drinking Water Act, as amended;

392 (iii) To provide annual reports and audits to the  
393 United States Environmental Protection Agency, as may be required  
394 by federal capitalization grant agreements; and

395 (iv) To establish and collect fees to defray the  
396 reasonable costs of administering the revolving fund or emergency  
397 fund if the State Board of Health determines that those costs will  
398 exceed the limitations established in the federal Safe Drinking  
399 Water Act, as amended. The administration fees may be included in





400 loan amounts to loan recipients for the purpose of facilitating  
401 payment to the board; however, those fees may not exceed five  
402 percent (5%) of the loan amount.

403 (7) \* \* \* [Deleted]

404 (8) Notwithstanding any other provision to the contrary, the  
405 State Department of Health shall have the following specific  
406 powers: The State Department of Health is authorized to issue a  
407 license to an existing home health agency for the transfer of a  
408 county from that agency to another existing home health agency,  
409 and to charge a fee for reviewing and making a determination on  
410 the application for such transfer not to exceed one-half (1/2) of  
411 the authorized fee assessed for the original application for the  
412 home health agency, with the revenue to be deposited by the State  
413 Department of Health into the special fund created under Section  
414 41-7-188.

415 (9) \* \* \* [Deleted]

416 (10) Notwithstanding any other provision to the contrary,  
417 the State Department of Health shall have the following specific  
418 powers: The State Department of Health is authorized to extend  
419 and renew any certificate of need that has expired, and to charge  
420 a fee for reviewing and making a determination on the application  
421 for such action not to exceed one-half (1/2) of the authorized fee  
422 assessed for the original application for the certificate of need,  
423 with the revenue to be deposited by the State Department of Health  
424 into the special fund created under Section 41-7-188.



425 (11) Notwithstanding any other provision to the contrary,  
426 the State Department of Health shall have the following specific  
427 powers: The State Department of Health is authorized and  
428 empowered, to revoke, immediately, the license and require closure  
429 of any institution for the aged or infirm, including any other  
430 remedy less than closure to protect the health and safety of the  
431 residents of said institution or the health and safety of the  
432 general public.

433 (12) Notwithstanding any other provision to the contrary,  
434 the State Department of Health shall have the following specific  
435 powers: The State Department of Health is authorized and  
436 empowered, to require the temporary detainment of individuals for  
437 disease control purposes based upon violation of any order of the  
438 State Health Officer, as provided in Section 41-23-5. For the  
439 purpose of enforcing such orders of the State Health Officer,  
440 persons employed by the department as investigators shall have  
441 general arrest powers. All law enforcement officers are  
442 authorized and directed to assist in the enforcement of such  
443 orders of the State Health Officer.

444 (13) Additionally, the State Board of Health and the State  
445 Health Officer each are authorized and directed to study the  
446 status of health care, in its broadest sense, throughout the  
447 state. The study should include challenges such as access to  
448 care; the cost of care; indigent care; providing health care to  
449 the incarcerated; the availability of health care workers,



450 paraprofessionals, and professionals; the effects of unhealthy  
451 lifestyle choices; the consequences of health care facilities  
452 locating in affluent and urban areas to the detriment of less  
453 affluent areas, small towns, and rural areas; and negative trends  
454 which may cause ill effects if they continue. The study shall  
455 also include opportunities to improve health care, such as greater  
456 coordination among state agencies, local governments, and other  
457 entities which provide various types of health care; methods of  
458 increasing the health care workforce; and methods to increase the  
459 location of health care facilities in distressed areas, rural  
460 areas, and small towns. All state agencies, the Legislative  
461 Budget Office and the Joint Legislative Committee on Performance  
462 Evaluation and Expenditure Review (PEER) are directed to assist  
463 the department in developing this study. This provision does not  
464 by itself grant any additional power to the State Board of Health  
465 or the State Health Officer to require any entity to operate  
466 differently. It does, however, empower and direct them to obtain  
467 information and make recommendations, and it does require all  
468 entities to cooperate with the board and health officer as they  
469 seek information.

470       **SECTION 7.** Section 41-3-16, Mississippi Code of 1972, is  
471 reenacted as follows:

472       41-3-16. (1) (a) There is established a local governments  
473 and rural water systems improvements revolving loan and grant  
474 program to be administered by the State Department of Health,



475 referred to in this section as "department," for the purpose of  
476 assisting counties, incorporated municipalities, districts or  
477 other water organizations that have been granted tax-exempt status  
478 under either federal or state law, in making improvements to their  
479 water systems, including construction of new water systems or  
480 expansion or repair of existing water systems. Loan and grant  
481 proceeds may be used by the recipient for planning, professional  
482 services, acquisition of interests in land, acquisition of  
483 personal property, construction, construction-related services,  
484 maintenance, and any other reasonable use which the board, in its  
485 discretion, may allow. For purposes of this section, "water  
486 systems" has the same meaning as the term "public water system"  
487 under Section 41-26-3.

488 (b) (i) There is created a board to be known as the  
489 "Local Governments and Rural Water Systems Improvements Board,"  
490 referred to in this section as "board," to be composed of the  
491 following nine (9) members: the State Health Officer, or his  
492 designee, who shall serve as chairman of the board; the Executive  
493 Director of the Mississippi Development Authority, or his  
494 designee; the Executive Director of the Department of  
495 Environmental Quality, or his designee; the Executive Director of  
496 the Department of Finance and Administration, or his designee; the  
497 Executive Director of the Mississippi Association of Supervisors,  
498 or his designee; the Executive Director of the Mississippi  
499 Municipal League, or his designee; the Executive Director of the



500 American Council of Engineering Companies of Mississippi, or his  
501 designee; the State Director of the United States Department of  
502 Agriculture, Rural Development, or his designee; and a manager of  
503 a rural water system.

504 The Governor shall appoint a manager of a rural water system  
505 from a list of candidates provided by the Executive Director of  
506 the Mississippi Rural Water Association. The Executive Director  
507 of the Mississippi Rural Water Association shall provide the  
508 Governor a list of candidates which shall contain a minimum of  
509 three (3) candidates for each appointment.

510 (ii) Nonappointed members of the board may  
511 designate another representative of their agency or association to  
512 serve as an alternate.

513 (iii) The gubernatorial appointee shall serve a  
514 term concurrent with the term of the Governor and until a  
515 successor is appointed and qualified. No member, officer or  
516 employee of the Board of Directors of the Mississippi Rural Water  
517 Association shall be eligible for appointment.

518 (c) The department, if requested by the board, shall  
519 furnish the board with facilities and staff as needed to  
520 administer this section. The department may contract, upon  
521 approval by the board, for those facilities and staff needed to  
522 administer this section, including routine management, as it deems  
523 necessary. The board may advertise for or solicit proposals from  
524 public or private sources, or both, for administration of this



525 section or any services required for administration of this  
526 section or any portion thereof. It is the intent of the  
527 Legislature that the board endeavor to ensure that the costs of  
528 administration of this section are as low as possible in order to  
529 provide the water consumers of Mississippi safe drinking water at  
530 affordable prices.

531 (d) Members of the board may not receive any salary,  
532 compensation or per diem for the performance of their duties under  
533 this section.

534 (2) (a) There is created a special fund in the State  
535 Treasury to be designated as the "Local Governments and Rural  
536 Water Systems Improvements Revolving Loan Fund," referred to in  
537 this section as "revolving fund," which fund shall consist of  
538 those monies as provided in Sections 6 and 13 of Chapter 521, Laws  
539 of 1995. The revolving fund may receive appropriations, bond  
540 proceeds, grants, gifts, donations or funds from any source,  
541 public or private. Except as otherwise provided in this section,  
542 the revolving fund shall be credited with all repayments of  
543 principal and interest derived from loans made from the revolving  
544 fund. Except as otherwise provided in this section, the monies in  
545 the revolving fund may be expended only in amounts appropriated by  
546 the Legislature, and the different amounts specifically provided  
547 for the loan program and the grant program shall be so designated.  
548 Except as otherwise provided in this section, monies in the fund  
549 may only be expended for the grant program from the amount



550 designated for such program. The revolving fund shall be  
551 maintained in perpetuity for the purposes established in this  
552 section and Sections 6 through 20 of Chapter 521, Laws of 1995.  
553 Unexpended amounts remaining in the revolving fund at the end of a  
554 fiscal year shall not lapse into the State General Fund, and any  
555 interest earned on amounts in the revolving fund shall be  
556 deposited to the credit of the fund. Monies in the revolving fund  
557 may not be used or expended for any purpose except as authorized  
558 under this section and Sections 6 through 20 of Chapter 521, Laws  
559 of 1995. Any monies in the fund may be used to match any federal  
560 funds that are available for the same or related purposes for  
561 which funds are used and expended under this section and Sections  
562 6 through 20 of Chapter 521, Laws of 1995. Any federal funds  
563 shall be used and expended only in accordance with federal laws,  
564 rules and regulations governing the expenditure of those funds.  
565 No person shall use any monies from the revolving fund for the  
566 acquisition of real property or any interest in real property  
567 unless that property is integral to the project funded under this  
568 section and the purchase is made from a willing seller. No  
569 county, incorporated municipality or district shall acquire any  
570 real property or any interest in any real property for a project  
571 funded through the revolving fund by condemnation. The board's  
572 application of Sections 43-37-1 through 43-37-13 shall be no more  
573 stringent or extensive in scope, coverage and effect than federal  
574 property acquisition laws and regulations.



575           (b) There is created a special fund in the State  
576 Treasury to be designated as the "Local Governments and Rural  
577 Water Systems Emergency Loan Fund," hereinafter referred to as  
578 "emergency fund," which fund shall consist of those monies as  
579 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The  
580 emergency fund may receive appropriations, bond proceeds, grants,  
581 gifts, donations or funds from any source, public or private.  
582 Except as otherwise provided in this section, the emergency fund  
583 shall be credited with all repayments of principal and interest  
584 derived from loans made from the emergency fund. Except as  
585 otherwise provided in this section, the monies in the emergency  
586 fund may be expended only in amounts appropriated by the  
587 Legislature. The emergency fund shall be maintained in perpetuity  
588 for the purposes established in this section and Section 6 of  
589 Chapter 521, Laws of 1995. Unexpended amounts remaining in the  
590 emergency fund at the end of a fiscal year shall not lapse into  
591 the State General Fund. Any interest earned on amounts in the  
592 emergency fund shall be deposited to the credit of the fund.  
593 Monies in the emergency fund may not be used or expended for any  
594 purpose except as authorized under this section and Section 6 of  
595 Chapter 521, Laws of 1995.

596           (c) The board created in subsection (1) shall establish  
597 loan and grant programs by which loans and grants may be made  
598 available to counties, incorporated municipalities, districts or  
599 other water organizations that have been granted tax-exempt status





600 under either federal or state law, to assist those counties,  
601 incorporated municipalities, districts or water organizations in  
602 making water systems improvements, including the construction of  
603 new water systems or expansion or repair of existing water  
604 systems. Any entity eligible under this section may receive  
605 either a loan or a grant, or both. No grant awarded under the  
606 program established in this section may be made using funds from  
607 the loan program. Grants may be awarded only when the Legislature  
608 specifically appropriates funds for that particular purpose. The  
609 interest rate on those loans may vary from time to time and from  
610 loan to loan, and will be at or below market interest rates as  
611 determined by the board. The board shall act as quickly as is  
612 practicable and prudent in deciding on any loan request that it  
613 receives. Loans from the revolving fund or emergency fund may be  
614 made to counties, incorporated municipalities, districts or other  
615 water organizations that have been granted tax-exempt status under  
616 either federal or state law, as set forth in a loan agreement in  
617 amounts not to exceed one hundred percent (100%) of eligible  
618 project costs as established by the board. The board may require  
619 county, municipal, district or other water organization  
620 participation or funding from other sources, or otherwise limit  
621 the percentage of costs covered by loans from the revolving fund  
622 or the emergency fund. The board may establish a maximum amount  
623 for any loan from the revolving fund or emergency fund in order to  
624 provide for broad and equitable participation in the programs.



625 (d) A county that receives a loan from the revolving  
626 fund or the emergency fund shall pledge for repayment of the loan  
627 any part of the homestead exemption annual tax loss reimbursement  
628 to which it may be entitled under Section 27-33-77, as may be  
629 required to meet the repayment schedule contained in the loan  
630 agreement. An incorporated municipality that receives a loan from  
631 the revolving fund or the emergency fund shall pledge for  
632 repayment of the loan any part of the sales tax revenue  
633 distribution to which it may be entitled under Section 27-65-75,  
634 as may be required to meet the repayment schedule contained in the  
635 loan agreement. All recipients of such loans shall establish a  
636 dedicated source of revenue for repayment of the loan. Before any  
637 county or incorporated municipality shall receive any loan, it  
638 shall have executed with the Department of Revenue and the board a  
639 loan agreement evidencing that loan. The loan agreement shall not  
640 be construed to prohibit any recipient from prepaying any part or  
641 all of the funds received. The repayment schedule in each loan  
642 agreement shall provide for (i) monthly payments, (ii) semiannual  
643 payments, or (iii) other periodic payments, the annual total of  
644 which shall not exceed the annual total for any other year of the  
645 loan by more than fifteen percent (15%). Except as otherwise  
646 provided in subsection (4) of this section, the loan agreement  
647 shall provide for the repayment of all funds received from the  
648 revolving fund within not more than fifteen (15) years or a term  
649 as otherwise allowed by the federal Safe Drinking Water Act, and



650 all funds received from the emergency fund within not more than  
651 five (5) years from the date of project completion, and any  
652 repayment shall commence not later than one (1) year after project  
653 completion. The Department of Revenue shall withhold semiannually  
654 from counties and monthly from incorporated municipalities from  
655 the amount to be remitted to the county or municipality, a sum  
656 equal to the next repayment as provided in the loan agreement.

657 (e) Any county, incorporated municipality, district or  
658 other water organization desiring to construct a project approved  
659 by the board which receives a loan from the state for that purpose  
660 but which is not eligible to pledge for repayment under the  
661 provisions of paragraph (d) of this subsection shall repay that  
662 loan by making payments each month to the State Treasurer through  
663 the Department of Finance and Administration for and on behalf of  
664 the board according to Section 7-7-15, to be credited to either  
665 the revolving fund or the emergency fund, whichever is  
666 appropriate, in lieu of pledging homestead exemption annual tax  
667 loss reimbursement or sales tax revenue distribution.

668 Loan repayments shall be according to a repayment schedule  
669 contained in each loan agreement as provided in paragraph (d) of  
670 this subsection.

671 (f) Any district created pursuant to Sections 19-5-151  
672 through 19-5-207 that receives a loan from the revolving fund or  
673 the emergency fund shall pledge for repayment of the loan any part  
674 of the revenues received by that district pursuant to Sections



675 19-5-151 through 19-5-207, as may be required to meet the  
676 repayment schedule contained in the loan agreement.

677 (g) The State Auditor, upon request of the board, shall  
678 audit the receipts and expenditures of a county, an incorporated  
679 municipality, district or other water organization whose loan  
680 repayments appear to be in arrears, and if the Auditor finds that  
681 the county, incorporated municipality, district or other water  
682 organization is in arrears in those repayments, the Auditor shall  
683 immediately notify the chairman of the board who may take any  
684 action as may be necessary to enforce the terms of the loan  
685 agreement, including liquidation and enforcement of the security  
686 given for repayment of the loan, and the Executive Director of the  
687 Department of Finance and Administration who shall withhold all  
688 future payments to the county of homestead exemption annual tax  
689 loss reimbursements under Section 27-33-77 and all sums allocated  
690 to the county or the incorporated municipality under Section  
691 27-65-75 until such time as the county or the incorporated  
692 municipality is again current in its loan repayments as certified  
693 by the board.

694 (h) Except as otherwise provided in this section, all  
695 monies deposited in the revolving fund or the emergency fund,  
696 including loan repayments and interest earned on those repayments,  
697 shall be used only for providing loans or other financial  
698 assistance to water systems as the board deems appropriate. In  
699 addition, any amounts in the revolving fund or the emergency fund



700 may be used to defray the reasonable costs of administering the  
701 revolving fund or the emergency fund and conducting activities  
702 under this section and Sections 6 through 20 of Chapter 521, Laws  
703 of 1995, subject to any limitations established in the federal  
704 Safe Drinking Water Act, as amended and subject to annual  
705 appropriation by the Legislature. The department is authorized,  
706 upon approval by the board, to use amounts available to it from  
707 the revolving fund or the emergency fund to contract for those  
708 facilities and staff needed to administer and provide routine  
709 management for the funds and loan program. However,  
710 notwithstanding any other provision of law to the contrary, all or  
711 any portion of repayments of principal and interest derived from  
712 the fund uses described in this section may be designated or  
713 pledged for repayment of a loan as provided for in Section  
714 31-25-28 in connection with a loan from the Mississippi  
715 Development Bank.

716 (3) In administering this section and Sections 6 through 20  
717 of Chapter 521, Laws of 1995, the board created in subsection (1)  
718 of this section shall have the following powers and duties:

719 (a) To supervise the use of all funds made available  
720 under this section and Sections 6 through 20 of Chapter 521, Laws  
721 of 1995, for local governments and rural water systems  
722 improvements;

723 (b) To promulgate rules and regulations, to make  
724 variances and exceptions thereto, and to establish procedures in



725 accordance with this section and Sections 6 through 20 of Chapter  
726 521, Laws of 1995, for the implementation of the local governments  
727 and rural water systems improvements revolving loan program;

728 (c) To require, at the board's discretion, any loan or  
729 grant recipient to impose a per connection fee or surcharge or  
730 amended water rate schedule or tariff on each customer or any  
731 class of customers, benefiting from an improvement financed by a  
732 loan or grant made under this section, for repayment of any loan  
733 funds provided under this section and Sections 6 through 20 of  
734 Chapter 521, Laws of 1995. The board may require any loan or  
735 grant recipient to undergo a water system viability analysis and  
736 may require a loan or grant recipient to implement any result of  
737 the viability analysis. If the loan recipient fails to implement  
738 any result of a viability analysis as required by the board, the  
739 board may impose a monetary penalty or increase the interest rate  
740 on the loan, or both. If the grant recipient fails to implement  
741 any result of a viability analysis as required by the board, the  
742 board may impose a monetary penalty on the grant;

743 (d) To review and certify all projects for which funds  
744 are authorized to be made available under this section and  
745 Sections 6 through 20 of Chapter 521, Laws of 1995, for local  
746 governments and rural water systems improvements;

747 (e) To requisition monies in the Local Governments and  
748 Rural Water Systems Improvements Revolving Loan Fund and the Local  
749 Governments and Rural Water Systems Emergency Loan Fund and



750 distribute those monies on a project-by-project basis in  
751 accordance with this section;

752 (f) To ensure that the funds made available under this  
753 section and Sections 6 through 20 of Chapter 521, Laws of 1995, to  
754 a county, an incorporated municipality, a district or a water  
755 organization that has been granted tax-exempt status under either  
756 federal or state law provide for a distribution of projects and  
757 funds among the entities under a priority system established by  
758 the board;

759 (g) To maintain in accordance with generally accepted  
760 government accounting standards an accurate record of all monies  
761 in the revolving fund and the emergency fund made available to  
762 counties, incorporated municipalities, districts or other water  
763 organizations under this section and Sections 6 through 20 of  
764 Chapter 521, Laws of 1995, and the costs for each project;

765 (h) To establish policies, procedures and requirements  
766 concerning viability and financial capability to repay loans that  
767 may be used in approving loans available under this section,  
768 including a requirement that all loan recipients have a rate  
769 structure which will be sufficient to cover the costs of  
770 operation, maintenance, major equipment replacement and repayment  
771 of any loans made under this section; and

772 (i) To file annually with the Legislature a report  
773 detailing how monies in the Local Governments and Rural Water  
774 Systems Improvements Revolving Loan Fund and the Local Governments



775 and Rural Water Systems Emergency Loan Fund were spent during the  
776 preceding fiscal year in each county, incorporated municipality,  
777 district or other water organization, the number of projects  
778 approved and constructed, and the cost of each project.

779 For efficient and effective administration of the loan  
780 program, revolving fund and emergency fund, the board may  
781 authorize the department or the State Health Officer to carry out  
782 any or all of the powers and duties enumerated above.

783 (4) The board may, on a case-by-case basis and to the extent  
784 allowed by federal law, renegotiate the payment of principal and  
785 interest on loans made under this section to the six (6) most  
786 southern counties of the state covered by the Presidential  
787 Declaration of Major Disaster for the State of Mississippi  
788 (FEMA-1604-DR) dated August 29, 2005, and to incorporated  
789 municipalities, districts or other water organizations located in  
790 such counties; however, the interest on the loans shall not be  
791 forgiven for a period of more than twenty-four (24) months and the  
792 maturity of the loans shall not be extended for a period of more  
793 than forty-eight (48) months.

794 **SECTION 8.** Section 41-3-17, Mississippi Code of 1972, is  
795 reenacted as follows:

796 41-3-17. The State Board of Health is authorized to make and  
797 publish all reasonable rules and regulations necessary to enable  
798 it to discharge its duties and powers and to carry out the  
799 purposes and objectives of its creation. It is further authorized





800 to make reasonable sanitary rules and regulations, to be enforced  
801 in the several counties by the county health officer under the  
802 supervision and control of the State Board of Health. The State  
803 Board of Health shall not make or enforce any rule or regulation  
804 that prohibits consumers from providing their own containers for  
805 the purpose of purchasing or accepting water from any vending  
806 machine or device which filters or treats water that has already  
807 been tested and determined to meet or exceed the minimum health  
808 protection standards prescribed for drinking water under the  
809 Mississippi Safe Drinking Water Law, if that vending machine or  
810 device meets or exceeds United States Environmental Protection  
811 Agency or national automatic merchandising standards.

812 **SECTION 9.** Section 41-3-18, Mississippi Code of 1972, is  
813 reenacted as follows:

814 41-3-18. (1) The board shall assess fees in the following  
815 amounts and for the following purposes:

816 (a) Food establishment annual permit fee, based on the  
817 assessment factors of the establishment as follows:

818	Assessment Category 1.....	\$ 30.00
819	Assessment Category 2.....	100.00
820	Assessment Category 3.....	150.00
821	Assessment Category 4.....	200.00

822 (b) Private water supply approval fee.....\$ 10.00

823 The board may develop such reasonable standards, rules and  
824 regulations to clearly define each assessment category.



825 Assessment categories shall be based upon the factors to the  
826 public health implications of the category and type of food  
827 preparation being utilized by the food establishment, utilizing  
828 the model Food Code of 1995, or as may be amended by the federal  
829 Food and Drug Administration.

830 Any increase in the fees charged by the board under this  
831 subsection shall be in accordance with the provisions of Section  
832 41-3-65.

833 (2) The fee authorized under subsection (1)(a) of this  
834 section shall not be assessed for:

835 (a) Food establishments operated by public schools,  
836 public junior and community colleges, or state agencies or  
837 institutions, including, without limitation, the state  
838 institutions of higher learning and the State Penitentiary; and

839 (b) Persons who make infrequent casual sales of honey  
840 and who pack or sell less than five hundred (500) gallons of honey  
841 per year, and those persons shall not be inspected by the State  
842 Department of Health unless requested by the producer.

843 (3) The fee authorized under subsection (1)(b) of this  
844 section shall not be assessed for private water supplies used by  
845 foster homes licensed by the Department of Child Protection  
846 Services.

847 **SECTION 10.** Section 41-3-19, Mississippi Code of 1972, is  
848 reenacted as follows:



849 41-3-19. It is the duty of the State Board of Health to make  
850 a report, in writing, to the Governor, on or before the first day  
851 of December next preceding each session, not an extraordinary  
852 session of the Legislature, upon the sanitary condition, prospect,  
853 and needs of the state, setting forth the action of said board, of  
854 its officers and agents, the names thereof, and all its  
855 expenditures since the last preceding report, and such other  
856 matters as it may deem proper for the promotion of health or the  
857 prevention of disease. The report shall be laid before the  
858 Legislature by the Governor at its ensuing term.

859 **SECTION 11.** Section 41-3-20, Mississippi Code of 1972, is  
860 amended as follows:

861 41-3-20. Sections 41-3-1.1, 41-3-3, 41-3-4, 41-3-5.1,  
862 41-3-6, 41-3-15, 41-3-16, 41-3-17, 41-3-18 and 41-3-19, which  
863 create the State Board of Health, establish the position of  
864 Executive Officer of the State Department of Health and establish  
865 the State Department of Health and prescribe its powers and  
866 duties, shall stand repealed on July 1, \* \* \* 2029.

867 **SECTION 12.** This act shall take effect and be in force from  
868 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 REENACTED SECTION 41-3-1.1, MISSISSIPPI CODE  
2 OF 1972, TO REVISE PROVISIONS RELATED TO THE MEMBERSHIP OF THE  
3 STATE BOARD OF HEALTH; TO PROVIDE THAT FROM AND AFTER JUNE 1,  
4 2024, THE GOVERNOR SHALL ENSURE THAT THE BOARD WILL ALWAYS HAVE



5 TWO MEMBERS FROM EACH OF THE STATE'S CONGRESSIONAL DISTRICTS; TO  
6 REENACT SECTIONS 41-3-3, 41-3-4, 41-3-5.1, 41-3-6, 41-3-16,  
7 41-3-17, 41-3-18 AND 41-3-19, MISSISSIPPI CODE OF 1972, WHICH  
8 CREATE THE STATE BOARD OF HEALTH, ESTABLISH THE POSITION OF  
9 EXECUTIVE OFFICER OF THE STATE DEPARTMENT OF HEALTH, AND ESTABLISH  
10 AND PRESCRIBE THE POWERS AND DUTIES OF THE STATE DEPARTMENT OF  
11 HEALTH; TO AMEND REENACTED SECTION 41-3-15, MISSISSIPPI CODE OF  
12 1972, TO DELETE VARIOUS OUTDATED PROVISIONS AND TO AUTHORIZE THE  
13 STATE DEPARTMENT OF HEALTH TO DEVELOP A STUDY OF THE STATUS OF  
14 HEALTH CARE IN MISSISSIPPI; TO AMEND SECTION 41-3-20, MISSISSIPPI  
15 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE  
16 REENACTED STATUTES; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Creekmore IV

X (SIGNED)  
Bryan

X (SIGNED)  
Felsher

X (SIGNED)  
Blount

X (SIGNED)  
McLean

X (SIGNED)  
DeBar

