

By: Representative Roberson

To: Public Utilities

HOUSE BILL NO. 1348

1 AN ACT TO BRING FORWARD SECTIONS 41-67-1, 41-67-2, 41-67-3,
2 41-67-4, 41-67-5, 41-67-6, 41-67-7, 41-67-9, 41-67-10, 41-67-11,
3 41-67-12, 41-67-15, 41-67-19, 41-67-21, 41-67-23, 41-67-25,
4 41-67-27, 41-67-28, 41-67-29, 41-67-33, 41-67-37, 41-67-39,
5 41-67-41, 41-67-101, 11-27-81, 49-2-131, 49-17-745, 97-25-59,
6 17-25-13, 17-25-29, 19-5-131, 19-5-167, 19-5-175, 21-25-51,
7 21-25-53, 21-25-55, 21-25-57, 21-25-59, 21-27-7, 21-27-75,
8 27-104-7, 31-7-9, 41-3-16, 41-3-16.1, 41-26-23, 41-26-101,
9 77-13-29, 41-3-15, 45-23-15, 65-1-8, 19-31-5, 19-31-19, 19-31-21,
10 21-27-203, 21-27-205, 21-27-207, 21-27-211, 21-27-213, 27-104-301,
11 27-104-371, 41-26-14, 47-5-94, 49-17-29, 49-17-83, 49-17-403,
12 49-17-703, 49-17-705, 49-17-739, 49-17-743, 49-17-747, 49-17-751,
13 49-17-753, 49-19-35, 51-8-1, 51-8-3, 51-39-7, 51-43-3, 57-75-9,
14 57-75-11, 57-75-37, 63-3-809, 77-1-11 AND 77-3-97 MISSISSIPPI CODE
15 OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND FOR RELATED
16 PURPOSES.

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

18 **SECTION 1.** Section 41-67-1, Mississippi Code of 1972, is
19 brought forward as follows:

20 41-67-1. (1) This chapter shall be known and may be cited
21 as the "Mississippi Individual On-Site Wastewater Disposal System
22 Law."

23 (2) It is the purpose of the Legislature through this
24 chapter to protect human health and the environment while
25 providing for reasonable use of individual on-site wastewater

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

46 **SECTION 2.** Section 41-67-2, Mississippi Code of 1972, is
47 brought forward as follows:

48 41-67-2. For purposes of this chapter, the following words
49 shall have the meanings ascribed herein unless the context clearly
50 indicates otherwise:

51 (a) "Advanced treatment system" means an individual
52 on-site wastewater treatment system that complies with Section
53 41-67-10.

54 (b) "Board" means the Mississippi State Board of
55 Health.

56 (c) "Centralized wastewater treatment system" means a
57 wastewater collection and treatment system that consists of
58 collection sewers and a centralized treatment facility other than
59 an individual on-site wastewater disposal system.

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

62 (e) "Certified manufacturer" means any person
63 registered with the department who holds a written certification
64 issued by the department allowing the manufacturer to sell on-site
65 wastewater products in the state.

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

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

74 (h) "Cluster system" means a wastewater collection and
75 treatment system under some form of common or private ownership

76 and management that provides treatment and dispersal/discharge of
77 wastewater from two (2) or more homes or buildings but less than a
78 subdivision.

79 (i) "Conventional system" means an individual on-site
80 wastewater disposal system consisting of a septic tank and
81 subsurface disposal field.

82 (j) "Department" means the Mississippi State Department
83 of Health.

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

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

90 (m) "Final approval" means an issuance of a document
91 from the department stating that a determination has been made by
92 the department that the individual on-site wastewater disposal
93 system recommended/designed has been installed and fulfills all
94 requirements under this chapter or any variance that has been
95 granted by the department.

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

99 (o) "Individual on-site wastewater disposal system"
100 means a sewage treatment and effluent disposal system that does

101 not discharge into waters of the state, that serves only one (1)
102 legal tract, that accepts only residential waste and similar waste
103 streams maintained on the property of the generator, and that is
104 designed and installed in accordance with this law and regulations
105 of the board.

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

111 (q) "Performance-based system" means an individual
112 on-site wastewater disposal system designed to meet standards
113 established to designate a level of treatment of wastewater that
114 an individual on-site wastewater disposal system must meet,
115 including, but not limited to, biochemical oxygen demand, total
116 suspended solids, nutrient reduction and fecal coliform.

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

121 (s) "Person" means any individual, trust, firm,
122 joint-stock company, public or private corporation (including a
123 government corporation), partnership, association, state, or any
124 agency or institution thereof, municipality, commission, political
125 subdivision of a state or any interstate body, and includes any

126 officer or governing or managing body of any municipality,
127 political subdivision, or the United States or any officer or
128 employee thereof.

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

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

135 (v) "Qualified homeowner maintenance provider" means
136 the current owner of a specific residence where that homeowner
137 resides and where the homeowner has met the requirements of the
138 rules and regulations of the department to provide maintenance for
139 his or her system.

140 (w) "Licensed professional engineer" means any person
141 who has met the requirements under Section 73-13-23(1) and who has
142 been issued a certificate of registration as a professional
143 engineer.

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

148 (y) "Subdivision" means any tract or combination of
149 adjacent tracts of land that is subdivided into ten (10) or more

150 tracts, sites or parcels for the purpose of commercial or
151 residential development.

152 **SECTION 3.** Section 41-67-3, Mississippi Code of 1972, is
153 brought forward as follows:

154 41-67-3. (1) The board and/or the department shall have the
155 following duties and responsibilities:

156 (a) To exercise general supervision over the design,
157 installation, operation and maintenance of individual on-site
158 wastewater disposal systems, decentralized wastewater treatment
159 systems and cluster systems;

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

171 (c) To provide or deny certification for persons
172 engaging in the business for hire of the installation, operation
173 or maintenance of individual on-site wastewater disposal systems

174 and persons engaging in the removal and disposal of the sludge and
175 liquid waste from those systems;

176 (d) To suspend or revoke certifications issued to
177 persons engaging in the business for hire of the installation,
178 operation or maintenance of individual on-site wastewater disposal
179 systems or persons engaging in the removal and disposal of the
180 sludge and liquid waste from those systems, when it is determined
181 the person has violated this chapter or applicable rules and
182 regulations;

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

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

192 (2) To assure the effective and efficient administration of
193 this chapter, the board shall adopt rules governing the design,
194 construction or installation, operation and maintenance of
195 individual on-site wastewater disposal systems, including rules
196 concerning the:

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

199 (b) Certification of installers;
200 (c) Certification of pumpers;
201 (d) Certification of manufacturers;
202 (e) Certification of professional evaluators; and
203 (f) Creation of regulations that authorize the original
204 and any subsequent homeowner to be trained by certified installers
205 as defined in Section 41-67-25(2) or other factory representatives
206 in order to educate the homeowner with the necessary knowledge to
207 provide maintenance to the homeowner's system; no fees shall be
208 charged to the homeowner for such training, thus allowing the
209 homeowner to meet the requirements of Section 41-67-7(5).

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

221 (a) A standard application form and requirements for
222 supporting documentation;
223 (b) Application review;

- 224 (c) Approval or denial of authorization for proposed
225 systems;
- 226 (d) Requirements, as deemed appropriate by the board,
227 for annual renewal of authorization;
- 228 (e) Enforcement of the requirements and conditions of
229 authorization; and
- 230 (f) Inspection, monitoring, sampling and reporting on
231 the performance of the system.

232 Any system proposed for authorization in accordance with
233 performance standards must be designed and certified by a licensed
234 professional engineer in the State of Mississippi and must be
235 authorized by the department before installation.

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

246 (5) All regulations shall be applied uniformly in all areas
247 of the state and shall take into consideration and make provision

248 for different types of soil in the state when performing soil and
249 site evaluations.

250 **SECTION 4.** Section 41-67-4, Mississippi Code of 1972, is
251 brought forward as follows:

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

273 (2) Where subdivisions are proposed that are composed of
274 fewer than thirty-five (35) building sites, and no centralized
275 wastewater treatment system is available, the department may waive
276 the requirement for a feasibility study. If the feasibility study
277 is waived, all sites within the subdivision shall be approved, if
278 a certified installer attests or a department environmentalist
279 determines that each site can be adequately served by an
280 individual on-site wastewater disposal system.

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

286 (4) "Feasibility study" means a written evaluation and
287 analysis of the potential of a proposed project that is based on
288 investigation and research by a licensed professional engineer to
289 give cost comparison between centralized or decentralized
290 treatment and disposal and individual on-site wastewater disposal
291 systems.

292 **SECTION 5.** Section 41-67-5, Mississippi Code of 1972, is
293 brought forward as follows:

294 41-67-5. (1) No owner, lessee or developer shall construct
295 or place any mobile, modular or permanently constructed residence,
296 building or facility, which may require the installation of an
297 individual on-site wastewater disposal system, without having

298 first submitted a notice of intent to the department. Upon
299 receipt of a notice of intent, the department shall provide the
300 owner, lessee or developer with complete information on individual
301 on-site wastewater disposal systems, including, but not limited
302 to, applicable rules and regulations regarding the design,
303 installation, operation and maintenance of individual on-site
304 wastewater disposal systems and known requirements of lending
305 institutions for approval of the systems.

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

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

321 **SECTION 6.** Section 41-67-6, Mississippi Code of 1972, is
322 brought forward as follows:

323 41-67-6. (1) Nothing in this chapter shall preclude a
324 certified professional evaluator or licensed professional engineer
325 from providing services relating to the design of an individual
326 on-site wastewater disposal system to comply with this chapter,
327 except for performance-based systems as specified in Section
328 41-67-3(3). A certified professional evaluator or licensed
329 professional engineer shall notify the department in writing of
330 those services being provided, including the type of treatment,
331 the type of disposal, and the property address for the treatment
332 and disposal system. Construction or installation shall not begin
333 before authorization by the department. The department shall
334 respond within ten (10) business days with authorization that the
335 certified professional evaluator or licensed professional engineer
336 fulfills the requirements of the law.

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

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

373 (3) Within thirty (30) days of receipt of a request for
374 determination of suitability of individual on-site wastewater
375 disposal systems in a subdivision, the department shall advise the
376 developer in writing either that all necessary information needed
377 for determination of suitability has been received or state the
378 additional information needed by the department for determination
379 of suitability.

380 (4) Whenever a developer requests a determination of
381 suitability of individual on-site wastewater disposal systems in a
382 subdivision, the department must make the determination within
383 thirty (30) days after receipt of all necessary information needed
384 for the determination of suitability from the developer. The
385 department shall state in writing the reasons for its
386 determination.

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

392 (b) A certified installer, or designated agent thereof,
393 shall not cover his work with soil or other surface material
394 unless the installer has received authorization to cover the
395 system after an inspection by a department environmentalist, or
396 unless a department environmentalist does not arrive for
397 inspection within thirty (30) minutes of the designated and agreed

398 upon time, in which case a certified installer, or designated
399 agent thereof, may submit an affidavit of proper installation to
400 the department for final approval.

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

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

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

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

413 (c) The person who installed the individual on-site
414 wastewater disposal system provides the department with a signed
415 affidavit attesting that the requirements of paragraphs (a) and
416 (b) are met.

417 **SECTION 7.** Section 41-67-7, Mississippi Code of 1972, is
418 brought forward as follows:

419 41-67-7. (1) Approval of the design, construction or
420 installation of an individual on-site wastewater disposal system
421 by the department is required, except as otherwise provided in
422 Section 41-67-6(7). Upon completion of installation of the

423 system, the department shall approve the design, construction or
424 installation of that system, as requested, if the system is
425 designed, constructed and installed, as the case may be, in
426 accordance with the rules and regulations of the board. Whenever
427 a person requests approval of an individual on-site wastewater
428 disposal system and has met the requirements in subsection (3) of
429 this section, the department must approve or disapprove the
430 request within five (5) working days. If the department
431 disapproves the request, the department shall state in writing the
432 reasons for the disapproval. If the department does not respond
433 to the request within ten (10) calendar days, the request for
434 approval of the individual on-site wastewater disposal system
435 shall be deemed approved.

436 (2) Individual on-site wastewater disposal systems shall be
437 considered acceptable, provided the following requirements are
438 met:

439 (a) Centralized wastewater treatment systems are not
440 available or feasible;

441 (b) The existing disposal systems in the area are
442 functioning satisfactorily;

443 (c) Soil types, soil texture, seasonal water tables and
444 other limiting factors are satisfactory for underground
445 absorption;

446 (d) Any private water supply is located at a higher
447 elevation or it must be properly protected, and at least fifty

448 (50) feet from the individual on-site wastewater disposal system
449 and at least one hundred (100) feet from the disposal field of the
450 system; and

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

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

457 (a) A signed affidavit from the installer that the
458 system was installed in compliance with all requirements,
459 regulations and permit conditions applicable to the system
460 installed; and

461 (b) For any advanced treatment system, an affidavit
462 from the property owner agreeing to a continuing maintenance
463 agreement on the installed system at the end of the required
464 manufacturer's maintenance agreement.

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

472 (5) The property owner, if not a qualified homeowner
473 maintenance provider, shall keep a continuing maintenance
474 agreement with a certified installer on all advanced treatment
475 systems in perpetuity. Any person violating this subsection shall
476 be subject to the penalties and damages as provided in Section
477 41-67-28(5).

478 **SECTION 8.** Section 41-67-9, Mississippi Code of 1972, is
479 brought forward as follows:

480 41-67-9. (1) All existing individual on-site wastewater
481 disposal systems on July 1, 2014, shall be grandfathered in until
482 a valid complaint is registered with a county department of health
483 or until a property owner requests an inspection by the
484 department.

485 (2) All existing individual on-site wastewater disposal
486 systems shall be considered acceptable provided the following
487 requirements are met:

488 (a) The existing individual on-site wastewater disposal
489 system and all treated effluent is contained on the property of
490 the generator;

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

494 (c) Centralized wastewater treatment systems are not
495 available;

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

501 (e) If an advanced treatment system is used, the
502 property owner shall be required to contact an authorized
503 representative of a certified manufacturer of the specific
504 advanced treatment system to provide a continuous maintenance
505 agreement or provide the property owner training to become a
506 qualified homeowner maintenance provider.

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

511 **SECTION 9.** Section 41-67-10, Mississippi Code of 1972, is
512 brought forward as follows:

513 41-67-10. (1) Advanced treatment systems may be installed
514 only if they have been tested and are listed by an American
515 National Standards Institute (ANSI) third-party certifying program
516 at the time of installation. Advanced treatment systems shall be
517 in compliance with standards for a Class I system as defined by
518 the most current revision of American National Standards
519 Institute/National Sanitation Foundation (ANSI/NSF) International
520 Standard Number 40, which are incorporated by reference. An

521 approved ANSI third-party certifying program shall comply with the
522 following provisions for systems which it has certified to be
523 installed in Mississippi:

524 (a) Be accredited by the American National Standards
525 Institute;

526 (b) Have established procedures which send
527 representatives to distributors in Mississippi on a recurring
528 basis to conduct evaluations to assure that distributors of
529 certified advanced treatment systems are providing proper
530 maintenance, have sufficient replacement parts available and are
531 maintaining service records;

532 (c) Notify the department of the results of monitoring
533 visits to manufacturers and distributors within sixty (60) days of
534 the conclusion of the monitoring; and

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

537 (2) All manufacturers of advanced treatment systems
538 certified in Mississippi shall provide technical training staff to
539 the department as needed.

540 **SECTION 10.** Section 41-67-11, Mississippi Code of 1972, is
541 brought forward as follows:

542 41-67-11. (1) Individual on-site wastewater disposal
543 systems may be approved in an area where individual on-site
544 wastewater disposal systems otherwise would not be approved
545 because of the availability or feasibility of connection to a

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

571 buildings or facilities connected to the centralized wastewater
572 treatment system.

573 (2) The department may approve the use of a sewage holding
574 tank for the purpose of providing sewage services. The department
575 shall require the proper abandonment and removal of the sewage
576 holding tank and connection to a centralized wastewater treatment
577 system when that system is available, or the usage is no longer
578 needed.

579 **SECTION 11.** Section 41-67-12, Mississippi Code of 1972, is
580 brought forward as follows:

581 41-67-12. (1) The department shall assess fees in the
582 following amounts for the following purposes:

583 (a) A fee of One Hundred Dollars (\$100.00) shall be
584 levied for soil and site evaluation and recommendation of
585 individual on-site wastewater disposal systems. The department
586 may increase the amount of the fee authorized in this paragraph
587 (a) not more than two (2) times during the period from July 1,
588 2016, through June 30, 2020, with the percentage of each increase
589 being not more than five percent (5%) of the amount of the fee in
590 effect at the time of the increase.

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

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

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

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

605 (3) No fee authorized under this section shall be assessed
606 by the department for state agencies or institutions, including,
607 without limitation, foster homes licensed by the Mississippi
608 Department of Child Protection Services.

609 **SECTION 12.** Section 41-67-15, Mississippi Code of 1972, is
610 brought forward as follows:

611 41-67-15. Nothing in this chapter shall limit the authority
612 of a municipality or board of supervisors to adopt similar
613 ordinances which may be, in whole or in part, more restrictive
614 than this chapter, and in those cases the more restrictive
615 ordinances will govern. The department shall not approve any
616 system that does not comply with an ordinance adopted by a
617 municipality or board of supervisors under the authority of this
618 section.

619 **SECTION 13.** Section 41-67-19, Mississippi Code of 1972, is
620 brought forward as follows:

621 41-67-19. Each authorized agent of the department
622 implementing this chapter shall demonstrate to the department's
623 satisfaction that the person:

624 (a) Is competent to review and provide any requested
625 approval of design and installation of individual on-site
626 wastewater disposal systems, as well as the operation, repair or
627 maintenance of those systems, to make soil permeability tests or
628 soil and site evaluations, and to conduct inspections of
629 individual on-site wastewater disposal systems in accordance with
630 this chapter and rules and regulations adopted under this chapter;
631 and

632 (b) Has successfully completed the department's
633 certification training program.

634 **SECTION 14.** Section 41-67-21, Mississippi Code of 1972, is
635 brought forward as follows:

636 41-67-21. (1) The department shall require a property owner
637 and/or lessee to repair a malfunctioning individual on-site
638 wastewater disposal system on the owner's or lessee's property
639 before the thirtieth day after the date on which the owner or
640 lessee is notified by the department of the malfunctioning system.

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

644 (3) If an existing residential individual on-site wastewater
645 disposal system is malfunctioning, the system shall be repaired to
646 reduce the volume of effluent, to adequately treat the effluent
647 and to the greatest extent possible, to confine the discharge to
648 the property of the generator. If repairs are made to
649 significantly upgrade the existing individual on-site wastewater
650 disposal system, the department shall approve the system, if
651 requested.

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

657 (5) The board may assess the property owner or lessee of an
658 individual on-site wastewater disposal system authorized under
659 Section 41-67-3(3) a civil penalty not to exceed Five Dollars
660 (\$5.00) for each day the system fails to meet the performance
661 standards of that system after the thirty-day period specified in
662 subsection (1) of this section.

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

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

667 **SECTION 15.** Section 41-67-23, Mississippi Code of 1972, is
668 brought forward as follows:

669 41-67-23. The department or its authorized representative
670 may enter onto property and make inspections of any individual
671 on-site wastewater disposal system as necessary to ensure that the
672 system is in compliance with this chapter and the rules and
673 regulations adopted under this chapter. The department shall give
674 reasonable notice to any property owner, lessee or occupant prior
675 to entry onto the property. The owner, lessee, owner's
676 representative, or occupant of the property on which the system is
677 located shall give the department or its authorized representative
678 reasonable access to the property at reasonable times to make
679 necessary inspections.

680 **SECTION 16.** Section 41-67-25, Mississippi Code of 1972, is
681 brought forward as follows:

682 41-67-25. (1) A person may not operate as an installer of
683 individual on-site wastewater disposal systems unless that person
684 is currently certified by the department. A person who installs
685 an individual on-site wastewater disposal system on his own
686 property for his primary residence is not considered an installer
687 for purposes of this subsection.

688 (2) An installer of advanced treatment systems or products
689 must be a factory-trained and authorized representative. The
690 manufacturer must furnish documentation to the department
691 certifying the satisfactory completion of factory training and the
692 establishment of the installer as an authorized manufacturer's
693 representative.

694 (3) The department shall issue a certification to an
695 installer if the installer:

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

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

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

705 (d) Provides proof of having a valid general business
706 liability insurance policy in effect with liability limits of at
707 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
708 least One Hundred Thousand Dollars (\$100,000.00) in total
709 aggregate amount.

710 (4) Each installer shall furnish proof of certification to a
711 property owner, lessee, the owner's representative or occupant of
712 the property on which an individual on-site wastewater disposal
713 system is to be designed, constructed, repaired or installed by
714 that installer and to the department or its authorized
715 representative, if requested.

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

718 (6) (a) An installer's certification may be suspended or
719 revoked by the department after notice and hearing if the
720 installer violates this chapter or any rule or regulation adopted
721 under this chapter.

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

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

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

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

732 **SECTION 17.** Section 41-67-27, Mississippi Code of 1972, is
733 brought forward as follows:

734 41-67-27. A person may not operate a business in or do
735 business in the State of Mississippi as a manufacturer of
736 components used in an individual on-site wastewater disposal
737 system without holding a valid manufacturer's registration issued
738 by the department. If any person is operating in the state as a
739 manufacturer without certification by the department, the
740 department, after due notice and opportunity for a hearing, may
741 impose a monetary penalty not to exceed Ten Thousand Dollars
742 (\$10,000.00) for each violation.

743 **SECTION 18.** Section 41-67-28, Mississippi Code of 1972, is
744 brought forward as follows:

745 41-67-28. (1) Except as otherwise provided in this chapter,
746 any person who shall knowingly violate this chapter or any rule or
747 regulation or written order of the board in pursuance thereof is,
748 upon conviction, guilty of a misdemeanor and shall be punished as
749 provided in Section 41-3-59.

750 (2) Each day of a continuing violation is a separate
751 violation.

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

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

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

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

769 (b) Nothing in this chapter shall be construed to
770 permit any class action or suit, but every private action must be
771 maintained in the name of and for the sole use and benefit of the
772 individual person.

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

785 (5) (a) Any person who violates Section 41-67-7(5) or
786 41-67-11(2) may be assessed an administrative fine in the amount
787 of Five Hundred Dollars (\$500.00) and the public water system may
788 discontinue service to that property owner until the failure to
789 comply with Section 41-67-7(5) or 41-67-11(2) has been corrected.

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

792 (c) Any violator shall have the right to appeal an
793 adverse determination through the procedures set out in Section
794 41-67-29.

795 **SECTION 19.** Section 41-67-29, Mississippi Code of 1972, is
796 brought forward as follows:

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

817 the chancery court to the Supreme Court in the manner as now
818 required by law, but if a supersedeas is desired by the party
819 appealing to the chancery court, that party may apply therefor to
820 the chancellor, who shall award a writ of supersedeas, without
821 additional bond, if in the chancellor's judgment material damage
822 is not likely to result. If material damage is likely to result,
823 the chancellor shall require a supersedeas bond as deemed proper,
824 which shall be liable to the state for any damage.

825 **SECTION 20.** Section 41-67-33, Mississippi Code of 1972, is
826 brought forward as follows:

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

841 (2) Property owners may apply for a variance from the
842 department by submitting a report for a proposed system to the
843 department from a licensed professional engineer that the proposed
844 wastewater treatment system will properly treat and maintain
845 wastewater on the property and proof that the licensed
846 professional engineer has errors and omissions insurance. The
847 department shall grant the variance but still have authority for
848 final approval to inspect that the system is installed as
849 designed. All forms from the department relating to allowed
850 wastewater systems shall include the variance option.

851 (3) Any person aggrieved by the ruling issued by the
852 Director of the Office of Environmental Health may apply for a
853 hearing. Any hearing shall be conducted by a hearing officer
854 designated by the department. At the hearing, the hearing officer
855 may conduct reasonable questioning of persons who make relevant
856 factual allegations concerning the proposal. The hearing officer
857 shall require that all persons be sworn in before they may offer
858 any testimony at the hearing, and the hearing officer is
859 authorized to administer oaths. Any person so choosing may be
860 represented by counsel at the hearing. A record of the hearing
861 shall be made, which shall consist of a transcript of all
862 testimony received, all documents and other material introduced,
863 the staff report and recommendation, and any other material as the
864 hearing officer considers relevant. He shall make a
865 recommendation within a reasonable period of time after the

866 hearing is closed and after he has had an opportunity to review,
867 study and analyze the evidence presented during the hearing. The
868 completed record shall be certified to the State Health Officer,
869 who shall consider only the record in making his decision, and
870 shall not consider any evidence or material that is not included.
871 All final decisions regarding the disapproval or requirements for
872 an on-site wastewater disposal system shall be made by the State
873 Health Officer. The State Health Officer shall make his written
874 findings and issue his order after reviewing the record, not to
875 exceed thirty (30) days following his receipt of the record.

876 **SECTION 21.** Section 41-67-37, Mississippi Code of 1972, is
877 brought forward as follows:

878 41-67-37. (1) A person may not operate as a certified
879 professional evaluator in this state unless that person is
880 currently certified by the department or is a licensed
881 professional engineer.

882 (2) A person must meet one (1) of the following
883 requirements, in addition to the additional requirements set forth
884 in other sections of this chapter and rules and regulations of the
885 board, in order to be eligible to become a certified professional
886 evaluator:

887 (a) Be a professional geologist registered in the State
888 of Mississippi;

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

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

894 (3) The department shall issue a certification to a
895 certified professional evaluator if the certified professional
896 evaluator:

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

899 (b) Satisfactorily completes the certified professional
900 evaluator training program provided by the department;

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

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

909 (4) Each certified professional evaluator shall furnish
910 proof of certification to a property owner or the owner's
911 representative of the property before performing a site evaluation
912 of the property on which an individual on-site wastewater disposal
913 system is to be designed, constructed, repaired or installed by
914 the certified professional evaluator and to the department or its
915 authorized representative, if requested.

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

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

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

926 **SECTION 22.** Section 41-67-39, Mississippi Code of 1972, is
927 brought forward as follows:

928 41-67-39. (1) A person may not be engaged in the business
929 of removing and disposing of the sludge and liquid waste (septage)
930 from individual on-site wastewater disposal systems in this state
931 unless that person has a valid certificate issued by the
932 department.

933 (2) The department shall issue a certificate to a pumper if
934 the pumper:

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

937 (b) Satisfactorily completes the certified pumper
938 training program provided by the department;

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

941 (d) Provides documentation of a disposal site approved
942 by the Department of Environmental Quality, Office of Pollution
943 Control;

944 (e) Pays the license fee once every three (3) years;
945 any increase in the fee charged by the department under this
946 paragraph shall be in accordance with the provisions of Section
947 41-3-65; and

948 (f) Provides proof of having a valid general business
949 liability insurance policy in effect with liability limits of at
950 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
951 least One Hundred Thousand Dollars (\$100,000.00) in total
952 aggregate amount.

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

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

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

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

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

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

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

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

975 **SECTION 23.** Section 41-67-41, Mississippi Code of 1972, is
976 brought forward as follows:

977 41-67-41. (1) There is created the Wastewater Advisory
978 Council for the purpose of advising the department regarding
979 individual on-site wastewater disposal systems. The advisory
980 council shall be composed of the following:

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

982 (b) One (1) appointee of the Chairman of the State
983 Board of Health;

984 (c) One (1) appointee of the Chairman of the State
985 Board of Health that represents a Mississippi Aerobic Treatment
986 Unit (ATU) manufacturer;

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

989 (e) One (1) appointee of the Chairman of the State
990 Board of Health that represents a septic tank or aggregate
991 disposal manufacturer;

992 (f) One (1) appointee of the Executive Director of the
993 Mississippi Department of Environmental Quality;

994 (g) One (1) appointee of the Executive Director of the
995 Office of Pollution Control;

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

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

1000 (j) One (1) appointee of the Chairman of the Department
1001 of the Mississippi State University School of Civil and
1002 Environmental Engineering Companies;

1003 (k) The federally appointed Mississippi State Soil
1004 Scientist, or his designee;

1005 (l) One (1) appointee of the Executive Director of the
1006 American Council of Engineering Companies;

1007 (m) One (1) appointee of the Executive Director of the
1008 Home Builders Association of Mississippi;

1009 (n) One (1) appointee of the Executive Director of the
1010 Mississippi Engineering Society;

1011 (o) One (1) appointee of the Executive Director of the
1012 Mississippi Manufactured Housing Association;

1013 (p) One (1) appointee of the Executive Director of the
1014 Mississippi Rural Water Association;

1015 (q) One (1) appointee of the Executive Director of the
1016 Mississippi Association of Supervisors;

1017 (r) One (1) appointee of the President of the
1018 Mississippi Pumpers Association;

1019 (s) One (1) appointee of the President of the
1020 Mississippi Water and Pollution Control Operators Association,
1021 Inc.;

1022 (t) One (1) appointee of the Executive Director of the
1023 Mississippi Association of Realtors; and

1024 (u) One (1) appointee of the Executive Director of the
1025 Mississippi Municipal League.

1026 (2) The members of the advisory council shall elect a
1027 chairman and vice chairman from its membership.

1028 (3) The terms of appointments for each member shall be for a
1029 period of two (2) years.

1030 (4) The advisory council shall have quarterly meetings, with
1031 at least one (1) of those meetings taking place between forty-five
1032 (45) and sixty (60) days before the meeting of the board.

1033 (5) The department shall staff all advisory council meetings
1034 and record minutes of those meetings.

1035 **SECTION 24.** Section 41-67-101, Mississippi Code of 1972, is
1036 brought forward as follows:

1037 41-67-101. (1) There is created the Wastewater Advisory
1038 Board for the purpose of advising the Department of Health
1039 regarding individual on-site wastewater disposal systems. The
1040 advisory board shall be composed of the following:

1041 (a) One (1) appointee of the Executive Director of the
1042 American Council of Engineering;

1043 (b) One (1) appointee of the Executive Director of the
1044 Office of Pollution Control;

1045 (c) One (1) appointee of the State Health Officer;

1046 (d) One (1) appointee of the Executive Director of the
1047 Home Builders Association of Mississippi;

1048 (e) One (1) appointee of the Chairman of the
1049 Mississippi State Board of Health that represents a Mississippi
1050 ATU manufacturer;

1051 (f) One (1) appointee of the Executive Director of the
1052 Mississippi Engineering Society;

1053 (g) One (1) appointee of the Executive Director of the
1054 Mississippi Manufactured Housing Association;

1055 (h) One (1) appointee of the Chairman of the
1056 Mississippi State Board of Health that represents a certified
1057 installer;

1058 (i) One (1) appointee of the Chairman of the
1059 Mississippi State Board of Health that represents a septic tank or
1060 aggregate disposal manufacturer;

1061 (j) One (1) appointee of the Executive Director of the
1062 Mississippi Rural Water Association;
1063 (k) One (1) appointee of the Executive Director of the
1064 Mississippi Association of Supervisors;
1065 (l) One (1) appointee of the President of the
1066 Mississippi Pumpers Association;
1067 (m) One (1) appointee of the Executive Director of the
1068 Mississippi Soil and Water Conservation Commission;
1069 (n) One (1) appointee of the President of the
1070 Mississippi Water and Pollution Control Operators Association,
1071 Inc. ;
1072 (o) The federally appointed Mississippi State Soil
1073 Scientist, or his designee;
1074 (p) One (1) appointee of the Director of the
1075 Mississippi State Board of Registered Professional Geologists;
1076 (q) One (1) appointee of the Executive Director of the
1077 Mississippi Department of Environmental Quality;
1078 (r) One (1) appointee of the Chairman of the
1079 Mississippi State Board of Health;
1080 (s) One (1) appointee of the Executive Director of the
1081 Mississippi Association of Realtors;
1082 (t) One (1) appointee of the Executive Director of the
1083 Mississippi Municipal League; and

1084 (u) One (1) appointee of the Chairman of the Department
1085 of the Mississippi State University School of Civil and
1086 Environmental Engineering.

1087 (2) The members of the advisory committee shall elect a
1088 chairman and vice chairman from its membership.

1089 (3) The terms of appointments for each member shall be for a
1090 period of two (2) years.

1091 (4) The advisory committee shall have quarterly meetings,
1092 with at least one (1) of those meetings taking place between
1093 forty-five (45) and sixty (60) days before the meeting of the
1094 Mississippi State Board of Health.

1095 (5) The Mississippi Department of Health shall staff all
1096 advisory committee meetings and record minutes of those meetings.

1097 **SECTION 25.** Section 11-27-81, Mississippi Code of 1972, is
1098 brought forward as follows:

1099 11-27-81. The right of immediate possession pursuant to
1100 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972, may
1101 be exercised only:

1102 (a) By the State Highway Commission for the acquisition
1103 of highway rights-of-way only;

1104 (b) By any county or municipality for the purpose of
1105 acquiring rights-of-way to connect existing roads and streets to
1106 highways constructed or to be constructed by the State Highway
1107 Commission;

1108 (c) By any county or municipality for the purpose of
1109 acquiring rights-of-way for widening existing roads and streets of
1110 such county or municipality; provided, however, that said
1111 rights-of-way shall not displace a property owner from his
1112 dwelling or place of business;

1113 (d) By the boards of supervisors of any county of this
1114 state for the acquisition of highway or road rights-of-way in
1115 connection with a state-aid project designated and approved in
1116 accordance with Sections 65-9-1 through 65-9-31, Mississippi Code
1117 of 1972;

1118 (e) By any county, municipality or county utility
1119 authority created under the Mississippi Gulf Region Utility Act,
1120 Section 49-17-701 et seq., for the purpose of acquiring
1121 rights-of-way for water, sewer, drainage and other public utility
1122 purposes; provided, however, that such acquisition shall not
1123 displace a property owner from his dwelling or place of business.
1124 A county utility authority should prioritize utilizing easements
1125 within ten (10) feet of an existing right-of-way when economically
1126 feasible. A county utility authority may not exercise the right
1127 to immediate possession under this paragraph after July 1, 2013.
1128 Provisions of this paragraph (e) shall not apply to House District
1129 109;

1130 (f) By any county authorized to exercise the power of
1131 eminent domain under Section 19-7-41 for the purpose of acquiring

1132 land for construction of a federal correctional facility or other
1133 federal penal institution;

1134 (g) By the Mississippi Major Economic Impact Authority
1135 for the purpose of acquiring land, property and rights-of-way for
1136 a project as defined in Section 57-75-5(f)(iv)1 or any facility
1137 related to the project as provided in Section 57-75-11(e)(ii);

1138 (h) By the boards of supervisors of any county of this
1139 state for the purpose of constructing dams or low-water control
1140 structures on lakes or bodies of water under the provisions of
1141 Section 19-5-92;

1142 (i) By the board of supervisors of any county of this
1143 state for the purpose of acquiring land, property and/or
1144 rights-of-way for any project the board of supervisors, by a duly
1145 adopted resolution, determines to be related to a project as
1146 defined in Section 57-75-5(f)(iv). The board of supervisors of a
1147 county may not exercise the right to immediate possession under
1148 this paragraph (i) after July 1, 2003;

1149 (j) By a regional economic development alliance created
1150 under Section 57-64-1 et seq., for the purpose of acquiring land,
1151 property and/or rights-of-way within the project area and
1152 necessary for any project such an alliance, by a duly adopted
1153 resolution, determines to be related to a project as defined in
1154 Section 57-75-5(f)(xxi). An alliance may not exercise the right
1155 to immediate possession under this paragraph (j) after July 1,
1156 2012;

1157 (k) By the board of supervisors of any county of this
1158 state for the purpose of acquiring or clearing title to real
1159 property, property and/or rights-of-way within the project site
1160 and necessary for any project such board of supervisors, by a duly
1161 adopted resolution, determines to be related to a project as
1162 defined in Section 57-75-5(f)(xxii). A county may not exercise
1163 the right to immediate possession under this paragraph (k) after
1164 July 1, 2012; or

1165 (l) By any public agency, as defined in Section
1166 57-75-37(7)(a)(ii), for the purpose of acquiring land, property or
1167 interests therein, including, but not limited to, easements or
1168 rights-of-way for public highways and roads, and for public water
1169 utilities, public wastewater and wastewater treatment utilities,
1170 public drainage utilities and other public utility purposes in
1171 connection with a project defined in Section 57-75-5(f)(xxxiii).

1172 **SECTION 26.** Section 49-2-131, Mississippi Code of 1972, is
1173 brought forward as follows:

1174 49-2-131. (1) This section shall be known and may be cited
1175 as the "Mississippi Municipality and County Water Infrastructure
1176 Grant Program Act of 2022."

1177 (2) There is hereby established within the Mississippi
1178 Department of Environmental Quality the Mississippi Municipality
1179 and County Water Infrastructure (MCWI) Grant Program under which
1180 municipalities, counties and certain public utilities not
1181 regulated by the Public Service Commission may apply until

1182 February 1, 2023, for reimbursable grants to make necessary
1183 investments in water, wastewater, and stormwater infrastructure to
1184 be funded by the Legislature utilizing Coronavirus State Fiscal
1185 Recovery Funds made available under the federal American Rescue
1186 Plan Act of 2021 (ARPA). Such grants shall be made available to
1187 municipalities and counties to be matched with the Coronavirus
1188 Local Fiscal Recovery Funds awarded or to be awarded to them under
1189 ARPA on a one-to-one matching basis. Coronavirus Local Fiscal
1190 Recovery Funds that a county transfers to a municipality or that a
1191 county or municipality transfers to a public utility not regulated
1192 by the Public Service Commission are eligible on a one-to-one
1193 matching basis. Municipalities that received less than One
1194 Million Dollars (\$1,000,000.00) in the total allocation of
1195 Coronavirus Local Fiscal Recovery Funds are eligible for a
1196 two-to-one match only on the Coronavirus Local Fiscal Recovery
1197 Funds awarded or to be awarded to them under ARPA. The
1198 Mississippi Department of Environmental Quality shall only accept
1199 two (2) rounds of submissions under the Mississippi Municipality
1200 and County Water Infrastructure (MCWI) Grant Program. The second
1201 round of submissions shall be the final round. The dollar amount
1202 for professional fees that can be allocated as a part of a
1203 county's, municipality's or public utility's matching share is not
1204 to exceed four percent (4%) of the total project cost.

1205 (3) For purposes of this section, unless the context
1206 requires otherwise, the following terms shall have the meanings
1207 ascribed herein:

1208 (a) "MCWI Grant Program" means the Mississippi
1209 Municipality and County Water Infrastructure Grant Program.

1210 (b) "ARPA" means the federal American Rescue Plan Act
1211 of 2021, Public Law 117-2, which amends Title VI of the Social
1212 Security Act.

1213 (c) "State Recovery Funds" means Coronavirus State
1214 Fiscal Recovery Funds awarded through Section 602 of Title VI of
1215 the Social Security Act amended by Section 9901 of the federal
1216 American Rescue Plan Act of 2021, Public Law 117-2.

1217 (d) "Local Recovery Funds" means Coronavirus Local
1218 Fiscal Recovery Funds awarded through Section 603 of Title VI of
1219 the Social Security Act amended by Section 9901 of the federal
1220 American Rescue Plan Act of 2021, Public Law 117-2.

1221 (e) "Department" means the Department of Environmental
1222 Quality.

1223 (f) "Professional fees" means fees for the services of
1224 attorneys and engineering, surveying, and environmental studies.

1225 (g) "Project" means the infrastructure improvements
1226 defined in an application that (i) complies with all requirements
1227 of ARPA, and (ii) is eligible for a grant award under this
1228 section.

1229 (4) (a) On or before July 1, 2022, the Department of
1230 Environmental Quality shall promulgate rules and regulations
1231 necessary to administer the MCWI Grant Program prescribed under
1232 this section, including application procedures and deadlines. The
1233 department is exempt from compliance with the Mississippi
1234 Administrative Procedures Law in fulfilling the requirements of
1235 this section.

1236 (b) The Department of Health shall advise the
1237 Mississippi Department of Environmental Quality regarding all such
1238 rules and regulations as related to the federal Safe Drinking
1239 Water Act.

1240 (5) Funding under the MCWI Grant Program shall be allocated
1241 to projects certified by the Mississippi Department of
1242 Environmental Quality as eligible for federal funding, including,
1243 but not be limited to, the following:

1244 (a) Construction of publicly owned treatment works;

1245 (b) Projects pursuant to the implementation of a
1246 nonpoint source pollution management program established under the
1247 Clean Water Act (CWA);

1248 (c) Decentralized wastewater treatment systems that
1249 treat municipal wastewater or domestic sewage;

1250 (d) Management and treatment of stormwater or
1251 subsurface drainage water;

1252 (e) Water conservation, efficiency, or reuse measures;

1253 (f) Development and implementation of a conservation
1254 and management plan under the CWA;

1255 (g) Watershed projects meeting the criteria set forth
1256 in the CWA;

1257 (h) Energy consumption reduction for publicly owned
1258 treatment works;

1259 (i) Reuse or recycling of wastewater, stormwater, or
1260 subsurface drainage water;

1261 (j) Facilities to improve drinking water quality;

1262 (k) Transmission and distribution, including
1263 improvements of water pressure or prevention of contamination in
1264 infrastructure and lead service line replacements;

1265 (l) New sources to replace contaminated drinking water
1266 or increase drought resilience, including aquifer storage and
1267 recovery system for water storage;

1268 (m) Storage of drinking water, such as to prevent
1269 contaminants or equalize water demands;

1270 (n) Purchase of water systems and interconnection of
1271 systems;

1272 (o) New community water systems;

1273 (p) Culvert repair, resizing, and removal, replacement
1274 of storm sewers, and additional types of stormwater
1275 infrastructure;

1276 (q) Dam and reservoir rehabilitation, if the primary
1277 purpose of dam or reservoir is for drinking water supply and
1278 project is necessary for the provision of drinking water;

1279 (r) Broad set of lead remediation projects eligible
1280 under EPA grant programs authorized by the Water Infrastructure
1281 Improvements for the Nation (WIIN) Act; and

1282 (s) Any eligible drinking water, wastewater or
1283 stormwater project through ARPA guidelines, guidance, rules,
1284 regulations and other criteria, as may be amended from time to
1285 time, by the United States Department of the Treasury.

1286 (6) The governing authority of a municipality, county or
1287 public utility that is not regulated by the Public Service
1288 Commission may submit an application for grant funds under this
1289 section if the applicant is an operator-member of Mississippi 811,
1290 Inc., as defined in Section 77-13-3. Applicants shall certify to
1291 the department that each expenditure of the funds awarded to them
1292 under this section is in compliance with ARPA guidelines,
1293 guidance, rules, regulations and other criteria, as may be amended
1294 from time to time, by the United States Department of the Treasury
1295 regarding the use of monies from the State Coronavirus State
1296 Fiscal Recovery Funds. Subsequent submissions will be due by the
1297 dates established by the department.

1298 (7) An application for a grant under this section shall be
1299 submitted at such time, be in such form, and contain such
1300 information as the department prescribes. Each application for

1301 grant funds shall include the following at a minimum: (a)
1302 applicant contact information; (b) project description and type of
1303 project; (c) project map; (d) estimate of population affected by
1304 the project; (e) disadvantaged community criteria (population,
1305 median household income, unemployment, current water/sewer rates);
1306 (f) estimated project cost; (g) list of match funds of direct
1307 Coronavirus Local Fiscal Recovery Funds received and to be
1308 received from the federal government, a certification that such
1309 funds have been or will be used for the project detailed in the
1310 application, and documentation of commitment; (h) estimated
1311 project schedule and readiness to proceed; (i) engineering
1312 services agreement; (j) engineering reports; and (k) information
1313 about status of obtaining any required permits.

1314 (8) The department must apply a system for use in ranking
1315 the grant applications received, unless the Legislature funds all
1316 eligible grant requests under the program. When applying the
1317 ranking system, the department shall apply a greater weight to
1318 projects that have approved engineering/design, plans and permits
1319 if the department has deemed the project is ready to begin
1320 construction within six (6) months. Projects that are included on
1321 the municipal or county engineer's approved list and provide
1322 applicable supporting documentation shall receive additional
1323 consideration awarded to the application. The ranking system
1324 shall include the following factors, at a minimum: (a) the
1325 environmental impact of the proposed project; (b) the proposed

1326 project's ability to address noncompliance with state/federal
1327 requirements; (c) the extent to which the project promotes
1328 economic development; (d) the number of people served by the
1329 project and the number of communities the project serves; (e)
1330 impacts of the proposed project on disadvantaged/overburdened
1331 communities; (f) the grant applicant's prior efforts to secure
1332 funding to address the proposed project's objectives; (g) the
1333 grant applicant's proposed contribution of other funds or in-kind
1334 cost-sharing to the proposed project; (h) the grant applicant's
1335 long-term plans for the financial and physical operation and
1336 maintenance of the project; (i) the grant applicant's capacity to
1337 initiate construction in a timely manner and complete the proposed
1338 project by the deadline specified by the United States Department
1339 of Treasury rules for ARPA funds; (j) the extent to which the
1340 project benefits multiple political subdivisions in a regional
1341 manner; (k) the project's ability to enhance public service
1342 infrastructure, including transportation and emergency access; and
1343 (l) any other factors as determined by the department.

1344 (9) The grant program shall include a specific emphasis on
1345 addressing the needs of an economically disadvantaged community,
1346 including providing safe, reliable drinking water in areas that
1347 lack infrastructure, providing sewage treatment capacity in
1348 unsewered areas and providing regional development of
1349 infrastructure to serve multiple communities.

1350 (10) Applications shall be reviewed and scored as they are
1351 received, unless the Legislature funds all eligible grant requests
1352 under the program. The Mississippi Department of Environmental
1353 Quality shall certify whether each project submitted is a
1354 "necessary investment" in water, wastewater, or stormwater
1355 infrastructure as defined in the American Rescue Plan Act and all
1356 applicable guidance issued by the United States Department of the
1357 Treasury. The Department of Environmental Quality shall review
1358 the lists of recommended water infrastructure projects and issue
1359 its list of recommended projects to the Mississippi Department of
1360 Health for its advice. Grant agreements shall be executed between
1361 the recipient and the Mississippi Department of Environmental
1362 Quality. All final awards shall be determined at the discretion
1363 of the executive director of the department. Any funds awarded to
1364 the City of Jackson under this section shall be deposited in the
1365 Capital City Water/Sewer Projects Fund of the State Treasury.
1366 Funds shall be obligated to a grantee upon the execution of a
1367 grant agreement between the department and the approved applicant.
1368 Funds shall be made available to a grantee when the department
1369 obtains the necessary support for reimbursement. The department
1370 is authorized to conduct additional rounds of grants as needed;
1371 however, in the first round no more than forty percent (40%) of
1372 the total funds appropriated for each grant program may be awarded
1373 by the department, and the remaining funds may be awarded in the
1374 final round which shall occur no later than six (6) months from

1375 the previous round. To ensure equitable treatment between the
1376 categories of projects, no less than twenty percent (20%) awarded
1377 under this section shall be allocated to each of the three (3)
1378 categories of drinking water projects, wastewater projects and
1379 stormwater projects. In the final round, any funds not requested
1380 may be allocated to any category.

1381 (11) Grant funds shall be used prospectively; however, grant
1382 funds may be used to reimburse expenses incurred before the
1383 enactment of this program if the costs are adequately documented
1384 and comply with applicable ARPA guidelines. An applicant must
1385 agree to obtain all necessary state and federal permits and follow
1386 all state bidding and contracting laws and fiscally sound
1387 practices in the administration of the funds.

1388 (12) (a) Monies must be disbursed under this section in
1389 compliance with the guidelines, guidance, rules, regulations or
1390 other criteria, as may be amended from time to time, of the United
1391 States Department of the Treasury regarding the use of monies from
1392 the Coronavirus State Fiscal Recovery Fund, established by the
1393 American Rescue Plan of 2021.

1394 (b) The use of funds allocated under this program shall
1395 be subject to audit by the United States Department of the
1396 Treasury's Office of Inspector General and the Mississippi Office
1397 of the State Auditor. Each person receiving funds under these
1398 programs found to be fully or partially noncompliant with the

1399 requirements in this section shall return to the state all or a
1400 portion of the funds received.

1401 (13) The department shall submit to the Lieutenant Governor,
1402 Speaker of the House, House and Senate Appropriations Chairmen,
1403 and the Legislative Budget Office quarterly reports and annual
1404 reports that are due by the dates established in the Compliance
1405 and Reporting Guidance by the United States Department of
1406 Treasury. The reports shall contain the applications received,
1407 the score of the applications, the amount of grant funds awarded
1408 to each applicant, the amount of grant funds expended by each
1409 applicant, and status of each applicant's project. The score of
1410 the applications is not required if the award was provided in the
1411 final round of grants and the Legislature provided the total
1412 amount of funds for all eligible grant requests.

1413 (14) Grant funds shall be available under this section
1414 through December 31, 2026, or on the date of the fund expenditure
1415 deadline provided by the federal government, whichever occurs
1416 later. Each grant recipient shall certify for any project for
1417 which a grant is awarded that if the project is not completed by
1418 December 31, 2026, and the United States Congress does not enact
1419 an extension of the deadline on the availability of ARPA funds,
1420 then the grant recipient will complete the project through other
1421 funds.

1422 (15) The Mississippi Department of Environmental Quality may
1423 retain an amount not to exceed five percent (5%) of the total
1424 funds allocated to the program to defray administrative costs.

1425 (16) The department shall be exempt from provisions of the
1426 Public Procurement Review Board for any requirements of personal
1427 or professional service contracts or the pre-approval of the
1428 solicitation for such contracts used in the execution of its
1429 responsibilities under this section. This subsection shall stand
1430 repealed on January 1, 2026.

1431 (17) The provisions of this section shall stand repealed on
1432 January 1, 2027.

1433 **SECTION 27.** Section 49-17-745, Mississippi Code of 1972, is
1434 brought forward as follows:

1435 49-17-745. (1) The county authority shall have the power,
1436 duty and responsibility to exercise general supervision over the
1437 design, construction, operation and maintenance of water,
1438 wastewater and storm water systems.

1439 (2) The county authority shall adopt rules and regulations
1440 regarding the design, construction or installation, operation and
1441 maintenance of water, wastewater and storm water systems.

1442 (3) The county authority shall adopt rules and regulations
1443 regarding the use of decentralized treatment systems, individual
1444 on-site wastewater treatment systems and centralized wastewater
1445 treatment systems.

1446 (4) The county authority shall adopt rules establishing
1447 performance standards for water, wastewater and storm water
1448 systems and the operation and maintenance of the same. Such rules
1449 and regulations shall include the implementation of a standard
1450 application form for the installation, operation and maintenance
1451 of such systems; application review; approval or denial procedures
1452 for any proposed system; inspection, monitoring and reporting
1453 guidelines; and enforcement procedures.

1454 (5) (a) Before a building or development which requires the
1455 installation of a water, wastewater or storm water system is
1456 constructed, the system must be submitted to the county authority
1457 for certification that the system complies with the county
1458 authority requirements for such system.

1459 (b) Before approving or renewing a water, wastewater or
1460 storm water related permit for a system within a county authority,
1461 the state agency must require certification that the system
1462 complies with the requirements of the county authority.

1463 (6) Any system of any municipality, public agency or other
1464 persons which contracts with a county authority, shall be subject
1465 to the terms of that contract and the terms of this act.

1466 (7) Notwithstanding the provisions of Section 51-39-1 et
1467 seq., the county authority shall have the full power to adopt
1468 rules and regulations and to construct, maintain and operate
1469 facilities for the control of storm water quality and quantity.
1470 In addition, the provisions of Section 51-33-1 et seq. relating to

1471 drainage districts and flood control districts do not apply to the
1472 county authority.

1473 (8) The county authority may control and operate the local
1474 retail water, wastewater or storm water services and may provide
1475 or be responsible for direct servicing of those services to
1476 residences, businesses and individuals; however, the county
1477 authority shall not provide the same service in an area provided
1478 by a public utility or person holding a certificate of public
1479 convenience and necessity issued by the Mississippi Public Service
1480 Commission for the provision of such services in the certificated
1481 area.

1482 **SECTION 28.** Section 97-25-59, Mississippi Code of 1972, is
1483 brought forward as follows:

1484 97-25-59. (1) **Definition of "critical infrastructure**
1485 **facility."** As used in this act, unless otherwise defined,
1486 "critical infrastructure facility" means:

1487 (a) Any portion of an oil, gas, carbon dioxide,
1488 hazardous liquid or chemical pipeline or tank that is buried or
1489 enclosed by a fence or other physical barrier obviously designed
1490 to exclude intruders, or clearly marked with a sign or signs
1491 reasonably likely to come to the attention of intruders and
1492 indicating that entry is forbidden without authorization.

1493 (b) One (1) of the following, if enclosed by a fence or
1494 other physical barrier obviously designed to exclude intruders, or
1495 if clearly marked with a sign or signs reasonably likely to come

1496 to the attention of intruders and indicating that entry is
1497 forbidden without authorization:

1498 (i) A chemical or polymer manufacturing facility;

1499 (ii) A telecommunications central switching
1500 office;

1501 (iii) Wireless or other telecommunications
1502 infrastructure, including cell towers, communication towers,
1503 telephone poles and lines, cable headend or fiber-optic lines,
1504 other than those connecting to individual residences;

1505 (iv) A transmission facility used by a federally
1506 licensed radio or television station, a governmental law
1507 enforcement or emergency services radio system, or electric
1508 utility;

1509 (v) A petroleum refinery;

1510 (vi) A liquid natural gas terminal or storage
1511 facility or compressed gas liquids plant or storage facility;

1512 (vii) A natural gas compressor station;

1513 (viii) A hydrocarbon processing plant, including a
1514 plant used in the processing, treatment or fractionation of oil,
1515 natural gas or natural gas liquids;

1516 (ix) A natural gas distribution utility facility,
1517 including transmission facilities, pipeline interconnections, a
1518 city gate or town border station, metering stations, piping, a
1519 regulator station or a natural gas storage facility;

1520 (x) A crude oil or refined products storage and
1521 distribution facility, including storage tanks, valve sites,
1522 pipeline interconnections, pump stations, metering stations,
1523 pipelines, or piping and truck loading or offloading facilities;

1524 (xi) An above-ground or underground mining
1525 facility;

1526 (xii) An electrical power generating facility,
1527 substation, switching station, communication facility, electrical
1528 control center or electric power lines and associated equipment
1529 infrastructure other than those connections to individual
1530 residences;

1531 (xiii) A data center or supercomputing center that
1532 has an average constant draw of at least one (1) megawatt of
1533 electricity;

1534 (xiv) A commercial airport, trucking terminal or
1535 other freight transportation facility, including a railroad
1536 switching yard, railroad facility or railroad track;

1537 (xv) Any reservoir that supplies water for
1538 industrial or municipal supplies or irrigation for multiple users
1539 or an irrigation district; or

1540 (xvi) A water intake structure, water treatment
1541 facility, wastewater treatment plant, pump station or water lines
1542 and associated equipment infrastructure other than those
1543 connections to individual residences.

1544 (c) Any site where the construction or improvement of
1545 any facility or structure referenced in this section is occurring.

1546 (2) **Impeding critical infrastructure.** (a) A person is
1547 guilty of impeding critical infrastructure if he or she
1548 intentionally or knowingly impedes the operations of a critical
1549 infrastructure facility in a manner not otherwise authorized by
1550 law.

1551 (b) Impeding critical infrastructure is:

1552 (i) A misdemeanor punishable by imprisonment for
1553 not more than six (6) months, a fine of not more than One Thousand
1554 Dollars (\$1,000.00), or both, if the impediment causes damage or
1555 economic loss, the cost of which is less than One Thousand Dollars
1556 (\$1,000.00);

1557 (ii) A felony punishable by imprisonment for not
1558 more than seven (7) years, a fine of not more than Ten Thousand
1559 Dollars (\$10,000.00), or both, if the impediment causes damage or
1560 economic loss, the cost of which is One Thousand Dollars
1561 (\$1,000.00) or more.

1562 (c) If a series of damage or loss results from a single
1563 continuing course of conduct, a single violation of this section
1564 may be charged and penalties imposed based on the aggregate cost
1565 of the damage or loss.

1566 (d) An organization that aids, abets, solicits,
1567 compensates, hires, conspires with, commands or procures a person
1568 to commit the crime of impeding critical infrastructure is subject

1569 to a fine not to exceed One Hundred Thousand Dollars
1570 (\$100,000.00), provided that the organization acted with the
1571 intent that the crime of impeding critical infrastructure be
1572 completed. A critical infrastructure facility may maintain a
1573 civil action against an organization for damages suffered as a
1574 consequence of a violation of this subsection, including damages
1575 for lost profits, whether or not any fine is imposed pursuant to
1576 this subsection.

1577 (e) No person shall be liable for a violation of
1578 paragraph (a) or (b) of this subsection if the person:

1579 (i) Owns or legally occupies the land upon which
1580 the critical infrastructure facility is located and is engaged in
1581 conduct that is not inconsistent with the operation of the
1582 critical infrastructure facility or that is authorized by an
1583 agreement;

1584 (ii) Is lawfully engaged in any regulatory or
1585 legal process to which the critical infrastructure facility is
1586 subject; or

1587 (iii) Is engaged in conduct arising out of a bona
1588 fide dispute about access to land.

1589 (f) As used in this subsection, "impede" means:

1590 (i) To block the operation of or prevent legal
1591 access to a critical infrastructure facility or the construction
1592 site of a permitted critical infrastructure facility; or

1593 (ii) To damage, destroy, deface or tamper with the
1594 equipment of a critical infrastructure facility, whether completed
1595 or under construction.

1596 (3) **Critical infrastructure trespass.** (a) A person is
1597 guilty of critical infrastructure trespass if he or she enters or
1598 remains on or in a critical infrastructure facility or the
1599 construction site of a permitted critical infrastructure facility
1600 knowing he is not authorized to do so, or by means of false,
1601 forged, altered or counterfeit identification, or after having
1602 been notified to depart or not to trespass. For purposes of this
1603 subsection, notice is given by:

1604 (i) Personal communication to the person by the
1605 owner or occupant, or his agent, or by a peace officer;

1606 (ii) Posting of signs reasonably likely to come to
1607 the attention of intruders; or

1608 (iii) The presence of fencing or other physical
1609 barrier designed to exclude intruders.

1610 (b) Critical infrastructure trespass is a misdemeanor
1611 punishable by imprisonment for not more than one (1) year, a fine
1612 of not more than One Thousand Dollars (\$1,000.00), or both.

1613 (c) No person shall be liable for a violation of
1614 paragraph (a) of this subsection if that person:

1615 (i) Owns or legally occupies the land upon which
1616 the facility is located and is engaged in conduct that is not

1617 inconsistent with the operation of the critical infrastructure
1618 facility or that is authorized by an agreement; or

1619 (ii) Is lawfully engaged in any regulatory or
1620 legal process to which the critical infrastructure facility is
1621 subject.

1622 (4) Nothing in this section shall be construed to prohibit:

1623 (a) Public demonstrations or other expressions of free
1624 speech or free association to the extent such activity is
1625 protected under the United States or Mississippi Constitutions;

1626 (b) Lawful commercial or recreational activities
1627 conducted in the open or unconfined areas around a pipeline,
1628 including, but not limited to, fishing, hunting, boating and
1629 birdwatching; or

1630 (c) The lawful exercise of the right of ownership by an
1631 owner of real property, including use, enjoyment and disposition
1632 within the limits and under the conditions established by law.

1633 **SECTION 29.** Section 17-25-13, Mississippi Code of 1972, is
1634 brought forward as follows:

1635 17-25-13. (1) For purposes of this section:

1636 (a) "Water sewer association" means any corporation,
1637 whether for profit or not for profit, that provides, distributes,
1638 transmits, treats, pumps, or stores raw or potable water to, or
1639 for the benefit of, members of the general public or commercial,
1640 industrial and other users; and

1641 (b) "Water sewer system" means any entity that
1642 provides, distributes, transmits, treats, pumps or stores raw or
1643 potable water to or for the benefit of members of the general
1644 public and commercial, industrial, and other users, including,
1645 without limitation, the following entities that perform such
1646 activities:

- 1647 (i) Municipalities;
- 1648 (ii) Counties; and
- 1649 (iii) Water sewer associations.

1650 (2) (a) When a person is delinquent on the payment of an
1651 undisputed bill for water sewer service provided by a water sewer
1652 system within this state, moves into another area of this state,
1653 and applies for or receives water from another water sewer system,
1654 if the person's former water sewer system establishes that there
1655 is no dispute that the delinquent amount is properly due and owed
1656 by that particular individual in that amount, the new water sewer
1657 system shall refuse to provide water sewer service to the
1658 delinquent person until such person provides proof of curing the
1659 delinquency.

1660 (b) This subsection shall not apply to a delinquency
1661 that has been disputed by the person in writing, unless the
1662 delinquency has been reduced to a final judgment of a court of
1663 competent jurisdiction.

1664 (3) No provision of this section shall apply to a water
1665 sewer system that is regulated by the Mississippi Public Service
1666 Commission as a "public utility" as defined in Section 77-3-3.

1667 **SECTION 30.** Section 17-25-29, Mississippi Code of 1972, is
1668 brought forward as follows:

1669 17-25-29. In addition to the rights prescribed in Section
1670 79-11-177, a member of a member-owned rural water association or
1671 system, incorporated under Chapter 11, Title 79, Mississippi Code
1672 of 1972, shall have the right to attend regularly scheduled board
1673 meetings of the association or system. Further, if a meeting
1674 pertains to the election of board members for the association or
1675 system, then the association or system shall provide written
1676 notice of the meeting by mail at least fifteen (15) days in
1677 advance of the meeting at which the election will occur. The
1678 written notice shall also be included on any association's or
1679 system's invoice or statement that is submitted to the member
1680 within thirty (30) days of the meeting.

1681 **SECTION 31.** Section 19-5-131, Mississippi Code of 1972, is
1682 brought forward as follows:

1683 19-5-131. (1) The boards of supervisors of any county in
1684 the State are hereby authorized to directly allocate Local Fiscal
1685 Recovery Funds made available under the federal American Rescue
1686 Plan Act of 2021 to rural water associations, water supply
1687 districts, regional utility districts or regional utility
1688 authorities, and all other publicly constituted bodies which

1689 supply water, sewer, or storm water services to the people of the
1690 county for the purposes of funding water and sewer infrastructure
1691 projects.

1692 (2) The boards of supervisors are further authorized to
1693 directly allocate such funds to incorporated municipalities for
1694 the purposes of funding water, sewer and storm water
1695 infrastructure projects.

1696 (3) If the recipient association, district, authority or
1697 municipality serves customers in two (2) or more counties, the
1698 majority of water meters for the association, district, authority
1699 or municipality must be located in the county allocating such
1700 funds.

1701 **SECTION 32.** Section 19-5-167, Mississippi Code of 1972, is
1702 brought forward as follows:

1703 19-5-167. (1) Except as otherwise provided in this section,
1704 the powers of each district shall be vested in and exercised by a
1705 board of commissioners consisting of five (5) members to be
1706 appointed by the board of supervisors. Upon their initial
1707 appointment, one (1) of the commissioners shall be appointed for a
1708 term of one (1) year; one (1) for a term of two (2) years; one (1)
1709 for a term of three (3) years; one (1) for a term of four (4)
1710 years; and one (1) for a term of five (5) years; thereafter, each
1711 commissioner shall be appointed and shall hold office for a term
1712 of five (5) years. Any vacancy occurring on a board of
1713 commissioners shall be filled by the board of supervisors at any

1714 regular meeting of the board of supervisors, and the board of
1715 supervisors shall have the authority to fill all unexpired terms
1716 of any commissioner or commissioners. Notwithstanding the
1717 appointive authority herein granted to the board of supervisors,
1718 its legal and actual responsibilities, authority and function,
1719 subsequent to the creation of any district, shall be specifically
1720 limited to the appointive function and responsibilities outlined
1721 in Sections 19-5-179, 19-5-189 and 19-5-191, except that with fire
1722 protection districts, the board of supervisors shall have
1723 authority for dissolving, redefining and reconfiguring of such
1724 districts as may be appropriate to ensure the most appropriate and
1725 efficient fire protection coverage for the county's citizens. The
1726 operation, management, abolition or dissolution of such district,
1727 and all other matters in connection therewith, shall be vested
1728 solely and only in the board of commissioners to the specific
1729 exclusion of the board of supervisors, and the abolition,
1730 dissolution or termination of any district shall be accomplished
1731 only by unanimous resolution of the board of commissioners, except
1732 that with fire protection districts, the board of supervisors
1733 shall have authority for the dissolving, redefining and
1734 reconfiguring of such districts when determined appropriate.
1735 However, if any area within the boundaries of a fire protection
1736 district created under Section 19-5-151 et seq., is annexed by a
1737 municipality, a reduction of the boundaries of the district to
1738 exclude such annexed area may be accomplished by the adoption of a

1739 resolution by a majority vote of the board of commissioners of
1740 that fire protection district. The county board of supervisors
1741 which has a fire protection district created under Section
1742 19-5-151 et seq., may dissolve, redefine and reconfigure such
1743 district and, under Section 19-5-215 et seq., may create a fire
1744 protection grading district consisting of the same boundaries as
1745 the previously existing fire protection district or having amended
1746 boundaries as determined appropriate by the board of supervisors.
1747 Petition and election requirements of Sections 19-5-217 through
1748 19-5-227 shall not apply where the board of supervisors dissolves
1749 a fire protection district and creates a fire protection grading
1750 district under this section. Except as otherwise provided herein,
1751 such board of supervisors or commissioners shall have no power,
1752 jurisdiction or authority to abolish, dissolve or terminate any
1753 district while the district has any outstanding indebtedness of
1754 any kind or character, unless arrangements are made for the
1755 assumption of any outstanding indebtedness by the subsequent
1756 district or by the county. If a fire protection district is
1757 dissolved in accordance with this subsection, the board of
1758 supervisors may continue to levy the same millage as was being
1759 levied within the boundaries of the previous fire protection
1760 district before its dissolution provided that a fire protection
1761 grading district is created, in accordance with Section 19-5-215
1762 et seq.

1763 (2) The board of supervisors of the incorporating county may
1764 consolidate such fire protection districts for administrative
1765 purposes. The board of supervisors shall conduct a public hearing
1766 to determine the public's interest. Following such a hearing, the
1767 board may create a consolidated commission consisting of the
1768 participating districts for administrative purposes. Such
1769 districts then shall dissolve their respective boards of
1770 commissioners, transferring all records to the consolidated board
1771 of commissioners. A consolidated board of commissioners
1772 consisting of not less than five (5) members shall be appointed
1773 with equal representation from each participating district. Any
1774 commissioners appointed to a consolidated fire protection district
1775 commission must comply with eligibility requirements as authorized
1776 in Section 19-5-171. In the event that a consolidated fire
1777 protection district commission consists of an even number of
1778 members, the chairman elected as authorized by Section 19-5-169
1779 shall vote only in the event of a tie. General powers and duties
1780 of commissioners and commissions and other related matters as
1781 defined in Sections 19-5-151 through 19-5-207 shall apply to the
1782 entire area contained in the consolidating fire protection
1783 districts as described in the resolutions incorporating the fire
1784 protection districts as well as to subsequent annexations.

1785 (3) If the creation of the district is initiated in
1786 accordance with Section 19-5-153(3), the powers of the district

1787 shall be vested in and exercised by a board of commissioners
1788 selected in the following manner:

1789 (a) Upon creation of the district, the board of
1790 directors of the former nonprofit, nonshare corporation shall
1791 serve as the board of commissioners of the newly created water
1792 district for a period not to exceed sixty (60) days. The initial
1793 commissioners shall be subject to the requirements of Section
1794 19-5-171, except the requirement for executing a bond. If an
1795 initial commissioner fails to meet a requirement of Section
1796 19-5-171 as provided in this section, the board of supervisors
1797 shall appoint a member to fill that vacancy on the board of
1798 commissioners.

1799 (b) In the resolution creating a district initiated in
1800 accordance with Section 19-5-153(3), the board of supervisors
1801 shall direct the existing board of directors of the rural water
1802 association to create within the district five (5) posts from
1803 which commissioners shall be elected. The board of supervisors
1804 shall designate the positions to be elected from each post as Post
1805 1, Post 2, Post 3, Post 4 and Post 5. Post 5 shall be an at-large
1806 post composed of the entire district. Within sixty (60) days
1807 following creation of the district, the board of supervisors shall
1808 call an election. Such election shall be held and conducted by
1809 the election commissioners in accordance with the general laws
1810 governing elections. The election commissioners shall determine
1811 which of the qualified electors of the county reside within the

1812 district and only those electors shall be entitled to vote in the
1813 election. Notice of the election setting forth the time, place or
1814 places and the purpose of the election shall be published by the
1815 clerk of the board of supervisors in the manner provided in
1816 Section 19-5-155.

1817 The initial elected commissioners shall be elected to a term
1818 of office expiring on December 31 of the year in which the next
1819 succeeding general election for statewide officials is held.
1820 After the initial term of office, commissioners shall be elected
1821 to four-year terms. Vacancies shall be filled by the procedure
1822 set forth in Section 23-15-839.

1823 (4) For any water and sewer district located within the
1824 corporate limits of a municipality that was incorporated on or
1825 after January 2012, the powers of the district shall be vested in
1826 and exercised by a board of commissioners consisting of five (5)
1827 members, each to be appointed by the governing authority of such
1828 municipality, one (1) member to be appointed from each municipal
1829 ward in the city. Each commissioner shall be appointed and shall
1830 hold office for a term of five (5) years. Any vacancy occurring
1831 on the board of commissioners shall be filled by the governing
1832 authority of the municipality at any regular meeting.

1833 Appointments to fill vacancies in unexpired terms of office shall
1834 be for the remaining unexpired term of office for such position.

1835 **SECTION 33.** Section 19-5-175, Mississippi Code of 1972, is
1836 brought forward as follows:

1837 19-5-175. Districts created under the provisions of Sections
1838 19-5-151 through 19-5-207 shall have the powers enumerated in the
1839 resolution of the board of supervisors creating such districts but
1840 shall be limited to the conducting and operating of a water supply
1841 system, a sewer system, a garbage and waste collection and
1842 disposal system, a fire protection system, a combined water and
1843 fire protection system, a combined water and sewer system, a
1844 combined water and garbage and waste collection and disposal
1845 system, or a combined water, sewer, garbage and waste collection
1846 and disposal and fire protection system; and to carry out such
1847 purpose or purposes, such districts shall have the power and
1848 authority to acquire, construct, reconstruct, improve, better,
1849 extend, consolidate, maintain and operate such system or systems,
1850 and to contract with any municipality, person, firm or corporation
1851 for such services and for a supply and distribution of water, for
1852 collection, transportation, treatment and/or disposal of sewage
1853 and for services required incident to the operation and
1854 maintenance of such systems. As long as any such district
1855 continues to furnish any of the services which it was authorized
1856 to furnish in and by the resolution by which it was created, it
1857 shall be the sole public corporation empowered to furnish such
1858 services within such district. However, if the board of
1859 commissioners of such district and the board of supervisors
1860 unanimously agree, the county may contract directly with any fire
1861 protection services provider, in which case the board of

1862 supervisors may distribute directly to the fire protection
1863 services provider any or all of the funds that otherwise would be
1864 distributed to the fire protection district.

1865 Any district created pursuant to the provisions of Sections
1866 19-5-151 through 19-5-207 shall be vested with all the powers
1867 necessary and requisite for the accomplishment of the purpose for
1868 which such district is created. No enumeration of powers herein
1869 shall be construed to impair or limit any general grant of power
1870 herein contained nor to limit any such grant to a power or powers
1871 of the same class or classes as those enumerated. Such districts
1872 are empowered to do all acts necessary, proper or convenient in
1873 the exercise of the powers granted under such sections.

1874 **SECTION 34.** Section 21-25-51, Mississippi Code of 1972, is
1875 brought forward as follows:

1876 21-25-51. (1) It is the purpose of Sections 21-25-51
1877 through 21-25-59 to permit the governing authorities of any
1878 municipality and a rural water association operating within the
1879 corporate limits of the municipality to make the most efficient
1880 use of their powers in upgrading their respective water systems
1881 for the purpose of improving local fire protection by enabling
1882 them to cooperate and to contract with each other on a basis of
1883 mutual advantage and thereby provide services and facilities in a
1884 manner that will accord best with geographic, economic, population
1885 and other factors influencing the needs and development of the
1886 fire protection of local communities.

1887 (2) The governing authorities of any municipality may enter
1888 into an interlocal agreement with any rural water association
1889 operating within the corporate limits of the municipality for the
1890 purpose of constructing, new construction or upgrading the water
1891 system of the municipality or the water association, or both, for
1892 the purpose of improving the fire protection of the municipality.

1893 **SECTION 35.** Section 21-25-53, Mississippi Code of 1972, is
1894 brought forward as follows:

1895 21-25-53. (1) No interlocal agreement made under Sections
1896 21-25-51 through 21-25-59 shall be entered into by any
1897 municipality or rural water association without the approval by
1898 resolution on the minutes of the governing authorities of the
1899 municipality and the rural water association.

1900 (2) No power, authority and responsibility may be exercised
1901 under Sections 21-25-51 through 21-25-59 by the governing
1902 authorities of any municipality or rural water association which
1903 it would not have authority to exercise otherwise pursuant to the
1904 law controlling such municipality or association.

1905 (3) Any power, authority or responsibility exercised or
1906 capable of being exercised by the governing authorities of any
1907 municipality of this state may be exercised and carried out
1908 jointly with the governing authorities of any rural water
1909 association.

1910 **SECTION 36.** Section 21-25-55, Mississippi Code of 1972, is
1911 brought forward as follows:

1912 21-25-55. Any agreement made under the provisions of
1913 Sections 21-25-51 through 21-25-59 shall specify the following:

1914 (a) Its duration.

1915 (b) Its purpose or purposes.

1916 (c) The precise organization, composition, nature and
1917 powers of any separate legal or administrative entity created
1918 thereby; the specific citation of statutory authority vested in
1919 each of the governing authorities of the municipality and rural
1920 water association which are to be a party to the agreement.

1921 (d) The manner of financing, staffing and supplying the
1922 joint or cooperative undertaking and of establishing and
1923 maintaining a budget therefore; provided, that the treasurer and
1924 the disbursing officer of either the municipality or the
1925 association, or both, shall be designated in the agreement to
1926 receive, disburse and account for all funds of the joint
1927 undertaking as a part of the duties of the officer or officers.

1928 (e) The permissible method or methods to be employed in
1929 accomplishing the partial or complete termination or amendment of
1930 the agreement and for disposing of property upon such partial or
1931 complete termination or amendment.

1932 (f) The provision for administration, through a joint
1933 board or other appropriate means, of the joint or cooperative
1934 undertaking in the event that the agreement does not or may not
1935 establish a separate administrative body or legal entity to
1936 conduct the joint or cooperative undertaking. In the case of a

1937 joint board, both the governing authorities of the municipality
1938 and the rural water association shall be represented.

1939 (g) The manner of acquiring, holding and disposing of
1940 real and personal property used in the joint or cooperative
1941 undertaking in the event that the agreement does not or may not
1942 establish a separate administrative body or legal entity to
1943 conduct the joint or cooperative undertaking.

1944 (h) Any other necessary and proper matters.

1945 **SECTION 37.** Section 21-25-57, Mississippi Code of 1972, is
1946 brought forward as follows:

1947 21-25-57. The governing authorities of any municipality
1948 entering into an interlocal agreement with a rural water
1949 association operating within the corporate limits of the
1950 municipality pursuant to Sections 21-25-51 through 21-25-59 may
1951 incur bonded and floating indebtedness, including general
1952 obligation indebtedness as authorized by Sections 21-33-301
1953 through 21-33-329 and may appropriate funds for the purpose and in
1954 the manner prescribed by law without regard to whether the
1955 activities and improvements authorized under Section 21-25-51 to
1956 be financed by such debt or appropriation are within or without
1957 the corporate limits of the municipality. The governing
1958 authorities of the municipality may sell, lease, grant or
1959 otherwise supply goods and services to the rural water association
1960 which is a party to the interlocal agreement or the administrative

1961 body or legal entity created to operate the joint or cooperative
1962 undertaking.

1963 **SECTION 38.** Section 21-25-59, Mississippi Code of 1972, is
1964 brought forward as follows:

1965 21-25-59. After a water system has been constructed or
1966 upgraded pursuant to the provisions of Sections 21-25-51 through
1967 21-25-59, the municipality which reimbursed or paid a rural water
1968 system for the cost of such construction or upgrading shall not be
1969 charged with the costs of such construction or upgrade upon its
1970 purchase of the water system. The price of such newly constructed
1971 or upgraded water system shall be reduced by an amount equal to
1972 the costs paid by the municipality to the rural water system for
1973 such construction or upgrading of the water system.

1974 **SECTION 39.** Section 21-27-7, Mississippi Code of 1972, is
1975 brought forward as follows:

1976 21-27-7. (1) (a) The governing authorities of
1977 municipalities shall have the power to erect, purchase, maintain
1978 and operate waterworks, and to regulate the same, and to prescribe
1979 the rates at which water shall be supplied to the users. The
1980 rates at which water, wastewater, and sewer services shall be
1981 supplied shall be just and reasonable based on the actual cost to
1982 operate and maintain the systems, and rates may not be
1983 unreasonably preferential, prejudicial or discriminatory but shall
1984 be sufficient, equitable and consistent in application to each
1985 class of users. While a municipality may set different rates for

1986 different classifications of users, a municipality shall not
1987 discriminate in setting rates among members of the same
1988 classification. The municipal governing authorities shall make a
1989 finding on the minutes of the governing body establishing the rate
1990 based on the actual cost to operate and maintain the system. A
1991 municipality shall not charge a user a fee for services received
1992 which is less than the cost incurred by the municipality to
1993 provide such services.

1994 (b) The governing authorities of a municipality shall
1995 establish and maintain rates and charges in equitable proportion
1996 to the use of the services and benefits rendered by the waterworks
1997 systems and water treatment facilities serving the municipal area.
1998 From time to time the governing authorities shall adjust such
1999 rates, to the end that the revenues therefrom will be sufficient
2000 at all times to pay the expenses of operating and maintaining such
2001 works, facilities and systems and all of the municipality's
2002 obligations under any contract or bond resolution with respect
2003 thereto. The calculation of a user's bill shall be limited to the
2004 actual amount of volumetric usage, plus those fees reasonable and
2005 necessary for the cost of capital expenses, system operation and
2006 maintenance, and debt service.

2007 (c) If a user's meter is tampered with, unreadable, or
2008 otherwise out-of-order, a municipality may render an estimated
2009 bill to that user for a period not to exceed six (6) months. In
2010 such circumstance, an estimated bill shall be based upon the prior

2011 average measured usage of the user or a similar user of the same
2012 classification.

2013 (i) Only in the event a municipality is unable to
2014 meet the requirement of billing based solely on volumetric usage,
2015 such municipality may bill based on a flat fee rate where such
2016 municipality has established flat fee billing as its usual and
2017 customary billing practice prior to July 1, 2023, and where such
2018 municipality is actively billing based upon a flat fee rate as of
2019 July 1,2023. In such circumstances, flat fee billing may be
2020 utilized until such time as the municipality implements upgrades
2021 to its system to provide for
2022 volumetric billing. In such circumstance, the municipality may
2023 set different flat fee rates for different classifications of
2024 users, but the municipality shall not discriminate in setting flat
2025 fee rates among members of the same classification, and the
2026 municipality shall not charge a user a fee for services received
2027 that is less than the cost incurred by the municipality to provide
2028 such services.

2029 (ii) The governing authorities of the municipality
2030 shall make a finding annually on the minutes of the governing body
2031 establishing the rate based upon the actual cost to operate and
2032 maintain the system as determined under Generally Accepted
2033 Accounting Principles, and the municipality shall not charge a
2034 user a fee for services received that is less than the cost

2035 incurred by the municipality, or based on the assessed value of
2036 the property, to provide such services.

2037 (d) Notice of any change in the rate or rate structure
2038 at which services are supplied shall be posted on all bills sent
2039 to users at least one (1) month prior to the effective date of the
2040 rate change. Notice shall also be posted to the municipality's
2041 online web page or bill payment platform, if the municipality has
2042 an online web page or bill payment platform.

2043 (e) Nothing in this statute shall be construed as
2044 prohibiting a user or governing authority of any municipality from
2045 applying for and receiving any federally or privately subsidized
2046 payment assistance, grant or other funds.

2047 (f) The governing authority of a municipality may
2048 provide for the calculation of a user's bill by a method other
2049 than volumetric usage only in exchange for consideration as part
2050 of, or in connection with, an incentive contract or other form of
2051 benefit or assistance related to the user's location, expansion,
2052 or maintenance of its commercial or industrial operation within
2053 the municipality, so long as such rate is equitable, fair, and
2054 nondiscriminatory, and the municipality shall not charge such user
2055 a fee for services received that is less than the cost incurred by
2056 the municipality to provide such services.

2057 (2) The governing authorities of municipalities shall have
2058 the power to acquire by purchase, donation or condemnation, in the
2059 name of the municipality, suitable grounds, within or without the

2060 corporate limits, upon which to erect waterworks, and also the
2061 right-of-way to and from such works and the right-of-way for
2062 laying water pipes within the corporate limits, and from such
2063 waterworks to the municipality, and to extend such right-of-way
2064 from time to time. The governing authorities shall have the power
2065 to contract with any person for the maintenance and operation of
2066 waterworks. The authorities shall have the power to contract with
2067 any person for the erection and maintenance of waterworks for a
2068 term not exceeding twenty-five (25) years, fixing water rates in
2069 the contract subject to municipal regulations. A contract for the
2070 erection or purchase of waterworks shall not, however, be entered
2071 into until submitted to a vote of the qualified electors and
2072 approved by a majority of those voting. A contract for
2073 maintenance under which the person who will perform such
2074 maintenance is wholly or partially responsible for fixing water
2075 rates shall not be entered into until submitted to a vote of the
2076 qualified electors and approved by a majority of those voting. It
2077 shall be unlawful for any municipally owned waterworks to supply
2078 water free of charge, or in any amount less than the fixed
2079 charges, to any person, firm or corporation, except as is
2080 expressly authorized by law.

2081 **SECTION 40.** Section 21-27-75, Mississippi Code of 1972, is
2082 brought forward as follows:

2083 21-27-75. (1) The governing authorities of a municipality
2084 are authorized and empowered, in their discretion, to enter into

2085 an interlocal agreement with a rural water association operating
2086 within the corporate limits of the municipality that requires the
2087 association to terminate the water service of any of its customers
2088 who are thirty (30) days or more delinquent in the payment of
2089 charges for sewer services provided by the municipality.

2090 (2) Any agreement entered into under this section shall at a
2091 minimum:

2092 (a) Require the municipality to notify the association
2093 of any customer of the association who also has sewer service
2094 provided by the municipality who is thirty (30) days or more
2095 delinquent in the payment of sewer charges by a method agreeable
2096 to the municipality and the association;

2097 (b) Provide that upon receipt of a notification the
2098 association shall terminate the water service of the named
2099 customer;

2100 (c) Provide that upon satisfaction of the delinquency
2101 and any fees connected with the delinquency and the termination of
2102 water service, the association shall restart the water service of
2103 the customer;

2104 (d) Provide that the municipality shall save and hold
2105 harmless the association against any and all claims based on the
2106 disconnection of water or sewer service and any other damages
2107 resulting from any action taken by the association under an
2108 interlocal agreement entered into under this section.

2109 (3) Upon entering into an interlocal agreement under this
2110 section, the association is authorized to terminate the water
2111 service of any customer delinquent in the payment of sewer charges
2112 to the municipality pursuant to the terms of the interlocal
2113 agreement.

2114 **SECTION 41.** Section 27-104-7, Mississippi Code of 1972, is
2115 brought forward as follows:

2116 27-104-7. (1) (a) There is created the Public Procurement
2117 Review Board, which shall be reconstituted on January 1, 2018, and
2118 shall be composed of the following members:

2119 (i) Three (3) individuals appointed by the
2120 Governor with the advice and consent of the Senate;

2121 (ii) Two (2) individuals appointed by the
2122 Lieutenant Governor with the advice and consent of the Senate; and

2123 (iii) The Executive Director of the Department of
2124 Finance and Administration, serving as an ex officio and nonvoting
2125 member.

2126 (b) The initial terms of each appointee shall be as
2127 follows:

2128 (i) One (1) member appointed by the Governor to
2129 serve for a term ending on June 30, 2019;

2130 (ii) One (1) member appointed by the Governor to
2131 serve for a term ending on June 30, 2020;

2132 (iii) One (1) member appointed by the Governor to
2133 serve for a term ending on June 30, 2021;

2134 (iv) One (1) member appointed by the Lieutenant
2135 Governor to serve for a term ending on June 30, 2019; and

2136 (v) One (1) member appointed by the Lieutenant
2137 Governor to serve for a term ending on June 30, 2020.

2138 After the expiration of the initial terms, all appointed
2139 members' terms shall be for a period of four (4) years from the
2140 expiration date of the previous term, and until such time as the
2141 member's successor is duly appointed and qualified.

2142 (c) When appointing members to the Public Procurement
2143 Review Board, the Governor and Lieutenant Governor shall take into
2144 consideration persons who possess at least five (5) years of
2145 management experience in general business, health care or finance
2146 for an organization, corporation or other public or private
2147 entity. Any person, or any employee or owner of a company, who
2148 receives any grants, procurements or contracts that are subject to
2149 approval under this section shall not be appointed to the Public
2150 Procurement Review Board. Any person, or any employee or owner of
2151 a company, who is a principal of the source providing a personal
2152 or professional service shall not be appointed to the Public
2153 Procurement Review Board if the principal owns or controls a
2154 greater than five percent (5%) interest or has an ownership value
2155 of One Million Dollars (\$1,000,000.00) in the source's business,
2156 whichever is smaller. No member shall be an officer or employee
2157 of the State of Mississippi while serving as a voting member on
2158 the Public Procurement Review Board.

2159 (d) Members of the Public Procurement Review Board
2160 shall be entitled to per diem as authorized by Section 25-3-69 and
2161 travel reimbursement as authorized by Section 25-3-41.

2162 (e) The members of the Public Procurement Review Board
2163 shall elect a chair from among the membership, and he or she shall
2164 preside over the meetings of the board. The board shall annually
2165 elect a vice chair, who shall serve in the absence of the chair.
2166 No business shall be transacted, including adoption of rules of
2167 procedure, without the presence of a quorum of the board. Three
2168 (3) members shall be a quorum. No action shall be valid unless
2169 approved by a majority of the members present and voting, entered
2170 upon the minutes of the board and signed by the chair. Necessary
2171 clerical and administrative support for the board shall be
2172 provided by the Department of Finance and Administration. Minutes
2173 shall be kept of the proceedings of each meeting, copies of which
2174 shall be filed on a monthly basis with the chairs of the
2175 Accountability, Efficiency and Transparency Committees of the
2176 Senate and House of Representatives and the chairs of the
2177 Appropriations Committees of the Senate and House of
2178 Representatives.

2179 (2) The Public Procurement Review Board shall have the
2180 following powers and responsibilities:

2181 (a) Approve all purchasing regulations governing the
2182 purchase or lease by any agency, as defined in Section 31-7-1, of

2183 commodities and equipment, except computer equipment acquired
2184 pursuant to Sections 25-53-1 through 25-53-29;

2185 (b) Adopt regulations governing the approval of
2186 contracts let for the construction and maintenance of state
2187 buildings and other state facilities as well as related contracts
2188 for architectural and engineering services.

2189 The provisions of this paragraph (b) shall not apply to such
2190 contracts involving buildings and other facilities of state
2191 institutions of higher learning which are self-administered as
2192 provided under this paragraph (b) or Section 37-101-15(m);

2193 (c) Adopt regulations governing any lease or rental
2194 agreement by any state agency or department, including any state
2195 agency financed entirely by federal funds, for space outside the
2196 buildings under the jurisdiction of the Department of Finance and
2197 Administration. These regulations shall require each agency
2198 requesting to lease such space to provide the following
2199 information that shall be published by the Department of Finance
2200 and Administration on its website: the agency to lease the space;
2201 the terms of the lease; the approximate square feet to be leased;
2202 the use for the space; a description of a suitable space; the
2203 general location desired for the leased space; the contact
2204 information for a person from the agency; the deadline date for
2205 the agency to have received a lease proposal; any other specific
2206 terms or conditions of the agency; and any other information
2207 deemed appropriate by the Division of Real Property Management of

2208 the Department of Finance and Administration or the Public
2209 Procurement Review Board. The information shall be provided
2210 sufficiently in advance of the time the space is needed to allow
2211 the Division of Real Property Management of the Department of
2212 Finance and Administration to review and preapprove the lease
2213 before the time for advertisement begins;

2214 (d) Adopt, in its discretion, regulations to set aside
2215 at least five percent (5%) of anticipated annual expenditures for
2216 the purchase of commodities from minority businesses; however, all
2217 such set-aside purchases shall comply with all purchasing
2218 regulations promulgated by the department and shall be subject to
2219 all bid requirements. Set-aside purchases for which competitive
2220 bids are required shall be made from the lowest and best minority
2221 business bidder; however, if no minority bid is available or if
2222 the minority bid is more than two percent (2%) higher than the
2223 lowest bid, then bids shall be accepted and awarded to the lowest
2224 and best bidder. However, the provisions in this paragraph shall
2225 not be construed to prohibit the rejection of a bid when only one
2226 (1) bid is received. Such rejection shall be placed in the
2227 minutes. For the purposes of this paragraph, the term "minority
2228 business" means a business which is owned by a person who is a
2229 citizen or lawful permanent resident of the United States and who
2230 is:

2231 (i) Black: having origins in any of the black
2232 racial groups of Africa;

2233 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
2234 Central or South American, or other Spanish or Portuguese culture
2235 or origin regardless of race;

2236 (iii) Asian-American: having origins in any of
2237 the original people of the Far East, Southeast Asia, the Indian
2238 subcontinent, or the Pacific Islands;

2239 (iv) American Indian or Alaskan Native: having
2240 origins in any of the original people of North America; or

2241 (v) Female;

2242 (e) In consultation with and approval by the Chairs of
2243 the Senate and House Public Property Committees, approve leases,
2244 for a term not to exceed eighteen (18) months, entered into by
2245 state agencies for the purpose of providing parking arrangements
2246 for state employees who work in the Woolfolk Building, the Carroll
2247 Gartin Justice Building or the Walter Sillers Office Building;

2248 (f) (i) Except as otherwise provided in subparagraph
2249 (ii) of this paragraph, promulgate rules and regulations governing
2250 the solicitation and selection of contractual services personnel,
2251 including personal and professional services contracts for any
2252 form of consulting, policy analysis, public relations, marketing,
2253 public affairs, legislative advocacy services or any other
2254 contract that the board deems appropriate for oversight, with the
2255 exception of:

2256 1. Any personal service contracts entered
2257 into by any agency that employs only nonstate service employees as
2258 defined in Section 25-9-107(c);

2259 2. Any personal service contracts entered
2260 into for computer or information technology-related services
2261 governed by the Mississippi Department of Information Technology
2262 Services;

2263 3. Any personal service contracts entered
2264 into by the individual state institutions of higher learning;

2265 4. Any personal service contracts entered
2266 into by the Mississippi Department of Transportation;

2267 5. Any personal service contracts entered
2268 into by the Department of Human Services through June 30, 2019,
2269 which the Executive Director of the Department of Human Services
2270 determines would be useful in establishing and operating the
2271 Department of Child Protection Services;

2272 6. Any personal service contracts entered
2273 into by the Department of Child Protection Services through June
2274 30, 2019;

2275 7. Any contracts for entertainers and/or
2276 performers at the Mississippi State Fairgrounds entered into by
2277 the Mississippi Fair Commission;

2278 8. Any contracts entered into by the
2279 Department of Finance and Administration when procuring aircraft
2280 maintenance, parts, equipment and/or services;

2281 9. Any contract entered into by the
2282 Department of Public Safety for service on specialized equipment
2283 and/or software required for the operation of such specialized
2284 equipment for use by the Office of Forensics Laboratories;

2285 10. Any personal or professional service
2286 contract entered into by the Mississippi Department of Health or
2287 the Department of Revenue solely in connection with their
2288 respective responsibilities under the Mississippi Medical Cannabis
2289 Act from February 2, 2022, through June 30, 2026;

2290 11. Any contract for attorney, accountant,
2291 actuary auditor, architect, engineer, anatomical pathologist, or
2292 utility rate expert services;

2293 12. Any personal service contracts approved
2294 by the Executive Director of the Department of Finance and
2295 Administration and entered into by the Coordinator of Mental
2296 Health Accessibility through June 30, 2022;

2297 13. Any personal or professional services
2298 contract entered into by the State Department of Health in
2299 carrying out its responsibilities under the ARPA Rural Water
2300 Associations Infrastructure Grant Program through June 30, 2026;

2301 14. And any personal or professional services
2302 contract entered into by the Mississippi Department of
2303 Environmental Quality in carrying out its responsibilities under
2304 the Mississippi Municipality and County Water Infrastructure Grant
2305 Program Act of 2022, through June 30, 2026;

2306 15. Any personal or professional services
2307 contract entered into by an agency for the design, operation or
2308 maintenance of museum exhibits. An agency making a purchase under
2309 this exemption shall publicly advertise a Request for
2310 Qualifications but shall be otherwise exempt. Any contracts
2311 arising from the use of this exemption must be approved by the
2312 Public Procurement Review Board prior to execution by the agency;
2313 and

2314 16. Any personal or professional services
2315 contract entered into by the Mississippi Department of
2316 Environmental Quality in carrying out its responsibilities under
2317 Section 49-2-13(1). This item 15 shall stand repealed on July 1,
2318 2028.

2319 Any such rules and regulations shall provide for maintaining
2320 continuous internal audit covering the activities of such agency
2321 affecting its revenue and expenditures as required under Section
2322 7-7-3(6)(d). Any rules and regulation changes related to personal
2323 and professional services contracts that the Public Procurement
2324 Review Board may propose shall be submitted to the Chairs of the
2325 Accountability, Efficiency and Transparency Committees of the
2326 Senate and House of Representatives and the Chairs of the
2327 Appropriation Committees of the Senate and House of
2328 Representatives at least fifteen (15) days before the board votes
2329 on the proposed changes, and those rules and regulation changes,

2330 if adopted, shall be promulgated in accordance with the
2331 Mississippi Administrative Procedures Act.

2332 (ii) From and after July 1, 2024, the Public
2333 Procurement Review Board shall promulgate rules and regulations
2334 that require the Department of Finance and Administration to
2335 conduct personal and professional services solicitations as
2336 provided in subparagraph (i) of this paragraph for those services
2337 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
2338 Department of Marine Resources, the Department of Wildlife,
2339 Fisheries and Parks, the Mississippi Emergency Management Agency
2340 and the Mississippi Development Authority, with assistance to be
2341 provided from these entities. Any powers that have been conferred
2342 upon agencies in order to comply with the provisions of this
2343 section for personal and professional services solicitations shall
2344 be conferred upon the Department of Finance and Administration to
2345 conduct personal and professional services solicitations for the
2346 Department of Marine Resources, the Department of Wildlife,
2347 Fisheries and Parks, the Mississippi Emergency Management Agency
2348 and the Mississippi Development Authority for those services in
2349 excess of Seventy-five Thousand Dollars (\$75,000.00). The
2350 Department of Finance and Administration shall make any
2351 submissions that are required to be made by other agencies to the
2352 Public Procurement Review Board for the Department of Marine
2353 Resources, the Department of Wildlife, Fisheries and Parks, the

2354 Mississippi Emergency Management Agency and the Mississippi
2355 Development Authority.

2356 The provisions of this subparagraph (ii) shall stand repealed
2357 on June 30, 2027;

2358 (g) Approve all personal and professional services
2359 contracts involving the expenditures of funds in excess of
2360 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
2361 paragraph (f) of this subsection (2) and in subsection (8);

2362 (h) Develop mandatory standards with respect to
2363 contractual services personnel that require invitations for public
2364 bid, requests for proposals, record keeping and financial
2365 responsibility of contractors. The Public Procurement Review
2366 Board shall, unless exempted under this paragraph (h) or under
2367 paragraph (i) or (o) of this subsection (2), require the agency
2368 involved to submit the procurement to a competitive procurement
2369 process, and may reserve the right to reject any or all resulting
2370 procurements;

2371 (i) Prescribe certain circumstances by which agency
2372 heads may enter into contracts for personal and professional
2373 services without receiving prior approval from the Public
2374 Procurement Review Board. The Public Procurement Review Board may
2375 establish a preapproved list of providers of various personal and
2376 professional services for set prices with which state agencies may
2377 contract without bidding or prior approval from the board;

2378 (i) Agency requirements may be fulfilled by
2379 procuring services performed incident to the state's own programs.
2380 The agency head shall determine in writing whether the price
2381 represents a fair market value for the services. When the
2382 procurements are made from other governmental entities, the
2383 private sector need not be solicited; however, these contracts
2384 shall still be submitted for approval to the Public Procurement
2385 Review Board.

2386 (ii) Contracts between two (2) state agencies,
2387 both under Public Procurement Review Board purview, shall not
2388 require Public Procurement Review Board approval. However, the
2389 contracts shall still be entered into the enterprise resource
2390 planning system;

2391 (j) Provide standards for the issuance of requests for
2392 proposals, the evaluation of proposals received, consideration of
2393 costs and quality of services proposed, contract negotiations, the
2394 administrative monitoring of contract performance by the agency
2395 and successful steps in terminating a contract;

2396 (k) Present recommendations for governmental
2397 privatization and to evaluate privatization proposals submitted by
2398 any state agency;

2399 (l) Authorize personal and professional service
2400 contracts to be effective for more than one (1) year provided a
2401 funding condition is included in any such multiple year contract,
2402 except the State Board of Education, which shall have the

2403 authority to enter into contractual agreements for student
2404 assessment for a period up to ten (10) years. The State Board of
2405 Education shall procure these services in accordance with the
2406 Public Procurement Review Board procurement regulations;

2407 (m) Request the State Auditor to conduct a performance
2408 audit on any personal or professional service contract;

2409 (n) Prepare an annual report to the Legislature
2410 concerning the issuance of personal and professional services
2411 contracts during the previous year, collecting any necessary
2412 information from state agencies in making such report;

2413 (o) Develop and implement the following standards and
2414 procedures for the approval of any sole source contract for
2415 personal and professional services regardless of the value of the
2416 procurement:

2417 (i) For the purposes of this paragraph (o), the
2418 term "sole source" means only one (1) source is available that can
2419 provide the required personal or professional service.

2420 (ii) An agency that has been issued a binding,
2421 valid court order mandating that a particular source or provider
2422 must be used for the required service must include a copy of the
2423 applicable court order in all future sole source contract reviews
2424 for the particular personal or professional service referenced in
2425 the court order.

2426 (iii) Any agency alleging to have a sole source
2427 for any personal or professional service, other than those

2428 exempted under paragraph (f) of this subsection (2) and subsection
2429 (8), shall publish on the procurement portal website established
2430 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
2431 days, the terms of the proposed contract for those services. In
2432 addition, the publication shall include, but is not limited to,
2433 the following information:

2434 1. The personal or professional service
2435 offered in the contract;

2436 2. An explanation of why the personal or
2437 professional service is the only one that can meet the needs of
2438 the agency;

2439 3. An explanation of why the source is the
2440 only person or entity that can provide the required personal or
2441 professional service;

2442 4. An explanation of why the amount to be
2443 expended for the personal or professional service is reasonable;
2444 and

2445 5. The efforts that the agency went through
2446 to obtain the best possible price for the personal or professional
2447 service.

2448 (iv) If any person or entity objects and proposes
2449 that the personal or professional service published under
2450 subparagraph (iii) of this paragraph (o) is not a sole source
2451 service and can be provided by another person or entity, then the
2452 objecting person or entity shall notify the Public Procurement

2453 Review Board and the agency that published the proposed sole
2454 source contract with a detailed explanation of why the personal or
2455 professional service is not a sole source service.

2456 (v) 1. If the agency determines after review that
2457 the personal or professional service in the proposed sole source
2458 contract can be provided by another person or entity, then the
2459 agency must withdraw the sole source contract publication from the
2460 procurement portal website and submit the procurement of the
2461 personal or professional service to an advertised competitive bid
2462 or selection process.

2463 2. If the agency determines after review that
2464 there is only one (1) source for the required personal or
2465 professional service, then the agency may appeal to the Public
2466 Procurement Review Board. The agency has the burden of proving
2467 that the personal or professional service is only provided by one
2468 (1) source.

2469 3. If the Public Procurement Review Board has
2470 any reasonable doubt as to whether the personal or professional
2471 service can only be provided by one (1) source, then the agency
2472 must submit the procurement of the personal or professional
2473 service to an advertised competitive bid or selection process. No
2474 action taken by the Public Procurement Review Board in this appeal
2475 process shall be valid unless approved by a majority of the
2476 members of the Public Procurement Review Board present and voting.

2477 (vi) The Public Procurement Review Board shall
2478 prepare and submit a quarterly report to the House of
2479 Representatives and Senate Accountability, Efficiency and
2480 Transparency Committees that details the sole source contracts
2481 presented to the Public Procurement Review Board and the reasons
2482 that the Public Procurement Review Board approved or rejected each
2483 contract. These quarterly reports shall also include the
2484 documentation and memoranda required in subsection (4) of this
2485 section. An agency that submitted a sole source contract shall be
2486 prepared to explain the sole source contract to each committee by
2487 December 15 of each year upon request by the committee;

2488 (p) Assess any fines and administrative penalties
2489 provided for in Sections 31-7-401 through 31-7-423.

2490 (3) All submissions shall be made sufficiently in advance of
2491 each monthly meeting of the Public Procurement Review Board as
2492 prescribed by the Public Procurement Review Board. If the Public
2493 Procurement Review Board rejects any contract submitted for review
2494 or approval, the Public Procurement Review Board shall clearly set
2495 out the reasons for its action, including, but not limited to, the
2496 policy that the agency has violated in its submitted contract and
2497 any corrective actions that the agency may take to amend the
2498 contract to comply with the rules and regulations of the Public
2499 Procurement Review Board.

2500 (4) All sole source contracts for personal and professional
2501 services awarded by state agencies, other than those exempted

2502 under Section 27-104-7(2) (f) and (8), whether approved by an
2503 agency head or the Public Procurement Review Board, shall contain
2504 in the procurement file a written determination for the approval,
2505 using a request form furnished by the Public Procurement Review
2506 Board. The written determination shall document the basis for the
2507 determination, including any market analysis conducted in order to
2508 ensure that the service required was practicably available from
2509 only one (1) source. A memorandum shall accompany the request
2510 form and address the following four (4) points:

2511 (a) Explanation of why this service is the only service
2512 that can meet the needs of the purchasing agency;

2513 (b) Explanation of why this vendor is the only
2514 practicably available source from which to obtain this service;

2515 (c) Explanation of why the price is considered
2516 reasonable; and

2517 (d) Description of the efforts that were made to
2518 conduct a noncompetitive negotiation to get the best possible
2519 price for the taxpayers.

2520 (5) In conjunction with the State Personnel Board, the
2521 Public Procurement Review Board shall develop and promulgate rules
2522 and regulations to define the allowable legal relationship between
2523 contract employees and the contracting departments, agencies and
2524 institutions of state government under the jurisdiction of the
2525 State Personnel Board, in compliance with the applicable rules and
2526 regulations of the federal Internal Revenue Service (IRS) for

2527 federal employment tax purposes. Under these regulations, the
2528 usual common law rules are applicable to determine and require
2529 that such worker is an independent contractor and not an employee,
2530 requiring evidence of lawful behavioral control, lawful financial
2531 control and lawful relationship of the parties. Any state
2532 department, agency or institution shall only be authorized to
2533 contract for personnel services in compliance with those
2534 regulations.

2535 (6) No member of the Public Procurement Review Board shall
2536 use his or her official authority or influence to coerce, by
2537 threat of discharge from employment, or otherwise, the purchase of
2538 commodities, the contracting for personal or professional
2539 services, or the contracting for public construction under this
2540 chapter.

2541 (7) Notwithstanding any other laws or rules to the contrary,
2542 the provisions of subsection (2) of this section shall not be
2543 applicable to the Mississippi State Port Authority at Gulfport.

2544 (8) Nothing in this section shall impair or limit the
2545 authority of the Board of Trustees of the Public Employees'
2546 Retirement System to enter into any personal or professional
2547 services contracts directly related to their constitutional
2548 obligation to manage the trust funds, including, but not limited
2549 to, actuarial, custodial banks, cash management, investment
2550 consultant and investment management contracts. Nothing in this
2551 section shall impair or limit the authority of the State Treasurer

2552 to enter into any personal or professional services contracts
2553 involving the management of trust funds, including, but not
2554 limited to, actuarial, custodial banks, cash management,
2555 investment consultant and investment management contracts.

2556 (9) Through December 31, 2026, the provisions of this
2557 section related to rental agreements or leasing of real property
2558 for the purpose of conducting agency business shall not apply to
2559 the Office of Workforce Development created in Section 37-153-7.

2560 **SECTION 42.** Section 31-7-9, Mississippi Code of 1972, is
2561 brought forward as follows:

2562 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2563 Management shall adopt purchasing regulations governing the
2564 purchase by any agency of any commodity or commodities and
2565 establishing standards and specifications for a commodity or
2566 commodities and the maximum fair prices of a commodity or
2567 commodities, subject to the approval of the Public Procurement
2568 Review Board. It shall have the power to amend, add to or
2569 eliminate purchasing regulations. The adoption of, amendment,
2570 addition to or elimination of purchasing regulations shall be
2571 based upon a determination by the Office of Purchasing, Travel and
2572 Fleet Management with the approval of the Public Procurement
2573 Review Board, that such action is reasonable and practicable and
2574 advantageous to promote efficiency and economy in the purchase of
2575 commodities by the agencies of the state. Upon the adoption of
2576 any purchasing regulation, or an amendment, addition or

2577 elimination therein, copies of same shall be furnished to the
2578 State Auditor and to all agencies affected thereby. Thereafter,
2579 and except as otherwise may be provided in subsection (2) of this
2580 section, no agency of the state shall purchase any commodities
2581 covered by existing purchasing regulations unless such commodities
2582 be in conformity with the standards and specifications set forth
2583 in the purchasing regulations and unless the price thereof does
2584 not exceed the maximum fair price established by such purchasing
2585 regulations. The Office of Purchasing, Travel and Fleet
2586 Management shall furnish to any county or municipality or other
2587 local public agency of the state requesting same, copies of
2588 purchasing regulations adopted by the Office of Purchasing, Travel
2589 and Fleet Management and any amendments, changes or eliminations
2590 of same that may be made from time to time.

2591 (b) The Office of Purchasing, Travel and Fleet
2592 Management may adopt purchasing regulations governing the use of
2593 credit cards, procurement cards and purchasing club membership
2594 cards to be used by state agencies, governing authorities of
2595 counties and municipalities, school districts and the Chickasawhay
2596 Natural Gas District. Use of the cards shall be in strict
2597 compliance with the regulations promulgated by the office. Any
2598 amounts due on the cards shall incur interest charges as set forth
2599 in Section 31-7-305 and shall not be considered debt.

2600 (c) Pursuant to the provision of Section 37-61-33(2),
2601 the Office of Purchasing, Travel and Fleet Management of the

2602 Department of Finance and Administration is authorized to issue
2603 procurement cards or credentials for a digital solution to all
2604 public school district classroom teachers, charter school
2605 teachers, full- or part-time gifted or special education teachers
2606 and other necessary direct support personnel at the beginning of
2607 the school year, but no later than August 1 of each year, for the
2608 purchase of instructional supplies using Educational Enhancement
2609 Funds. The cards will be issued in equal amounts per teacher
2610 determined by the total number of qualifying personnel and the
2611 then current state appropriation for classroom instructional
2612 supplies under the Education Enhancement Fund. All purchases
2613 shall be in accordance with state law and teachers are responsible
2614 for verification of capital asset requirements when pooling monies
2615 to purchase equipment. The cards will expire on a predetermined
2616 date at the end of each school year, but not before April 1 of
2617 each year. All unexpended amounts will be carried forward, to be
2618 combined with the following year's instructional supply fund
2619 allocation, and reallocated for the following year. The
2620 Department of Finance and Administration is authorized to loan any
2621 start-up funds at the beginning of the school year to fund this
2622 procurement system for instructional supplies with loan repayment
2623 being made from sales tax receipts earmarked for the Education
2624 Enhancement Fund.

2625 (d) In a sale of goods or services, the seller shall
2626 not impose a surcharge on a buyer who uses a state-issued credit

2627 card, procurement card, travel card, or fuel card. The Department
2628 of Finance and Administration shall have exclusive jurisdiction to
2629 enforce and adopt rules relating to this paragraph. Any rules
2630 adopted under this paragraph shall be consistent with federal laws
2631 and regulations governing credit card transactions described by
2632 this paragraph. This paragraph does not create a cause of action
2633 against an individual for a violation of this paragraph.

2634 (2) The Office of Purchasing, Travel and Fleet Management
2635 shall adopt, subject to the approval of the Public Procurement
2636 Review Board, purchasing regulations governing the purchase of
2637 unmarked vehicles to be used by the Bureau of Narcotics and
2638 Department of Public Safety in official investigations pursuant to
2639 Section 25-1-87. Such regulations shall ensure that purchases of
2640 such vehicles shall be at a fair price and shall take into
2641 consideration the peculiar needs of the Bureau of Narcotics and
2642 Department of Public Safety in undercover operations.

2643 (3) The Office of Purchasing, Travel and Fleet Management
2644 shall adopt, subject to the approval of the Public Procurement
2645 Review Board, regulations governing the certification process for
2646 certified purchasing offices, including the Mississippi Purchasing
2647 Certification Program, which shall be required of all purchasing
2648 agents at state agencies. Such regulations shall require entities
2649 desiring to be classified as certified purchasing offices to
2650 submit applications and applicable documents on an annual basis,
2651 and in the case of a state agency purchasing office, to have one

2652 hundred percent (100%) participation and completion by purchasing
2653 agents in the Mississippi Purchasing Certification Program, at
2654 which time the Office of Purchasing, Travel and Fleet Management
2655 may provide the governing entity with a certification valid for
2656 one (1) year from the date of issuance. The Office of Purchasing,
2657 Travel and Fleet Management shall set a fee in an amount that
2658 recovers its costs to administer the Mississippi Purchasing
2659 Certification Program, which shall be assessed to the
2660 participating state agencies.

2661 (4) The Office of Purchasing, Travel and Fleet Management
2662 shall adopt purchasing regulations authorizing rural water
2663 associations to purchase at the state contract price afforded to
2664 agencies and governing authorities under this chapter.

2665 **SECTION 43.** Section 41-3-16, Mississippi Code of 1972, is
2666 brought forward as follows:

2667 41-3-16. (1) (a) There is established a local governments
2668 and rural water systems improvements revolving loan and grant
2669 program to be administered by the State Department of Health,
2670 referred to in this section as "department," for the purpose of
2671 assisting counties, incorporated municipalities, districts or
2672 other water organizations that have been granted tax-exempt status
2673 under either federal or state law, in making improvements to their
2674 water systems, including construction of new water systems or
2675 expansion or repair of existing water systems. Loan and grant
2676 proceeds may be used by the recipient for planning, professional

2677 services, acquisition of interests in land, acquisition of
2678 personal property, construction, construction-related services,
2679 maintenance, and any other reasonable use which the board, in its
2680 discretion, may allow. For purposes of this section, "water
2681 systems" has the same meaning as the term "public water system"
2682 under Section 41-26-3.

2683 (b) (i) There is created a board to be known as the
2684 "Local Governments and Rural Water Systems Improvements Board,"
2685 referred to in this section as "board," to be composed of the
2686 following nine (9) members: the State Health Officer, or his
2687 designee, who shall serve as chairman of the board; the Executive
2688 Director of the Mississippi Development Authority, or his
2689 designee; the Executive Director of the Department of
2690 Environmental Quality, or his designee; the Executive Director of
2691 the Department of Finance and Administration, or his designee; the
2692 Executive Director of the Mississippi Association of Supervisors,
2693 or his designee; the Executive Director of the Mississippi
2694 Municipal League, or his designee; the Executive Director of the
2695 American Council of Engineering Companies of Mississippi, or his
2696 designee; the State Director of the United States Department of
2697 Agriculture, Rural Development, or his designee; and a manager of
2698 a rural water system.

2699 The Governor shall appoint a manager of a rural water system
2700 from a list of candidates provided by the Executive Director of
2701 the Mississippi Rural Water Association. The Executive Director

2702 of the Mississippi Rural Water Association shall provide the
2703 Governor a list of candidates which shall contain a minimum of
2704 three (3) candidates for each appointment.

2705 (ii) Nonappointed members of the board may
2706 designate another representative of their agency or association to
2707 serve as an alternate.

2708 (iii) The gubernatorial appointee shall serve a
2709 term concurrent with the term of the Governor and until a
2710 successor is appointed and qualified. No member, officer or
2711 employee of the Board of Directors of the Mississippi Rural Water
2712 Association shall be eligible for appointment.

2713 (c) The department, if requested by the board, shall
2714 furnish the board with facilities and staff as needed to
2715 administer this section. The department may contract, upon
2716 approval by the board, for those facilities and staff needed to
2717 administer this section, including routine management, as it deems
2718 necessary. The board may advertise for or solicit proposals from
2719 public or private sources, or both, for administration of this
2720 section or any services required for administration of this
2721 section or any portion thereof. It is the intent of the
2722 Legislature that the board endeavor to ensure that the costs of
2723 administration of this section are as low as possible in order to
2724 provide the water consumers of Mississippi safe drinking water at
2725 affordable prices.

2726 (d) Members of the board may not receive any salary,
2727 compensation or per diem for the performance of their duties under
2728 this section.

2729 (2) (a) There is created a special fund in the State
2730 Treasury to be designated as the "Local Governments and Rural
2731 Water Systems Improvements Revolving Loan Fund," referred to in
2732 this section as "revolving fund," which fund shall consist of
2733 those monies as provided in Sections 6 and 13 of Chapter 521, Laws
2734 of 1995. The revolving fund may receive appropriations, bond
2735 proceeds, grants, gifts, donations or funds from any source,
2736 public or private. Except as otherwise provided in this section,
2737 the revolving fund shall be credited with all repayments of
2738 principal and interest derived from loans made from the revolving
2739 fund. Except as otherwise provided in this section, the monies in
2740 the revolving fund may be expended only in amounts appropriated by
2741 the Legislature, and the different amounts specifically provided
2742 for the loan program and the grant program shall be so designated.
2743 Except as otherwise provided in this section, monies in the fund
2744 may only be expended for the grant program from the amount
2745 designated for such program. The revolving fund shall be
2746 maintained in perpetuity for the purposes established in this
2747 section and Sections 6 through 20 of Chapter 521, Laws of 1995.
2748 Unexpended amounts remaining in the revolving fund at the end of a
2749 fiscal year shall not lapse into the State General Fund, and any
2750 interest earned on amounts in the revolving fund shall be

2751 deposited to the credit of the fund. Monies in the revolving fund
2752 may not be used or expended for any purpose except as authorized
2753 under this section and Sections 6 through 20 of Chapter 521, Laws
2754 of 1995. Any monies in the fund may be used to match any federal
2755 funds that are available for the same or related purposes for
2756 which funds are used and expended under this section and Sections
2757 6 through 20 of Chapter 521, Laws of 1995. Any federal funds
2758 shall be used and expended only in accordance with federal laws,
2759 rules and regulations governing the expenditure of those funds.
2760 No person shall use any monies from the revolving fund for the
2761 acquisition of real property or any interest in real property
2762 unless that property is integral to the project funded under this
2763 section and the purchase is made from a willing seller. No
2764 county, incorporated municipality or district shall acquire any
2765 real property or any interest in any real property for a project
2766 funded through the revolving fund by condemnation. The board's
2767 application of Sections 43-37-1 through 43-37-13 shall be no more
2768 stringent or extensive in scope, coverage and effect than federal
2769 property acquisition laws and regulations.

2770 (b) There is created a special fund in the State
2771 Treasury to be designated as the "Local Governments and Rural
2772 Water Systems Emergency Loan Fund," hereinafter referred to as
2773 "emergency fund," which fund shall consist of those monies as
2774 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The
2775 emergency fund may receive appropriations, bond proceeds, grants,

2776 gifts, donations or funds from any source, public or private.
2777 Except as otherwise provided in this section, the emergency fund
2778 shall be credited with all repayments of principal and interest
2779 derived from loans made from the emergency fund. Except as
2780 otherwise provided in this section, the monies in the emergency
2781 fund may be expended only in amounts appropriated by the
2782 Legislature. The emergency fund shall be maintained in perpetuity
2783 for the purposes established in this section and Section 6 of
2784 Chapter 521, Laws of 1995. Unexpended amounts remaining in the
2785 emergency fund at the end of a fiscal year shall not lapse into
2786 the State General Fund. Any interest earned on amounts in the
2787 emergency fund shall be deposited to the credit of the fund.
2788 Monies in the emergency fund may not be used or expended for any
2789 purpose except as authorized under this section and Section 6 of
2790 Chapter 521, Laws of 1995.

2791 (c) The board created in subsection (1) shall establish
2792 loan and grant programs by which loans and grants may be made
2793 available to counties, incorporated municipalities, districts or
2794 other water organizations that have been granted tax-exempt status
2795 under either federal or state law, to assist those counties,
2796 incorporated municipalities, districts or water organizations in
2797 making water systems improvements, including the construction of
2798 new water systems or expansion or repair of existing water
2799 systems. Any entity eligible under this section may receive
2800 either a loan or a grant, or both. No grant awarded under the

2801 program established in this section may be made using funds from
2802 the loan program. Grants may be awarded only when the Legislature
2803 specifically appropriates funds for that particular purpose. The
2804 interest rate on those loans may vary from time to time and from
2805 loan to loan, and will be at or below market interest rates as
2806 determined by the board. The board shall act as quickly as is
2807 practicable and prudent in deciding on any loan request that it
2808 receives. Loans from the revolving fund or emergency fund may be
2809 made to counties, incorporated municipalities, districts or other
2810 water organizations that have been granted tax-exempt status under
2811 either federal or state law, as set forth in a loan agreement in
2812 amounts not to exceed one hundred percent (100%) of eligible
2813 project costs as established by the board. The board may require
2814 county, municipal, district or other water organization
2815 participation or funding from other sources, or otherwise limit
2816 the percentage of costs covered by loans from the revolving fund
2817 or the emergency fund. The board may establish a maximum amount
2818 for any loan from the revolving fund or emergency fund in order to
2819 provide for broad and equitable participation in the programs.

2820 (d) A county that receives a loan from the revolving
2821 fund or the emergency fund shall pledge for repayment of the loan
2822 any part of the homestead exemption annual tax loss reimbursement
2823 to which it may be entitled under Section 27-33-77, as may be
2824 required to meet the repayment schedule contained in the loan
2825 agreement. An incorporated municipality that receives a loan from

2826 the revolving fund or the emergency fund shall pledge for
2827 repayment of the loan any part of the sales tax revenue
2828 distribution to which it may be entitled under Section 27-65-75,
2829 as may be required to meet the repayment schedule contained in the
2830 loan agreement. All recipients of such loans shall establish a
2831 dedicated source of revenue for repayment of the loan. Before any
2832 county or incorporated municipality shall receive any loan, it
2833 shall have executed with the Department of Revenue and the board a
2834 loan agreement evidencing that loan. The loan agreement shall not
2835 be construed to prohibit any recipient from prepaying any part or
2836 all of the funds received. The repayment schedule in each loan
2837 agreement shall provide for (i) monthly payments, (ii) semiannual
2838 payments, or (iii) other periodic payments, the annual total of
2839 which shall not exceed the annual total for any other year of the
2840 loan by more than fifteen percent (15%). Except as otherwise
2841 provided in subsection (4) of this section, the loan agreement
2842 shall provide for the repayment of all funds received from the
2843 revolving fund within not more than fifteen (15) years or a term
2844 as otherwise allowed by the federal Safe Drinking Water Act, and
2845 all funds received from the emergency fund within not more than
2846 five (5) years from the date of project completion, and any
2847 repayment shall commence not later than one (1) year after project
2848 completion. The Department of Revenue shall withhold semiannually
2849 from counties and monthly from incorporated municipalities from

2850 the amount to be remitted to the county or municipality, a sum
2851 equal to the next repayment as provided in the loan agreement.

2852 (e) Any county, incorporated municipality, district or
2853 other water organization desiring to construct a project approved
2854 by the board which receives a loan from the state for that purpose
2855 but which is not eligible to pledge for repayment under the
2856 provisions of paragraph (d) of this subsection shall repay that
2857 loan by making payments each month to the State Treasurer through
2858 the Department of Finance and Administration for and on behalf of
2859 the board according to Section 7-7-15, to be credited to either
2860 the revolving fund or the emergency fund, whichever is
2861 appropriate, in lieu of pledging homestead exemption annual tax
2862 loss reimbursement or sales tax revenue distribution.

2863 Loan repayments shall be according to a repayment schedule
2864 contained in each loan agreement as provided in paragraph (d) of
2865 this subsection.

2866 (f) Any district created pursuant to Sections 19-5-151
2867 through 19-5-207 that receives a loan from the revolving fund or
2868 the emergency fund shall pledge for repayment of the loan any part
2869 of the revenues received by that district pursuant to Sections
2870 19-5-151 through 19-5-207, as may be required to meet the
2871 repayment schedule contained in the loan agreement.

2872 (g) The State Auditor, upon request of the board, shall
2873 audit the receipts and expenditures of a county, an incorporated
2874 municipality, district or other water organization whose loan

2875 repayments appear to be in arrears, and if the Auditor finds that
2876 the county, incorporated municipality, district or other water
2877 organization is in arrears in those repayments, the Auditor shall
2878 immediately notify the chairman of the board who may take any
2879 action as may be necessary to enforce the terms of the loan
2880 agreement, including liquidation and enforcement of the security
2881 given for repayment of the loan, and the Executive Director of the
2882 Department of Finance and Administration who shall withhold all
2883 future payments to the county of homestead exemption annual tax
2884 loss reimbursements under Section 27-33-77 and all sums allocated
2885 to the county or the incorporated municipality under Section
2886 27-65-75 until such time as the county or the incorporated
2887 municipality is again current in its loan repayments as certified
2888 by the board.

2889 (h) Except as otherwise provided in this section, all
2890 monies deposited in the revolving fund or the emergency fund,
2891 including loan repayments and interest earned on those repayments,
2892 shall be used only for providing loans or other financial
2893 assistance to water systems as the board deems appropriate. In
2894 addition, any amounts in the revolving fund or the emergency fund
2895 may be used to defray the reasonable costs of administering the
2896 revolving fund or the emergency fund and conducting activities
2897 under this section and Sections 6 through 20 of Chapter 521, Laws
2898 of 1995, subject to any limitations established in the federal
2899 Safe Drinking Water Act, as amended and subject to annual

2900 appropriation by the Legislature. The department is authorized,
2901 upon approval by the board, to use amounts available to it from
2902 the revolving fund or the emergency fund to contract for those
2903 facilities and staff needed to administer and provide routine
2904 management for the funds and loan program. However,
2905 notwithstanding any other provision of law to the contrary, all or
2906 any portion of repayments of principal and interest derived from
2907 the fund uses described in this section may be designated or
2908 pledged for repayment of a loan as provided for in Section
2909 31-25-28 in connection with a loan from the Mississippi
2910 Development Bank.

2911 (3) In administering this section and Sections 6 through 20
2912 of Chapter 521, Laws of 1995, the board created in subsection (1)
2913 of this section shall have the following powers and duties:

2914 (a) To supervise the use of all funds made available
2915 under this section and Sections 6 through 20 of Chapter 521, Laws
2916 of 1995, for local governments and rural water systems
2917 improvements;

2918 (b) To promulgate rules and regulations, to make
2919 variances and exceptions thereto, and to establish procedures in
2920 accordance with this section and Sections 6 through 20 of Chapter
2921 521, Laws of 1995, for the implementation of the local governments
2922 and rural water systems improvements revolving loan program;

2923 (c) To require, at the board's discretion, any loan or
2924 grant recipient to impose a per connection fee or surcharge or

2925 amended water rate schedule or tariff on each customer or any
2926 class of customers, benefiting from an improvement financed by a
2927 loan or grant made under this section, for repayment of any loan
2928 funds provided under this section and Sections 6 through 20 of
2929 Chapter 521, Laws of 1995. The board may require any loan or
2930 grant recipient to undergo a water system viability analysis and
2931 may require a loan or grant recipient to implement any result of
2932 the viability analysis. If the loan recipient fails to implement
2933 any result of a viability analysis as required by the board, the
2934 board may impose a monetary penalty or increase the interest rate
2935 on the loan, or both. If the grant recipient fails to implement
2936 any result of a viability analysis as required by the board, the
2937 board may impose a monetary penalty on the grant;

2938 (d) To review and certify all projects for which funds
2939 are authorized to be made available under this section and
2940 Sections 6 through 20 of Chapter 521, Laws of 1995, for local
2941 governments and rural water systems improvements;

2942 (e) To requisition monies in the Local Governments and
2943 Rural Water Systems Improvements Revolving Loan Fund and the Local
2944 Governments and Rural Water Systems Emergency Loan Fund and
2945 distribute those monies on a project-by-project basis in
2946 accordance with this section;

2947 (f) To ensure that the funds made available under this
2948 section and Sections 6 through 20 of Chapter 521, Laws of 1995, to
2949 a county, an incorporated municipality, a district or a water

2950 organization that has been granted tax-exempt status under either
2951 federal or state law provide for a distribution of projects and
2952 funds among the entities under a priority system established by
2953 the board;

2954 (g) To maintain in accordance with generally accepted
2955 government accounting standards an accurate record of all monies
2956 in the revolving fund and the emergency fund made available to
2957 counties, incorporated municipalities, districts or other water
2958 organizations under this section and Sections 6 through 20 of
2959 Chapter 521, Laws of 1995, and the costs for each project;

2960 (h) To establish policies, procedures and requirements
2961 concerning viability and financial capability to repay loans that
2962 may be used in approving loans available under this section,
2963 including a requirement that all loan recipients have a rate
2964 structure which will be sufficient to cover the costs of
2965 operation, maintenance, major equipment replacement and repayment
2966 of any loans made under this section; and

2967 (i) To file annually with the Legislature a report
2968 detailing how monies in the Local Governments and Rural Water
2969 Systems Improvements Revolving Loan Fund and the Local Governments
2970 and Rural Water Systems Emergency Loan Fund were spent during the
2971 preceding fiscal year in each county, incorporated municipality,
2972 district or other water organization, the number of projects
2973 approved and constructed, and the cost of each project.

2974 For efficient and effective administration of the loan
2975 program, revolving fund and emergency fund, the board may
2976 authorize the department or the State Health Officer to carry out
2977 any or all of the powers and duties enumerated above.

2978 (4) The board may, on a case-by-case basis and to the extent
2979 allowed by federal law, renegotiate the payment of principal and
2980 interest on loans made under this section to the six (6) most
2981 southern counties of the state covered by the Presidential
2982 Declaration of Major Disaster for the State of Mississippi
2983 (FEMA-1604-DR) dated August 29, 2005, and to incorporated
2984 municipalities, districts or other water organizations located in
2985 such counties; however, the interest on the loans shall not be
2986 forgiven for a period of more than twenty-four (24) months and the
2987 maturity of the loans shall not be extended for a period of more
2988 than forty-eight (48) months.

2989 **SECTION 44.** Section 41-3-16.1, Mississippi Code of 1972, is
2990 brought forward as follows:

2991 41-3-16.1. (1) (a) The State Department of Health
2992 (department) shall establish a grant program to be known as the
2993 ARPA Rural Water Associations Infrastructure Grant Program
2994 (program) to assist rural water associations and entities in the
2995 construction of eligible drinking water infrastructure projects as
2996 provided in the Final Rule for the Coronavirus State and Local
2997 Fiscal Recovery Funds as established by the federal American
2998 Rescue Plan Act (ARPA).

2999 (b) Rural water associations and any entity that
3000 received funding under the ARPA Rural Water Associations
3001 Infrastructure Grant Program or the Mississippi Municipality and
3002 County Water Infrastructure (MCWI) Grant Program before April 14,
3003 2023, shall be ineligible for additional grants under this
3004 section.

3005 (2) The program shall be funded from appropriations by the
3006 Legislature to the department from the Coronavirus State Fiscal
3007 Recovery Fund, and the department shall expend all such funds for
3008 the purposes provided in subsection (1) of this section.

3009 (3) The department shall obligate the funds by the deadline
3010 set by the rules and guidelines of the United States Department of
3011 the Treasury and will adhere to the Treasury's rules and
3012 guidelines for reporting and monitoring projects funded through
3013 ARPA.

3014 (4) (a) The department shall develop a system for use in
3015 ranking the grant applications received. The ranking system shall
3016 include the following factors, at a minimum: (a) the
3017 environmental impact of the proposed project; (b) the proposed
3018 project's ability to address noncompliance with state/federal
3019 requirements; (c) the extent to which the project promotes
3020 economic development; (d) the number of people served by the
3021 project (both new and existing users); (e) impacts of the proposed
3022 project on disadvantaged/overburdened communities; (f) the grant
3023 applicant's prior efforts to secure funding to address the

3024 proposed project's objectives; (g) the grant applicant's proposed
3025 contribution of other funds or in-kind cost-sharing to the
3026 proposed project; (h) the grant applicant's long-term plans for
3027 the financial and physical operation and maintenance of the
3028 project; and (i) the grant applicant's capacity to initiate
3029 construction in a timely manner and complete the proposed project
3030 by the deadline specified by rules and guidelines of the United
3031 States Department of the Treasury for ARPA funds.

3032 (b) For the second round of grant awards, the
3033 department shall apply a greater weight to grant applications that
3034 promote consolidation of separate systems. In order to receive
3035 the additional weight, the systems that will consolidate shall be
3036 in a proximity of each other as determined by the department.

3037 (c) In addition to the points awarded under paragraph
3038 (b) of this subsection, an additional ten (10) points shall be
3039 added to any application with at least one (1) system that has
3040 consolidated after January 1, 2018, and before application to this
3041 program and is otherwise eligible under this section.

3042 (5) An application for a grant under this section shall be
3043 submitted at such time, be in such form, and contain such
3044 information as the department prescribes.

3045 (6) (a) Upon the approval of an application for a grant
3046 under this section, the department shall enter into a project
3047 grant agreement with each grantee to establish the terms of the
3048 grant for the project, including the amount of the grant.

3049 (b) (i) For the first award of grants, the maximum
3050 amount of funds that may be provided to any rural water
3051 association or entity from all grants under the program is Two
3052 Million Five Hundred Thousand Dollars (\$2,500,000.00).

3053 (ii) For the second round of grant awards, the
3054 maximum amount of funds that may be provided to any eligible
3055 association or entity from all grants under the program is Two
3056 Million Dollars (\$2,000,000.00).

3057 (c) Associations or entities that received funding
3058 under the first round of grant awards for this program or received
3059 funding in the Mississippi Municipality and County Water
3060 Infrastructure Grant Program Act of 2022 are ineligible to receive
3061 funding under the second round.

3062 (7) With any funds appropriated to the department for the
3063 program after April 1, 2024, the department shall distribute the
3064 funds to projects from the second round of grant awards in the
3065 order in which the applications were ranked for grants as long as
3066 the department determines that the project can obligate the funds
3067 by October 1, 2024, and expend the funds by December 31, 2026.
3068 Where the department determines that a project cannot obligate or
3069 expend the funds by the required dates, the department shall not
3070 fund the project, and it shall continue from the second round of
3071 grant awards in the order in which the applications were ranked
3072 for grants.

3073 (8) The department shall have all powers necessary to
3074 implement and administer the program. Of the funds appropriated
3075 to the department for the program, not more than five percent (5%)
3076 may be used by the department to cover the department's costs of
3077 administering the program.

3078 (9) In carrying out its responsibilities under the program,
3079 for any contract under the purview of the Public Procurement
3080 Review Board (PPRB), the department shall be exempt from any
3081 requirement that the PPRB approve any personal or professional
3082 services contracts or pre-approve any solicitation of such
3083 contracts. This subsection shall stand repealed on July 1, 2026.

3084 (10) The department shall submit an annual report regarding
3085 the program no later than December 31 of each year to the
3086 Lieutenant Governor, the Speaker of the House, and the Chairmen of
3087 the Senate and House Appropriations Committees.

3088 (11) For the purposes of this section, "entity" means:

3089 (a) Any entity operating as a rural water association,
3090 regardless of whether such entities were user created, were
3091 initially organized not for profit, or have been granted
3092 tax-exempt status under state or federal law.

3093 (b) Any nonprofit water or sewer provider not owned by
3094 the municipality or county and are not a Rural Water Association.

3095 (c) Any entity eligible under this program shall be
3096 currently operating as a not-for-profit entity.

3097 (d) "Entity" under this subsection does not include any
3098 state agency. No state agency shall be eligible under this
3099 program.

3100 **SECTION 45.** Section 41-26-23, Mississippi Code of 1972, is
3101 brought forward as follows:

3102 41-26-23. (1) There is created in the State Treasury a fund
3103 to be designated as the "Drinking Water Quality Analysis Fund."
3104 The fund shall be treated as a special trust fund. Interest
3105 earned on the principal in the fund shall be credited by the
3106 Treasurer to the fund. The fund may receive monies from any
3107 available public or private source, including fees, proceeds and
3108 grants. The department shall expend or utilize monies in the fund
3109 to pay all reasonable direct and indirect costs of water quality
3110 analysis and related activities as required by the federal Safe
3111 Drinking Water Act, as amended. Monies in the fund at the end of
3112 the fiscal year shall be retained in the fund for use in the
3113 succeeding fiscal year. Except as provided in subsection (5) of
3114 this section, if the annual fees collected exceed the cost of
3115 administering the water quality analysis program in that fiscal
3116 year, the excess shall be applied to the cost of administering the
3117 program in the succeeding fiscal year. In the succeeding fiscal
3118 year, the total to be collected from fees shall be reduced by the
3119 excess retained in the fund and the assessment rates shall be
3120 adjusted proportionately.

3121 (2) The department annually shall assess and collect fees
3122 for water quality analysis and related activities as required by
3123 the federal Safe Drinking Water Act, as amended, which shall not
3124 exceed Three Dollars (\$3.00) per connection or Forty Thousand
3125 Dollars (\$40,000.00) per system, whichever is less. Any increase
3126 in the fees charged by the department under this subsection shall
3127 be in accordance with the provisions of Section 41-3-65. The
3128 department annually shall adopt by rule, in accordance with the
3129 Administrative Procedures Law and following a public hearing, a
3130 fee schedule to cover all reasonable direct and indirect costs of
3131 water quality analysis and related activities as required by the
3132 federal Safe Drinking Water Act, as amended. In adopting a fee
3133 schedule, the department shall consider the recommendations of the
3134 advisory committee created in this section, if those
3135 recommendations are made in a timely manner as provided.

3136 (3) An advisory committee is created to study the program
3137 needs and costs for the implementation of the water quality
3138 analysis program and to conduct an annual review of the needs and
3139 costs of administering that program. The annual review shall
3140 include an independent recommendation on an equitable fee schedule
3141 for the succeeding fiscal year. Each annual review report shall
3142 be due to the department by May 1. The advisory committee shall
3143 consist of one (1) member appointed by the Mississippi Rural Water
3144 Association, one (1) member appointed by the Mississippi Municipal
3145 Association, one (1) member appointed by the Mississippi

3146 Association of Supervisors and one (1) member appointed by the
3147 Mississippi Water and Pollution Control Operators Association,
3148 Inc.

3149 (4) All suppliers of water for which water quality analysis
3150 and related activities as required by the federal Safe Drinking
3151 Water Act, as amended, are performed by the State Department of
3152 Health shall pay the water quality analysis fee within forty-five
3153 (45) days following receipt of an invoice from the department. In
3154 the discretion of the department, any supplier of water required
3155 to pay the fee shall be liable for a penalty equal to a maximum of
3156 two (2) times the amount of fees due and payable plus an amount
3157 necessary to reimburse the costs of delinquent fee collection for
3158 failure to pay the fee within ninety (90) days following the
3159 receipt of the invoice. Any person making sales to customers of
3160 water for residential, noncommercial or nonagricultural use and
3161 who recovers the fee required by this section or any portion
3162 thereof from any customer shall indicate on each statement
3163 rendered to customers that these fees are for water quality
3164 analyses required by the federal government under the Safe
3165 Drinking Water Act, as amended.

3166 (5) There is created within the Drinking Water Quality
3167 Analysis Fund an equipment capital expenditure account,
3168 hereinafter referred to as the "account." The department may
3169 transfer any excess fees, not exceeding ten percent (10%) of the
3170 total fees assessed under this section, to the account. The

3171 balance in the account shall not exceed Five Hundred Thousand
3172 Dollars (\$500,000.00). Funds in the account shall be used by the
3173 department, as appropriated by the Legislature, to defray the
3174 costs of purchasing new equipment or repairing existing equipment
3175 for the analysis of drinking water.

3176 **SECTION 46.** Section 41-26-101, Mississippi Code of 1972, is
3177 brought forward as follows:

3178 41-26-101. (1) Each member elected or reelected after June
3179 30, 1998, to serve on a governing board of any community public
3180 water system, except systems operated by municipalities with a
3181 population greater than ten thousand (10,000), shall attend a
3182 minimum of eight (8) hours of management training within two (2)
3183 years following the election of that board member. Any member
3184 failing to complete the management training within two (2) years
3185 after his election shall be subject to removal from the board by
3186 the remaining members. If a board member has undergone training
3187 and is reelected to the board, that board member shall not be
3188 required to attend training as provided by this subsection.

3189 (2) The management training shall be organized by the State
3190 Department of Health, in cooperation with the Mississippi Rural
3191 Water Association and other organizations. The management
3192 training shall include information on water system management and
3193 financing, rate setting and structures, operations and
3194 maintenance, applicable laws and regulations, ethics, the duties
3195 and responsibilities of a board member and other information

3196 deemed necessary by the department after consultation with the
3197 association and other organizations. The department shall develop
3198 and provide all training materials. The association and other
3199 training organizations may charge a fee in the amount of
3200 Seventy-five Dollars (\$75.00) per member plus the cost of the
3201 manual and materials. These costs shall be reimbursed to the
3202 board member as an expense of the community public water system.

3203 (3) Two (2) officers of each board shall also obtain an
3204 additional four (4) hours of updated and advanced training within
3205 a four-year period. The term "officers" shall include the legally
3206 responsible official of the community public water system and the
3207 mayor, mayor pro tem, the president, and the vice president of the
3208 board. If one (1) of the officers is not able to attend the
3209 training, then he may appoint someone from among the existing
3210 board to attend in his place; however, the board member attending
3211 this training must have first completed the eight (8) hours of
3212 management training. This training will be held at a time and
3213 place that will accommodate those members who have other
3214 responsibilities. The training shall consist of, but not be
3215 limited to, updated regulatory rules and regulations, an in depth
3216 look at the Mississippi Nonprofit Corporation Act as well as any
3217 updated information that would aid them in making decisions for
3218 their utility system. The association and other training
3219 organizations may charge a fee in the amount of Twenty-five
3220 Dollars (\$25.00) per member plus the cost of the material needed

3221 for the training. These costs shall also be reimbursed to the
3222 board member as an expense of the community water system.

3223 (4) To avoid board members having to interfere with their
3224 jobs or employment, management training sessions may be divided
3225 into segments and, to the greatest extent possible, shall be
3226 scheduled for evening sessions. The department shall conduct
3227 management training on a regional basis and shall use community
3228 college or other public facilities for the convenience of board
3229 members.

3230 (5) The department may make exceptions to and grant
3231 exemptions and variances to the requirements of this section for
3232 good cause shown.

3233 **SECTION 47.** Section 77-13-29, Mississippi Code of 1972, is
3234 brought forward as follows:

3235 77-13-29. (1) There is created an Underground Facilities
3236 Damage Prevention Board for the purpose of enforcing this chapter.

3237 (2) It is the intent of the Legislature that the board and
3238 its enforcement activities not be funded by appropriations from
3239 the state budget.

3240 (3) The Pipeline Safety Division will provide
3241 administrative, investigative and legal support for the board as
3242 deemed necessary and approved by the board. The Pipeline Safety
3243 Division shall charge to the board the expenses associated with
3244 the administration, investigative and legal duties requested by
3245 the board.

3246 (4) The board shall be composed of sixteen (16) members and
3247 all board appointments shall be made on or before July 31, 2016,
3248 as follows:

3249 (a) The President of Mississippi 811, Inc., or his
3250 designee;

3251 (b) One (1) representative of the telecommunications
3252 industry, appointed by the Governor;

3253 (c) One (1) representative of the excavation, utility
3254 and/or site construction industry, appointed by the Lieutenant
3255 Governor;

3256 (d) One (1) representative of the electric power
3257 industry investor-owned utilities, appointed by the Governor;

3258 (e) One (1) representative of the Electric Power
3259 Associations of Mississippi, appointed by the Lieutenant Governor;

3260 (f) The Executive Director of the Mississippi
3261 Department of Transportation, or his designee;

3262 (g) One (1) representative of the cable industry
3263 appointed by the Governor;

3264 (h) One (1) representative of the Pipeline Safety
3265 Division, serving as an ex officio, nonvoting member;

3266 (i) One (1) representative of the natural gas or liquid
3267 transmission industry, appointed by the Lieutenant Governor;

3268 (j) One (1) representative of the natural gas or liquid
3269 distribution industry, appointed by the Lieutenant Governor;

3270 (k) The Executive Director of the Mississippi
3271 Association of Professional Surveyors, Inc., or his designee;

3272 (l) The Executive Director of the Mississippi
3273 Association of Supervisors, or his designee;

3274 (m) The Executive Director of the Mississippi Municipal
3275 League, or his designee;

3276 (n) The Executive Director of the Mississippi
3277 Homebuilders Association, or his designee;

3278 (o) The Chief Executive Officer of the Mississippi
3279 Rural Water Association, or his designee; and

3280 (p) The Executive Director of the American Council of
3281 Engineering Companies of Mississippi, or his designee.

3282 (5) The initial term of the appointed members provided in
3283 paragraphs (b) and (c) of subsection (4) shall end December 31,
3284 2017; the initial term of the appointed members provided in
3285 paragraphs (d) and (e) of subsection (4) shall end December 31,
3286 2019; and the initial term of the representatives provided in
3287 paragraphs (g), (i) and (j) of subsection (4) shall end December
3288 31, 2021. After the expiration of the initial terms, all
3289 appointed members shall serve a term of five (5) years.

3290 (6) The Governor shall appoint the initial chairman of the
3291 board, and the initial board shall elect other officers as the
3292 board deems necessary. The board shall meet and elect a chairman
3293 and other officers every two (2) years thereafter. The staff of
3294 Mississippi 811, Inc., shall serve as staff support for the board.

3295 (7) The board shall meet no less than three (3) times each
3296 year, with a date and time to be set by its chairman upon at least
3297 five (5) business days' notice provided by United States mail,
3298 electronic mail or personal delivery to every board member.

3299 (8) Eight (8) members of the board shall constitute a quorum
3300 and a majority vote of those present and voting at any meeting
3301 shall be necessary to transact business.

3302 (9) The members of the board shall be immune, individually
3303 and jointly, from civil liability for any act or omission done or
3304 made in the performance of their duties while serving as members
3305 of the board, but only in the absence of willful misconduct.

3306 (10) The members of the board shall serve without
3307 compensation.

3308 (11) The board shall elect from its membership an executive
3309 committee, which shall have the exclusive authority for levying
3310 civil penalties and taking action as described in Section
3311 77-13-27. The executive committee shall be composed of the
3312 following five (5) members of the board:

3313 (a) One (1) member appointed from subsection (4) (c) of
3314 this section;

3315 (b) One (1) member from a state agency or local
3316 government;

3317 (c) One (1) member appointed from subsection (4) (b),
3318 (d), (e), (g) or (o) of this section;

3319 (d) One (1) member appointed from subsection (4) (i) or
3320 (j) of this section; and

3321 (e) One (1) member chosen at large from the board from
3322 any paragraph of subsection (4) of this section.

3323 (12) A member serving on the executive committee shall be
3324 limited to two (2) consecutive one-year terms. No executive
3325 committee member may participate in a vote on any matter in which
3326 his employer is the alleged violator or has incurred damage to its
3327 facilities as a result of the alleged violation.

3328 (13) The board and the executive committee may hold meetings
3329 and vote by telephone, television, or other electronic means.

3330 **SECTION 48.** Section 41-3-15, Mississippi Code of 1972, is
3331 brought forward as follows:

3332 41-3-15. (1) (a) There shall be a State Department of
3333 Health.

3334 (b) The State Board of Health shall have the following
3335 powers and duties:

3336 (i) To formulate the policy of the State
3337 Department of Health regarding public health matters within the
3338 jurisdiction of the department;

3339 (ii) To adopt, modify, repeal and promulgate,
3340 after due notice and hearing, and enforce rules and regulations
3341 implementing or effectuating the powers and duties of the
3342 department under any and all statutes within the department's
3343 jurisdiction, and as the board may deem necessary;

3344 (iii) To apply for, receive, accept and expend any
3345 federal or state funds or contributions, gifts, trusts, devises,
3346 bequests, grants, endowments or funds from any other source or
3347 transfers of property of any kind;

3348 (iv) To enter into, and to authorize the executive
3349 officer to execute contracts, grants and cooperative agreements
3350 with any federal or state agency or subdivision thereof, or any
3351 public or private institution located inside or outside the State
3352 of Mississippi, or any person, corporation or association in
3353 connection with carrying out the provisions of this chapter, if it
3354 finds those actions to be in the public interest and the contracts
3355 or agreements do not have a financial cost that exceeds the
3356 amounts appropriated for those purposes by the Legislature;

3357 (v) To appoint, upon recommendation of the
3358 Executive Officer of the State Department of Health, a Director of
3359 Internal Audit who shall be either a Certified Public Accountant
3360 or Certified Internal Auditor, and whose employment shall be
3361 continued at the discretion of the board, and who shall report
3362 directly to the board, or its designee; and

3363 (vi) To discharge such other duties,
3364 responsibilities and powers as are necessary to implement the
3365 provisions of this chapter.

3366 (c) The Executive Officer of the State Department of
3367 Health shall have the following powers and duties:

3368 (i) To administer the policies of the State Board
3369 of Health within the authority granted by the board;

3370 (ii) To supervise and direct all administrative
3371 and technical activities of the department, except that the
3372 department's internal auditor shall be subject to the sole
3373 supervision and direction of the board;

3374 (iii) To organize the administrative units of the
3375 department in accordance with the plan adopted by the board and,
3376 with board approval, alter the organizational plan and reassign
3377 responsibilities as he or she may deem necessary to carry out the
3378 policies of the board;

3379 (iv) To coordinate the activities of the various
3380 offices of the department;

3381 (v) To employ, subject to regulations of the State
3382 Personnel Board, qualified professional personnel in the subject
3383 matter or fields of each office, and such other technical and
3384 clerical staff as may be required for the operation of the
3385 department. The executive officer shall be the appointing
3386 authority for the department, and shall have the power to delegate
3387 the authority to appoint or dismiss employees to appropriate
3388 subordinates, subject to the rules and regulations of the State
3389 Personnel Board;

3390 (vi) To recommend to the board such studies and
3391 investigations as he or she may deem appropriate, and to carry out

3392 the approved recommendations in conjunction with the various
3393 offices;

3394 (vii) To prepare and deliver to the Legislature
3395 and the Governor on or before January 1 of each year, and at such
3396 other times as may be required by the Legislature or Governor, a
3397 full report of the work of the department and the offices thereof,
3398 including a detailed statement of expenditures of the department
3399 and any recommendations the board may have;

3400 (viii) To prepare and deliver to the Chairmen of
3401 the Public Health and Welfare/Human Services Committees of the
3402 Senate and House on or before January 1 of each year, a plan for
3403 monitoring infant mortality in Mississippi and a full report of
3404 the work of the department on reducing Mississippi's infant
3405 mortality and morbidity rates and improving the status of maternal
3406 and infant health; and

3407 (ix) To enter into contracts, grants and
3408 cooperative agreements with any federal or state agency or
3409 subdivision thereof, or any public or private institution located
3410 inside or outside the State of Mississippi, or any person,
3411 corporation or association in connection with carrying out the
3412 provisions of this chapter, if he or she finds those actions to be
3413 in the public interest and the contracts or agreements do not have
3414 a financial cost that exceeds the amounts appropriated for those
3415 purposes by the Legislature. Each contract or agreement entered

3416 into by the executive officer shall be submitted to the board
3417 before its next meeting.

3418 (2) The State Board of Health shall have the authority to
3419 establish an Office of Rural Health within the department. The
3420 duties and responsibilities of this office shall include the
3421 following:

3422 (a) To collect and evaluate data on rural health
3423 conditions and needs;

3424 (b) To engage in policy analysis, policy development
3425 and economic impact studies with regard to rural health issues;

3426 (c) To develop and implement plans and provide
3427 technical assistance to enable community health systems to respond
3428 to various changes in their circumstances;

3429 (d) To plan and assist in professional recruitment and
3430 retention of medical professionals and assistants; and

3431 (e) To establish information clearinghouses to improve
3432 access to and sharing of rural health care information.

3433 (3) The State Board of Health shall have general supervision
3434 of the health interests of the people of the state and to exercise
3435 the rights, powers and duties of those acts which it is authorized
3436 by law to enforce.

3437 (4) The State Board of Health shall have authority:

3438 (a) To make investigations and inquiries with respect
3439 to the causes of disease and death, and to investigate the effect
3440 of environment, including conditions of employment and other

3441 conditions that may affect health, and to make such other
3442 investigations as it may deem necessary for the preservation and
3443 improvement of health.

3444 (b) To make such sanitary investigations as it may,
3445 from time to time, deem necessary for the protection and
3446 improvement of health and to investigate nuisance questions that
3447 affect the security of life and health within the state.

3448 (c) To direct and control sanitary and quarantine
3449 measures for dealing with all diseases within the state possible
3450 to suppress same and prevent their spread.

3451 (d) To obtain, collect and preserve such information
3452 relative to mortality, morbidity, disease and health as may be
3453 useful in the discharge of its duties or may contribute to the
3454 prevention of disease or the promotion of health in this state.

3455 (e) To charge and collect reasonable fees for health
3456 services, including immunizations, inspections and related
3457 activities, and the board shall charge fees for those services;
3458 however, if it is determined that a person receiving services is
3459 unable to pay the total fee, the board shall collect any amount
3460 that the person is able to pay. Any increase in the fees charged
3461 by the board under this paragraph shall be in accordance with the
3462 provisions of Section 41-3-65.

3463 (f) (i) To establish standards for, issue permits and
3464 exercise control over, any cafes, restaurants, food or drink
3465 stands, sandwich manufacturing establishments, and all other

3466 establishments, other than churches, church-related and private
3467 schools, and other nonprofit or charitable organizations, where
3468 food or drink is regularly prepared, handled and served for pay;
3469 and

3470 (ii) To require that a permit be obtained from the
3471 Department of Health before those persons begin operation. If any
3472 such person fails to obtain the permit required in this
3473 subparagraph (ii), the State Board of Health, after due notice and
3474 opportunity for a hearing, may impose a monetary penalty not to
3475 exceed One Thousand Dollars (\$1,000.00) for each violation.
3476 However, the department is not authorized to impose a monetary
3477 penalty against any person whose gross annual prepared food sales
3478 are less than Five Thousand Dollars (\$5,000.00). Money collected
3479 by the board under this subparagraph (ii) shall be deposited to
3480 the credit of the State General Fund of the State Treasury.

3481 (g) To promulgate rules and regulations and exercise
3482 control over the production and sale of milk pursuant to the
3483 provisions of Sections 75-31-41 through 75-31-49.

3484 (h) On presentation of proper authority, to enter into
3485 and inspect any public place or building where the State Health
3486 Officer or his representative deems it necessary and proper to
3487 enter for the discovery and suppression of disease and for the
3488 enforcement of any health or sanitary laws and regulations in the
3489 state.

3490 (i) To conduct investigations, inquiries and hearings,
3491 and to issue subpoenas for the attendance of witnesses and the
3492 production of books and records at any hearing when authorized and
3493 required by statute to be conducted by the State Health Officer or
3494 the State Board of Health.

3495 (j) To promulgate rules and regulations, and to collect
3496 data and information, on (i) the delivery of services through the
3497 practice of telemedicine; and (ii) the use of electronic records
3498 for the delivery of telemedicine services.

3499 (k) To enforce and regulate domestic and imported fish
3500 as authorized under Section 69-7-601 et seq.

3501 (5) (a) The State Board of Health shall have the authority,
3502 in its discretion, to establish programs to promote the public
3503 health, to be administered by the State Department of Health.
3504 Specifically, those programs may include, but shall not be limited
3505 to, programs in the following areas:

- 3506 (i) Maternal and child health;
- 3507 (ii) Family planning;
- 3508 (iii) Pediatric services;
- 3509 (iv) Services to crippled and disabled children;
- 3510 (v) Control of communicable and noncommunicable
3511 disease;
- 3512 (vi) Chronic disease;
- 3513 (vii) Accidental deaths and injuries;
- 3514 (viii) Child care licensure;

3515 (ix) Radiological health;
3516 (x) Dental health;
3517 (xi) Milk sanitation;
3518 (xii) Occupational safety and health;
3519 (xiii) Food, vector control and general
3520 sanitation;
3521 (xiv) Protection of drinking water;
3522 (xv) Sanitation in food handling establishments
3523 open to the public;
3524 (xvi) Registration of births and deaths and other
3525 vital events;
3526 (xvii) Such public health programs and services as
3527 may be assigned to the State Board of Health by the Legislature or
3528 by executive order; and
3529 (xviii) Regulation of domestic and imported fish
3530 for human consumption.
3531 (b) [Deleted]
3532 (c) The State Department of Health may undertake such
3533 technical programs and activities as may be required for the
3534 support and operation of those programs, including maintaining
3535 physical, chemical, bacteriological and radiological laboratories,
3536 and may make such diagnostic tests for diseases and tests for the
3537 evaluation of health hazards as may be deemed necessary for the
3538 protection of the people of the state.

3539 (6) (a) The State Board of Health shall administer the
3540 local governments and rural water systems improvements loan
3541 program in accordance with the provisions of Section 41-3-16.

3542 (b) The State Board of Health shall have authority:

3543 (i) To enter into capitalization grant agreements
3544 with the United States Environmental Protection Agency, or any
3545 successor agency thereto;

3546 (ii) To accept capitalization grant awards made
3547 under the federal Safe Drinking Water Act, as amended;

3548 (iii) To provide annual reports and audits to the
3549 United States Environmental Protection Agency, as may be required
3550 by federal capitalization grant agreements; and

3551 (iv) To establish and collect fees to defray the
3552 reasonable costs of administering the revolving fund or emergency
3553 fund if the State Board of Health determines that those costs will
3554 exceed the limitations established in the federal Safe Drinking
3555 Water Act, as amended. The administration fees may be included in
3556 loan amounts to loan recipients for the purpose of facilitating
3557 payment to the board; however, those fees may not exceed five
3558 percent (5%) of the loan amount.

3559 (7) [Deleted]

3560 (8) Notwithstanding any other provision to the contrary, the
3561 State Department of Health shall have the following specific
3562 powers: The State Department of Health is authorized to issue a
3563 license to an existing home health agency for the transfer of a

3564 county from that agency to another existing home health agency,
3565 and to charge a fee for reviewing and making a determination on
3566 the application for such transfer not to exceed one-half (1/2) of
3567 the authorized fee assessed for the original application for the
3568 home health agency, with the revenue to be deposited by the State
3569 Department of Health into the special fund created under Section
3570 41-7-188.

3571 (9) [Deleted]

3572 (10) Notwithstanding any other provision to the contrary,
3573 the State Department of Health shall have the following specific
3574 powers: The State Department of Health is authorized to extend
3575 and renew any certificate of need that has expired, and to charge
3576 a fee for reviewing and making a determination on the application
3577 for such action not to exceed one-half (1/2) of the authorized fee
3578 assessed for the original application for the certificate of need,
3579 with the revenue to be deposited by the State Department of Health
3580 into the special fund created under Section 41-7-188.

3581 (11) Notwithstanding any other provision to the contrary,
3582 the State Department of Health shall have the following specific
3583 powers: The State Department of Health is authorized and
3584 empowered, to revoke, immediately, the license and require closure
3585 of any institution for the aged or infirm, including any other
3586 remedy less than closure to protect the health and safety of the
3587 residents of said institution or the health and safety of the
3588 general public.

3589 (12) Notwithstanding any other provision to the contrary,
3590 the State Department of Health shall have the following specific
3591 powers: The State Department of Health is authorized and
3592 empowered, to require the temporary detainment of individuals for
3593 disease control purposes based upon violation of any order of the
3594 State Health Officer, as provided in Section 41-23-5. For the
3595 purpose of enforcing such orders of the State Health Officer,
3596 persons employed by the department as investigators shall have
3597 general arrest powers. All law enforcement officers are
3598 authorized and directed to assist in the enforcement of such
3599 orders of the State Health Officer.

3600 (13) Additionally, the State Board of Health and the State
3601 Health Officer each are authorized and directed to study the
3602 status of health care, in its broadest sense, throughout the
3603 state. The study should include challenges such as access to
3604 care; the cost of care; indigent care; providing health care to
3605 the incarcerated; the availability of health care workers,
3606 paraprofessionals, and professionals; the effects of unhealthy
3607 lifestyle choices; the consequences of health care facilities
3608 locating in affluent and urban areas to the detriment of less
3609 affluent areas, small towns, and rural areas; and negative trends
3610 which may cause ill effects if they continue. The study shall
3611 also include opportunities to improve health care, such as greater
3612 coordination among state agencies, local governments, and other
3613 entities which provide various types of health care; methods of

3614 increasing the health care workforce; and methods to increase the
3615 location of health care facilities in distressed areas, rural
3616 areas, and small towns. All state agencies, the Legislative
3617 Budget Office and the Joint Legislative Committee on Performance
3618 Evaluation and Expenditure Review (PEER) are directed to assist
3619 the department in developing this study. This provision does not
3620 by itself grant any additional power to the State Board of Health
3621 or the State Health Officer to require any entity to operate
3622 differently. It does, however, empower and direct them to obtain
3623 information and make recommendations, and it does require all
3624 entities to cooperate with the board and health officer as they
3625 seek information.

3626 **SECTION 49.** Section 45-23-15, Mississippi Code of 1972, is
3627 brought forward as follows:

3628 45-23-15. (1) This chapter shall not apply to the following
3629 boilers and pressure vessels:

3630 (a) Boilers and pressure vessels located on United
3631 States Government property and/or under federal government control
3632 and pipelines, including compressors and related facilities, which
3633 are subject to inspection by any agency of the federal government
3634 or other agency of the State of Mississippi;

3635 (b) Pressure vessels used for transportation and
3636 storage of compressed gases when constructed in compliance with
3637 specifications of the U.S. Department of Transportation and when
3638 charged with gas, marked, maintained and when periodically

3639 requalified for use, as required by appropriate regulations of the
3640 U.S. Department of Transportation;

3641 (c) Air tanks located on vehicles operating under the
3642 rules of other state authorities and used for carrying passengers
3643 or freight;

3644 (d) Air tanks installed on the right-of-way of
3645 railroads and used directly in the operation of trains;

3646 (e) Pressure vessels that do not exceed (i) five (5)
3647 cubic feet in volume and two hundred fifty (250) psig pressure, or
3648 (ii) one and one-half (1-1/2) cubic feet in volume and six hundred
3649 (600) psig pressure, or (iii) an inside diameter of six (6) inches
3650 or less with no limitation on pressure;

3651 (f) Pressure vessels operating at a working pressure
3652 not exceeding fifteen (15) psig;

3653 (g) Vessels with a nominal water-containing capacity of
3654 one hundred twenty (120) gallons or less for containing water
3655 under pressure, including those containing also air, the
3656 compression of which serves only as a cushion;

3657 (h) Boiler and pressure vessels constructed and
3658 operated under licenses and permits granted by the U.S. Atomic
3659 Energy Commission;

3660 (i) Boilers and pressure vessels used in connection
3661 with the production, treating, processing, storage or
3662 transportation of oil or natural gas, when located in areas which
3663 are remote from places of human habitation or public congregation.

3664 (2) The following boilers and pressure vessels shall be
3665 exempt from the requirements of Sections 45-23-31 through
3666 45-23-55:

3667 (a) Heating boilers which are located in private
3668 residences or in apartment houses of less than six (6) family
3669 units;

3670 (b) Pressure vessels containing only water under
3671 pressure for domestic supply purposes, including those containing
3672 also air, the compression of which serves only as a cushion or
3673 airlift pumping system when located in private residences or in
3674 apartment houses of less than six (6) family units, or those
3675 serving rural water systems;

3676 (c) Pressure vessels which are covered under the
3677 Liquefied Compressed Gas Equipment Inspection Law of Mississippi,
3678 being Sections 75-57-1 through 75-57-63, Mississippi Code of 1972;

3679 (d) Air receiving tanks and attached tanks used in
3680 connection with automobile filling stations that do not exceed
3681 fifteen (15) cubic feet in volume and two hundred fifty (250) psig
3682 pressure and that are used primarily to increase air pressure in
3683 automobile tires.

3684 **SECTION 50.** Section 65-1-8, Mississippi Code of 1972, is
3685 brought forward as follows:

3686 65-1-8. (1) The Mississippi Transportation Commission shall
3687 have the following general powers, duties and responsibilities:

3688 (a) To coordinate and develop a comprehensive, balanced
3689 transportation policy for the State of Mississippi;

3690 (b) To promote the coordinated and efficient use of all
3691 available and future modes of transportation;

3692 (c) To make recommendations to the Legislature
3693 regarding alterations or modifications in any existing
3694 transportation policies;

3695 (d) To study means of encouraging travel and
3696 transportation of goods by the combination of motor vehicle and
3697 other modes of transportation;

3698 (e) To take such actions as are necessary and proper to
3699 discharge its duties pursuant to the provisions of Chapter 496,
3700 Laws of 1992, and any other provision of law;

3701 (f) To receive and provide for the expenditure of any
3702 funds made available to it by the Legislature, the federal
3703 government or any other source.

3704 (2) In addition to the general powers, duties and
3705 responsibilities listed in subsection (1) of this section, the
3706 Mississippi Transportation Commission shall have the following
3707 specific powers:

3708 (a) To make rules and regulations whereby the
3709 Transportation Department shall change or relocate any and all
3710 highways herein or hereafter fixed as constituting a part of the
3711 state highway system, as may be deemed necessary or economical in
3712 the construction or maintenance thereof; to acquire by gift,

3713 purchase, condemnation or otherwise, land or other property
3714 whatsoever that may be necessary for a state highway system as
3715 herein provided, with full consideration to be given to the
3716 stimulation of local public and private investment when acquiring
3717 such property in the vicinity of Mississippi towns, cities and
3718 population centers;

3719 (b) To enforce by mandamus, or other proper legal
3720 remedies, all legal rights or rights of action of the Mississippi
3721 Transportation Commission with other public bodies, corporations
3722 or persons;

3723 (c) To make and publish rules, regulations and
3724 ordinances for the control of and the policing of the traffic on
3725 the state highways, and to prevent their abuse by any or all
3726 persons, natural or artificial, by trucks, tractors, trailers or
3727 any other heavy or destructive vehicles or machines, or by any
3728 other means whatsoever, by establishing weights of loads or of
3729 vehicles, types of tires, width of tire surfaces, length and width
3730 of vehicles, with reasonable variations to meet approximate
3731 weather conditions, and all other proper police and protective
3732 regulations, and to provide ample means for the enforcement of
3733 same. The violation of any of the rules, regulations or
3734 ordinances so prescribed by the commission shall constitute a
3735 misdemeanor. No rule, regulation or ordinance shall be made that
3736 conflicts with any statute now in force or which may hereafter be
3737 enacted, or with any ordinance of municipalities. A monthly

3738 publication giving general information to the boards of
3739 supervisors, employees and the public may be issued under such
3740 rules and regulations as the commission may determine;

3741 (d) To give suitable numbers to highways and to change
3742 the number of any highway that shall become a part of the state
3743 highway system. However, nothing herein shall authorize the
3744 number of any highway to be changed so as to conflict with any
3745 designation thereof as a U.S. numbered highway. Where, by a
3746 specific act of the Legislature, the commission has been directed
3747 to give a certain number to a highway, the commission shall not
3748 have the authority to change such number;

3749 (e) (i) To make proper and reasonable rules,
3750 regulations, and ordinances for the placing, erection, removal or
3751 relocation of telephone, telegraph or other poles, signboards,
3752 fences, gas, water, sewerage, oil or other pipelines, and other
3753 obstructions that may, in the opinion of the commission,
3754 contribute to the hazards upon any of the state highways, or in
3755 any way interfere with the ordinary travel upon such highways, or
3756 the construction, reconstruction or maintenance thereof, and to
3757 make reasonable rules and regulations for the proper control
3758 thereof. Any violation of such rules or regulations or
3759 noncompliance with such ordinances shall constitute a misdemeanor;

3760 (ii) Except as otherwise provided for in this
3761 paragraph, whenever the order of the commission shall require the
3762 removal of, or other changes in the location of telephone,

3763 telegraph or other poles, signboards, gas, water, sewerage, oil or
3764 other pipelines; or other similar obstructions on the right-of-way
3765 or such other places where removal is required by law, the owners
3766 thereof shall at their own expense move or change the same to
3767 conform to the order of the commission. Any violation of such
3768 rules or regulations or noncompliance with such orders shall
3769 constitute a misdemeanor;

3770 (iii) Rural water districts, rural water systems,
3771 nonprofit water associations and municipal public water systems in
3772 municipalities with a population of ten thousand (10,000) or less,
3773 according to the latest federal decennial census, shall not be
3774 required to bear the cost and expense of removal and relocation of
3775 water and sewer lines and facilities constructed or in place in
3776 the rights-of-way of state highways. The cost and expense of such
3777 removal and relocation, including any unpaid prior to July 1,
3778 2002, shall be paid by the Department of Transportation;

3779 (iv) Municipal public sewer systems and municipal
3780 gas systems owned by municipalities with a population of ten
3781 thousand (10,000) or less, according to the latest federal
3782 decennial census, shall not be required to bear the cost and
3783 expense of removal and relocation of lines and facilities
3784 constructed or in place in the rights-of-way of state highways.
3785 The cost and expense of such removal and relocation, including any
3786 unpaid prior to July 1, 2003, shall be paid by the Department of
3787 Transportation;

3788 (f) To regulate and abandon grade crossings on any road
3789 fixed as a part of the state highway system, and whenever the
3790 commission, in order to avoid a grade crossing with the railroad,
3791 locates or constructs said road on one side of the railroad, the
3792 commission shall have the power to abandon and close such grade
3793 crossing, and whenever an underpass or overhead bridge is
3794 substituted for a grade crossing, the commission shall have power
3795 to abandon such grade crossing and any other crossing adjacent
3796 thereto. Included in the powers herein granted shall be the power
3797 to require the railroad at grade crossings, where any road of the
3798 state highway system crosses the same, to place signal posts with
3799 lights or other warning devices at such crossings at the expense
3800 of the railroad, and to regulate and abandon underpasses or
3801 overhead bridges and, where abandoned because of the construction
3802 of a new underpass or overhead bridge, to close such old underpass
3803 or overhead bridge, or, in its discretion, to return the same to
3804 the jurisdiction of the county board of supervisors;

3805 (g) To make proper and reasonable rules and regulations
3806 to control the cutting or opening of the road surfaces for
3807 subsurface installations;

3808 (h) To make proper and reasonable rules and regulations
3809 for the removal from the public rights-of-way of any form of
3810 obstruction, to cooperate in improving their appearance, and to
3811 prescribe minimum clearance heights for seed conveyors, pipes,

3812 passageways or other structure of private or other ownership above
3813 the highways;

3814 (i) To establish, and have the Transportation
3815 Department maintain and operate, and to cooperate with the state
3816 educational institutions in establishing, enlarging, maintaining
3817 and operating a laboratory or laboratories for testing materials
3818 and for other proper highway purposes;

3819 (j) To provide, under the direction and with the
3820 approval of the Department of Finance and Administration, suitable
3821 offices, shops and barns in the City of Jackson;

3822 (k) To establish and have enforced set-back
3823 regulations;

3824 (l) To cooperate with proper state authorities in
3825 producing limerock for highway purposes and to purchase same at
3826 cost;

3827 (m) To provide for the purchase of necessary equipment
3828 and vehicles and to provide for the repair and housing of same, to
3829 acquire by gift, purchase, condemnation or otherwise, land or
3830 lands and buildings in fee simple, and to authorize the
3831 Transportation Department to construct, lease or otherwise provide
3832 necessary and proper permanent district offices for the
3833 construction and maintenance divisions of the department, and for
3834 the repair and housing of the equipment and vehicles of the
3835 department; however, in each Supreme Court district only two (2)
3836 permanent district offices shall be set up, but a permanent status

3837 shall not be given to any such offices until so provided by act of
3838 the Legislature and in the meantime, all shops of the department
3839 shall be retained at their present location. As many local or
3840 subdistrict offices, shops or barns may be provided as is
3841 essential and proper to economical maintenance of the state
3842 highway system;

3843 (n) To cooperate with the Department of Archives and
3844 History in having placed and maintained suitable historical
3845 markers, including those which have been approved and purchased by
3846 the State Historical Commission, along state highways, and to have
3847 constructed and maintained roadside driveways for convenience and
3848 safety in viewing them when necessary;

3849 (o) To cooperate, in its discretion, with the
3850 Mississippi Department of Wildlife, Fisheries and Parks in
3851 planning and constructing roadside parks upon the right-of-way of
3852 state highways, whether constructed, under construction, or
3853 planned; said parks to utilize where practical barrow pits used in
3854 construction of state highways for use as fishing ponds. Said
3855 parks shall be named for abundant flora and fauna existing in the
3856 area or for the first flora or fauna found on the site;

3857 (p) Unless otherwise prohibited by law, to make such
3858 contracts and execute such instruments containing such reasonable
3859 and necessary appropriate terms, provisions and conditions as in
3860 its absolute discretion it may deem necessary, proper or
3861 advisable, for the purpose of obtaining or securing financial

3862 assistance, grants or loans from the United States of America or
3863 any department or agency thereof, including contracts with several
3864 counties of the state pertaining to the expenditure of such funds;

3865 (q) To cooperate with the Federal Highway
3866 Administration in the matter of location, construction and
3867 maintenance of the Great River Road, to expend such funds paid to
3868 the commission by the Federal Highway Administration or other
3869 federal agency, and to authorize the Transportation Department to
3870 erect suitable signs marking this highway, the cost of such signs
3871 to be paid from state highway funds other than earmarked
3872 construction funds;

3873 (r) To cooperate, in its discretion, with the
3874 Mississippi Forestry Commission and the School of Forestry,
3875 Mississippi State University, in a forestry management program,
3876 including planting, thinning, cutting and selling, upon the
3877 right-of-way of any highway, constructed, acquired or maintained
3878 by the Transportation Department, and to sell and dispose of any
3879 and all growing timber standing, lying or being on any
3880 right-of-way acquired by the commission for highway purposes in
3881 the future; such sale or sales to be made in accordance with the
3882 sale of personal property which has become unnecessary for public
3883 use as provided for in Section 65-1-123, Mississippi Code of 1972;

3884 (s) To expend funds in cooperation with the Division of
3885 Plant Industry, Mississippi Department of Agriculture and
3886 Commerce, the United States government or any department or agency

3887 thereof, or with any department or agency of this state, to
3888 control, suppress or eradicate serious insect pests, rodents,
3889 plant parasites and plant diseases on the state highway
3890 rights-of-way;

3891 (t) To provide for the placement, erection and
3892 maintenance of motorist services business signs and supports
3893 within state highway rights-of-way in accordance with current
3894 state and federal laws and regulations governing the placement of
3895 traffic control devices on state highways, and to establish and
3896 collect reasonable fees from the businesses having information on
3897 such signs;

3898 (u) To request and to accept the use of persons
3899 convicted of an offense, whether a felony or a misdemeanor, for
3900 work on any road construction, repair or other project of the
3901 Transportation Department. The commission is also authorized to
3902 request and to accept the use of persons who have not been
3903 convicted of an offense but who are required to fulfill certain
3904 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
3905 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
3906 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
3907 of 1972. The commission is authorized to enter into any
3908 agreements with the Department of Corrections, the State Parole
3909 Board, any criminal court of this state, and any other proper
3910 official regarding the working, guarding, safekeeping, clothing
3911 and subsistence of such persons performing work for the

3912 Transportation Department. Such persons shall not be deemed
3913 agents, employees or involuntary servants of the Transportation
3914 Department while performing such work or while going to and from
3915 work or other specified areas;

3916 (v) To provide for the administration of the railroad
3917 revitalization program pursuant to Section 57-43-1 et seq.;

3918 (w) The Mississippi Transportation Commission is
3919 further authorized, in its discretion, to expend funds for the
3920 purchase of service pins for employees of the Mississippi
3921 Transportation Department;

3922 (x) To cooperate with the State Tax Commission by
3923 providing for weight enforcement field personnel to collect and
3924 assess taxes, fees and penalties and to perform all duties as
3925 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
3926 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
3927 Mississippi Code of 1972, with regard to vehicles subject to the
3928 jurisdiction of the Office of Weight Enforcement. All collections
3929 and assessments shall be transferred daily to the State Tax
3930 Commission;

3931 (y) The Mississippi Transportation Commission may
3932 delegate the authority to enter into a supplemental agreement to a
3933 contract previously approved by the commission if the supplemental
3934 agreement involves an additional expenditure not to exceed One
3935 Hundred Thousand Dollars (\$100,000.00);

3936 (z) (i) The Mississippi Transportation Commission, in
3937 its discretion, may enter into agreements with any county,
3938 municipality, county transportation commission, business,
3939 corporation, partnership, association, individual or other legal
3940 entity, for the purpose of accelerating the completion date of
3941 scheduled highway construction projects.

3942 (ii) Such an agreement may permit the cost of a
3943 highway construction project to be advanced to the commission by a
3944 county, municipality, county transportation commission, business,
3945 corporation, partnership, association, individual or other legal
3946 entity, and repaid to such entity by the commission when highway
3947 construction funds become available; provided, however, that
3948 repayment of funds advanced to the Mississippi Transportation
3949 Commission shall be made no sooner than the commission's
3950 identified projected revenue schedule for funding of that
3951 particular construction project, and no other scheduled highway
3952 construction project established by statute or by the commission
3953 may be delayed by an advanced funding project authorized under
3954 this paragraph (z). Repayments to a public or private entity that
3955 advances funds to the Mississippi Transportation Commission under
3956 this paragraph (z) may not include interest or other fees or
3957 charges, and the total amount repaid shall not exceed the total
3958 amount of funds advanced to the commission by the entity; however,
3959 the inclusion of public entities in this provision does not
3960 invalidate any existing agreements authorized under this paragraph

3961 (z) before April 19, 2022. The commission shall retain the
3962 ability to service, refinance or restructure any indebtedness
3963 incurred through any such existing agreements.

3964 (iii) In considering whether to enter into such an
3965 agreement, the commission shall consider the availability of
3966 financial resources, the effect of such agreement on other ongoing
3967 highway construction, the urgency of the public's need for swift
3968 completion of the project and any other relevant factors.

3969 (iv) Such an agreement shall be executed only upon
3970 a finding by the commission, spread upon its minutes, that the
3971 acceleration of the scheduled project is both feasible and
3972 beneficial. The commission shall also spread upon its minutes its
3973 findings with regard to the factors required to be considered
3974 pursuant to subparagraph (iii) of this paragraph (z);

3975 (aa) The Mississippi Transportation Commission, in its
3976 discretion, may purchase employment practices liability insurance,
3977 and may purchase an excess policy to cover catastrophic losses
3978 incurred under the commission's self-insured workers' compensation
3979 program authorized under Section 71-3-5. Such policies shall be
3980 written by the agent or agents of a company or companies
3981 authorized to do business in the State of Mississippi. The
3982 deductibles shall be in an amount deemed reasonable and prudent by
3983 the commission, and the premiums thereon shall be paid from the
3984 State Highway Fund. Purchase of insurance under this paragraph
3985 shall not serve as an actual or implied waiver of sovereign

3986 immunity or of any protection afforded the commission under the
3987 Mississippi Tort Claims Act;

3988 (bb) The Mississippi Transportation Commission is
3989 further authorized, in its discretion, to expend funds for the
3990 purchase of promotional materials for safety purposes, highway
3991 beautification purposes and recruitment purposes;

3992 (cc) To lease antenna space on communication towers
3993 which it owns;

3994 (dd) To receive funds from the Southeastern Association
3995 of Transportation Officials and from other nonstate sources and
3996 expend those funds for educational scholarships in transportation
3997 related fields of study. The commission may adopt rules or
3998 regulations as necessary for the implementation of the program. A
3999 strict accounting shall be made of all funds deposited with the
4000 commission and all funds dispersed;

4001 (ee) To contract with any county, if the county chooses
4002 to enter such contract, to perform any maintenance on the state
4003 highways and interstate highways in that county and any
4004 rights-of-way to such highways.

4005 **SECTION 51.** Section 19-31-5, Mississippi Code of 1972, is
4006 brought forward as follows:

4007 19-31-5. As used in this chapter the following terms shall
4008 have the meanings ascribed to them in this section unless the
4009 context clearly requires otherwise:

4010 (a) "Assessable improvements" means any public
4011 improvements and community facilities that the district is
4012 empowered to provide in accordance with this chapter.

4013 (b) "Assessment bonds" means special obligations of the
4014 district that are payable solely from proceeds of the special
4015 assessments levied for an assessable project.

4016 (c) "Board" or "board of directors" means the governing
4017 board of the district or, if such board has been abolished, the
4018 board, body or commission succeeding to the principal functions
4019 thereof or to whom the powers given to the board by this chapter
4020 have been given by law.

4021 (d) "Bond" includes certificate, and the provisions
4022 that are applicable to bonds are equally applicable to
4023 certificates. The term "bond" includes any assessment bond,
4024 refunding bond, revenue bond and other such obligation in the
4025 nature of a bond as is provided for in this chapter.

4026 (e) "Public improvement district" or "district" means a
4027 special district that is created pursuant to this chapter and
4028 limited to the performance of those specialized functions
4029 authorized by this chapter, the boundaries of which are contained
4030 wholly within a single county or two (2) or more contiguous
4031 counties; the governing head of which is a body created, organized
4032 and constituted and authorized to function specifically as
4033 prescribed in this chapter for the delivery of public improvement
4034 services; and the formation powers, governing body, operation,

4035 duration accountability, requirements for disclosure and
4036 termination of which are as required by general law.

4037 (f) "Contribution agreement" means an agreement between
4038 a district and a public entity under which the public entity
4039 agrees to provide financial or credit support in the form of cash,
4040 pledge, guaranty or other enhancement, which agreement must be
4041 approved in accordance with Sections 17-13-1 through 17-13-17.

4042 (g) "Cost," when used with reference to any project,
4043 includes, but is not limited to:

4044 (i) The expenses of determining the feasibility or
4045 practicability of acquisition, construction or reconstruction.

4046 (ii) The cost of surveys, estimates, plans and
4047 specifications.

4048 (iii) The cost of improvements.

4049 (iv) Engineering, fiscal and legal expenses and
4050 charges.

4051 (v) The cost of all labor, materials, machinery
4052 and equipment.

4053 (vi) The cost of all lands, rights, servitudes and
4054 franchises acquired.

4055 (vii) Financing charges.

4056 (viii) The creation of initial reserve and debt
4057 service funds.

4058 (ix) Working capital.

4059 (x) Interest charges incurred or estimated to be
4060 incurred on money borrowed before and during construction and
4061 acquisition and for such reasonable period of time after
4062 completion of construction or acquisition as the board may
4063 determine.

4064 (xi) The cost of issuance of bonds pursuant to
4065 this chapter, including advertisements and printing.

4066 (xii) The cost of any election held pursuant to
4067 this chapter and all other expenses of issuance of bonds.

4068 (xiii) The discount, if any, on the sale or
4069 exchange of bonds.

4070 (xiv) Administrative expenses.

4071 (xv) Such other expenses as may be necessary or
4072 incidental to the acquisition, construction or reconstruction of
4073 any project or to the financing thereof, or to the development of
4074 any lands within the district.

4075 (h) "District manager" means the manager of the
4076 district.

4077 (i) "District roads" means highways, streets, roads,
4078 alleys, sidewalks, landscaping, storm drains, bridges and
4079 thoroughfares of all kinds and descriptions.

4080 (j) "Landowner" means the owner of land, including real
4081 property as it appears in the official records of the county,
4082 including a trustee, a private corporation or other entity, and an
4083 owner of a condominium unit.

4084 (k) "Market value" means the amount in cash, or on
4085 terms reasonably equivalent to cash, for which in all probability
4086 the property would have sold on the effective date of the
4087 appraisal, after a reasonable exposure time on the open
4088 competitive market, from a willing and reasonably knowledgeable
4089 seller to a willing and reasonably knowledgeable buyer, with
4090 neither acting under any compulsion to buy or sell, giving due
4091 consideration to all available economic uses of the property at
4092 the time of the appraisal. Market value must be determined in
4093 accordance with Section 27-35-50 and must conform to the Uniform
4094 Standards of Professional Appraisers Practice.

4095 (1) "Project" means any development, improvement,
4096 property, utility, facility, works, enterprise or service
4097 undertaken after April 1, 2002, or established under the
4098 provisions of this chapter, including, but not limited to, the
4099 following:

4100 (i) Water management and control for the lands
4101 within the district and connection of some or any of such
4102 facilities with roads and bridges;

4103 (ii) Water supply, sewer and wastewater
4104 management, reclamation and reuse, or any combination thereof;

4105 (iii) Bridges or culverts that may be needed
4106 across any drain, ditch, canal, floodway, holding basin,
4107 excavation, public highway, tract, grade, fill or cut and roadways
4108 over levees and embankments;

4109 (iv) District roads equal to or exceeding the
4110 specifications of the county in which the district roads are
4111 located, including street lights and the location of underground
4112 utilities;

4113 (v) Parks and facilities for indoor and outdoor
4114 recreational, cultural and educational uses, and other tourism
4115 related infrastructure and facilities;

4116 (vi) Fire prevention and control, including fire
4117 stations, water mains and plugs, fire trucks, and other vehicles
4118 and equipment;

4119 (vii) Security, except that the district may not
4120 exercise any police power but may contract with the appropriate
4121 local governmental agencies for an increased level of such
4122 services within the district boundaries;

4123 (viii) Waste collection and disposal;

4124 (ix) Acquisition, construction, repair,
4125 renovation, demolition or removal of:

4126 1. Buildings and site improvements (including
4127 fixtures);

4128 2. Potable and nonpotable water supply
4129 systems;

4130 3. Sewage and waste disposal systems;

4131 4. Storm water drainage and other drainage
4132 systems;

4133 5. Airport facilities;

4134 6. Rail lines and rail spurs;
4135 7. Port facilities;
4136 8. Highways, streets and other roadways;
4137 9. Fire suppression and prevention systems;
4138 10. Utility distribution systems, including,
4139 but not limited to, water, electricity, natural gas, telephone and
4140 other information and telecommunications facilities, whether by
4141 wire, fiber or wireless means; however, electrical, natural gas,
4142 telephone and telecommunications systems may be constructed,
4143 repaired or renovated only for the purpose of completing the
4144 project and connecting to existing utility systems. This
4145 provision may not be construed to prevent a city, county or
4146 natural gas district from supplying utility service that it is
4147 authorized to supply in the service area that it is authorized to
4148 serve; and
4149 11. Business, industrial and technology parks
4150 and the acquisition of land and acquisition or construction of
4151 improvements to land connected with any of the preceding purposes;
4152 (x) County purposes authorized by or defined in
4153 Sections 17-5-3 and 19-9-1, except Section 19-9-1(f); and
4154 (xi) Municipal purposes authorized by or defined
4155 in Sections 17-5-3, 17-17-301 through 17-17-349, 21-27-23 and
4156 21-33-301.

4157 (m) "Public entity" means any governmental agency,
4158 county or municipality, which enters into a contribution agreement
4159 with a district in accordance with this chapter.

4160 (n) "Qualified voter" means any landowner within the
4161 district who is at least eighteen (18) years of age, or the
4162 landowner's authorized representative who is at least eighteen
4163 (18) years of age. If the landowner of a parcel consists of more
4164 than one (1) person or is a corporation, partnership, limited
4165 liability company or any association or legal entity organized to
4166 conduct business, the majority interest of the landowners of the
4167 parcel shall select one (1) person who is at least eighteen (18)
4168 years of age to serve as the "qualified voter" for the group.

4169 (o) "Revenue bonds" means obligations of the district
4170 that are payable from revenues derived from sources other than ad
4171 valorem taxes on real or personal property and that do not pledge
4172 the property, credit or general tax revenue of the district.

4173 (p) "Sewer system" means any plant, system, facility or
4174 property, and additions, extensions and improvements thereto,
4175 useful or necessary in connection with the collection, treatment
4176 or disposal of sewage.

4177 (q) "Water management and control facilities" means any
4178 lakes, canals, ditches, reservoirs, dams, levees, floodways,
4179 pumping stations or any other works, structures or facilities for
4180 the conservation, control, development, utilization and disposal
4181 of water, and any purposes incidental thereto.

4182 (r) "Water system" means any plant system, facility or
4183 property, and additions, extensions, and improvements thereto,
4184 useful or necessary in connection with the development of sources,
4185 treatment or purification and distribution of water.

4186 **SECTION 52.** Section 19-31-19, Mississippi Code of 1972, is
4187 brought forward as follows:

4188 19-31-19. The district shall have, and the board, or if
4189 necessary, the governing authorities of the municipality in which
4190 the district is contained, may exercise, any or all of the special
4191 powers relating to public improvements and community facilities
4192 authorized by this chapter. The district or municipality shall
4193 have the power to finance, fund, establish, acquire, construct or
4194 reconstruct, enlarge or extend, equip, operate and maintain
4195 systems, facilities, projects and basic infrastructures that are
4196 within the district, or which benefit or serve the district, for
4197 the following:

4198 (a) Water management and control for the lands within
4199 the district and connection of some or any of such facilities with
4200 roads and bridges;

4201 (b) Water supply, sewer and wastewater management,
4202 reclamation and reuse, or any combination thereof;

4203 (c) Bridges or culverts that may be needed across any
4204 drain, ditch, canal, floodway, holding basin, excavation, public
4205 highway, tract, grade, fill or cut and roadways over levees and
4206 embankments;

4207 (d) District roads equal to or exceeding the
4208 specifications of the county in which such district roads are
4209 located, including street lights and the location of underground
4210 utilities;

4211 (e) Parks and facilities for indoor and outdoor
4212 recreational, cultural and educational uses, and other tourism
4213 related infrastructure and facilities;

4214 (f) Fire prevention and control, including fire
4215 stations, water mains and plugs, fire trucks, and other vehicles
4216 and equipment;

4217 (g) Security, except that the district may not exercise
4218 any police power, but may contract with the appropriate local
4219 governmental agencies for an increased level of such services
4220 within the district boundaries;

4221 (h) Waste collection and disposal;

4222 (i) Systems, as defined in Section 21-27-11(b); and

4223 (j) Projects, as defined in this chapter.

4224 **SECTION 53.** Section 19-31-21, Mississippi Code of 1972, is
4225 brought forward as follows:

4226 19-31-21. No public improvement district may purchase, sell,
4227 dedicate, donate or convey in any manner a water or wastewater
4228 utility that provides service to the public, or enter into a
4229 management contract for such facilities, until the board has held
4230 a public hearing on the purchase, sale, dedication, donation,
4231 conveyance or management contract and has made a determination

4232 that the purchase, sale or management contract is in the public
4233 interest.

4234 **SECTION 54.** Section 21-27-203, Mississippi Code of 1972, is
4235 brought forward as follows:

4236 21-27-203. For purposes of Sections 21-27-201 through
4237 21-27-221, the following terms shall have the meanings ascribed
4238 herein, unless the context shall otherwise require:

4239 (a) "Association" means the Mississippi Water and
4240 Pollution Control Operator's Association, Inc.

4241 (b) "Board" means the Mississippi State Board of
4242 Health.

4243 (c) "Commission" means the Mississippi Commission on
4244 Environmental Quality.

4245 (d) "Community water system" means a public water
4246 system serving piped water for human consumption to fifteen (15)
4247 or more individual service connections used by year-round
4248 consumers or regularly serving twenty-five (25) or more individual
4249 consumers year-round, including, but not limited to, any
4250 collection, pretreatment, treatment, storage and/or distribution
4251 facilities or equipment used primarily as part of, or in
4252 connection with, that system, regardless of whether or not the
4253 components are under the ownership or control of the operator of
4254 the system.

4255 (e) "Commercial Class I rubbish site" means a permitted
4256 rubbish site which accepts for disposal Class I rubbish, as

4257 defined by the commission, for compensation or from more than one
4258 (1) generator.

4259 (f) "Nontransient, noncommunity water system" means a
4260 public water system that is not a community water system and that
4261 regularly serves at least twenty-five (25) of the same persons
4262 over six (6) months per year.

4263 (g) "Operator" means the person who directly supervises
4264 and is personally responsible for the daily operation and
4265 maintenance of a wastewater facility, community water system,
4266 nontransient, noncommunity water system or commercial nonhazardous
4267 solid waste management landfill.

4268 (h) "Person" means the state or any agency or
4269 institution of the state, any municipality, political subdivision,
4270 public or private corporation, individual, partnership,
4271 association or other entity, including any officer or governing or
4272 managing body of any municipality, political subdivision, or
4273 public or private corporation, or the United States or any officer
4274 or employee of the United States.

4275 (i) "Pollution" means contamination or other alteration
4276 of the physical, chemical or biological properties of any waters
4277 of the state, including change in temperature, taste, color,
4278 turbidity or odor of the waters, or the discharge of any liquid,
4279 gaseous, solid, radioactive or other substance or heat into any
4280 waters of the state.

4281 (j) "Wastewater facilities" means pipelines or
4282 conduits, pumping stations, force mains, treatment plants, lagoons
4283 or any other structure, device, appurtenance or facility, whether
4284 operated individually or in any combination, used for collecting,
4285 treating and/or disposing of municipal or domestic wastewater, by
4286 either surface or underground methods, which is required to have a
4287 permit under Section 49-17-29.

4288 (k) "Waters of the state" means all waters within the
4289 jurisdiction of this state, including all streams, lakes, ponds,
4290 impounding reservoirs, marshes, watercourses, waterways, wells,
4291 springs, irrigation systems, drainage systems and all other bodies
4292 or accumulations of water, surface and underground, natural or
4293 artificial, situated wholly or partly within or bordering upon the
4294 state, and such coastal waters as are within the jurisdiction of
4295 the state, except lakes, ponds or other surface waters which are
4296 wholly landlocked and privately owned.

4297 **SECTION 55.** Section 21-27-205, Mississippi Code of 1972, is
4298 brought forward as follows:

4299 21-27-205. (1) The board shall classify all municipal and
4300 domestic water collection, storage, treatment and/or distribution
4301 systems actually used or intended for use as community water
4302 systems or nontransient, noncommunity water systems according to
4303 size, type, character of water to be treated, number of service
4304 connections, and other physical conditions affecting the operation
4305 and maintenance of those systems, and also according to the degree

4306 of skill, knowledge, training and experience required of the
4307 operators of those systems to ensure competent, efficient
4308 operation and maintenance of such systems and protection of public
4309 health.

4310 (2) The commission shall classify all municipal and domestic
4311 wastewater facilities according to size, type, character of
4312 wastewater to be treated, and other physical conditions affecting
4313 the operation and maintenance of the facilities, and also
4314 according to the degree of skill, knowledge, training and
4315 experience required of the operators of the facilities to ensure
4316 competent, efficient operation and maintenance of the facilities
4317 and prevention of pollution of waters of the state.

4318 (3) The commission shall establish reciprocal certification
4319 arrangements with other states and private companies that
4320 establish training and certification programs for operators of
4321 commercial nonhazardous solid waste management landfills that meet
4322 or exceed the requirements of the commercial nonhazardous solid
4323 waste management landfill operator training and certification
4324 program established by the commission.

4325 (4) The commission may establish reciprocal certification
4326 arrangements with other states and private companies that
4327 establish training and certification programs for operators of
4328 commercial Class I rubbish sites that meet or exceed the
4329 requirements of the commercial Class I rubbish site operator
4330 training and certification program established by the commission.

4331 **SECTION 56.** Section 21-27-207, Mississippi Code of 1972, is
4332 brought forward as follows:

4333 21-27-207. Both the board and commission may adopt, modify,
4334 repeal and promulgate, after due notice and hearing, and may make
4335 exceptions to and grant exemptions and variances from and may
4336 enforce those rules, regulations and procedures as are necessary
4337 or appropriate to effectuate the duties and responsibilities of
4338 these agencies arising under Sections 21-27-201 through 21-27-221.
4339 The rules, regulations and procedures shall include, but not be
4340 limited to, the following: criteria for classifying municipal and
4341 domestic community water systems, nontransient, noncommunity water
4342 systems and wastewater facilities; qualifications for operators of
4343 community water systems, nontransient, noncommunity water systems
4344 and wastewater facilities; certification of operators of
4345 commercial Class I rubbish sites; procedures for examining or
4346 testing applicants for operator certificates; procedures and fees
4347 for issuing, reissuing, modifying, revoking or terminating
4348 operator certificates; and reciprocal certification of operators
4349 certified in other states having certification requirements not
4350 less stringent than those established by the board and commission.
4351 Any increase in the fees charged by the board under this section
4352 shall be in accordance with the provisions of Section 41-3-65.

4353 **SECTION 57.** Section 21-27-211, Mississippi Code of 1972, is
4354 brought forward as follows:

4355 21-27-211. (1) It is unlawful to operate or cause to be
4356 operated any wastewater facility or community water system covered
4357 under Sections 21-27-201 through 21-27-221 unless the operator of
4358 that facility or system holds a current certificate of competency
4359 issued by the board or commission, as provided by Sections
4360 21-27-201 through 21-27-221, in a classification corresponding to
4361 the classification of the facility or system. After July 1, 1998,
4362 it shall be unlawful to operate or cause to be operated any
4363 nontransient, noncommunity water system covered under Sections
4364 21-27-201 through 21-27-221, unless the operator of that system
4365 holds a current certificate of competency issued by the board. If
4366 an operator is lost due to illness, death, resignation, discharge
4367 or other legitimate cause, the owner or president of the governing
4368 board of the facility or system shall immediately notify either
4369 the board or commission, as the case may be. The facility or
4370 system may continue to operate without a certified operator on an
4371 interim basis for a period not to exceed one hundred eighty (180)
4372 days, except for good cause shown upon petition to the responsible
4373 agency. The board or the commission, as the case may be, may
4374 grant, upon petition of the facility or system, an extension of
4375 the interim operating period not to exceed an additional one
4376 hundred eighty (180) days for good cause shown.

4377 (2) It is unlawful to operate or cause to be operated any
4378 commercial nonhazardous solid waste management landfill permitted
4379 under Section 49-17-29 unless the operator of that facility holds

4380 a current certificate of competency issued by the commission, as
4381 provided by Sections 21-27-201 through 21-27-221. However, in the
4382 event of the loss of an operator due to illness, death,
4383 resignation, discharge or other legitimate cause, notice shall be
4384 immediately given to the commission and the continued operation of
4385 the facility without a certified operator may proceed on an
4386 interim basis for a period not to exceed one hundred eighty (180)
4387 days, except for good cause shown upon petition to the commission.

4388 (3) After June 30, 2005, it is unlawful to operate or cause
4389 to be operated any commercial Class I rubbish site, unless the
4390 operator of that facility holds a certificate of competency issued
4391 by the commission under Sections 21-27-201 through 21-27-221.
4392 However, in the event of the loss of an operator due to illness,
4393 death, resignation, discharge or other legitimate cause, notice
4394 shall be immediately given to the commission and the continued
4395 operation of the facility without a certified operator may proceed
4396 on an interim basis for a period not to exceed one hundred eighty
4397 (180) days, except for good cause shown upon petition to the
4398 commission.

4399 **SECTION 58.** Section 21-27-213, Mississippi Code of 1972, is
4400 brought forward as follows:

4401 21-27-213. (1) Notwithstanding any provision of Sections
4402 21-27-201 through 21-27-221 to the contrary, any person who is an
4403 operator of a municipal or domestic wastewater facility or
4404 community water system on July 1, 1986, may, on or before June 30,

4405 1987, apply to the board or commission for, and shall be issued,
4406 an operator's certificate without examination or proof of other
4407 qualifications, if the application is accompanied by an affidavit
4408 of the owner of the facility or system verifying the status of the
4409 applicant. Any certificate so issued shall be valid only for the
4410 particular facility being operated by the applicant, and then only
4411 so long as the facility remains in the same or a lower
4412 classification as at the time the application is filed.

4413 (2) Notwithstanding any provision of Sections 21-27-201
4414 through 21-27-221 to the contrary, any person who is an operator
4415 of a nontransient, noncommunity water system on July 1, 1997, may,
4416 before June 30, 1998, apply to the board for an operator's
4417 certificate without examination. The application shall be
4418 accompanied by an affidavit of the owner of the system verifying
4419 the status of the applicant. The board shall consider the
4420 performance history of any system operated by the applicant in
4421 determining whether to issue a certificate under this subsection.
4422 Upon review of the performance history and the application, the
4423 board may grant or deny the issuance of a certificate under this
4424 subsection. Any certificate issued under this subsection shall be
4425 valid only for the particular facility being operated by the
4426 applicant.

4427 **SECTION 59.** Section 27-104-301, Mississippi Code of 1972, is
4428 brought forward as follows:

4429 27-104-301. (1) A special fund, to be designated the "2018
4430 Transportation and Infrastructure Improvements Fund," is created
4431 within the State Treasury, which shall consist of funds made
4432 available by the Legislature in any manner and funds from any
4433 other source designated for deposit into such fund. The fund
4434 shall be maintained by the State Treasurer as a separate and
4435 special fund, separate and apart from the General Fund of the
4436 state. Unexpended amounts remaining in the fund at the end of a
4437 fiscal year shall not lapse into the State General Fund, and any
4438 interest earned or investment earnings on amounts in the fund
4439 shall be deposited into such fund.

4440 (2) Monies deposited into the fund shall be disbursed, in
4441 the discretion of the Department of Finance and Administration, as
4442 follows:

4443 (a) To pay the costs incurred by the Mississippi
4444 Transportation Commission and the Mississippi Department of
4445 Transportation to widen Mississippi Highway 16 to three (3) lanes
4446 as follows:

4447 (i) From near the Neely Town Road at the DeKalb
4448 City Limits to the point at which Old Philadelphia Road ties into
4449 Mississippi Highway 16; and

4450 (ii) Between the two (2) points at which
4451 Mississippi Highway 39 ties into Mississippi
4452 Highway 16.....\$2,000,000.00.

4453 (b) To assist in paying the costs associated with
4454 preconstruction, design, engineering, land acquisition,
4455 right-of-way acquisition, construction and development of the
4456 Reunion Parkway project from Bozeman Road to Parkway East in
4457 Madison County, Mississippi.....\$8,000,000.00.

4458 (c) To assist the East Metropolitan Corridor
4459 Commission, which is a commission operating as a local public
4460 agency representing the Jackson Municipal Airport Authority, the
4461 City of Brandon, Mississippi, the City of Flowood, Mississippi,
4462 and the City of Pearl, Mississippi, in paying the costs associated
4463 with land acquisition and implementation of the East Metro
4464 Corridor project in Rankin County, Mississippi, from its current
4465 terminus at the southeast corner of, and within, the
4466 Jackson-Medgar Wiley Evers International Airport, traversing
4467 easterly and southerly and terminating at Interstate 20 at
4468 Crossgates Boulevard in Brandon, Mississippi.....\$8,000,000.00.

4469 (d) To assist DeSoto County, Mississippi, in paying the
4470 costs of rebuilding Holly Springs Road in DeSoto County and
4471 drainage improvements to the road.....\$3,000,000.00.

4472 (e) To assist Carroll County, Mississippi, in paying
4473 the costs of repair, renovation or replacement of two (2) closed
4474 bridges on or near County Road 57 in
4475 Carroll County.....\$ 500,000.00.

4476 (f) To assist Lamar County, Mississippi, in paying the
4477 costs associated with necessary infrastructure improvements in
4478 Beat 5 of Lamar County and/or construction of recreational
4479 facilities in Beat 5.....\$ 500,000.00.

4480 (g) To assist Lamar County, Mississippi, in paying the
4481 costs of improvements to the intersection of Scruggs Road and
4482 Mississippi Highway 589, including, but not limited to, the
4483 relocation of portions of the road, the purchase of property
4484 related to the relocation, signage, paving, other costs related to
4485 improving the safety of the intersection and other road safety
4486 projects in Supervisors District 5 of
4487 Lamar County.....\$1,500,000.00.

4488 (h) To assist Bolivar County, Mississippi, in paying
4489 the costs associated with preplanning and construction of a
4490 Mississippi River landing dock facility and related
4491 facilities in Bolivar County.....\$1,000,000.00.

4492 (i) To assist Rankin County, Mississippi, in paying the
4493 costs related to the extension of Gunter Road in
4494 Rankin County.....\$2,800,000.00.

4495 (j) To assist the Pearl River Valley Water Supply
4496 District in paying the costs associated with the repair,
4497 rehabilitation, reconstruction or replacement of seawalls at the
4498 Ross Barnett Reservoir as required by the settlement agreement in
4499 the case of Bobby L. Baker, Jr., et al. v. Pearl River Valley
4500 Water Supply District, in the Circuit Court of Rankin County,

4501 Mississippi, Civil Action No. 212-133E.....\$4,000,000.00.

4502 (k) To assist the City of Hattiesburg, Mississippi, in

4503 paying the costs associated with resurfacing and other

4504 improvements to Hardy Street in the City of Hattiesburg from its

4505 intersection with U.S. Highway 49 East to its intersection with

4506 West Pine Street in the City of Hattiesburg.....\$ 400,000.00.

4507 (l) To assist the City of Hattiesburg, Mississippi, in

4508 paying the costs associated with resurfacing and other

4509 improvements to 38th Avenue in the City of

4510 Hattiesburg.....\$ 100,000.00.

4511 (m) To assist Hinds County, Mississippi, in paying the

4512 costs of construction and development of the Byram-Clinton Parkway

4513 project in Hinds County.....\$2,000,000.00.

4514 (n) To assist the City of Senatobia, Mississippi, in

4515 paying the costs associated with the following purposes, in the

4516 following order:

4517 (i) Construction and development of roundabout

4518 projects and other improvements at the intersection of Main Street

4519 and Scott Street and adjoining or related intersections in the

4520 City of Senatobia;

4521 (ii) Improvements at the intersection of Front

4522 Street and Main Street in the City of Senatobia; and

4523 (iii) Improvements at the intersection of Heard

4524 Street and Main Street in the City of Senatobia.....\$2,300,000.00.

4525 Any such funds that are in excess of that needed to complete
4526 the projects described in this paragraph shall be used to assist
4527 the City of Senatobia in paying the costs associated with making
4528 historically relevant infrastructure improvements in the city's
4529 downtown historic district. In addition, the scope of work for
4530 any projects described in this paragraph that are located in the
4531 city's downtown historic district must be in keeping with the
4532 character of the district.

4533 (o) To assist in paying the costs associated with:

4534 (i) Constructing, developing, extending and
4535 implementing wastewater infrastructure and related facilities,
4536 systems and infrastructure within and/or near Gateway Industrial
4537 Park in Pike County, Mississippi; and

4538 (ii) Constructing access roads and related
4539 infrastructure within and/or near Gateway Industrial Park in
4540 Pike County.....\$3,000,000.00.

4541 (p) To assist the City of Petal, Mississippi, in paying
4542 the costs associated with (i) the repair, rehabilitation,
4543 resurfacing, construction and reconstruction of Leeville Road/Main
4544 Street located in Forrest County, Mississippi, in the City of
4545 Petal from its intersection with the Evelyn Gandy Parkway
4546 southerly to the boundary of the corporate limits of the City of
4547 Petal; and (ii) the repair, rehabilitation, resurfacing,
4548 construction and reconstruction of Smithville Road located in
4549 Forrest County, Mississippi, in the City of Petal...\$ 750,000.00.

4550 (q) To assist the Town of West, Mississippi, in paying
4551 the costs associated with repairs, resurfacing and making other
4552 improvements to streets in the Town of West.....\$ 500,000.00.

4553 (r) To assist Oktibbeha County, Mississippi, in paying
4554 the costs associated with the resurfacing and repaving of Longview
4555 Road in Oktibbeha County.....\$ 750,000.00.

4556 (s) To assist in paying the costs associated with the
4557 completion of the four-lane of Mississippi Highway 19 South at the
4558 south Philadelphia City boundary intersection at Holland Avenue
4559 and extending south along Mississippi Highway 19 South to the
4560 intersection of BIA Road 241 (also known as Tucker Road),
4561 including, but not be limited to, all necessary acquisition,
4562 preconstruction and construction activities.....\$2,000,000.00.

4563 (t) To assist the City of Pascagoula, Mississippi, in
4564 paying the costs associated with construction and development of
4565 the East Bank Access Road project in the
4566 City of Pascagoula.....\$2,000,000.00.

4567 (u) To assist the Pascagoula Port Authority in paying
4568 the costs associated with construction and development of the
4569 North Rail Corridor project in Jackson County,
4570 Mississippi.....\$2,000,000.00.

4571 (v) To assist the Town of Carrollton, Mississippi, in
4572 paying the costs associated with making improvements to Washington
4573 Street in the Town of Carrollton.....\$ 200,000.00.

4574 (w) To assist the City of Winona, Mississippi, in
4575 paying the costs associated with making improvements to Powell
4576 Street in the City of Winona.....\$ 300,000.00.

4577 (x) To assist the Town of Como, Mississippi, in paying
4578 the costs associated with repairs, resurfacing and other
4579 improvements to roads in the Town of Como.....\$ 250,000.00.

4580 (y) To assist the Town of Sledge, Mississippi, in
4581 paying the costs associated with repairs, resurfacing and other
4582 improvements to roads in the Town of Sledge.....\$ 250,000.00.

4583 (z) To assist the Town of Itta Bena, Mississippi, in
4584 paying the costs associated with repairs, resurfacing and other
4585 improvements to roads in the Town of Itta Bena.....\$ 250,000.00.

4586 (aa) To assist the City of Grenada, Mississippi, in
4587 paying the costs associated with repairs, resurfacing and other
4588 improvements to roads in the City of Grenada.....\$ 500,000.00.

4589 (bb) To assist the City of Waynesboro, Mississippi, in
4590 paying the costs associated with the Ramey Lane/Martin Luther
4591 King, Jr., Drive sewer repair and resurfacing project in the
4592 City of Waynesboro.....\$ 500,000.00.

4593 (cc) To assist the City of Corinth, Mississippi, in
4594 paying the costs associated with repair, rehabilitation,
4595 maintenance and other improvements to roads in the
4596 City of Corinth.....\$ 500,000.00.

4597 (dd) To assist the City of Long Beach, Mississippi, in
4598 paying the costs associated with repairs, resurfacing and other

4599 improvements to roads in the City of Long Beach.....\$1,000,000.00.

4600 (ee) To assist Wilkinson County, Mississippi, in paying
4601 the costs associated with the repair, rehabilitation, replacement,
4602 reconstruction and/or construction of bridges in Wilkinson County,
4603 including those bridges on state-designated highways that are
4604 maintained by the county.....\$1,700,000.00.

4605 (ff) To assist the City of Vicksburg, Mississippi, in
4606 paying the costs associated with:

4607 (i) Transportation infrastructure due diligence to
4608 increase multimodal river transportation options in the City of
4609 Vicksburg; and

4610 (ii) Expanded multimodal layout to provide a
4611 combination of rail, interstate, airport, and river access in and
4612 to the City of Vicksburg.....\$1,000,000.00.

4613 (gg) To assist the Town of Flora, Mississippi, in
4614 paying the costs associated with repairs, resurfacing and other
4615 improvements to roads in the Town of Flora.....\$ 300,000.00.

4616 (hh) To assist in paying the costs associated with
4617 making improvements to:

4618 (i) The intersection of Mississippi Highway 9W and
4619 Mississippi Highway 7 in Lafayette County, Mississippi;

4620 (ii) A portion of Mississippi Highway 7 beginning
4621 at its intersection with Mississippi Highway 9W and running
4622 approximately one (1) mile south of such intersection in Lafayette
4623 County; and

4624 (iii) A portion of Mississippi Highway 7 beginning
4625 at its intersection with Mississippi Highway 9W and running
4626 northerly to the boundary of the corporate limits of the
4627 City of Oxford, Mississippi.....\$1,000,000.00.

4628 (ii) To assist in paying the costs associated with
4629 necessary repairs to Natchez Trace Lake and surrounding roads in
4630 Pontotoc County, Mississippi.....\$1,000,000.00.

4631 (jj) To assist the City of Houston, Mississippi, in
4632 paying the costs associated with repairs, resurfacing and other
4633 improvements to roads in the City of Houston.....\$ 300,000.00.

4634 (kk) To assist the Town of Houlka, Mississippi, in
4635 paying the costs associated with repairs, resurfacing and other
4636 improvements to roads in the Town of Houlka.....\$ 200,000.00.

4637 (ll) To assist the City of Clinton, Mississippi, in
4638 paying the costs associated with repairs, resurfacing and other
4639 improvements and upgrades to roads in the
4640 City of Clinton.....\$1,000,000.00.

4641 (mm) To assist Tate County, Mississippi, in paying the
4642 costs associated with widening, safety improvements, leveling,
4643 mill and overlay of Country Club Road south of the Country Club
4644 Road/Shands Bottom Road four-way stop; however, any funds that are
4645 in excess of that needed to complete such project shall be used to
4646 assist Tate County in paying the costs associated with repaving
4647 roads in Tate County.....\$1,000,000.00.

4648 (nn) To assist in paying the costs of construction and
4649 development related to the Cook Road Corridor project in Jackson
4650 County, Mississippi, and Harrison County,
4651 Mississippi.....\$2,000,000.00.

4652 (oo) To assist the Town of Vaiden, Mississippi, in
4653 paying the costs associated with repairs, resurfacing and other
4654 improvements to streets in the Town of Vaiden.....\$ 100,000.00.

4655 (pp) To assist the City of Crystal Springs,
4656 Mississippi, in paying the costs associated with repairs,
4657 resurfacing and other improvements to roads in the
4658 City of Crystal Springs.....\$ 500,000.00.

4659 (qq) To assist the City of Hernando, Mississippi, in
4660 paying the costs associated with construction and construction
4661 engineering related to the realignment of McIngvale Road
4662 in the City of Hernando.....\$1,000,000.00.

4663 (rr) To assist Attala County, Mississippi, in paying
4664 the costs associated with the following purposes:

4665 (i) Rehabilitation and paving of Attala County
4666 Road 2221 also known as Airport Road in Attala County;

4667 (ii) Base repair and asphalt overlay of the back
4668 and front parking lots of the Attala County Justice Court
4669 Building; and

4670 (iii) Base reconstruction and resurfacing of the
4671 parking lot of the former Jack Post Manufacturing Building in
4672 Attala County.....\$ 450,000.00.

4673 (ss) To assist the City of Kosciusko, Mississippi, in
4674 paying the costs associated with making improvements and upgrades
4675 to South Huntington Street and other streets in the
4676 City of Kosciusko, Mississippi.....\$ 750,000.00.

4677 (tt) To assist in paying the costs associated with the
4678 repair, rehabilitation, resurfacing, construction and
4679 reconstruction, including the widening of and addition of lanes to
4680 Scott Road in the City of Lucedale, Mississippi, from its
4681 intersection with Mississippi Highway 26 to its intersection with
4682 Mississippi Highway 63 in the
4683 City of Lucedale.....\$ 350,000.00.

4684 (uu) To assist in paying the costs associated with
4685 planning, design, construction, repair, renovation, replacement,
4686 expansion of and other improvements to infrastructure at the
4687 Columbia-Marion County Airport in Marion County,
4688 Mississippi.....\$ 250,000.00.

4689 (vv) To assist in paying the costs associated with
4690 construction and development of a bridge at the industrial
4691 park/port in Itawamba County, Mississippi.....\$ 500,000.00.

4692 (ww) To assist Lincoln County, Mississippi, in paying
4693 the costs associated with repairs, resurfacing and other
4694 improvements to roads in Lincoln County.....\$ 500.000.00.

4695 (xx) To assist the City of Brookhaven, Mississippi, in
4696 paying the costs associated with repairs, resurfacing and other
4697 improvements to roads in the

4698 City of Brookhaven.....\$ 500,000.00.

4699 (yy) To assist the City of Farmington, Mississippi, in

4700 paying the costs associated with expansion of and upgrades and

4701 improvements to the city's infrastructure.....\$ 500,000.00.

4702 (zz) To assist the City of Carthage, Mississippi, in

4703 paying the costs associated with making improvements to portions

4704 of Valley Street, Williams Street, Franklin Street and McMillan

4705 Park Road in the City of Carthage.....\$ 500,000.00.

4706 (aaa) To assist the Itawamba County Railroad Authority

4707 in paying a portion of the costs associated with the repair,

4708 rehabilitation, construction, reconstruction, upgrading and

4709 improvement of the existing railroad line and related facilities

4710 running from the City of Amory, Mississippi, to the City of

4711 Fulton, Mississippi, including projects necessary to ensure safety

4712 and structural integrity of the rail line,

4713 rail beds and bridges.....\$1,500,000.00.

4714 (bbb) To assist in paying costs associated with

4715 improvements at the Columbia Training School in the

4716 City of Columbia, Mississippi.....\$ 500,000.00.

4717 (ccc) To assist the City of Louisville, Mississippi, in

4718 paying the costs associated with constructing a road and other

4719 transportation infrastructure in the City of Louisville that will

4720 provide and improve access to land owned by the city designated

4721 for an economic development project on or near the

4722 location of Winston Plywood & Veneer.....\$ 500,000.00.

4723 (ddd) To assist the New Site Water Association in
4724 paying the costs associated with repairing a water tank that is
4725 located adjacent to the Piney Grove Campground in Prentiss County,
4726 Mississippi.....\$ 250,000.00.

4727 (eee) To assist Quitman County, Mississippi, in paying
4728 the costs of construction, furnishing and equipping of a passenger
4729 train depot in Marks, Mississippi, specifically, to reimburse the
4730 Four Hundred Twenty Thousand Dollar (\$420,000.00) loan from
4731 Quitman County general fund 001 to help with the construction of
4732 the Amtrak shelter in Marks, Mississippi. The amount of Eighty
4733 Thousand Dollars (\$80,000.00) may be used to purchase and remodel
4734 an existing building next to the new Amtrak stop that will serve
4735 as a waiting area and provide restroom facilities for Amtrak
4736 passengers and waiters.....\$ 500,000.00.

4737 (fff) To assist the City of Saltillo, Mississippi, in
4738 paying the costs associated with a project involving the city's
4739 wastewater system and/or repair of sinkholes
4740 in the city.....\$ 250,000.00.

4741 (ggg) To assist Lafayette County, Mississippi, in
4742 paying the costs associated with the extension of West Oxford Loop
4743 in Lafayette County.....\$1,000,000.00.

4744 (hhh) To assist the Tupelo Public School District in
4745 paying the costs associated with roofing Church Street Elementary
4746 School in Tupelo, Mississippi.....\$ 400,000.00.

4747 (iii) To assist the City of Baldwin, Mississippi, in
4748 paying the costs associated with making improvements and upgrades
4749 to a portion of the city's natural gas system transmission system
4750 line and related
4751 infrastructure.....\$1,000,000.00.

4752 (jjj) To assist Harrison County, Mississippi, in paying
4753 the costs associated with the construction, furnishing and
4754 equipping of an expansion of the Harrison County Law Enforcement
4755 Training Academy.....\$ 800,000.00.

4756 (kkk) To assist the Town of Monticello, Mississippi, in
4757 paying the cost of necessary improvements to the U.S. Highway 84
4758 frontage road between S.R. 27 and Old Highway 27 project
4759 in the Town of Monticello.....\$ 450,000.00.

4760 (lll) To assist the Lamar County School District in
4761 paying the cost of repairs, renovations and capital improvements
4762 necessitated by the consolidation of the Lumberton County School
4763 District into the Lamar County School District.....\$1,000,000.00.

4764 (mmm) To assist in paying the costs associated with
4765 repair, rehabilitation, and related construction activities for
4766 the Mississippi Center for Innovation and Technology in the
4767 City of Vicksburg.....\$2,500,000.00.

4768 (nnn) To assist the Mississippi's Toughest Kids
4769 Foundation in paying the costs associated with:

4770 (i) Design, preplanning, construction, furnishing
4771 and equipping of buildings and related facilities at Camp Kamassa
4772 in Copiah County, Mississippi; and

4773 (ii) Design, preplanning, construction and
4774 development of infrastructure at Camp Kamassa in Copiah County,
4775 Mississippi.....\$1,000,000.00.

4776 (ooo) To assist in paying the costs associated with
4777 construction, furnishing and equipping the Mississippi Children's
4778 Museum-Meridian in
4779 Meridian, Mississippi.....\$2,000,000.00.

4780 (ppp) To assist the Mississippi Department of
4781 Transportation in paying the costs associated with upgrades to
4782 Highway 8 starting at U.S. Highway 61 and extending
4783 to Bishop Road in Bolivar County.....\$1,000,000.00.

4784 (qqq) To assist Jasper County, Mississippi, in paying
4785 the costs associated with the paving of County Road 6 in
4786 Jasper County.....\$ 100,000.00.

4787 (rrr) To assist Jasper County, Mississippi, in paying
4788 the costs associated with upgrades to CR 1591 leading toward the
4789 Hol-Mac facility in Bay Springs.....\$ 50,000.00.

4790 (sss) To assist Lowndes County, Mississippi, in paying
4791 the costs associated with the construction of a portion of
4792 Charleigh Ford, Jr. Drive extending from Artesia Road
4793 to Mims Road.....\$1,000,000.00.

4794 (ttt) To assist the Mississippi Department of
4795 Transportation in paying the cost of completing the last mile of
4796 U.S. Highway 61 in Claiborne County, Mississippi, as contemplated
4797 in the 1987 Four-Lane Highway
4798 Program.....\$1,000,000.00.

4799 (uuu) To assist the Division of State Aid Road
4800 Construction in paying the costs associated with the completion of
4801 construction repairs on Parks Road in
4802 Drew, Mississippi.....\$ 300,000.00.

4803 (vvv) To assist the Rodney History and Preservation
4804 Society in paying the costs associated with the repair and
4805 renovation of the historic Rodney Presbyterian Church in the
4806 Rodney Center Historic District.....\$ 280,000.00.

4807 (www) To assist the Summit Community Development
4808 Foundation under a Memorandum of Understanding (MOU) with the IRS,
4809 in paying the costs associated with (i) the Water Stand Pipe
4810 lighting installation and landmark marker, and (ii) the
4811 acquisition, development and establishment of a town park in
4812 Summit, Mississippi.....\$ 150,000.00.

4813 (xxx) To assist the City of Ripley, Mississippi, in
4814 paying the costs associated with repairs, resurfacing and other
4815 improvements to roads in the City of Ripley.....\$ 500,000.00.

4816 (yyy) To assist the Town of Byhalia, Mississippi, in
4817 paying the costs associated with repairs, resurfacing and other
4818 improvements to roads in the Town of Byhalia.....\$ 500,000.00.

4819 (zzz) To assist the City of Natchez, Mississippi, in
4820 providing matching funds for federal funds for emergency watershed
4821 projects in the city.....\$ 900,000.00.

4822 (aaaa) To assist the City of Greenville, Mississippi,
4823 in paying the costs associated with the construction and extension
4824 of Colorado Street from its intersection with George Abraham
4825 Boulevard southerly to VFW Road in the City of Greenville,
4826 including costs associated with land acquisition and professional
4827 services for such project.....\$1,000,000.00.

4828 (bbbb) To assist the City of New Albany, Mississippi,
4829 in paying the costs associated with repair, resurfacing,
4830 maintenance and other improvements to roads and streets and sewer
4831 repairs in the City of New Albany.....\$ 500,000.00.

4832 (cccc) To assist Choctaw County, Mississippi, in paying
4833 the costs associated with repairs, resurfacing and other
4834 improvements to roads in Choctaw County.....\$ 250,000.00.

4835 (dddd) To assist Webster County, Mississippi, in paying
4836 the costs associated with repairs, resurfacing and other
4837 improvements to roads in Webster County.....\$ 250,000.00.

4838 (eeee) To assist the City of Batesville, Mississippi,
4839 in paying the costs associated with repairs, resurfacing and other
4840 improvements to roads in the
4841 City of Batesville.....\$ 350,000.00.

4842 (ffff) To assist the Town of Sardis, Mississippi, in
4843 paying the costs associated with repairs, resurfacing and other

4844 improvements to roads in the Town of Sardis.....\$ 250,000.00.
4845 (gggg) To assist Newton County, Mississippi, in paying
4846 the costs associated with overlaying portions of Turkey Creek Road
4847 and Simkins Road in Newton County.....\$ 225,000.00.
4848 (hhhh) To assist Hancock County, Mississippi, in paying
4849 the costs associated with repair of Crane Creek Bridge No. 32 in
4850 Hancock County.....\$ 500,000.00.
4851 (iiii) To assist Stone County, Mississippi, in paying
4852 the costs associated with repairs, resurfacing and other
4853 improvements to roads in Stone County.....\$ 150,000.00.
4854 (jjjj) To assist the City of Southaven, Mississippi, in
4855 paying the costs associated with infrastructure improvements in
4856 the Greenbrook and Carriage Hills neighborhoods in the
4857 City of Southaven.....\$ 500,000.00.
4858 (kkkk) To assist the City of Wiggins, Mississippi, in
4859 paying the costs associated with repairs, resurfacing and other
4860 improvements to Hall Road in the City of Wiggins....\$ 500,000.00.
4861 (llll) [Deleted]
4862 (mmmm) [Deleted]
4863 (nnnn) To assist the Town of North Carrollton,
4864 Mississippi, in paying the costs associated with repairs,
4865 resurfacing and other improvements to Marshall Elementary School
4866 Road in the Town of North Carrollton.....\$ 100,000.00.

4867 (oooo) To assist the Town of Kilmichael, Mississippi,
4868 in paying the costs associated with repairs, resurfacing and other
4869 improvements to Binford Street in the
4870 Town of Kilmichael.....\$ 200,000.00.

4871 (pppp) To assist the City of Bruce, Mississippi, in
4872 paying the costs associated with the following purposes:

4873 (i) Repairs, resurfacing and other improvements to
4874 roads in the City of Bruce; and

4875 (ii) Construction of walking and bicycle trails
4876 in the municipality.....\$ 200,000.00.

4877 (qqqq) To assist Jones County, Mississippi, in paying
4878 the costs associated with repair and replacement of the
4879 Lower Myrick Road Bridge in Jones County.....\$ 380,000.00.

4880 (rrrr) To assist Jones County, Mississippi, in paying
4881 the costs associated with repair and replacement of the
4882 Ellisville - Tuckers Crossing Bridge in
4883 Jones County.....\$1,200,000.00.

4884 (ssss) To assist Clarke County, Mississippi, in paying
4885 the costs associated with repair and replacement of a bridge on
4886 County Road 360 in Clarke County.....\$ 480,000.00.

4887 (tttt) To assist Pearl River County, Mississippi, in
4888 paying the costs associated with repairs, leveling, resurfacing
4889 and other improvements to a portion of FZ Goss Road located
4890 between County Line Road and West Union Road in
4891 Pearl River County.....\$ 525,000.00.

4892 (uuuu) To assist the City of Meridian, Mississippi, in
4893 paying the costs associated with repairs, resurfacing and other
4894 improvements to the 22nd Avenue-Interstate 20/Interstate 59
4895 Overpass.....\$ 565,000.00.

4896 (vvvv) To assist the City of Pass Christian,
4897 Mississippi, in paying the costs associated with repairs,
4898 resurfacing and other improvements to roads in the
4899 City of Pass Christian.....\$ 400,000.00.

4900 (www) To assist the Town of Mantachie, Mississippi, in
4901 paying the costs associated with improvements to the town's water
4902 system and sewer system infrastructure.....\$ 150,000.00.

4903 (xxxx) To assist Leake County, Mississippi, in paying
4904 the costs associated with repairs, resurfacing and other
4905 improvements to Barnes Road in Leake County.....\$ 300,000.00.

4906 (yyyy) To assist Holmes County, Mississippi, in paying
4907 the costs associated with repairs, resurfacing and other
4908 improvements to Emory Road beginning at its intersection with U.S.
4909 Highway 51 and running westerly to Interstate 55 in
4910 Holmes County.....\$ 300,000.00.

4911 (zzzz) To assist the Town of Sallis, Mississippi, in
4912 paying the costs associated with repairs, resurfacing and other
4913 improvements to roads in the Town of Sallis.....\$ 100,000.00.

4914 (aaaa) To assist the Town of Ethel, Mississippi, in
4915 paying the costs associated with repairs, resurfacing and other
4916 improvements to roads in the Town of Ethel.....\$ 100,000.00.

4917 (bbbb) To assist the City of Senatobia, Mississippi,
4918 in paying the costs associated with repairs, reconstruction,
4919 resurfacing and other improvements to Court Street in the City of
4920 Senatobia; however, any funds that are in excess of that needed to
4921 complete such project shall be used to assist the City of
4922 Senatobia in paying the costs associated with repairs,
4923 reconstruction, resurfacing and other improvements to
4924 Ward Street in the City of Senatobia.....\$ 500,000.00.

4925 (cccc) To assist the Town of Lambert, Mississippi, in
4926 paying the costs associated with repairs, resurfacing and other
4927 improvements to roads in the Town of
4928 Lambert.....\$ 200,000.00.

4929 (dddd) To assist Greene County, Mississippi, in paying
4930 the costs associated with repair of a bridge on Freeman Town Road
4931 in Greene County.....\$ 250,000.00.

4932 (eeee) To assist the City of Jackson, Mississippi, in
4933 paying the costs associated with repair of a bridge on Hawthorne
4934 Drive between Sherwood Drive and Robin Drive in the
4935 City of Jackson.....\$ 50,000.00.

4936 (ffff) To assist Lee County, Mississippi, in paying
4937 the costs associated with infrastructure improvements within
4938 and/or near the Hive Industrial site in Lee County.....
4939\$ 500,000.00.

4940 (ggggg) To assist the City of Senatobia, Mississippi,
4941 in paying the costs associated with acquisition and repair of the
4942 New Imaging Water Association and related
4943 facilities.....\$ 200,000.00.

4944 (hhhhh) To assist the Town of Benton, Mississippi, in
4945 paying costs associated with improvements to the town's
4946 sewer system.....\$ 525,000.00.

4947 (iiiiii) To assist the Itawamba County, Mississippi, in
4948 paying the costs associated with repairs, resurfacing and other
4949 improvements to roads in
4950 Itawamba County.....\$ 250,000.00.

4951 (jjjjj) To assist the Town of New Hebron, Mississippi,
4952 in paying the costs associated with repairs, resurfacing and other
4953 improvements to roads in the Town of
4954 New Hebron.....\$ 50,000.00.

4955 (kkkkk) To assist the Town of Blue Mountain,
4956 Mississippi, in paying the costs associated with repairs,
4957 resurfacing and other improvements to roads in the
4958 Town of Blue Mountain.....\$ 100,000.00.

4959 (lllll) To assist the Town of Walnut, Mississippi, in
4960 paying the costs associated with repairs, resurfacing and other
4961 improvements to roads in the Town of Walnut.....\$ 100,000.00.

4962 (mmmmm) To assist the Town of Falkner, Mississippi, in
4963 paying the costs associated with repairs, resurfacing and other
4964 improvements to roads in the Town of

4965 Falkner.....\$ 100,000.00.

4966 (nnnnn) To assist the City of Olive Branch,

4967 Mississippi, in paying the costs of infrastructure improvements

4968 and upgrades as necessary, including, but not limited to, repairs,

4969 resurfacing and other improvements to roads; repair and renovation

4970 of bridges; repairs and improvements to water and wastewater

4971 systems; and dam repairs.....\$1,000,000.00.

4972 (ooooo) To assist the CREATE Foundation in paying the

4973 costs associated with repairs, renovations and upgrades at the

4974 First Christian Church in Amory, Mississippi.....\$ 200,000.00.

4975 (ppppp) To assist the Tougaloo College Research

4976 Development Foundation, Inc., in paying the costs associated with

4977 completion of restoration, repair, renovation and upgrades to the

4978 interior of the historic Tougaloo College site where the

4979 Freedom Riders took refuge.....\$1,000,000.00.

4980 (qqqqq) To assist the Town of Magnolia, Mississippi, in

4981 paying the costs associated with repair, renovation and upgrades

4982 of the town's police and fire station.....\$ 500,000.00.

4983 (rrrrr) To assist the City of Guntown, Mississippi, in

4984 paying the costs associated with the repair, replacement,

4985 renovation, demolition, construction and/or making any other

4986 improvements to the municipal structures on or near Main Street in

4987 the City of Guntown.....\$ 350,000.00.

4988 (sssss) To assist the City of Baldwyn in paying the

4989 costs associated with repair, resurfacing and other improvements

4990 to Third Street and sewer repairs on Third Street; however, any
4991 funds that are in excess of that needed to complete such project
4992 shall be used to assist the City of Baldwin in paying the costs
4993 associated with repairs, reconstruction, resurfacing and other
4994 improvements to streets in the City of Baldwin.....\$ 213,000.00.

4995 (ttttt) To assist Smith County, Mississippi, in paying
4996 the costs associated with repairs, resurfacing and other
4997 improvements to roads in Smith County.....\$ 450,000.00.

4998 (uuuuu) To assist the Town of Wesson, Mississippi, in
4999 paying the costs associated with repairs, resurfacing and other
5000 improvements to roads in the Town of Wesson.....\$ 100,000.00.

5001 (vvvvv) To assist the Town of Georgetown, Mississippi,
5002 in paying the costs associated with repairs, resurfacing and other
5003 improvements to roads in the Town of
5004 Georgetown.....\$ 100,000.00.

5005 (wwwww) To assist the City of Ocean Springs,
5006 Mississippi, in paying the costs associated with improvements to
5007 the city's water system and sewer system
5008 infrastructure.....\$ 500,000.00.

5009 (xxxxx) To assist the City of Gautier, Mississippi, in
5010 paying the costs associated with infrastructure improvements at
5011 Town Green in the City of Gautier.....\$ 500,000.00.

5012 **SECTION 60.** Section 27-104-371, Mississippi Code of 1972, is
5013 brought forward as follows:

5014 27-104-371. (1) A special fund, to be designated as the
5015 "2022 Local Improvements Projects Fund," is created within the
5016 State Treasury. The fund shall be maintained by the State
5017 Treasurer as a separate and special fund, separate and apart from
5018 the General Fund of the state. Unexpended amounts remaining in
5019 the fund at the end of a fiscal year shall not lapse into the
5020 State General Fund, and any interest earned or investment earnings
5021 on amounts in the fund shall be deposited into such fund.

5022 (2) Monies deposited into the fund shall be disbursed by the
5023 Department of Finance and Administration as follows:

5024 (a) To the Department of Archives and History for the
5025 purpose of providing a grant to the Scott Ford House, Inc., to
5026 develop the property located at 136 East Cohea Street in the City
5027 of Jackson, the home of the former slave Mary Scott Green, to tell
5028 her story and that of other Mississippi midwives, and to develop
5029 the property located at 138 East Cohea Street in the City of
5030 Jackson as a house museum to tell the family story of the midwife
5031 Virginia Scott Ford.....\$ 200,000.00

5032 (b) To assist in paying costs associated with repair,
5033 renovation, furnishing and equipping of and upgrades and
5034 improvements to the Jackson Public School District's Career
5035 Development Center in Jackson, Mississippi.....\$ 300,000.00

5036 (c) To assist the Centreville Chamber of Commerce in
5037 paying costs associated with construction, furnishing and

5038 equipping of a recreation center and related facilities in the
5039 Town of Centreville, Mississippi.....\$ 500,000.00

5040 (d) To assist the Richards Community Center, Inc., in
5041 paying costs associated with recreational equipment and lights for
5042 the Richards Community Center.....\$ 150,000.00

5043 (e) To assist in paying costs associated with repair
5044 and renovation of the National Guard Armory in the Town of
5045 Gloster, Mississippi.....\$ 250,000.00

5046 (f) To assist the City of Georgetown, Mississippi, in
5047 paying costs associated with Railroad Avenue lighting and
5048 park area.....\$ 50,000.00

5049 (g) To assist the City of Georgetown, Mississippi, in
5050 paying costs associated with Railroad Avenue
5051 sidewalks.....\$ 100,000.00

5052 (h) To assist the City of Brookhaven, Mississippi, in
5053 paying costs associated with geometric improvements, signalization
5054 improvements, striping/signing and drainage improvements to
5055 Brookway Boulevard beginning at Interstate 55 and continuing east
5056 to U.S. Highway 51.....\$ 1,000,000.00

5057 (i) To assist the Town of Byhalia, Mississippi, in
5058 paying costs associated with the Old School Commons restoration
5059 and upgrades necessary to meet ADA regulations.....\$ 500,000.00

5060 (j) To assist Marshall County, Mississippi, in paying
5061 costs associated with the Blackwater Road Bridge
5062 project.....\$ 500,000.00

5063 (k) To assist the Town of Tylertown, Mississippi, in
5064 paying costs associated with the renovation of the Civic Center
5065 and Mississippi State University Extension Service
5066 offices.....\$ 450,000.00

5067 (l) To assist the City of Durant, Mississippi, in
5068 paying costs associated with road repairs.....\$ 50,000.00

5069 (m) To assist the Town of Goodman, Mississippi, in
5070 paying costs associated with road repairs.....\$ 50,000.00

5071 (n) To assist Holmes County, Mississippi, in paying
5072 costs associated with courthouse renovation.....\$ 150,000.00

5073 (o) To assist the Town of Pickens, Mississippi, in
5074 paying costs associated with repair and renovation of the town
5075 police station.....\$ 50,000.00

5076 (p) To the Board of Supervisors of Lowndes County,
5077 Mississippi, to assist the Town of Crawford, Mississippi, in
5078 paying costs associated with infrastructure
5079 needs.....\$ 250,000.00

5080 (q) To assist the City of D'Iberville, Mississippi, in
5081 paying costs associated with the extension of
5082 Mallett Road.....\$ 1,000,000.00

5083 (r) To assist the Town of Coldwater, Mississippi, in
5084 paying costs associated with the acquisition of a fire
5085 truck.....\$ 350,000.00

5086 (s) To assist the Town of Tunica, Mississippi, in
5087 paying costs associated with road repairs.....\$ 500,000.00

5088 (t) To assist Tunica County, Mississippi, in paying
5089 costs associated with the extension of natural gas
5090 lines.....\$ 150,000.00

5091 (u) To assist the City of Starkville, Mississippi, in
5092 paying costs associated with Northside Drive drainage channel
5093 improvements, mobilization, channel shaping and
5094 grading.....\$ 250,000.00

5095 (v) To assist the City of Starkville, Mississippi, in
5096 paying costs associated with J.L. King Center infrastructure,
5097 security and lighting.....\$ 250,000.00

5098 (w) To assist the City of Jackson, Mississippi, in
5099 paying costs associated with construction of a parking lot and
5100 related facilities for the Jackson Convention
5101 Center.....\$ 1,000,000.00

5102 (x) To assist the City of Oxford, Mississippi, in
5103 paying costs associated with repair and renovation of a building
5104 to be used by the City of Oxford Police
5105 Department.....\$ 1,000,000.00

5106 (y) To assist Perry County, Mississippi, in paying
5107 costs associated with the acquisition of a fire truck.....
5108\$ 250,000.00

5109 (z) To assist the City of Columbus, Mississippi, Fire
5110 and Rescue in paying costs associated with the acquisition of a
5111 fire engine.....\$ 350,000.00

5112 (aa) To assist the City of Fulton, Mississippi, in
5113 paying costs associated with the purchase of and repair and
5114 renovation of a building to house City Hall and repair and
5115 renovation of the former City Hall to house other city
5116 departments.....\$ 1,000,000.00

5117 (bb) To assist Itawamba County, Mississippi, in paying
5118 costs associated with repair and renovation of the Itawamba County
5119 Courthouse and construction of a Justice Court.....\$ 1,000,000.00

5120 (cc) To assist Jones County, Mississippi, in paying
5121 costs associated with repair, renovation, upgrades and additions
5122 to the Jones County Law Enforcement Complex.....\$ 500,000.00

5123 (dd) To assist the City of Laurel, Mississippi, in
5124 paying costs associated with additions to the Veterans Museum in
5125 Laurel, Mississippi.....\$ 250,000.00

5126 (ee) To assist Arise and Shine, Inc., with providing
5127 children and youth programs and services in Copiah County,
5128 Mississippi.....\$ 50,000.00

5129 (ff) To assist the City of Crystal Springs,
5130 Mississippi, in paying costs associated with providing lighting
5131 for Pedestrian and Bicycle Corridor Federal Aid Project
5132 No. STP-0130-00(013)LPA/107363-701000.....\$ 250,000.00

5133 (gg) To assist in paying costs associated with repair
5134 and renovation of the Millsaps Heritage Center in the City of
5135 Hazlehurst, Mississippi.....\$ 300,000.00

5136 (hh) To assist the City of Ocean Springs, Mississippi,
5137 in paying costs associated with water system, sewer system and
5138 other infrastructure improvements and development of the Fayard
5139 project beautification.....\$ 1,500,000.00

5140 (ii) To assist the Diamondhead Fire District in paying
5141 various costs for the City Fire Department.....\$ 25,000.00

5142 (jj) To assist in paying various costs for the Fenton
5143 Fire Station in Hancock County, Mississippi.....\$ 25,000.00

5144 (kk) To assist in paying various costs for the County
5145 Farm Fire Station in Harrison County,
5146 Mississippi.....\$ 25,000.00

5147 (ll) To assist in paying various costs for the Lizan
5148 Fire Station in Harrison County, Mississippi.....\$ 25,000.00

5149 (mm) To assist in paying various costs for the Saucier
5150 Fire Station in Harrison County,
5151 Mississippi.....\$ 25,000.00

5152 (nn) To assist in paying various costs for the Success
5153 Fire Station in Harrison County,
5154 Mississippi.....\$ 25,000.00

5155 (oo) To assist the City of Fayette, Mississippi, in
5156 paying costs associated with the construction, furnishing and
5157 equipping of a fire station for the city's fire
5158 department.....\$ 400,000.00

5159 (pp) To assist the City of Baldwin, Mississippi, in
5160 paying costs associated with the construction of a satellite fire
5161 station.....\$ 200,000.00

5162 (qq) To assist the City of Baldwin, Mississippi, in
5163 paying costs associated with repairs to Winddance Drive necessary
5164 for trucking company weight restrictions.....\$ 100,000.00

5165 (rr) To assist the City of Tupelo, Mississippi, in
5166 paying costs associated with lighting and curb upgrades to
5167 McCullough Boulevard.....\$ 500,000.00

5168 (ss) To assist the City of Booneville, Mississippi, in
5169 paying costs associated with the repair, replacement, adjustment
5170 and relocation of sewer lines and related sewer system
5171 infrastructure underneath and near the Northeast Mississippi
5172 Community College football field and surrounding
5173 area.....\$ 1,000,000.00

5174 (tt) To assist Madison County, Mississippi, in paying
5175 costs associated with making improvements to Bozeman Road,
5176 beginning at its intersection with Mississippi Highway 463 and
5177 proceeding north.....\$ 2,500,000.00

5178 (uu) To assist the City of Madison, Mississippi, in
5179 paying costs associated with renovation of the Performing Arts
5180 Center and placement of utility lines under the
5181 center.....\$ 1,000,000.00

5182 (vv) To assist the Town of Bruce, Mississippi, in
5183 paying costs associated with infrastructure improvements around

5184 and near both of the city's parks, including, but not limited to,
5185 paving town streets and parking lots, drainage improvements, water
5186 and sewer line repairs and extensions, and pavilion construction
5187 in such parks.....\$ 400,000.00

5188 (ww) To assist the Town of Bruce, Mississippi, in
5189 paying costs associated with repair and resurfacing of "Jimmy
5190 Beckley" Industrial Park Road.....\$ 500,000.00

5191 (xx) To assist the Town of Derma, Mississippi, in
5192 paying costs associated with water well repairs.....\$ 50,000.00

5193 (yy) To assist the Town of Vardaman, Mississippi, in
5194 paying costs associated with paving town streets....\$ 150,000.00

5195 (zz) To assist in paying costs associated with
5196 construction of an ambulance center for Tippah County
5197 Hospital.....\$ 500,000.00

5198 (aaa) To assist the Town of Walnut, Mississippi, in
5199 paying costs associated with the purchase of a fire truck for the
5200 town's fire department.....\$ 300,000.00

5201 (bbb) To assist the Town of Dumas, Mississippi, in
5202 paying costs associated with the purchase of equipment for the
5203 town's fire department.....\$ 25,000.00

5204 (ccc) To assist in paying costs associated with
5205 creating a SkillPath 2030 Lab for the North Tippah School
5206 District.....\$ 200,000.00

5207 (ddd) To assist the City of Ripley, Mississippi, in
5208 paying costs associated with the purchase of equipment for the
5209 city's fire department.....\$ 100,000.00

5210 (eee) To assist the City of Ripley, Mississippi, in
5211 paying costs associated with various infrastructure
5212 projects.....\$ 200,000.00

5213 (fff) To assist Mississippi Hills Heritage Area
5214 Alliance in paying costs associated with alliance
5215 activities.....\$ 100,000.00

5216 (ggg) To assist in paying costs associated with
5217 exhibits with robotics and code training for students at the Issac
5218 Chapel Rosenwald Historical Museum and Education Center in
5219 Marshall County, Mississippi.....\$ 200,000.00

5220 On April 21, 2023, the Board of Supervisors of Marshall
5221 County shall transfer to the Issac Chapel Rosenwald Historical
5222 Museum and Education Center the remaining balance of all funds
5223 received from the Department of Finance and Administration under
5224 this paragraph (ggg).

5225 (hhh) To assist Delta Health System in paying costs
5226 associated with capital improvements and infrastructure
5227 improvements related to patient room compliance and women's center
5228 services.....\$ 2,000,000.00

5229 (iii) To assist the City of Gautier, Mississippi, in
5230 paying costs associated with construction of the Mississippi
5231 Songwriters Performing Arts Center and improvements to Town

5232 Commons Park, including, but not limited to, parking and through
5233 roads for an amphitheater.....\$ 4,000,000.00

5234 (jjj) To assist the City of Senatobia, Mississippi, in
5235 paying costs associated with repair, renovation and upgrades to
5236 Front Street Fire Station.....\$ 500,000.00

5237 (kkk) To assist the City of Gautier, Mississippi, in
5238 paying costs associated with expansion of RV sites and paving at
5239 Shepard State Park.....\$ 1,500,000.00

5240 (lll) To assist Chickasaw County, Mississippi, in
5241 paying costs associated with the CR 42 Road project
5242\$ 500,000.00

5243 (mmm) To assist in paying costs associated with
5244 construction of a firehouse for the Thorn Volunteer Fire
5245 Department in Chickasaw County, Mississippi.....\$ 50,000.00

5246 (nnn) To assist Clay County, Mississippi, in paying
5247 costs associated with road projects in Supervisors District 2 in
5248 Clay County including overlay of Mayhew Road, Mayfield Road,
5249 Pinkerton Road, Clisby Road and Herman Shirley Road
5250\$ 500,000.00

5251 (ooo) To assist Monroe County, Mississippi, in paying
5252 costs associated with road maintenance and repairs
5253\$ 500,000.00

5254 (ppp) To assist the City of West Point, Mississippi, in
5255 paying costs associated with roof repair and/or replacement for
5256 Bryan Public Library.....\$ 250,000.00

5257 (qqq) To assist in paying costs associated with the
5258 construction or purchase of a building for the Michael H. Ball
5259 Veterans of Foreign Wars Post 12191 in Carroll County, Mississippi
5260\$ 200,000.00

5261 (rrr) To assist the Town of Duck Hill, Mississippi, in
5262 paying costs associated with resurfacing streets....\$ 200,000.00

5263 (sss) To assist the Town of Carrollton, Mississippi, in
5264 paying various costs associated with the town's water tower
5265 project.....\$ 20,000.00

5266 (ttt) To assist in paying costs associated with various
5267 Winona-Montgomery County Consolidated School District renovation
5268 projects.....\$ 7,000,000.00

5269 (uuu) To assist in paying costs associated with a
5270 regional communications system for the Mississippi Organ Recovery
5271 Agency.....\$ 200,000.00

5272 (vvv) To assist the City of Columbia, Mississippi, in
5273 paying costs associated with improvements to the city's downtown
5274 storm drainage system and related infrastructure....\$ 500,000.00

5275 (www) To assist Marion County, Mississippi, in paying
5276 costs associated with pavement maintenance for county roads
5277\$ 500,000.00

5278 (xxx) To assist Lamar County, Mississippi, in paying
5279 costs associated with the Mental Health Diversion Center in
5280 Purvis, Mississippi.....\$ 500,000.00

5281 (yyy) To provide for the reimbursement of prior costs
5282 associated with acquisition and repair, renovation, furnishing and
5283 equipping of a building and related facilities for the Bovina
5284 Volunteer Fire Department in Warren County,
5285 Mississippi.....\$ 250,000.00

5286 (zzz) To assist the City of Vicksburg, Mississippi, in
5287 paying costs associated with lighting for city baseball
5288 fields.....\$ 250,000.00

5289 (aaaa) To assist Warren County, Mississippi, in paying
5290 costs associated with the purchase of culverts and construction
5291 and installation of sluice gates.....\$ 75,000.00

5292 (bbbb) To assist the City of Grenada, Mississippi, in
5293 paying costs associated with road resurfacing for Southwest
5294 Frontage Road.....\$ 250,000.00

5295 (cccc) To assist Grenada County, Mississippi, in paying
5296 costs associated with construction and extension of New Industrial
5297 Park Road.....\$ 500,000.00

5298 (dddd) To assist Grenada County, Mississippi, in paying
5299 costs associated with resurfacing of National Guard Trout
5300 Road.....\$ 750,000.00

5301 (eeee) To assist Tallahatchie County, Mississippi, in
5302 paying costs associated with roof repair for Phillip Community
5303 Center in Tallahatchie County, Mississippi.....\$ 50,000.00

5304 (ffff) To assist the City of Petal, Mississippi, in
5305 paying costs associated with the construction of an access road

5306 beginning at or near the intersection of Central Avenue and M. J.
5307 Harris Drive in Petal, Mississippi, and running southerly into the
5308 Robert E. Russell Sports Complex.....\$ 500,000.00
5309 (gggg) To assist the City of Iuka, Mississippi, in
5310 paying costs associated with road paving, purchase of utility
5311 vehicles for the city's police department and fire department,
5312 city park upgrades, library repair and purchase of a dump truck
5313 and two (2) police cars.....\$ 250,000.00
5314 (hhhh) To assist the City of Pontotoc, Mississippi, in
5315 paying costs associated with relocating the fire station on Main
5316 Street in the city to a less congested corner lot near the current
5317 location.....\$ 750,000.00
5318 (iiii) To assist in paying costs associated with
5319 construction of the Agricola Multipurpose Center in George County,
5320 Mississippi.....\$ 1,600,000.00
5321 (jjjj) To assist in paying costs associated with
5322 industrial park wastewater replacement main in George County,
5323 Mississippi.....\$ 400,000.00
5324 (kkkk) To assist in paying costs associated with
5325 construction of a multipurpose arena in Jackson County,
5326 Mississippi.....\$ 750,000.00
5327 (llll) To assist Jasper County, Mississippi, in paying
5328 costs associated with repairs, resurfacing and improvements to
5329 roads and bridges including, but not limited to, CR 195
5330 and CR 215.....\$ 650,000.00

5331 (mmmm) To assist Smith County, Mississippi, in paying
5332 costs associated with repair and repaving of county
5333 roads.....\$ 250,000.00

5334 (nnnn) To assist in paying costs associated with
5335 acquisition of motor vehicles for the Winston County Sheriff's
5336 Department.....\$ 150,000.00

5337 (oooo) To assist Kemper County, Mississippi, in paying
5338 costs associated with a gas line project from Dekalb, Mississippi,
5339 to Scooba, Mississippi.....\$ 500,000.00

5340 (pppp) To assist in paying costs associated with the
5341 purchase of equipment for the Kemper County Volunteer Fire
5342 Department.....\$ 50,000.00

5343 (qqqq) To assist in paying costs associated with
5344 acquisition of motor vehicles for the Neshoba County Sheriff's
5345 Department.....\$ 150,000.00

5346 (rrrr) To assist the Town of Scooba, Mississippi, in
5347 paying costs associated with the renovation of town
5348 facilities.....\$ 75,000.00

5349 (ssss) To assist the City of Hattiesburg, Mississippi,
5350 in paying costs associated with improvements in infrastructure in
5351 the Midtown area of the city, including, but not limited to,
5352 roads, bridges, water, sewer, drainage, sidewalks, stormwater
5353 detention, land acquisition, utility relocation and
5354 lighting.....\$ 1,750,000.00

5355 (tttt) To assist the City of Hattiesburg, Mississippi,
5356 in paying costs associated with flood control, detention basins or
5357 other infrastructure improvements in and around Gordon's Creek
5358\$ 250,000.00

5359 (uuuu) To assist Alcorn County, Mississippi, in paying
5360 costs associated with repair and renovation of the Alcorn County
5361 Courthouse.....\$ 1,000,000.00

5362 (vvvv) To assist in paying costs associated with Alcorn
5363 County School District improvements.....\$ 150,000.00

5364 (wwww) To Alcorn County, Mississippi, to assist in
5365 paying Alcorn County Fire Chiefs and Firefighters Association
5366 expenses.....\$ 100,000.00

5367 (xxxx) To assist the Jacinto Foundation, Inc., in
5368 paying costs associated with capital improvements, repairing,
5369 renovating, restoring, rehabilitating, preserving, furnishing
5370 and/or equipping the Jacinto Courthouse and related facilities in
5371 Alcorn County, Mississippi.....\$ 100,000.00

5372 (yyyy) To assist Covington County, Mississippi, in
5373 paying costs associated with improvements to Kelly Creek Road
5374 and/or Fruitstand Road.....\$ 200,000.00

5375 (zzzz) To assist Jefferson Davis County, Mississippi,
5376 in paying costs associated with improvements to Willie Fortenberry
5377 Road, Gum Swamp Road and/or Sumrall Road.....\$ 100,000.00

5378 (aaaaa) To assist the Town of Shubuta, Mississippi, in
5379 paying costs associated with refurbishing, repair, renovation,
5380 restoration and furnishing of the Town Hall
5381 building.....\$ 200,000.00

5382 (bbbbbb) To assist Coahoma Community College in paying
5383 costs associated with completion of the HVAC system for the
5384 Coahoma County Higher Education Center.....\$ 150,000.00

5385 (ccccc) To assist Simpson County, Mississippi, in
5386 paying costs associated with various road paving
5387 projects.....\$ 500,000.00

5388 (ddddd) To assist the Town of D'Lo, Mississippi, in
5389 paying costs associated with paving South Maple Street, Elm
5390 Street, North Oak Street and North Maple Street.....\$ 200,000.00

5391 (eeeeee) To provide funds to be distributed equally
5392 among the following fire departments in Simpson County,
5393 Mississippi, and Rankin County, Mississippi, to assist in paying
5394 various department costs: Braxton Fire Department, Cato Fire
5395 Department, Harrisville Volunteer Fire Department, Magee Fire
5396 Department, Mendenhall Fire Department, Simpson County Station 7
5397 Fire Department, Old Pearl Volunteer Fire Department, Pinola Fire
5398 Department, Puckett Volunteer Fire Department and Shell Road
5399 Volunteer Fire Department.....\$ 150,000.00

5400 (fffff) To assist in paying costs associated with the
5401 purchase of playground equipment for Houston Community Park in
5402 Itawamba County.....\$ 50,000.00

5403 (ggggg) To assist Newton County, Mississippi, in paying
5404 costs associated with upgrades and repairs to Tanglewood
5405 Road.....\$ 450,000.00

5406 (hhhhh) To assist Scott County, Mississippi, in paying
5407 costs associated with infrastructure improvements on Coal Bluff
5408 Road.....\$ 350,000.00

5409 (iiiiii) To assist the Town of Plantersville,
5410 Mississippi, in paying costs associated with infrastructure
5411 improvements and the purchase of equipment for the town's police
5412 department.....\$ 100,000.00

5413 (jjjjj) To assist Oktibbeha County, Mississippi, in
5414 paying costs associated with upgrades and improvements to Maben
5415 Sturgis Road.....\$ 1,000,000.00

5416 (kkkkk) To assist the City of Starkville, Mississippi,
5417 in paying costs associated with the city's Main Street
5418 project.....\$ 1,250,000.00

5419 (lllll) To assist Humphreys County, Mississippi, in
5420 paying costs associated with repairs, including asbestos removal,
5421 to the Humphreys County Courthouse.....\$ 400,000.00

5422 (mmmmm) To assist the City of New Albany, Mississippi,
5423 in paying costs associated with central business district
5424 renovations.....\$ 250,000.00

5425 (nnnnn) To assist the CREATE Foundation in paying costs
5426 associated with storm shelter and community center renovations in
5427 the Red Hill Community in Union County,

5428 Mississippi.....\$ 150,000.00

5429 (oooo) To the Board of Trustees of Southwest

5430 Mississippi Community College for the purpose of providing funds

5431 for the costs associated with the construction of a new outdoor

5432 multipurpose center on the campus of the college....\$ 500,000.00

5433 (ppppp) To Scenic Rivers Development Alliance for the

5434 purpose of making improvements at parks and facilities as follows:

5435 golf cart path repairs and course equipment upgrades at Quail

5436 Hollow Golf Course in Pike County; building repairs and equipment

5437 upgrades at Bogue Chitto Water Park in Pike County; building

5438 repairs, arena equipment and bleachers at Ethel Vance Park in Pike

5439 County; building repairs and fencing at Liberty Town Fields in

5440 Pike County; ADA sidewalk improvements and building repairs at

5441 Walkers Bridge Water Park in Walthall County; pier improvements,

5442 building improvements and road improvements at the County Outdoor

5443 Complex in Walthall County and park improvements in Franklin

5444 County.....\$ 1,000,000.00

5445 (qqqqq) To assist the Caledonia Natural Gas District in

5446 paying costs associated with acquisition of three (3) pickup

5447 trucks to be used as service trucks.....\$ 150,000.00

5448 (rrrrr) To assist Neshoba County, Mississippi, for the

5449 reimbursement of prior costs associated with transition to the

5450 MSWIN system.....\$ 1,000,000.00

5451 (sssss) To assist in paying costs associated with the

5452 Neshoba General Hospital Ambulance Enterprise.....\$ 250,000.00

5453 (ttttt) To assist the Briarwood Pool in Jackson,
5454 Mississippi, in paying costs associated with ADA requirements and
5455 accessibility plan.....\$ 250,000.00

5456 (uuuuu) To assist Hinds County, Mississippi, in paying
5457 costs associated with Phase I White Oak Creek streambank erosion
5458 improvements to a portion of the creek running from at or near Old
5459 Canton Road to at or near Briarwood Drive in the City of Jackson,
5460 Mississippi.....\$ 2,000,000.00

5461 (vvvvv) To assist the City of Tupelo, Mississippi, in
5462 paying costs associated with improvements to Endville Road
5463\$ 500,000.00

5464 (wwwww) To provide funds to Wayne County, Mississippi,
5465 to be distributed equally among the following volunteer fire
5466 departments in Wayne County, Mississippi, to assist in paying
5467 various department costs: Battles Volunteer Fire Department, Beat
5468 Four Volunteer Fire Department, Buckatunna Volunteer Fire
5469 Department, Central Volunteer Fire Department, Clara Volunteer
5470 Fire Department, Coyt Volunteer Fire Department, Crossroads
5471 Volunteer Fire Department, Denham Volunteer Fire Department,
5472 Ecutta Volunteer Fire Department, Hiwanee Volunteer Fire
5473 Department, Matherville Volunteer Fire Department, Maynor Creek
5474 Volunteer Fire Department, Mulberry Volunteer Fire Department,
5475 Pleasant Grove Volunteer Fire Department, Progress Volunteer Fire
5476 Department, Strengthford Volunteer Fire Department and Yellow
5477 Creek Volunteer Fire Department.....\$ 340,000.00

5478 (xxxxx) To assist the City of Waynesboro, Mississippi,
5479 in paying city fire department costs.....\$ 70,000.00

5480 (yyyyy) To assist the Town of State Line, Mississippi,
5481 in paying various department costs for Stateline Volunteer Fire
5482 Department.....\$ 20,000.00

5483 (zzzzz) To assist in paying various department costs
5484 for Richton Volunteer Fire Department in Perry County,
5485 Mississippi.....\$ 20,000.00

5486 (aaaaaa) To assist the Town of State Line, Mississippi,
5487 in paying costs associated with acquisition of motor vehicles for
5488 the city's police department.....\$ 50,000.00

5489 (bbbbbb) To assist the City of Picayune, Mississippi,
5490 in paying costs associated with improvements to North Frontage
5491 Road from Interstate 59 in Picayune.....\$ 850,000.00

5492 (cccccc) To assist the City of Raymond, Mississippi, in
5493 paying costs associated with renovation, rehabilitation and
5494 expansion of and additions to the city's police
5495 station.....\$ 250,000.00

5496 (dddddd) To assist Benton County, Mississippi, in
5497 paying costs associated with maintenance of roads and
5498 bridges.....\$ 500,000.00

5499 (eeeee) To assist the Town of Potts Camp, Mississippi,
5500 in paying costs associated with the acquisition of a fire
5501 truck.....\$ 300,000.00

5502 (ffffff) To assist the Town of Hickory Flat,
5503 Mississippi, in paying costs associated with the acquisition of
5504 equipment for the town's police department.....\$ 100,000.00
5505 (gggggg) To assist Union County, Mississippi, in paying
5506 costs associated with maintenance of roads in Supervisors District
5507 1 in Union County.....\$ 500,000.00
5508 (hhhhhh) To assist Union County, Mississippi, in paying
5509 costs associated with maintenance of roads in Supervisors District
5510 2 in Union County.....\$ 500,000.00
5511 (iiiiii) To provide matching funds to the City of
5512 Charleston, Mississippi, for the repair of Charleston City
5513 Hall.....\$ 250,000.00
5514 (jjjjjj) To assist the Town of Coffeerville,
5515 Mississippi, in paying costs associated with street
5516 improvements.....\$ 125,000.00
5517 (kkkkkk) To assist the City of Water Valley,
5518 Mississippi, in paying costs associated with renovation of the
5519 Water Valley Civic Auditorium.....\$ 225,000.00
5520 (llllll) To assist Pearl River County, Mississippi, in
5521 paying costs associated with county road maintenance
5522\$ 500,000.00
5523 (mmmmmm) To assist the City of Morton, Mississippi, in
5524 paying costs associated with repairs, resurfacing, upgrades and
5525 improvements to streets and roads around Morton High School and
5526 surrounding areas in the City of Morton.....\$ 150,000.00

5527 (nnnnnn) To provide funds to be distributed equally
5528 among the eight (8) volunteer fire departments in Scott County,
5529 Mississippi, to assist in paying various department costs and
5530 expenses.....\$ 200,000.00

5531 (oooooo) To assist in paying costs associated with
5532 repair and renovation of facilities at Chautauqua Park in Crystal
5533 Springs, Mississippi.....\$ 500,000.00

5534 (pppppp) To assist Quitman Community Hospital in paying
5535 costs associated with improvements and upgrades to facilities and
5536 equipment.....\$ 500,000.00

5537 (qqqqqq) To provide funds to be distributed in the
5538 amount of \$25,000.00 to fire departments in Prentiss County,
5539 Mississippi, to assist in paying equipment costs....\$ 375,000.00

5540 (rrrrrr) To assist the City of Senatobia, Mississippi,
5541 in paying costs associated with lighting and other improvements to
5542 city-owned facilities.....\$ 1,000,000.00

5543 (ssssss) To assist Tate County, Mississippi, in paying
5544 costs associated with road and infrastructure
5545 improvements.....\$ 5,000,000.00

5546 (tttttt) To assist in paying costs associated with
5547 construction of an Agriculture Technology building at Independence
5548 High School in the Tate County School District.....\$ 750,000.00

5549 (uuuuuu) To provide funds to be distributed equally
5550 among all volunteer fire departments in Clarke County,
5551 Mississippi, to assist in paying equipment costs and for

5552 upgrades.....\$ 150,000.00

5553 (vvvvvv) To assist in paying costs associated with

5554 acquisition of motor vehicles with upfit, lights, cages and

5555 sirens, for the Clarke County Sheriff's

5556 Department.....\$ 100,000.00

5557 (wwwww) To assist Lincoln County, Mississippi, in

5558 paying costs associated with HVAC system and equipment repairs

5559 and/or replacement.....\$ 500,000.00

5560 (xxxxxx) To assist Jackson Metropolitan Technical

5561 Center in paying costs associated with roof and building repairs

5562 for its building.....\$ 100,000.00

5563 (yyyyyy) To assist Attala County, Mississippi, to

5564 provide funds for the acquisition of fire trucks for Carmack

5565 Volunteer Fire Department, Friendship Volunteer Fire Department,

5566 Providence Fire Department and Zama Volunteer Fire

5567 Department.....\$ 1,000,000.00

5568 (zzzzzz) To assist Attala County, Mississippi, in

5569 defraying expenses associated with repairs, resurfacing and other

5570 improvements to county roads and bridges.....\$ 1,000,000.00

5571 (aaaaaaa) To assist Leake County, Mississippi, to

5572 provide funds for the acquisition of fire trucks, firefighting

5573 equipment and gear for volunteer fire departments in

5574 Leake County.....\$ 2,000,000.00

5575 (bbbbbbb) To assist Attala County, Mississippi, in
5576 paying costs associated with repair and/or replacement of the roof
5577 for the Jack Post Industrial Building.....\$ 1,000,000.00

5578 (ccccccc) To assist the Town of West, Mississippi, in
5579 paying costs associated with repairs and improvements to town
5580 facilities.....\$ 200,000.00

5581 (dddddd) To assist the City of Kosciusko, Mississippi,
5582 in paying costs associated with repair and maintenance of city
5583 facilities.....\$ 500,000.00

5584 (eeeeeee) To assist in paying costs associated with
5585 construction of a new building for American Legion Post No. 44 in
5586 Attala County, Mississippi.....\$ 300,000.00

5587 (ffffffff) To assist the City of Clinton, Mississippi,
5588 in paying costs associated with site work for and construction and
5589 development of streets, street lighting and signals, electrical
5590 and communications distribution systems and equipment, water
5591 system and sewer system infrastructure and related infrastructure
5592 within an area bound by U.S. Highway 80, Springridge Road,
5593 Interstate 20 and Clinton-Raymond Road/Madison Street in the City
5594 of Clinton.....\$ 8,000,000.00

5595 (ggggggg) To assist the Town of Flora, Mississippi, in
5596 paying costs associated with improvements to the town's water
5597 system and sewer system infrastructure.....\$ 1,000,000.00

5598 (hhhhhhh) To assist Rankin County, Mississippi, in
5599 defraying expenses associated with repairs, resurfacing and other
5600 improvements to roads and bridges.....\$ 8,000,000.00

5601 (iiiiiii) To assist the City of Brandon, Mississippi,
5602 in paying costs associated with infrastructure
5603 improvements.....\$ 2,000,000.00

5604 (jjjjjjj) To assist the City of Pearl, Mississippi, in
5605 paying costs associated with construction of a bridge extending
5606 from the intersection of the extension of Ware Street and
5607 relocated St. Augustine Street to Pearson Road in the City of
5608 Pearl.....\$ 500,000.00

5609 (kkkkkkk) To assist Harrison County, Mississippi, in
5610 paying costs associated with Sportsplex improvements in the City
5611 of Long Beach, Mississippi.....\$ 1,500,000.00

5612 (lllllll) To assist in paying costs associated with
5613 improvements to Lumpkin Stadium for the Long Beach School
5614 District.....\$ 100,000.00

5615 (mmmmmmm) To provide \$22,222.22 to each of the
5616 following fire departments in Choctaw County, Mississippi, to
5617 assist in paying various department costs: Chester Volunteer Fire
5618 Department, Town of Ackerman Fire Department, Bywy Volunteer Fire
5619 Department, Simpson Volunteer Fire Department, Town of Weir Fire
5620 Department, Panhandle Volunteer Fire Department, Union Volunteer
5621 Fire Department and Town of French Camp Fire Department and to

5622 provide \$22,222.24 to the Reform Fire Department in Choctaw
5623 County, Mississippi, to assist in paying various department
5624 costs.....\$ 200,000.00

5625 (nnnnnnn) To provide funds to Winston County,
5626 Mississippi, to be distributed equally among the following fire
5627 departments in Winston County, Mississippi, to assist in paying
5628 various department costs: Nanih Waiya Volunteer Fire Department,
5629 Shiloh Volunteer Fire Department, City of Louisville Fire
5630 Department, Lo Butcha Volunteer Fire Department, Town of Noxapater
5631 Volunteer Fire Department and Mars Hill Volunteer Fire
5632 Department.....\$ 120,000.00

5633 (ooooooo) To provide funds to be distributed equally
5634 among the following fire departments in Webster County,
5635 Mississippi, to assist in paying various department costs: Town
5636 of Mathiston Volunteer Fire Department, City of Eupora Fire
5637 Department and Tomnolen Volunteer Fire
5638 Department.....\$ 60,000.00

5639 (ppppppp) To assist the City of Eupora, Mississippi, in
5640 paying costs associated with street repairs, resurfacing and
5641 improvements.....\$ 300,000.00

5642 (qqqqqqq) To assist the City of Louisville,
5643 Mississippi, in paying the costs associated with constructing a
5644 road and other transportation infrastructure in the City of
5645 Louisville that will provide and improve access to land owned by

5646 the city designated for an economic development project on or near
5647 the location of Winston Plywood & Veneer.....\$ 200,000.00
5648 (rrrrrrr) To assist the Town of French Camp,
5649 Mississippi, in paying the costs associated with sidewalk repairs,
5650 lighting and improvements for the town's Historic Downtown
5651 District and School Street.....\$ 100,000.00
5652 (sssssss) To provide funds to Choctaw County,
5653 Mississippi, for repairs and resurfacing of roads...\$ 500,000.00
5654 (ttttttt) To assist the Town of Ackerman, Mississippi,
5655 in paying costs associated with street repairs, resurfacing and
5656 improvements.....\$ 200,000.00
5657 (uuuuuuu) To assist the Town of Mathiston, Mississippi,
5658 in paying costs associated with construction, repair, renovation,
5659 upgrades and improvements to the town's
5660 facilities.....\$ 100,000.00
5661 (vvvvvvv) To assist Choctaw County, Mississippi, in
5662 paying costs associated with Courthouse renovations and
5663 improvements.....\$ 100,000.00
5664 (wwwwwww) To assist American Legion Post 82 in the Town
5665 of Ackerman, Mississippi, in paying costs associated with the Post
5666 building and Post activities.....\$ 25,000.00
5667 (xxxxxxx) To assist VFW Post 3806 in the City of
5668 Eupora, Mississippi, in paying costs associated with the Post
5669 building and Post activities.....\$ 25,000.00

5670 (yyyyyyy) To assist VFW Post 4540 in Winston County,
5671 Mississippi, in paying costs associated with the Post building and
5672 Post activities.....\$ 25,000.00

5673 (zzzzzzz) To assist the American Legion Post 82 in the
5674 Town of Ackerman, Mississippi, in paying costs associated with the
5675 Post building and Post activities.....\$ 25,000.00

5676 (aaaaaaaa) To assist in paying the costs associated
5677 with land acquisition, site development and construction,
5678 furnishing and equipping of new buildings and facilities for, and
5679 the relocation of, the Mississippi Armed Forces Museum at Camp
5680 Shelby to property owned by the Mississippi Military Department
5681 and located near Camp Shelby in Forrest County,
5682 Mississippi.....\$ 6,000,000.00

5683 (bbbbbbbb) To assist the City of Pascagoula,
5684 Mississippi, in paying costs associated with renovations of
5685 city offices.....\$ 1,000,000.00

5686 (ccccccc) To assist the Town of Sardis, Mississippi,
5687 in paying costs associated with repairs, resurfacing and other
5688 improvements to roads and bridges.....\$ 250,000.00

5689 (dddddddd) To assist the Town of Como, Mississippi, in
5690 paying costs associated with repairs, resurfacing and other
5691 improvements to roads and bridges.....\$ 250,000.00

5692 (eeeeeeee) To assist the City of Bay Springs,
5693 Mississippi, in paying the costs associated with repairs to Payton
5694 Avenue.....\$ 35,000.00

5695 (ffffff) To assist the Town of Heidelberg,
5696 Mississippi, in paying the costs associated with repairs to Walnut
5697 Street.....\$ 45,000.00

5698 (gggggg) To assist East Jasper School District in
5699 paying the costs associated with the acquisition of the Old
5700 Heidelberg Academy.....\$ 350,000.00

5701 (hhhhhh) To assist the City of Hattiesburg,
5702 Mississippi, in paying the costs associated with improvements to
5703 Dabbs Street.....\$ 250,000.00

5704 (iiiiiii) To assist Lincoln County, Mississippi, in
5705 paying the costs associated with repairs and improvements to the
5706 county courthouse.....\$ 350,000.00

5707 (jjjjjj) To assist the City of Carthage, Mississippi,
5708 in paying the costs associated with the repair and renovation of
5709 the coliseum.....\$ 600,000.00

5710 (kkkkkk) To assist Holmes County, Mississippi, in
5711 paying the costs associated with the paving and improvements to
5712 Salem/Courts Road.....\$ 600,300.00

5713 (llllll) To assist Tougaloo College in paying the
5714 costs associated with the improvement, renovation and preservation
5715 of the historic Mansion building.....\$ 600,000.00

5716 (mmmmmm) To assist the City of Southaven,
5717 Mississippi, in paying costs associated with a traffic signal at
5718 the intersection of Airways Boulevard and
5719 Guthrie Drive.....\$ 270,000.00

5720 (nnnnnnnn) To assist DeSoto County, Mississippi, in
5721 paying the costs associated with a traffic signal at the
5722 intersection of Byhalia Road and Hwy 305 in Lewisburg/Olive
5723 Branch.....\$ 270,000.00

5724 (oooooooo) To assist Marshall County, Mississippi, in
5725 paying the costs associated with building the Chickasaw Trail
5726 Emergency Response Center.....\$ 1,000,000.00

5727 (pppppppp) To assist the Town of Terry, Mississippi, in
5728 paying the costs associated with the renovation of a community
5729 center.....\$ 30,000.00

5730 (qqqqqqqq) To assist the City of Byram, Mississippi, in
5731 paying the costs associated with bridge and drainage
5732 projects.....\$ 500,000.00

5733 (rrrrrrrr) To assist the City of Jackson, Mississippi,
5734 in paying costs associated with renovations and upgrades for
5735 Thalia Mara Hall.....\$ 2,000,000.00

5736 (ssssssss) To assist the City of Jackson, Mississippi,
5737 in paying costs associated with renovations and upgrades for the
5738 Jackson Planetarium.....\$ 2,000,000.00

5739 (tttttttt) To assist Panola County, Mississippi, in
5740 paying the costs associated with airport improvements
5741\$ 500,000.00

5742 (uuuuuuuu) To assist the Town of Sardis, Mississippi,
5743 in paying costs associated with the Sardis Lake Development
5744 project.....\$ 1,700,000.00

5745 (vvvvvvvv) To assist the Town of Noxapater,
5746 Mississippi, in paying the costs associated with paving, repairs
5747 and improvements to city streets.....\$ 250,000.00

5748 (wwwwwww) To assist the Town of Walnut Grove,
5749 Mississippi, in paying the costs associated with the purchase of a
5750 new fire truck.....\$ 250,000.00

5751 (xxxxxxxx) To assist the Lee County 4th District
5752 Community Development Group, a nonprofit corporation, in paying
5753 the costs associated with the construction/improvement to its
5754 community center.....\$ 300,000.00

5755 (yyyyyyyy) To assist the Windows of Amory, a nonprofit
5756 corporation, for expenses related to improvements and operations
5757 of the former First Christian Church, known as
5758 "The Windows".....\$ 200,000.00

5759 (zzzzzzzz) To assist the City of Aberdeen, Mississippi,
5760 in paying the costs associated with repairs and improvements to
5761 the Magnolias.....\$ 150,000.00

5762 (aaaaaaaaa) To assist Claiborne County, Mississippi, in
5763 paying the costs associated with repairs and improvements to
5764 historical structures in the county.....\$ 75,000.00

5765 (bbbbbbbb) To assist Claiborne County, Mississippi, in
5766 paying the costs associated with the replacement of an air
5767 conditioning and heating system for the county jail
5768\$ 80,000.00

5769 (ccccccccc) To assist Claiborne County, Mississippi, in
5770 paying the costs associated with the resurfacing of
5771 Russom-Westside Road.....\$ 300,000.00
5772 (ddddddddd) To assist the Summit Community Development
5773 Foundation in paying the costs associated with the Stand Pipe
5774 project.....\$ 200,000.00
5775 (eeeeeeeee) To assist the City of Natchez, Mississippi,
5776 in paying the costs associated with lighting of the Mississippi
5777 River Bridge.....\$ 500,000.00
5778 (fffffffff) To assist the City of Magee, Mississippi,
5779 in paying the costs associated with infrastructure
5780 improvements.....\$ 150,000.00
5781 (ggggggggg) To assist the City of Mendenhall,
5782 Mississippi, in paying costs associated with infrastructure
5783 improvements.....\$ 150,000.00
5784 (hhhhhhhhh) To assist Montgomery County, Mississippi,
5785 in defraying expenses for infrastructure improvements and
5786 industrial facility.....\$ 1,000,000.00
5787 (iiiiiiiiiii) To assist Attala County, Mississippi, in
5788 paying the costs associated with roof repairs for a county-owned
5789 building.....\$ 600,000.00
5790 (jjjjjjjjjj) To assist the Mississippi Department of
5791 Transportation in paying the costs associated with an overpass for
5792 Old Highway 63 over Highway 98.....\$ 1,200,000.00

5793 (kkkkkkkkk) To assist Greene County, Mississippi, in
5794 paying the costs associated with asbestos abatement and demolition
5795 of an abandoned factory building.....\$ 600,000.00

5796 (111111111) To assist Greene County, Mississippi, in
5797 paying the costs associated with the conversion of the old
5798 farmer's market into a regional emergency operations
5799 center.....\$ 1,200,000.00

5800 (mmmmmmmmm) To assist the Greene County School District
5801 in paying costs associated with tornado and wind damage at the
5802 McLain Attendance Center.....\$ 50,000.00

5803 (nnnnnnnnn) To assist the City of D'Iberville,
5804 Mississippi, in paying the costs associated with upgrades,
5805 mitigation and improvements to the city marina.....\$ 750,000.00

5806 (ooooooooo) To assist Jackson County, Mississippi, in
5807 paying the costs associated with the renovations and expansions of
5808 the Ball Park Road Fire Station.....\$ 750,000.00

5809 (ppppppppp) To assist the City of Ocean Springs,
5810 Mississippi, in paying costs associated with improvements to Riley
5811 Road.....\$ 500,000.00

5812 (qqqqqqqqq) To assist the Pearl & Leaf Rivers Rails to
5813 Trails Recreational District in paying the costs associated with
5814 overlaying the trail from James Lynn Cartlidge Gateway to Carolyn
5815 McRaney Gateway and paving the parking lots at
5816 stations.....\$ 1,500,000.00

5817 (rrrrrrrrrr) To assist the City of Flowood, Mississippi,
5818 in paying the costs associated with infrastructure improvements to
5819 North Flowood Drive.....\$ 2,000,000.00

5820 (sssssssss) To assist the Mississippi Department of
5821 Transportation in paying the costs associated with improvements to
5822 Highway 25 between Grants Ferry Road and Mississippi
5823 Highway 471.....\$ 4,000,000.00

5824 (ttttttttt) To assist the City of Macon, Mississippi,
5825 in paying the costs associated with inspection, repairs and
5826 improvements to the Electric Department Office.....\$ 40,000.00

5827 (uuuuuuuuu) To assist Noxubee County, Mississippi, in
5828 paying the costs associated with a roof replacement on the county
5829 courthouse.....\$ 400,000.00

5830 (vvvvvvvvv) To assist the City of Poplarville,
5831 Mississippi, in paying costs associated with the acquisition of a
5832 new fire truck.....\$ 500,000.00

5833 (wwwwwww) To assist Warren County, Mississippi, in
5834 paying the costs associated with upgrades and improvements for the
5835 historic Old Courthouse and grounds in Vicksburg....\$ 650,000.00

5836 (xxxxxxxxx) To assist the City of Gulfport,
5837 Mississippi, in paying costs associated with the Interconnecting
5838 Gulfport project related to the federal BUILD grant route, to
5839 include Pool Street Extension, Creosote Road Extension, and Daniel
5840 Boulevard Extension.....\$ 3,500,000.00

5841 (yyyyyyyyyy) To assist Yazoo County, Mississippi, in
5842 paying the costs associated with the construction and repairs of
5843 the Lake George Bridge.....\$ 3,000,000.00
5844 (zzzzzzzzzz) To assist Issaquena County, Mississippi, in
5845 paying the costs associated with the construction and repairs of
5846 the Mannie Road Bridge.....\$ 1,500,000.00
5847 (aaaaaaaaaa) To assist Sharkey County, Mississippi, in
5848 paying the costs associated with the construction and repairs of
5849 the Low Water Bridge Road Bridge.....\$ 1,500,000.00
5850 (bbbbbbbbbb) To assist the Warren County Port
5851 Commission in defraying expenses for environmental and
5852 permit.....\$ 500,000.00
5853 (cccccccccc) To assist Quitman County, Mississippi, in
5854 paying the costs associated with infrastructure improvements on
5855 county roads and bridges.....\$ 500,000.00
5856 (dddddddddd) To assist Perry County, Mississippi, in
5857 paying the costs associated with the widening of
5858 Cochran Road.....\$ 600,000.00
5859 (eeeeeeeeeee) To assist the City of Richland,
5860 Mississippi, in paying the costs associated with the Highway 49
5861 pedestrian crossover.....\$ 500,000.00
5862 (fffttttttttt) To assist the City of Pearl, Mississippi,
5863 in paying the costs associated with the Pearl-Richland Intermodal
5864 Bridge.....\$ 2,000,000.00

5865 (gggggggggg) To assist the Mississippi Department of
5866 Transportation in paying the costs associated with improvements to
5867 Highway 21 in Sebastopol, Mississippi.....\$ 400,000.00

5868 (hhhhhhhhh) To assist the Town of Decatur,
5869 Mississippi, in paying the costs associated with upgrading rescue
5870 extrication equipment.....\$ 60,000.00

5871 (iiiiiiiiiii) To assist the City of Hernando,
5872 Mississippi, in paying the costs associated with infrastructure
5873 improvements to the Oak Grove and Highway 51 intersection
5874\$ 500,000.00

5875 (jjjjjjjjjj) To assist the City of Tupelo,
5876 Mississippi, in the refurbishment of Ballard Park for the purposes
5877 of renovation and to establish a special needs (all inclusive)
5878 children's playground.....\$ 500,000.00

5879 (kkkkkkkkkk) To assist the City of Tupelo, Mississippi,
5880 in paying costs associated with turnaround access at the Elvis
5881 Presley Birthplace.....\$ 250,000.00

5882 (lllllllllll) To assist the City of Saltillo,
5883 Mississippi, in paying the costs associated with infrastructure
5884 improvements.....\$ 250,000.00

5885 (mmmmmmmmmm) To assist the City of Gluckstadt,
5886 Mississippi, in paying the costs associated with the acquisition
5887 of land and construction of a new police station....\$ 1,000,000.00

5888 (nnnnnnnnnn) To assist the City of Ridgeland,
5889 Mississippi, in paying the costs associated with the construction
5890 of the Commerce Park Connector Road.....\$ 1,000,000.00
5891 (oooooooooooo) To assist the City of Ridgeland,
5892 Mississippi, in paying the costs associated with road paving and
5893 improvements to city streets.....\$ 1,500,000.00
5894 (ppppppppppp) To assist the City of Olive Branch,
5895 Mississippi, in paying the costs associated with infrastructure
5896 improvement on Pleasant Hill Road from SR 302 to Stateline
5897 Road.....\$ 750,000.00
5898 (qqqqqqqqqqq) To assist the Horn Lake Creek Basin
5899 Interceptor Sewer District in paying the costs associated with an
5900 infrastructure project.....\$10,000,000.00
5901 (rrrrrrrrrrr) To assist the City of Corinth,
5902 Mississippi, in paying the costs associated with the EFLAP Bridge
5903 Replacement.....\$ 500,000.00
5904 (sssssssssss) To assist Alcorn County, Mississippi, in
5905 paying the costs associated with infrastructure improvements at
5906 the Getwell Road and Harper Road Intersection.....\$ 350,000.00
5907 (ttttttttttt) To assist the Town of Blue Mountain,
5908 Mississippi, in paying the costs associated with improvements to
5909 the Blue Mountain Children's Park.....\$ 150,000.00
5910 (uuuuuuuuuuu) To assist the Town of Farmington,
5911 Mississippi, in paying the costs associated with computer
5912 equipment upgrades for city hall.....\$ 25,000.00

5913 (vvvvvvvvvvv) To assist the City of Corinth,
5914 Mississippi, in paying the costs associated with the Corinth
5915 Veterans Honor Memorial.....\$ 25,000.00

5916 (wwwwwwwww) To assist the University of Southern
5917 Mississippi in paying the costs associated with re-roofing the
5918 coliseum.....\$ 500,000.00

5919 (xxxxxxxxx) To assist Stone County, Mississippi, in
5920 paying the costs associated with road paving and improvements to
5921 county roads and bridges.....\$ 500,000.00

5922 (yyyyyyyyy) To assist the City of Greenville,
5923 Mississippi, in paying the costs of construction and development
5924 of the downtown green space associated with the new federal
5925 courthouse as part of the Thad Cochran Project.....\$ 500,000.00

5926 (zzzzzzzzz) To assist the City of Greenville,
5927 Mississippi, in paying the costs of redevelopment of Hangar 173 at
5928 airport to assist the Mississippi Delta Community College (MDCC)
5929 Aerospace Maintenance Instruction Program.....\$ 1,500,000.00

5930 (aaaaaaaaa) To assist the City of Cleveland,
5931 Mississippi, in paying the costs associated with the Airport
5932 Terminal Road Extension Project.....\$ 1,000,000.00

5933 (bbbbbbbbb) To assist Tishomingo County, Mississippi,
5934 in paying the costs associated with a tornado siren and storm
5935 shelter at Carter's Branch Volunteer
5936 Fire Department.....\$ 50,000.00

5937 (ccccccccccc) To assist the Town of Marietta,
5938 Mississippi, in paying the costs associated with an infrastructure
5939 project.....\$ 165,000.00
5940 (ddddddddddd) To assist the Town of Mantachie,
5941 Mississippi, in paying the costs associated with modernizing the
5942 town's police force.....\$ 100,000.00
5943 (eeeeeeeeeeee) To assist Tishomingo County, Mississippi,
5944 in paying the costs associated with a roof replacement for the
5945 Circuit Courthouse.....\$ 400,000.00
5946 (fffffffffffff) To assist the City of Iuka, Mississippi,
5947 in paying the costs associated with repairs and improvements to
5948 city streets.....\$ 150,000.00
5949 (gggggggggggg) To assist the Yellow Creek Inland Port
5950 Authority in paying the costs associated with infrastructure and
5951 port improvement.....\$ 1,500,000.00
5952 (hhhhhhhhhhhh) To assist Pontotoc County, Mississippi,
5953 in paying the costs associated with a Veteran's Service Center in
5954 Pontotoc.....\$ 125,000.00
5955 (iiiiiiiiiiii) To assist Pontotoc County, Mississippi,
5956 in paying costs associated with improvements to the
5957 Fairgrounds/Exhibit Building Parking Project.....\$ 100,000.00
5958 (jjjjjjjjjjjj) To assist the City of Calhoun City,
5959 Mississippi, in paying the costs associated with paving and
5960 improvements to city streets.....\$ 200,000.00

5961 (kkkkkkkkkkk) To assist the Mississippi Arts and
5962 Entertainment Experience (The MAX) in paying the costs associated
5963 with upgrading exhibits.....\$ 250,000.00

5964 (11111111111) To assist Yazoo County, Mississippi, in
5965 paying costs associated with renovations at the Oakes
5966 African-American Cultural Center.....\$ 100,000.00

5967 (mmmmmmmmmmm) To assist the City of Pass Christian,
5968 Mississippi, in paying the costs associated with the Pass
5969 Christian Downtown Redevelopment Initiative.....\$ 750,000.00

5970 (nnnnnnnnnnn) To assist Clay County, Mississippi, in
5971 paying the costs associated with the renovations of the county
5972 courthouse.....\$ 350,000.00

5973 (ooooooooooo) To assist the City of West Point,
5974 Mississippi, in paying the costs associated with road paving and
5975 improvements to city streets.....\$ 400,000.00

5976 (ppppppppppp) To assist the City of Macon, Mississippi,
5977 for reimbursement to the city for engineers, clean up of debris,
5978 and to stabilize exterior of Electric Department when surrounding
5979 buildings collapsed (local state of emergency).....\$ 35,000.00

5980 (qqqqqqqqqqq) To assist the Pascagoula Redevelopment
5981 Authority in paying the costs associated with the downtown
5982 revitalization project.....\$ 750,000.00

5983 (rrrrrrrrrrr) To assist the City of Eupora,
5984 Mississippi, in paying the costs associated with the construction
5985 of an amphitheater.....\$ 50,000.00

5986 (sssssssssss) To assist the City of Eupora,
5987 Mississippi, in paying the costs associated with a
5988 walking trail.....\$ 10,000.00

5989 (ttttttttttt) To assist Lowndes County, Mississippi, in
5990 paying the costs associated with the construction, development,
5991 upgrades and improvements to the rail yard expansion at the West
5992 Bank Port, and other rail improvements in Lowndes County that
5993 provide otherwise support freight rail service to and from the
5994 West Bank Port.....\$ 3,200,000.00

5995 (uuuuuuuuuuu) To assist the City of Jackson,
5996 Mississippi, in paying the costs associated with the widening,
5997 straightening and clearing debris from Eubanks Creek from State
5998 Street to Old Canton Road.....\$ 500,000.00

5999 (vvvvvvvvvvv) To assist the Department of Finance and
6000 Administration in paying the costs associated with the development
6001 of the LeFleur's Bluff Otter Creek Golf Park and Connector Trail
6002 Project.....\$13,250,000.00

6003 (wwwwwwwwwww) To assist the City of Vicksburg,
6004 Mississippi, in paying costs associated with the river front
6005 development.....\$ 3,500,000.00

6006 (xxxxxxxxxxxx) To assist the City of Pelahatchie,
6007 Mississippi, in paying the costs associated with repairs and
6008 improvements to roads and bridges.....\$ 300,000.00

6009 (yyyyyyyyyyyy) To assist the Marty Stuart Congress of
6010 Country Music Museum in paying the costs associated with the
6011 completion of the Ellis Theatre.....\$ 500,000.00

6012 (zzzzzzzzzzz) To assist the City of Water Valley,
6013 Mississippi, in paying the costs associated with upgrades and
6014 improvements to the city-owned electrical system....\$ 500,000.00

6015 (aaaaaaaaaaaa) To assist the North Mississippi Health
6016 Services in paying the costs associated with the unfinished
6017 dedicated operating room for cesarean deliveries at the hospital
6018 in Amory, Mississippi, which room may be used as a negative
6019 pressure room\$ 1,000,000.00

6020 (bbbbbbbbbbbb) To assist the B.B. King Museum and Delta
6021 Interpretive Center in paying costs associated with renovations,
6022 repairs and improvements to the B.B. King Museum and
6023 Club Ebony.....\$ 2,500,000.00

6024 (ccccccccccc) To assist the Department of Finance and
6025 Administration - Bureau of Building, Ground and Real Property
6026 Management for the Mississippi Sports Hall of Fame and Museum in
6027 paying costs associated with renovations, repairs and improvements
6028 to the Mississippi Sports Hall of Fame.....\$ 2,500,000.00

6029 (ddddddddddd) To assist the Town of Macon,
6030 Mississippi, in paying costs associated with storm cleanup and
6031 emergency operation including storm debris removal..\$ 75,000.00

6032 (eeeeeeeeeeee) To assist Noxubee County, Mississippi,
6033 in paying costs associated with repair of the Veterans

6034 Building.....\$ 25,000.00

6035 (ffffffffffff) To assist Noxubee County, Mississippi,

6036 in paying costs associated with road maintenance

6037 and repairs.....\$ 150,000.00

6038 (gggggggggggg) [Deleted]

6039 (hhhhhhhhhhhh) To assist the Town of Vaiden,

6040 Mississippi, in paying costs associated with various

6041 infrastructure projects.....\$ 100,000.00

6042 (iiiiiiiiiiii) To assist the Town of McCool,

6043 Mississippi, in paying costs associated with various

6044 infrastructure projects.....\$ 100,000.00

6045 (jjjjjjjjjjjj) To assist the Tate County Heritage

6046 Museum in paying costs associated with acquisition and updating of

6047 exhibits and displays and repair, restoration, upgrades and

6048 improvements to equipment and facilities.....\$ 50,000.00

6049 (kkkkkkkkkkkk) To assist the Mississippi's Toughest

6050 Kids Foundation in paying the costs associated with:

6051 (i) Design, preplanning, construction, furnishing

6052 and equipping of buildings and related facilities at Camp Kamassa

6053 in Copiah County, Mississippi; and

6054 (ii) Design, preplanning, construction and

6055 development of infrastructure at Camp Kamassa in Copiah County,

6056 Mississippi.....\$ 1,000,000.00

6057 **SECTION 61.** Section 41-26-14, Mississippi Code of 1972, is

6058 brought forward as follows:

6059 41-26-14. (1) The department shall develop and implement a
6060 cross connection control program in accordance with this section.
6061 Before development of the cross connection control program, the
6062 department shall consult with the United States Environmental
6063 Protection Agency regarding the development of a federal cross
6064 connection control program. It is the intent of the Legislature
6065 that any cross connection control program developed and
6066 implemented by the department be equivalent to a federal program,
6067 unless otherwise provided in this section.

6068 (2) (a) The board shall adopt regulations defining a high
6069 hazard cross connection and a low hazard cross connection. The
6070 board shall determine which low hazard cross connections pose a
6071 very low risk and therefore are below regulatory concern. Those
6072 low hazard cross connections posing a very low risk shall be
6073 exempt from the requirements of this section and shall not be
6074 required to have a backflow preventer device. In addition, the
6075 regulations shall specify those backflow preventer devices which
6076 are recommended to address both high hazard and low hazard cross
6077 connections.

6078 (b) For the purposes of this section, the following
6079 cross connections shall be considered as low hazard cross
6080 connections posing a very low risk:

6081 (i) Any lawn sprinkler system or lawn irrigation
6082 system that is connected to a public water system and was
6083 professionally installed, regardless of whether the system is

6084 underground or above ground or whether the system has pop-up
6085 sprinkler heads;

6086 (ii) Any swimming pool that is connected to a
6087 public water system and was professionally installed, or any
6088 swimming pool that is connected to a public water system and has a
6089 fill line with an anti-siphon air gap;

6090 (iii) Any water fountain or cooler that provides
6091 drinking water for human consumption, that is connected to a
6092 public water system and was professionally installed;

6093 (iv) Any fire sprinkler system that contains only
6094 water or a dry pipe and no chemicals, that is connected to a
6095 public water system and was professionally installed; and

6096 (v) Any commercial establishment that is connected
6097 to a public water system, that contains no cross connections
6098 directly with a dangerous or hazardous substance or material.

6099 (c) For the purposes of this section, any lawn
6100 sprinkler system or lawn irrigation system that is connected to a
6101 public water system and either injects or stores lawn chemicals or
6102 is connected to a wastewater supply shall be considered as high
6103 hazard cross connections and not exempt from the requirements of
6104 this section; however, the local public water system shall not be
6105 required to conduct an on-site inspection to identify any such
6106 system under this paragraph (c).

6107 (d) Any regulations that were adopted before April 12,
6108 2001, to implement a cross connection control program shall be

6109 void to the extent those regulations are in conflict or
6110 inconsistent with this section.

6111 (3) Before December 31, 2000, each public water system shall
6112 develop and implement a cross connection control program and shall
6113 conduct a survey and on-site visits, as necessary, to locate cross
6114 connections within its system. Single family dwellings and
6115 multifamily dwellings shall be excluded from the survey, unless
6116 the public water system has reason to believe a cross connection
6117 exists.

6118 (4) Before June 30, 2001, each property owner identified by
6119 the public water system as having a high hazard cross connection
6120 shall install a backflow preventer device. If the property owner
6121 already has a backflow preventer device installed and the backflow
6122 preventer device functions properly, the public water system shall
6123 consider the backflow preventer device approved and shall allow
6124 the installed backflow preventer device to remain in place until
6125 the backflow preventer device fails to function properly.

6126 Additional backflow preventer devices shall not be required for
6127 carbonated beverage dispensers if (a) the water supply connection
6128 to the carbonated beverage dispenser is protected against backflow
6129 by a backflow preventer device conforming to ASSE 1022 or by an
6130 air gap, and (b) the backflow preventer device and the piping
6131 downstream from the device are not affected by carbon dioxide gas.

6132 (5) Before June 30, 2004, each property owner identified by
6133 the public water system as having a low hazard cross connection

6134 shall install a backflow preventer device. This requirement does
6135 not apply to any low hazard cross connection that poses a very low
6136 risk. If the property owner already has a backflow preventer
6137 device installed and the backflow preventer device functions
6138 properly, the public water system shall consider the backflow
6139 preventer device approved and shall allow the installed backflow
6140 preventer device to remain in place until the backflow preventer
6141 device fails to function properly.

6142 (6) Each high hazard backflow preventer device shall be
6143 inspected and tested at least annually. If a high hazard backflow
6144 preventer device fails to function properly, the property owner
6145 shall have the backflow preventer device repaired and retested or
6146 shall install a new approved backflow preventer device within
6147 thirty (30) days of the initial test. If a low hazard backflow
6148 preventer device fails to function properly, the property owner
6149 shall have the backflow preventer device repaired or shall install
6150 a new backflow preventer device within ninety (90) days after the
6151 date the backflow preventer device first fails to function
6152 properly.

6153 (7) All inspection and testing of backflow preventer devices
6154 under this section shall be conducted by a certified tester,
6155 unless otherwise provided in the regulations of the board.
6156 Certified backflow preventer device testers shall be licensed by
6157 the department under those conditions as the department deems
6158 appropriate.

6159 (8) If a property owner fails to install a backflow
6160 preventer device or fails to have a backflow preventer device
6161 tested as required by this section, the public water system may
6162 discontinue service to that property owner until the failure is
6163 corrected.

6164 (9) After the dates specified in subsections (4) and (5) of
6165 this section, it is unlawful to install or allow the installation
6166 or maintenance of any cross connection, auxiliary intake or
6167 bypass, unless the source and quality of water from the auxiliary
6168 supply, the method of connection and the use and operation of that
6169 cross connection, auxiliary intake or bypass has been approved by
6170 the director. However, this subsection does not authorize the
6171 director to modify, supersede or suspend any provision of this
6172 section regarding backflow preventer devices.

6173 (10) (a) A municipality, county or public water system
6174 shall not adopt or implement any ordinance, rule, regulation,
6175 standard or policy regarding cross connections or backflow
6176 preventer devices that is more stringent or extensive in scope,
6177 coverage or effect than the provisions of this section or any
6178 rules or regulations adopted by the board to implement this
6179 section, or is in conflict or inconsistent with the provisions of
6180 this section or any rules or regulations adopted by the board to
6181 implement this section. Any such ordinance, rule, regulation,
6182 standard or policy regarding cross connections or backflow
6183 preventer devices that was adopted before April 12, 2001, is void

6184 to the extent that it is more stringent or extensive in scope,
6185 coverage or effect than the provisions of this section or any
6186 rules or regulations adopted by the board to implement this
6187 section, or is in conflict or inconsistent with the provisions of
6188 this section or any rules or regulations adopted by the board to
6189 implement this section.

6190 (b) If any municipality or county adopts or has
6191 previously adopted a building code, plumbing code or any other
6192 code that contains requirements or standards regarding cross
6193 connections or backflow preventer devices, the municipality or
6194 county or any public water system operating in the municipality or
6195 county shall not implement or enforce any such requirements or
6196 standards that are more stringent or extensive in scope, coverage
6197 or effect than the provisions of this section or any rules or
6198 regulations adopted by the board to implement this section, or are
6199 in conflict or inconsistent with the provisions of this section or
6200 any rules or regulations adopted by the board to implement this
6201 section.

6202 **SECTION 62.** Section 47-5-94, Mississippi Code of 1972, is
6203 brought forward as follows:

6204 47-5-94. The Bureau of Building, Grounds and Real Property
6205 Management of the Department of Finance and Administration and the
6206 State Board of Health are hereby authorized and directed, upon the
6207 passage of this section, to institute permanent annual structural
6208 and environmental inspections of institutional housing and service

6209 facilities at the State Penitentiary, such inspections to include
6210 but not be limited to, structural soundness, repairs and
6211 maintenance of buildings; food service; fire and safety hazards;
6212 fresh water supply; wastewater system; sewage collection and
6213 treatment; solid waste collection, storage and disposal; rodent
6214 and pest control and general institutional housekeeping.

6215 All other state agencies, authorities, boards, commissions
6216 and departments are hereby directed, upon the request of the
6217 Commissioner of Corrections, the Bureau of Building, Grounds and
6218 Real Property Management of the Department of Finance and
6219 Administration or the State Board of Health, to assist in such
6220 inspections with the fullest degree of reasonable cooperation.

6221 Within thirty (30) days of the completion of the inspections
6222 provided for herein, the participants shall compile a written
6223 report of their findings which shall be submitted to the Governor,
6224 the Commissioner of Corrections and the Warden or Superintendent
6225 of the State Penitentiary at Parchman.

6226 **SECTION 63.** Section 49-17-29, Mississippi Code of 1972, is
6227 brought forward as follows:

6228 49-17-29. (1) (a) Except as in compliance with paragraph
6229 (b) of this subsection, it is unlawful for any person to cause
6230 pollution of the air in the state or to place or cause to be
6231 placed any wastes or other products or substances in a location
6232 where they are likely to cause pollution of the air. It is also
6233 unlawful to discharge any wastes, products or substances into the

6234 air of the state which exceed standards of performance, hazardous
6235 air pollutant standards, other emission standards set by the
6236 commission, or which reduce the quality of the air below the air
6237 quality standards or increments established by the commission or
6238 prevent attainment or maintenance of those air quality standards.
6239 Any such action is hereby declared to be a public nuisance.

6240 (b) It is unlawful for any person to build, erect,
6241 alter, replace, use or operate any equipment which will cause the
6242 issuance of air contaminants unless that person holds a permit
6243 from the Permit Board (except repairs or maintenance of equipment
6244 for which a permit has been previously issued), or unless that
6245 person is exempted from holding a permit by a regulation
6246 promulgated by the commission. Concentrated animal feeding
6247 operations may be a source or a category of sources exempted under
6248 this paragraph. However, no new or existing applications relating
6249 to swine concentrated animal feeding operations within a county
6250 shall be exempted from regulations and ordinances which have been
6251 duly passed by the county's board of supervisors and which are in
6252 force on June 1, 1998.

6253 (2) (a) Except as in compliance with paragraph (b) of this
6254 subsection, it is unlawful for any person to cause pollution of
6255 any waters of the state or to place or cause to be placed any
6256 wastes in a location where they are likely to cause pollution of
6257 any waters of the state. It is also unlawful to discharge any
6258 wastes into any waters of the state which reduce the quality of

6259 those waters below the water quality standards established by the
6260 commission; or to violate any applicable pretreatment standards or
6261 limitations, technology-based effluent limitations, toxic
6262 standards or any other limitations established by the commission.
6263 Any such action is declared to be a public nuisance.

6264 (b) It is unlawful for any person to carry on any of
6265 the following activities, unless that person holds a current
6266 permit for that activity from the Permit Board as may be required
6267 for the disposal of all wastes which are or may be discharged into
6268 the waters of the state, or unless that person is exempted from
6269 holding a permit by a regulation promulgated by the commission:

6270 (i) the construction, installation, modification or operation of
6271 any disposal system or part thereof or any extension or addition
6272 thereto, including, but not limited to, systems serving
6273 agricultural operations; (ii) the increase in volume or strength
6274 of any wastes in excess of the permissive discharges specified
6275 under any existing permit; (iii) the construction, installation or
6276 operation of any industrial, commercial or other establishment,
6277 including irrigation projects or any extension or modification
6278 thereof or addition thereto, the operation of which would cause an
6279 increase in the discharge of wastes into the waters of the state
6280 or would otherwise alter the physical, chemical or biological
6281 properties of any waters of the state in any manner not already
6282 lawfully authorized; (iv) the construction or use of any new
6283 outlet for the discharge of any wastes into the waters of the

6284 state. However, no new or existing applications relating to swine
6285 concentrated animal feeding operations within a county shall be
6286 exempted from regulations and ordinances which have been duly
6287 passed by the county's board of supervisors and which are in force
6288 on June 1, 1998.

6289 (3) (a) Except as otherwise provided in this section, the
6290 Permit Board created by Section 49-17-28 shall be the exclusive
6291 administrative body to make decisions on permit issuance,
6292 reissuance, denial, modification or revocation of air pollution
6293 control and water pollution control permits and permits required
6294 under the Solid Wastes Disposal Law of 1974 (Title 17, Chapter
6295 17), and all other permits within the jurisdiction of the Permit
6296 Board. After consideration of alternative waste treatment
6297 technologies available to control air and water pollution and
6298 odor, including appropriate siting criteria, the commission may
6299 promulgate regulations establishing conditions, limitations and
6300 exemptions under which the Permit Board shall make these
6301 decisions. Regulations promulgated by the commission which
6302 establish exemptions as authorized under this section shall apply
6303 to any applicable facility in operation on the effective date of
6304 that regulation and to any applicable facility constructed or
6305 operated after the effective date of that regulation. The Permit
6306 Board may issue multiple permits for the same facility or
6307 operation simultaneously or in the sequence that it deems
6308 appropriate consistent with the commission's regulations. Except

6309 as otherwise provided in this paragraph, the Permit Board, under
6310 any conditions that the board may prescribe, may authorize the
6311 Executive Director of the Department of Environmental Quality to
6312 make decisions on permit issuance, reissuance, denial,
6313 modification or revocation. The executive director shall not be
6314 authorized to make decisions on permit issuance, reissuance,
6315 denial, modification or revocation for a commercial hazardous
6316 waste management facility or a solid waste management permit for a
6317 municipal solid waste landfill or incinerator. A decision by the
6318 executive director shall be a decision of the Permit Board and
6319 shall be subject to formal hearing and appeal as provided in this
6320 section. The executive director shall report all permit decisions
6321 to the Permit Board at its next regularly scheduled meeting and
6322 those decisions shall be recorded in the minutes of the Permit
6323 Board. The decisions of the Permit Board shall be recorded in
6324 minutes of the Permit Board and shall be kept separate and apart
6325 from the minutes of the commission. The decision of the Permit
6326 Board or the executive director to issue, reissue, deny, modify or
6327 revoke permits shall not be construed to be an order or other
6328 action of the commission.

6329 (b) The Executive Director of the Department of
6330 Environmental Quality shall also be the Executive Director of the
6331 Permit Board and shall have available to him, as Executive
6332 Director of the Permit Board, all resources and personnel

6333 otherwise available to him as executive director of the
6334 department.

6335 (c) All persons required to obtain an air pollution
6336 control or water pollution control permit, a permit under the
6337 Solid Wastes Disposal Law of 1974 (Title 17, Chapter 17) or any
6338 other permit within the jurisdiction of the Permit Board shall
6339 make application for that permit with the Permit Board. The
6340 Permit Board, under any regulations as the commission may
6341 prescribe, may require the submission of those plans,
6342 specifications and other information as it deems necessary to
6343 carry out Sections 49-17-1 through 49-17-43 and Title 17, Chapter
6344 17, or to carry out the commission's regulations adopted under
6345 those sections. The Permit Board, based upon any information as
6346 it deems relevant, shall issue, reissue, deny, modify or revoke
6347 air pollution control or water pollution control permit or permits
6348 required under the Solid Wastes Disposal Law of 1974 (Title 17,
6349 Chapter 17) or any other permit within the jurisdiction of the
6350 Permit Board under any conditions as it deems necessary that are
6351 consistent with the commission's regulations. The Permit Board's
6352 action of issuance, reissuance, denial, modification or revocation
6353 of a permit as recorded in its minutes shall constitute a complete
6354 decision of the board. All permits issued by the Permit Board
6355 shall remain in full force and effect until the board makes a
6356 final determination regarding any reissuance, modification, or
6357 revocation thereof. The Permit Board shall take action upon an

6358 application within one hundred eighty (180) days following its
6359 receipt in the board's principal office. No action which affects
6360 revocation of an existing permit shall take effect until the
6361 thirty (30) days mentioned in paragraph (4)(b) of this section has
6362 expired or until a formal hearing as prescribed in that paragraph
6363 is held, whichever is later.

6364 (d) The Permit Board may adopt rules of practice and
6365 procedure governing its proceedings that are consistent with the
6366 commission's regulations. All hearings in connection with permits
6367 issued, reissued, denied, modified or revoked and all appeals from
6368 decisions of the Permit Board shall be as provided in this
6369 section.

6370 (e) Upon any conditions that are consistent with the
6371 commission's regulations and subject to those procedures for
6372 public notice and hearings as provided by law, not inconsistent
6373 with federal law and regulations, the Permit Board may issue
6374 general permits and, where appropriate, may consolidate multiple
6375 permits for the same facility or operation into a single permit.

6376 (f) The Permit Board shall not issue any permit for a
6377 new swine concentrated animal feeding operation or the expansion
6378 of an existing swine concentrated animal feeding operation before
6379 January 1, 2000, unless the department received the application
6380 for that operation's new or modified permit before February 28,
6381 1998, or except as provided in this paragraph (f). In issuing or
6382 modifying any permit for which the department received an

6383 application before February 28, 1998, the Permit Board shall apply
6384 those siting criteria adopted or used by the commission before
6385 February 28, 1998, unless federal law or regulations require more
6386 stringent criteria. The moratorium established in this paragraph
6387 shall not apply to the issuance of any permit for a new swine
6388 concentrated animal feeding operation or the expansion of an
6389 existing swine concentrated animal feeding operation that uses an
6390 animal waste management system which the applicant demonstrates to
6391 the Permit Board is innovative in significantly reducing the
6392 effects of the operation on the public health, welfare or the
6393 environment and which is approved by the Permit Board. The Permit
6394 Board shall not issue or modify more than five (5) permits under
6395 this innovative animal waste management system technology
6396 exemption to the moratorium.

6397 (g) Each applicant for a permit for a new outlet for
6398 the discharge of wastes into the waters of the state who is
6399 required to obtain a certificate of public convenience and
6400 necessity from the Public Service Commission for such wastewater
6401 system shall submit financial and managerial information as
6402 required by the Public Utilities Staff. Following review of that
6403 information, the Executive Director of the Public Utilities Staff
6404 shall certify in writing to the executive director of the
6405 department, the financial and managerial viability of the system
6406 if the Executive Director of the Public Utilities Staff determines

6407 the system is viable. The Permit Board shall not issue the permit
6408 until the certification is received.

6409 (4) (a) Except as required by this section, before the
6410 issuance, reissuance, denial, modification or revocation of any
6411 air pollution control or water pollution control permit, permit
6412 required under the Solid Wastes Disposal Law of 1974 (Title 17,
6413 Chapter 17) or any other permit within its jurisdiction, the
6414 Permit Board, in its discretion, may hold a public hearing or
6415 meeting to obtain comments from the public on its proposed action.
6416 Before the issuance, reissuance, denial, modification pertaining
6417 to the expansion of a facility, transfer or revocation of a permit
6418 for a commercial hazardous waste management facility or a solid
6419 waste management permit for a commercial municipal solid waste
6420 landfill or incinerator, the Permit Board shall conduct a public
6421 hearing or meeting to obtain comments from the public on the
6422 proposed action. That hearing or meeting shall be informal in
6423 nature and conducted under those procedures as the Permit Board
6424 may deem appropriate consistent with the commission's regulations.

6425 (b) Within thirty (30) days after the date the Permit
6426 Board takes action upon permit issuance, reissuance, denial,
6427 modification or revocation, as recorded in the minutes of the
6428 Permit Board, any interested party aggrieved by that action may
6429 file a written request for a formal hearing before the Permit
6430 Board. An interested party is any person claiming an interest
6431 relating to the property or project which is the subject of the

6432 permit action, and who is so situated that the person may be
6433 affected by the disposition of that action.

6434 The Permit Board shall fix the time and place of the formal
6435 hearing and shall notify the permittee of that time and place.

6436 In conducting the formal hearing, the Permit Board shall have
6437 the same full powers as to subpoenaing witnesses, administering
6438 oaths, examining witnesses under oath and conducting the hearing,
6439 as is now vested by law in the Mississippi Public Service
6440 Commission, as to the hearings before it, with the additional
6441 power that the Executive Director of the Permit Board may issue
6442 all subpoenas at the instance of the Permit Board or at the
6443 instance of any interested party. Any subpoenas shall be served
6444 by any lawful officer in any county to whom the subpoena is
6445 directed and return made thereon as provided by law, with the cost
6446 of service being paid by the party on whose behalf the subpoena
6447 was issued. Witnesses summoned to appear at the hearing shall be
6448 entitled to the same per diem and mileage as witnesses attending
6449 the circuit court and shall be paid by the person on whose behalf
6450 the witness was called. Sufficient sureties for the cost of
6451 service of the subpoena and witness fees shall be filed with the
6452 Executive Director of the Permit Board at the time that issuance
6453 of the subpoena is requested. At a hearing, any interested party
6454 may present witnesses and submit evidence and cross-examine
6455 witnesses.

6456 The Permit Board may designate a hearing officer to conduct
6457 the formal hearing on all or any part of the issues on behalf of
6458 the Permit Board. The hearing officer shall prepare the record of
6459 the formal hearing conducted by that officer for the Permit Board
6460 and shall submit the record to the Permit Board.

6461 Upon conclusion of the formal hearing, the Permit Board shall
6462 enter in its minutes the board's decision affirming, modifying or
6463 reversing its prior decision to issue, reissue, deny, modify or
6464 revoke a permit. The Permit Board shall prepare and record in its
6465 minutes findings of fact and conclusions of law supporting its
6466 decision. That decision, as recorded in its minutes with its
6467 findings of fact and conclusions of law, shall be final unless an
6468 appeal, as provided in this section, is taken to chancery court
6469 within twenty (20) days following the date the decision is entered
6470 in the board's minutes.

6471 (c) Within twenty (20) days after the date the Permit
6472 Board takes action upon permit issuance, reissuance, denial,
6473 modification or revocation after a formal hearing under this
6474 subsection as recorded in the minutes of the Permit Board, any
6475 person aggrieved of that action may appeal the action as provided
6476 in subsection (5) of this section.

6477 (5) (a) Appeals from any decision or action of the Permit
6478 Board shall be only to chancery court as provided in this
6479 subsection.

6480 (b) Any person who is aggrieved by any decision of the
6481 Permit Board issuing, reissuing, denying, revoking or modifying a
6482 permit after a formal hearing may appeal that decision within the
6483 period specified in subsection (4)(c) of this section to the
6484 chancery court of the county of the situs in whole or in part of
6485 the subject matter. The appellant shall give a cost bond with
6486 sufficient sureties, payable to the state in the sum of not less
6487 than One Hundred Dollars (\$100.00) nor more than Five Hundred
6488 Dollars (\$500.00), to be fixed by the Permit Board and to be filed
6489 with and approved by the Executive Director of the Permit Board,
6490 who shall forthwith certify the filing of the bond together with a
6491 certified copy of the record of the Permit Board in the matter to
6492 the chancery court to which the appeal is taken, which shall
6493 thereupon become the record of the cause. An appeal to the
6494 chancery court as provided in this section shall not stay the
6495 decision of the Permit Board. The aggrieved party may, within
6496 twenty (20) days following the date the board's decision after a
6497 formal hearing is entered on the board's minutes, petition the
6498 chancery court for an appeal with supersedeas and the chancellor
6499 shall grant a hearing on that petition. Upon good cause shown,
6500 the chancellor may grant that appeal with supersedeas. If
6501 granted, the appellant shall be required to post a bond with
6502 sufficient sureties according to law in an amount to be determined
6503 by the chancellor. Appeals shall be considered only upon the
6504 record as made before the Permit Board. The chancery court shall

6505 always be deemed open for hearing of an appeal and the chancellor
6506 may hear the same in termtime or in vacation at any place in the
6507 chancellor's district, and the appeal shall have precedence over
6508 all civil cases, except election contests. The chancery court
6509 shall review all questions of law and of fact. If no prejudicial
6510 error is found, the matter shall be affirmed. If prejudicial
6511 error is found the decision of the board shall be reversed and the
6512 chancery court shall remand the matter to the Permit Board for
6513 appropriate action as may be indicated or necessary under the
6514 circumstances. Appeals may be taken from the chancery court to
6515 the Supreme Court in the manner as now required by law, except
6516 that if a supersedeas is desired by the party appealing to the
6517 chancery court, that party may apply for a supersedeas to the
6518 chancellor of that court, who shall award a writ of supersedeas,
6519 without additional bond, if in the chancellor's judgment material
6520 damage is not likely to result thereby; but otherwise, the
6521 chancellor shall require a supersedeas bond as the chancellor
6522 deems proper, which shall be liable to the state for any damage.

6523 **SECTION 64.** Section 49-17-83, Mississippi Code of 1972, is
6524 brought forward as follows:

6525 49-17-83. For the purposes of Sections 49-17-81 through
6526 49-17-89, the following words and phrases shall have the meaning
6527 ascribed in this section:

6528 (a) "Administrator" means the Administrator of the
6529 United States Environmental Protection Agency.

6530 (b) "Commission" means the Mississippi Commission on
6531 Environmental Quality.

6532 (c) "Department" means the Mississippi Department of
6533 Environmental Quality.

6534 (d) "Emergency fund" means the "Water Pollution Control
6535 Emergency Loan Fund" created under Section 49-17-86.

6536 (e) "Loan agreement" means an agreement by and among
6537 the commission, a political subdivision and the State Tax
6538 Commission to evidence the terms and provisions of a loan under
6539 Sections 49-17-81 through 49-17-89.

6540 (f) "Loan fund" means the Water Pollution Abatement
6541 Loan Fund created pursuant to Section 49-17-61.

6542 (g) "Municipal security" means a bond, note or other
6543 evidence of indebtedness issued by a political subdivision to
6544 evidence a loan pursuant to the provisions of Sections 49-17-81
6545 through 49-17-89.

6546 (h) "Political subdivision" means any county,
6547 municipality, utility, district, political subdivision, or other
6548 governmental unit created under state law.

6549 (i) "Project" means a publicly owned wastewater
6550 collection, treatment or disposal system including sludge
6551 disposal, renovation, repair and upgrading of existing systems,
6552 nonpoint source pollution control management programs and estuary
6553 conservation and management programs, and otherwise qualified

6554 under rules of the commission pursuant to the federal Water
6555 Quality Act of 1987.

6556 (j) "Revolving fund" means the Mississippi Water
6557 Pollution Control Revolving Fund created under Section 49-17-85.

6558 (k) "State" means the State of Mississippi.

6559 **SECTION 65.** Section 49-17-403, Mississippi Code of 1972, is
6560 brought forward as follows:

6561 49-17-403. For the purposes of Sections 49-17-401 through
6562 49-17-433, the following shall have the meaning ascribed in this
6563 section:

6564 (a) "Active site" means a site of an underground
6565 storage tank where an owner can be identified and where the tank
6566 is available for use in the management and handling of motor
6567 fuels, including tanks currently in service, tanks temporarily
6568 closed and tanks temporarily out of service.

6569 (b) "Bonded distributor" means any person holding a
6570 distributor's permit issued under either Section 27-55-7 or
6571 Section 27-55-507.

6572 (c) "Commission" means the Mississippi Commission on
6573 Environmental Quality.

6574 (d) "Contamination" means the presence or discharge of
6575 regulated substances in or on the land or in the waters of the
6576 state.

6577 (e) "Department" means the Mississippi Department of
6578 Environmental Quality.

6579 (f) "Director" means the Executive Director of the
6580 Mississippi Department of Environmental Quality.

6581 (g) "Groundwater" means water located beneath the land
6582 surface located wholly or partially within the boundaries of the
6583 state.

6584 (h) "Motor fuels" means gasoline and aviation gasoline
6585 as defined in Section 27-55-5 and special fuel as defined in
6586 Section 27-55-505, except for those "motor fuels" used in electric
6587 power generating plants for the commercial production of
6588 electricity.

6589 (i) "Operator" means any person in control of, or
6590 having responsibility for, the daily operation of an underground
6591 storage tank.

6592 (j) "Owner of an underground storage tank" means:

6593 (i) In the case of an underground storage tank in
6594 use on November 8, 1984, or brought into use after that date, any
6595 person who owns an underground storage tank used for the storage,
6596 use or dispensing of regulated substances; and

6597 (ii) In the case of an underground storage tank in
6598 use before November 8, 1984, but no longer in use on that date,
6599 any person who owned such tank immediately before the
6600 discontinuation of its use.

6601 (k) "Person" means an individual, trust, firm,
6602 joint-stock company, federal agency, corporation, state
6603 municipality, commission, political subdivision of a state, any

6604 interstate body, a consortium, a joint venture, a commercial
6605 entity or the United States government.

6606 (l) "Regulated substance" means:

6607 (i) Any substance defined in Section 101(14) of
6608 the Comprehensive Environmental Response, Compensation and
6609 Liability Act of 1980, Public Law No. 96-510, as amended and
6610 extended (but not including any substance regulated as a hazardous
6611 waste under Section 17-17-1 et seq., Mississippi Code of 1972);
6612 and

6613 (ii) Petroleum, including crude oil or any
6614 fraction thereof, which is liquid at standard conditions of
6615 temperature and pressure (sixty (60) degrees Fahrenheit and
6616 fourteen and seven-tenths (14-7/10) pounds per square inch
6617 absolute).

6618 (m) "Release" means any spilling, leaking, emitting,
6619 discharging, escaping, leaching or disposing from an underground
6620 storage tank into groundwater, surface water or subsurface soils.

6621 (n) "Response action" means any activity, including
6622 evaluation, planning, design, engineering, construction and
6623 ancillary services, which is carried out in response to any
6624 discharge, release or threatened release of motor fuels.

6625 (o) "Response action contractor" means a person who has
6626 been approved by the commission and is carrying out any response
6627 action, including a person retained or hired by such person to
6628 provide services relating to a response action.

6629 (p) "Retailer" means any person other than a bonded
6630 distributor who sells motor fuel as defined in this section.

6631 (q) "Substantial compliance" means that an owner or
6632 operator of an underground storage tank has registered that tank
6633 with the department, and has made a good-faith effort to comply
6634 with the law; and the rules and regulations adopted pursuant
6635 thereto.

6636 (r) "Third-party claim" means any civil action brought
6637 or asserted by any person against any owner of any underground
6638 storage tank for damages to person or property which damages are
6639 the direct result of a release of motor fuels from an underground
6640 storage tank.

6641 (s) "Underground storage tank" means any one (1) or
6642 combination of containers including tanks, vessels, enclosures or
6643 structures together with appurtenances thereto used to contain an
6644 accumulation of regulated substances, and the volume of which,
6645 including the volume of the underground pipes connected thereto,
6646 is ten percent (10%) or more beneath the surface of the ground.
6647 Such term does not include any:

6648 (i) Farm or residential tanks of one thousand one
6649 hundred (1,100) gallons or less capacity used for storing motor
6650 fuel for noncommercial purposes;

6651 (ii) Tanks used for storing heating oil for
6652 consumptive use on the premises where stored;

6653 (iii) Septic tanks;

6654 (iv) Pipeline facilities (including gathering
6655 lines regulated under:
6656 1. The Natural Gas Pipeline Safety Act of
6657 1968, Public Law No. 90-481, 49 USCS 1671-1684, as amended and
6658 extended,
6659 2. The Hazardous Liquid Pipeline Safety Act
6660 of 1979, Public Law No. 96-129, 49 USCS 2001 et seq., as amended
6661 and extended, or
6662 3. An intrastate pipeline facility regulated
6663 under state laws comparable to the provisions of law in Clause 1
6664 or 2 of this subparagraph);
6665 (v) Surface impoundments, pits, ponds or lagoons;
6666 (vi) Storm water or wastewater collection systems;
6667 (vii) Flow-through process tanks;
6668 (viii) Liquid traps or associated gathering lines
6669 directly related to oil or gas production and gathering operation;
6670 (ix) Storage tanks situated in an underground area
6671 such as a basement, cellar, mine working, drift, shaft or tunnel
6672 if the storage tank is situated upon or above the surface of the
6673 floor;
6674 (x) Other tanks exempted by the Administrator of
6675 the federal Environmental Protection Agency; and
6676 (xi) Piping connected to any of the above
6677 exemptions.

6678 (t) "User" means any person who purchases or acquires
6679 motor fuels as defined in this section for consumption.

6680 **SECTION 66.** Section 49-17-703, Mississippi Code of 1972, is
6681 brought forward as follows:

6682 49-17-703. In the spirit of the report of the Governor's
6683 Commission on Recovery, Rebuilding and Renewal, the Legislature
6684 finds that there is a need for consolidation of water, wastewater
6685 and storm water services in order to reduce costs, promote
6686 resilience in the event of a disaster, improve the quality of the
6687 natural environment, and improve the planning and delivery of
6688 quality water, wastewater and storm water services within the
6689 areas of the Counties of George, Hancock, Harrison, Jackson, Pearl
6690 River and Stone. It is further declared that there is the need
6691 for the planning, acquisition, construction, maintenance,
6692 operation and coordination of water, wastewater and storm water
6693 services in order to ensure protection of the waters of the state
6694 and to ensure the delivery of water, wastewater and storm water
6695 services to citizens of the Gulf Coast Region. The creation of
6696 the Mississippi Gulf Coast Region Utility Act is determined to be
6697 necessary and essential to the accomplishment of these purposes.
6698 To facilitate the purposes of the act, the Gulf Coast Region
6699 Utility Board, the George County Utility Authority, the Hancock
6700 County Utility Authority, the Harrison County Utility Authority,
6701 the Jackson County Utility Authority, the Pearl River County

6702 Utility Authority and the Stone County Utility Authority are
6703 created herein.

6704 **SECTION 67.** Section 49-17-705, Mississippi Code of 1972, is
6705 brought forward as follows:

6706 49-17-705. Words and phrases used in this act shall have
6707 meanings as follows:

6708 (a) "Act" means the Mississippi Gulf Coast Region
6709 Utility Act.

6710 (b) "Bonds" mean interim notes having a maturity of
6711 three (3) years or less, revenue bonds and other certificates of
6712 indebtedness of the authority issued under the provisions of this
6713 act.

6714 (c) "County authority" means a county utility authority
6715 created in the Gulf Coast Region under this act.

6716 (d) "Fiscal year" means the period of time beginning on
6717 October 1 of each year and ending on September 30 of each year.

6718 (e) "Gulf Coast Region" means the areas encompassed by
6719 the Counties of George, Hancock, Harrison, Jackson, Pearl River
6720 and Stone.

6721 (f) "Municipality" means any incorporated city, town or
6722 village of the State of Mississippi, whether operating under
6723 general law or under special charter, lying wholly or partly
6724 within the Gulf Coast Region.

6725 (g) "Person" means the State of Mississippi, a county,
6726 a municipality, any public agency, or any other city, town,

6727 village or political subdivision or governmental agency,
6728 governmental instrumentality of the State of Mississippi or of the
6729 United States of America, or any private utility, individual,
6730 co-partnership, association, firm, trust, estate or any other
6731 entity whatsoever.

6732 (h) "Project" means the construction, development or
6733 acquisition by the county authority or county authorities of any
6734 infrastructure for water, wastewater and storm water systems or
6735 services and includes upgrading or repair of existing systems.

6736 (i) "Public agency" means any county, municipality,
6737 state board or commission owning or operating properties, district
6738 created pursuant to the general laws or local and private laws of
6739 the State of Mississippi, or other political subdivision of the
6740 State of Mississippi having the power to own and operate
6741 waterworks, water supply systems, sewerage systems, sewage
6742 treatment systems or other facilities or systems for the
6743 collection, transportation and treatment of water, wastewater and
6744 storm water.

6745 (j) "Storm water" means any flow occurring during or
6746 following any form of natural precipitation and resulting from
6747 that precipitation.

6748 (k) "System" or "systems" means any plants, structures,
6749 facilities and other real and personal property, used or useful in
6750 the generation, storage, transportation or supply of water, and
6751 the collection, transportation, treatment or disposal of

6752 wastewater and storm water, including, but not limited to, tanks,
6753 lakes, streams, ponds, pipes, trunk lines, mains, sewers,
6754 conduits, pipelines, pumping and ventilating stations, plants and
6755 works, connections and any other real and personal property and
6756 rights therein necessary, useful or convenient for the purposes of
6757 the utility board or authorities in connection therewith.

6758 (l) "Wastewater" means water being disposed of by any
6759 person and which is contaminated with waste or sewage, including
6760 industrial, municipal and any other wastewater that may cause
6761 impairment of the quality of the waters in the state.

6762 (m) "Water" means potable water, service water and
6763 groundwater.

6764 (n) "Utility board" means the Mississippi Gulf Coast
6765 Region Utility Board.

6766 **SECTION 68.** Section 49-17-739, Mississippi Code of 1972, is
6767 brought forward as follows:

6768 49-17-739. The purpose of Sections 49-17-739 through
6769 49-17-773 is to confer certain powers on the county authorities
6770 for the purpose of cooperating with federal, state and local
6771 public agencies for the further development of local and regional
6772 water, wastewater and storm water services within the Gulf Coast
6773 Region. In addition to the powers over water, wastewater and
6774 storm water, the Harrison County Utility Authority is granted
6775 power over solid waste within its jurisdiction.

6776 **SECTION 69.** Section 49-17-743, Mississippi Code of 1972, is
6777 brought forward as follows:

6778 49-17-743. From and after April 18, 2006, each and every
6779 county authority shall have, in addition to any other powers
6780 granted under any other provision of law, including, but not
6781 limited to, the following:

6782 (a) To acquire, construct, improve, enlarge, extend,
6783 repair, operate and maintain one or more of its systems used for
6784 the collection, transportation, treatment and disposal of water,
6785 wastewater and storm water;

6786 (b) To make contracts with any person in furtherance
6787 thereof; and to make contracts with any person, under the terms of
6788 which the county authority will collect, transport, treat or
6789 dispose of water, wastewater and storm water for such person;

6790 (c) To make contracts with any person to design and
6791 construct any water, wastewater and storm water systems or
6792 facilities, and thereafter to purchase, lease or sell, by
6793 installments over such terms as may be deemed desirable,
6794 reasonable and necessary, or otherwise, any such system or
6795 systems;

6796 (d) To enter into operating agreements with any person,
6797 for such terms and upon such conditions as may be deemed
6798 desirable, for the operation of any water, wastewater and storm
6799 water systems; and the county authority may lease to or from any
6800 person, for such term and upon such conditions as may be deemed

6801 desirable, any water, wastewater and storm water collection,
6802 transportation, treatment or its other facilities or systems. Any
6803 such contract may contain provisions requiring any public agency
6804 or other person to regulate the quality and strength of materials
6805 to be handled by the respective system or systems and also may
6806 provide that the county authority shall have the right to use any
6807 streets, alleys and public ways and places within the jurisdiction
6808 of a public agency or other person during the term of the
6809 contract;

6810 (e) To enter into contracts with any person or any
6811 public agency, including, but not limited to, contracts authorized
6812 by this act, in furtherance of any of the purposes authorized
6813 under this act upon such consideration as the board of directors
6814 and such person may agree. Any such contract may extend over any
6815 period of time, notwithstanding any provision or rule of law to
6816 the contrary; may be upon such terms and for such consideration,
6817 nominal or otherwise, as the parties thereto shall agree; and may
6818 provide that it shall continue in effect until bonds specified
6819 therein, refunding bonds issued in lieu of such bonds, and all
6820 other obligations specified therein are paid or terminated. Any
6821 such contract shall be binding upon the parties thereto according
6822 to its terms;

6823 (f) To adopt an official seal and alter the same at
6824 pleasure;

6825 (g) To sue and be sued, in its own name, and to enjoy
6826 all of the protections, immunities and benefits provided by the
6827 Mississippi Tort Claims Act, as it may be amended or supplemented
6828 from time to time;

6829 (h) To maintain office space at such place or places
6830 within the county authority boundaries as it may determine;

6831 (i) To invest money of the county authority, including
6832 proceeds from the sale of any bonds subject to any agreements with
6833 bondholders, on such terms and in such manner as the county
6834 authority deems proper;

6835 (j) To require the necessary relocation or rerouting of
6836 roads and highways, railroad, telephone and telegraph lines, and
6837 properties, electric power lines, gas pipelines and related
6838 facilities, or to require the anchoring or other protection of any
6839 of these, provided fair compensation is first paid to the owners
6840 or an agreement with such owners regarding the payment of the cost
6841 of such relocation, and to acquire easements or rights-of-way for
6842 such relocation or rerouting and to convey the same to the owners
6843 of the property being relocated or rerouted in connection with the
6844 purposes of this act;

6845 (k) To acquire, construct, improve or modify, to
6846 operate or cause to be operated and maintained, either as owner of
6847 all or of any part in common with others, any water, wastewater or
6848 storm water system within the county authority's service area.
6849 The county authority may pay all or part of the cost of any system

6850 from any contribution by persons, firms, public agencies or
6851 corporations. The county authority may receive, accept and use
6852 all funds, public or private, and pay all costs of the
6853 development, implementation and maintenance as may be determined
6854 as necessary for any project;

6855 (l) To acquire, in its own name, by purchase on any
6856 terms and conditions and in any manner as it may deem proper,
6857 including by eminent domain, property for public use, or by gift,
6858 grant, lease, or otherwise, real property or easements therein,
6859 franchises and personal property necessary or convenient for its
6860 corporate purposes;

6861 (m) To acquire insurance for the county authority's
6862 systems, facilities, buildings, treatment plants and all property,
6863 real or personal, to insure against all risks as any insurance
6864 may, from time to time, be available;

6865 (n) To use any property and rent or lease any property
6866 to or from others, including public agencies, or make contracts
6867 for the use of the property. The county authority may sell,
6868 lease, exchange, transfer, assign, pledge, mortgage or grant a
6869 security interest for any property. The powers to acquire, use
6870 and dispose of property as set forth in this paragraph shall
6871 include the power to acquire, use and dispose of any interest in
6872 that property, whether divided or undivided. Title to any
6873 property of the county authority shall be held by the county
6874 authority exclusively for the benefit of the public;

6875 (o) To apply, contract for, accept, receive and
6876 administer gifts, grants, appropriations and donations of money,
6877 materials and property of any kind, including loans and grants
6878 from the United States, the state, a unit of local government, or
6879 any agency, department, district or instrumentality of any of the
6880 foregoing, upon any terms and conditions as the United States, the
6881 state, a unit of local government, or any agency, department,
6882 district or instrumentality shall impose. The county authority
6883 may administer trusts. The county authority may sell, lease,
6884 transfer, convey, appropriate and pledge any and all of its
6885 property and assets;

6886 (p) To make and enforce, and from time to time amend
6887 and repeal, bylaws, rules, ordinances and regulations for the
6888 management of its business and affairs and for the construction,
6889 use, maintenance and operation of any of the systems under its
6890 management and control;

6891 (q) To employ and terminate staff and other personnel,
6892 including attorneys, engineers and consultants as may be necessary
6893 to the functioning of the county authority. The board of
6894 directors, in its discretion, may employ an executive director
6895 having the authority to employ and fire employees and other duties
6896 as determined by the board;

6897 (r) To establish and maintain rates, fees and any other
6898 charges for services and the use of systems and facilities within
6899 the control of the county authority, and from time to time, to

6900 adjust such rates, fees and any other charges to the end that the
6901 revenues therefrom will be sufficient at all times to pay the
6902 expenses of operating and maintaining of the facilities and
6903 treatment systems and all of the persons' obligations under any
6904 contract or bonds resolution with respect thereto or any
6905 obligation of any person under any agreement, contract, indenture
6906 or bonds resolution with respect thereto. Such rates, fees,
6907 assessments and any other charges shall not be subject to the
6908 jurisdiction of the Mississippi Public Service Commission;

6909 (s) To adopt rules and regulations necessary to
6910 accomplish the purposes of the county authority and to assure the
6911 payment of each participating person or public agency of its
6912 proportionate share of the costs for use of any of the systems and
6913 facilities of the county authority and for the county authority's
6914 proportionate share of the costs of the utility board;

6915 (t) To enter on public or private lands, waters or
6916 premises for the purpose of making surveys, borings or soundings,
6917 or conducting tests, examinations or inspections for the purposes
6918 of the authority, subject to responsibility for any damage done to
6919 property entered;

6920 (u) To accept industrial wastewater from within the
6921 boundaries of the county authority for treatment and to require
6922 the pretreatment of same when, in the opinion of the county
6923 authority, such pretreatment is necessary;

6924 (v) To control and operate local retail water,
6925 wastewater and storm water services, and may provide or be
6926 responsible for direct servicing of those services to residences,
6927 businesses and individuals; however, the county authority shall
6928 not provide the same services in an area provided by a public
6929 utility or person holding a certificate of public convenience and
6930 necessity issued by the Mississippi Public Service Commission for
6931 the provision of such services in the certificated area. Any
6932 rates, fees, assessments or other charges shall not be under the
6933 control or regulation of the Mississippi Public Service
6934 Commission;

6935 (w) To assume control and administer, within the county
6936 authority's jurisdiction, any water, wastewater or storm water
6937 system or systems by agreement or contract with any person if the
6938 person providing such services requests to be relieved of that
6939 responsibility. However, the person may maintain control over
6940 connections in their service areas and may charge rates, fees and
6941 any other charges in addition to the rates, fees and any charges
6942 of the county authority;

6943 (x) The county authority shall have the power of
6944 eminent domain for the particular purpose of the acquisition of
6945 property designated by plan to sufficiently accommodate the
6946 location of water, wastewater or storm water systems and such
6947 requirements related directly thereto pursuant to the provisions
6948 of Chapter 27, Title 11, Mississippi Code of 1972. The county

6949 authority may acquire by eminent domain property necessary for any
6950 system and the exercise of the powers, rights and duties conferred
6951 upon the county authority by this act. No person owning the
6952 drilling rights or the right to share in production shall be
6953 prevented from exploring, developing or producing oil or gas with
6954 necessary rights-of-way for ingress and egress, pipelines and
6955 other means of transporting such interests on any lands or
6956 interest of the county authority held or used for the purposes of
6957 this act, but any such activities shall be subject to reasonable
6958 regulations by the board of directors that will adequately protect
6959 the systems or projects of the county authority;

6960 (y) To use any legally available funds to acquire,
6961 rebuild, operate and maintain any existing water, wastewater or
6962 storm water systems owned or operated by any person;

6963 (z) To refuse to receive water, wastewater or storm
6964 water from any public agency or person; and

6965 (aa) So long as any indebtedness on the systems of the
6966 county authority remains outstanding, to require by contract with
6967 a member public agency, or other person, that all water,
6968 wastewater and storm water within the boundaries of the respective
6969 county authority be disposed of through the appropriate treatment
6970 system to the extent that the same may be available, but no public
6971 agency shall be precluded from constructing, operating and
6972 maintaining its own such system after the current indebtedness
6973 owing on the system as of April 18, 2006, is paid in full.

6974 **SECTION 70.** Section 49-17-747, Mississippi Code of 1972, is
6975 brought forward as follows:

6976 49-17-747. (1) Any public agency or person, pursuant to a
6977 duly adopted resolution of the governing body of such public
6978 agency or person, may enter into contracts with the county
6979 authority or county authorities under the terms of which the
6980 county authority will manage, operate and contract for usage of
6981 its systems and facilities, or other services, for such person or
6982 public agency.

6983 (2) Any public agency or person may enter into contracts
6984 with the county authority for the county authority to purchase or
6985 sell, by installments over such terms as may be deemed desirable,
6986 or otherwise, to any person or any systems. Any public agency may
6987 sell, donate, convey, or otherwise dispose of water, wastewater
6988 and storm water facilities or systems; or any equipment, personal
6989 property or any other things, deemed necessary for the
6990 construction, operation, and maintenance to the county authority
6991 without the necessity of appraisal, advertising, or bidding. This
6992 section creates an alternative method of disposal of public
6993 property.

6994 (3) Any public agency is authorized to enter into operating
6995 agreements with the county authority, for such terms and upon such
6996 conditions as may be deemed desirable, for the operation of any of
6997 its systems of any person by the county authority or by any person
6998 contracting with the county authority to operate such systems.

6999 (4) Any public agency may lease to or from the county
7000 authority, for such term and upon such conditions as may be deemed
7001 desirable, any of its systems.

7002 (5) Any municipality or county may donate office space,
7003 equipment, supplies and materials to the authority.

7004 (6) Any such contract may contain provisions requiring any
7005 public agency or other person to regulate the quality and strength
7006 of the material to be handled by the wastewater or storm water
7007 systems and may also provide that the county authority shall have
7008 the right to use any streets, alleys and public ways and places
7009 within the jurisdiction of a public agency or other person during
7010 the term of the contract. Such contracts may obligate the public
7011 agency to make payments to the county authority or to a trustee in
7012 amounts which shall be sufficient to enable the county authority
7013 to defray the expenses of administering, operating and maintaining
7014 its respective systems, to pay interest and principal (whether at
7015 maturity upon redemption or otherwise) on bonds of the county
7016 authority, issued under this act and to fund reserves for debt
7017 service, for operation and maintenance and for renewals and
7018 replacements, to fulfill the requirements of any rate covenant
7019 with respect to debt service coverage contained in any resolution,
7020 trust indenture or other security agreement relating to the bonds
7021 of the county authority issued under this act or to fulfill any
7022 other requirement relating to bonds issued pursuant to this act.

7023 (7) Any public agency shall have the power to enter into
7024 such contracts with the county authority as in the discretion of
7025 the governing body of the public agency would be in the best
7026 interest of the public agency. Such contracts may include a
7027 pledge of the full faith and credit of such public agency and/or
7028 the avails of any special assessments made by such public agency
7029 against property receiving benefits, as now or hereafter are
7030 provided by law. Any such contract may provide for the sale, or
7031 lease to, or use of by the county authority, of the systems or any
7032 part thereof, of the public agency; and may provide that the
7033 county authority shall operate its systems or any part thereof of
7034 the public agency; and may provide that any public agency shall
7035 have the right to continued use and/or priority use of the systems
7036 or any part thereof during the useful life thereof upon payment of
7037 reasonable charges therefor; and may contain provisions to assure
7038 equitable treatment of persons or public agencies who contract
7039 with the county authority under this act; and may contain such
7040 other provisions and requirements as the parties thereto may
7041 determine to be appropriate or necessary. Such contracts may
7042 extend over any period of time, notwithstanding any provisions of
7043 law to the contrary, and may extend beyond the life of the
7044 respective systems or any part thereof or the term of the bonds
7045 sold with respect to such facilities or improvements thereto.

7046 (8) The obligations of a public agency arising under the
7047 terms of any contract referred to in this act, whether or not

7048 payable solely from a pledge of revenues, shall not be included
7049 within the indebtedness limitations of the public agency for
7050 purposes of any constitutional or statutory limitation or
7051 provision. To the extent provided in such contract and to the
7052 extent such obligations of the public agency are payable wholly or
7053 in part from the revenues and other monies derived by the public
7054 agency from the operation of its systems or of its combined
7055 systems, or any part thereof, such obligations shall be treated as
7056 expenses of operating such systems.

7057 (9) Contracts referred to in this section may also provide
7058 for payments in the form of contributions to defray the cost of
7059 any purpose set forth in the contracts and as advances for the
7060 respective systems or any part thereof subject to repayment by the
7061 county authority. A public agency may make such contributions or
7062 advances from its general fund or surplus fund or from special
7063 assessments or from any monies legally available therefor.

7064 (10) Payments made, or to be made, to the county authority
7065 by a public agency or other person under a contract for any of its
7066 treatment systems, or any part thereof, shall not be subject to
7067 approval or review by the Mississippi Public Service Commission.

7068 (11) Subject to the terms of a contract or contracts
7069 referred to in this act, the county authority is hereby authorized
7070 to do and perform any and all acts or things necessary, convenient
7071 or desirable to carry out the purposes of such contracts,
7072 including the fixing, charging, collecting, maintaining and

7073 revising of rates, fees and other charges for the services
7074 rendered to any user of any of the systems operated or maintained
7075 by the county authority, whether or not such systems are owned by
7076 the county authority.

7077 (12) No provision of this act shall be construed to prohibit
7078 any public agency, otherwise permitted by law to issue bonds, from
7079 issuing bonds in the manner provided by law for the construction,
7080 renovation, repair or development of any of the county authority's
7081 systems, or any part thereof, owned or operated by such public
7082 agency.

7083 **SECTION 71.** Section 49-17-751, Mississippi Code of 1972, is
7084 brought forward as follows:

7085 49-17-751. (1) Notwithstanding the provisions of Sections
7086 77-3-21 and 77-3-23, Mississippi Code of 1972, the certificate of
7087 public convenience and necessity held by any municipality, public
7088 agency, district, public utility or other person authorized by law
7089 to provide water, sewer and wastewater services may be cancelled
7090 and its powers, duties and responsibilities transferred to the
7091 county authority in the manner provided by this section.

7092 (2) Any entity described in subsection (1) of this section
7093 desiring to have its certificate of public convenience and
7094 necessity cancelled and its powers, duties and responsibilities
7095 transferred to the county authority shall make a determination to
7096 that effect on its official minutes if a public entity, or by

7097 affidavit if not a public entity, and transmit such determination
7098 to the county authority.

7099 (3) Upon receipt of the document evidencing such
7100 determination from an entity to transfer its powers, duties and
7101 responsibilities to the county authority, the county authority
7102 shall, by resolution, declare whether it is willing and able to
7103 accept such transfer from the entity.

7104 (4) Upon completion of the requirements of subsections (2)
7105 and (3) herein and agreement by both parties to the transfer, the
7106 holder of the certificate of public convenience and necessity and
7107 the county authority shall jointly petition the Public Service
7108 Commission to cancel the certificate of public convenience and
7109 necessity. The petition must be accompanied by copies of the
7110 official minutes, affidavit or resolution, as the case may be,
7111 reflecting the actions of the petitioners. After review of the
7112 petition and any other evidence as the Public Service Commission
7113 deems necessary, the commission may issue an order cancelling the
7114 certificate and transferring to the county authority the powers,
7115 duties and responsibilities granted by the certificate, including
7116 all assets and debts of the transferor petitioner related to such
7117 certificated services, real or personal, or both, if it finds
7118 that:

7119 (a) Subsections (2) and (3) of this section have been
7120 complied with; and

7121 (b) Such action is in the public interest.

7122 (5) The county authority and providers of water, sewer,
7123 wastewater and storm water services that are not holders of a
7124 certificate of a public convenience and necessity from the Public
7125 Service Commission may enter into agreements for the provision of
7126 such services, including, but not limited to, the transfer to the
7127 county authority of such provider's powers, duties,
7128 responsibilities, assets and debts.

7129 **SECTION 72.** Section 49-17-753, Mississippi Code of 1972, is
7130 brought forward as follows:

7131 49-17-753. (1) Any system of a municipality, public agency
7132 or person that becomes subject to the jurisdiction of a county
7133 authority and this act shall not impair, invalidate or abrogate
7134 any liens, bonds or other certificates of indebtedness related to
7135 water, storm water or wastewater facilities and systems incurred
7136 prior to becoming subject to the jurisdiction of the county
7137 authority.

7138 (2) The county authority may do and perform any and all acts
7139 necessary, convenient or desirable to ensure the payment,
7140 redemption or satisfaction of such liens, bonds or other
7141 certificates of indebtedness.

7142 **SECTION 73.** Section 49-19-35, Mississippi Code of 1972, is
7143 brought forward as follows:

7144 49-19-35. As used in this section:

7145 (a) "Biomass" means bioenergy feedstocks from forest
7146 products manufacturing, including, without limitation:

7147 (i) Forest products manufacturing residuals,
7148 including, without limitation:
7149 1. Pulping liquors;
7150 2. Pulping byproducts;
7151 3. Woody manufacturing residuals;
7152 4. Paper recycling residuals;
7153 5. Wastewater and processed water treatment
7154 plant residuals; and
7155 6. Anaerobic digester biogas;
7156 (ii) Harvest residues, including, without
7157 limitation, trees or portions of harvested trees;
7158 (iii) Downed wood from extreme weather events or
7159 natural disasters;
7160 (iv) Nonhazardous landscape or right-of-way
7161 trimmings and municipal trimmings;
7162 (v) Plant material removed for purposes of
7163 invasive or noxious plant species control;
7164 (vi) Biowaste, including, without limitation,
7165 landfill gas;
7166 (vii) Forest biomass derived from residues created
7167 as a byproduct of timber harvesting;
7168 (viii) Forest management activities conducted for
7169 timber stand improvement or to increase yield, ecological
7170 restoration or to maintain or enhance forest health;

7171 (ix) Biomass materials described by the United
7172 States Environmental Protection Agency as fuels under 40 CFR
7173 Statute 241.1 et seq., as it existed on January 1, 2023; and

7174 (x) Other used wood products, including, without
7175 limitation, crates and pallets.

7176 (b) "Bioenergy with carbon capture and storage" means
7177 the process of capturing and permanently storing carbon dioxide
7178 from biomass energy generation.

7179 **SECTION 74.** Section 51-8-1, Mississippi Code of 1972, is
7180 brought forward as follows:

7181 51-8-1. (1) Any two (2) or more local governmental units,
7182 being defined herein to mean a county or municipality, may create
7183 a joint water management district in the manner set forth in this
7184 chapter.

7185 (2) If any local governmental unit is located within an
7186 existing water management district, then the local governmental
7187 unit shall petition the district to provide a service or function
7188 needed by the petitioning unit, provided the service or function
7189 is one which the district has the power and authority to perform.
7190 Upon receipt of the petition, the existing district shall have
7191 ninety (90) days within which to respond affirmatively to the
7192 petition, setting forth its intent to meet the need or perform the
7193 service or function and its proposal or plan for meeting the need
7194 or performing the service or function. If the existing water
7195 district does not affirmatively respond in a timely fashion, then

7196 any two (2) or more local governmental units may create a joint
7197 water management district in the manner set forth in this chapter.

7198 (3) The joint water management district may include any
7199 geographic area within the boundaries of the interested
7200 governmental units.

7201 (4) A joint water management district may be created
7202 although adequate water supply, flood control, drainage or other
7203 water or wastewater management activities are being undertaken by
7204 one or more of the local governmental units interested in creating
7205 a joint water management district or by another corporate agency
7206 existing and operating within the geographical area of the joint
7207 water management district. The term "corporate agency," as used
7208 herein, means any agency or subdivision of the state or federal
7209 government, any body politic and corporate created under the laws
7210 of this state, any utility, or any public or private profit or
7211 nonprofit corporation.

7212 **SECTION 75.** Section 51-8-3, Mississippi Code of 1972, is
7213 brought forward as follows:

7214 51-8-3. A joint water management district may be created for
7215 the purpose of establishing a water supply system, conserving
7216 water resources, developing additional water resources or any
7217 other water or wastewater management function not being performed
7218 by an existing water management district, except that such a
7219 district as described in Section 51-8-1 may not be created for the
7220 purpose of constructing, contracting for the construction of, or

7221 serving as a local sponsor for the construction of, any dam or
7222 other flood control facility or project, the primary purpose of
7223 which is to control flooding on any part of the Pearl River,
7224 Mississippi River, Yazoo River, Tombigbee River, Big Black River,
7225 Pearl River Pascagoula River, Tallahatchie River, Yalobusha River,
7226 Homochito River, Buffalo River, Leaf River, Coldwater River,
7227 Sunflower River, Little Sunflower River, Wolf River, Yockanookany
7228 River, Ofahoma River, Strong River, Bogue Chitto River, Amite
7229 River, Bayou Pierre River, Tangipahoa River, Noxubee River,
7230 Buttahatchee River, Chunky River, Biloxi River, Tippah River,
7231 Hatchie River, Jourdan River, Bowie River, Chickasawhay River and
7232 Escatawpa River.

7233 **SECTION 76.** Section 51-39-7, Mississippi Code of 1972, is
7234 brought forward as follows:

7235 51-39-7. (1) (a) Any single unit of local government or
7236 any combination of units of local government may create a
7237 district.

7238 (b) If any unit of local government is located within
7239 an existing district, then the unit of local government shall
7240 petition the district to provide a service or function needed by
7241 the petitioning unit, if the service or function is one which the
7242 district has the power and authority to perform. Upon receipt of
7243 the petition, the district shall have ninety (90) days within
7244 which to respond affirmatively to the petition, setting forth its
7245 intent to meet the need or perform the service or function and its

7246 plan to meet the need or perform the service or function. If the
7247 existing district does not affirmatively respond in a timely
7248 fashion, then the petitioning unit of local government may form a
7249 district as provided in this chapter.

7250 (c) The district may include any geographic area within
7251 the boundaries of any interested unit of local government.

7252 (d) A district may be formed although adequate water
7253 supply, flood control, drainage or other water or wastewater
7254 management activities are being undertaken by one or more of the
7255 units of local government interested in creating a district or by
7256 another public agency existing and operating within the
7257 geographical area of the district.

7258 (2) Creation of a district shall be initiated by ordinance
7259 or resolution duly adopted by the governing body of each unit of
7260 local government. The ordinance or resolution shall state: (a)
7261 the necessity for the proposed district; (b) the primary function
7262 of the proposed district; (c) the geographic boundaries of the
7263 proposed district within the jurisdiction of the unit of local
7264 government; (d) the names and geographic boundaries of any other
7265 units of local government proposing to be in the district; (e) the
7266 date upon which the governing body intends to create the district;
7267 (f) the estimated cost of projects to be conducted and maintained
7268 by the district; however the estimate shall not serve as a
7269 limitation upon the financing of any project or to invalidate any
7270 ordinance or resolution adopted under this section; (g) the name

7271 of a designated representative of the unit of local government to
7272 enter into an incorporation agreement with the other units of
7273 local government, if applicable; and (h) any other information
7274 reasonably necessary to inform the constituency of the unit of
7275 local government of the purpose and proposed obligations of the
7276 unit of local government and other units of local government, if
7277 applicable, proposing to create the district.

7278 (3) The governing body of the unit of local government may
7279 hold a public meeting or public hearing on the necessity for
7280 creation of the district. The governing body shall provide notice
7281 in the manner provided under Section 51-39-9 of any public meeting
7282 or public hearing.

7283 **SECTION 77.** Section 51-41-3, Mississippi Code of 1972, is
7284 brought forward as follows:

7285 51-41-3. As used in this chapter, unless the context
7286 otherwise requires:

7287 (a) "Board" means the board of directors of the water
7288 authority;

7289 (b) "Bond" means any bond, promissory note, lease
7290 purchase agreement or other evidence of indebtedness of any nature
7291 along with all debt securing instruments of every nature related
7292 thereto;

7293 (c) "Indenture" means a mortgage, an indenture of
7294 mortgage, deed of trust, trust agreement, loan agreement, security

7295 agreement or trust indenture executed by the water authority as
7296 security for any bonds;

7297 (d) "Project" means any raw or potable water or
7298 wastewater intake, treatment, distribution, transmission, storage,
7299 pumping, well site, well field or other facility or system, or any
7300 combination of the foregoing, that has as its purpose the
7301 providing of raw or potable water to members of the public and
7302 commercial, industrial or other users or the treatment of
7303 wastewater, along with any and all other appurtenances, equipment,
7304 betterments or improvements related thereto. The above projects
7305 may include any lands, or interest in any lands, deemed by the
7306 board to be desirable in connection with the projects, and
7307 necessary equipment for the proper functioning and operation of
7308 the buildings or facilities involved;

7309 (e) "Qualified corporation" means any not-for-profit
7310 corporation or association that provides, distributes, transmits,
7311 treats, pumps or stores raw or potable water to or for the benefit
7312 of members of the general public and commercial, industrial and
7313 other users;

7314 (f) "United States" means the United States of America
7315 or any of its agencies or instrumentalities;

7316 (g) "State" means the State of Mississippi; and

7317 (h) "Water authority" means that body politic and
7318 governmental entity organized under the provisions of this
7319 chapter.

7320 **SECTION 78.** Section 57-75-9, Mississippi Code of 1972, is
7321 brought forward as follows:

7322 57-75-9. (1) The authority is hereby designated and
7323 empowered to act on behalf of the state in submitting a siting
7324 proposal for any project eligible for assistance under this act.
7325 The authority is empowered to take all steps appropriate or
7326 necessary to effect the siting, development, and operation of the
7327 project within the state, including the negotiation of a
7328 fee-in-lieu. If the state is selected as the preferred site for
7329 the project, the authority is hereby designated and empowered to
7330 act on behalf of the state and to represent the state in the
7331 planning, financing, development, construction and operation of
7332 the project or any facility related to the project, with the
7333 concurrence of the affected public agency. The authority may take
7334 affirmative steps to coordinate fully all aspects of the
7335 submission of a siting proposal for the project and, if the state
7336 is selected as the preferred site, to coordinate fully, with the
7337 concurrence of the affected public agency, the development of the
7338 project or any facility related to the project with private
7339 business, the United States government and other public agencies.
7340 All public agencies are encouraged to cooperate to the fullest
7341 extent possible to effectuate the duties of the authority;
7342 however, the development of the project or any facility related to
7343 the project by the authority may be done only with the concurrence
7344 of the affected public agency.

7345 (2) (a) Contracts, by the authority or a public agency,
7346 including, but not limited to, design and construction contracts,
7347 for the acquisition, purchase, construction or installation of a
7348 project defined in Section 57-75-5(f)(iv)1 or any facility related
7349 to the project shall be exempt from the provisions of Section
7350 31-7-13 if:

7351 (i) The authority finds and records such finding
7352 on its minutes, that because of availability or the particular
7353 nature of a project, it would not be in the public interest or
7354 would less effectively achieve the purposes of this chapter to
7355 enter into such contracts on the basis of Section 31-7-13; and

7356 (ii) The enterprise that is involved in the
7357 project concurs in such finding.

7358 (b) When the requirements of paragraph (a) of this
7359 subsection are met:

7360 (i) The requirements of Section 31-7-13 shall not
7361 apply to such contracts; and

7362 (ii) The contracts may be entered into on the
7363 basis of negotiation.

7364 (c) The enterprise involved with the project may, upon
7365 approval of the authority, negotiate such contracts in the name of
7366 the authority.

7367 (d) The provisions of this subsection (2) shall not
7368 apply to contracts by the authority for excavation, fill dirt and
7369 compaction for the preparation of the site of a project as defined

7370 in Section 57-75-5(f) (iv)1 and such contracts may be entered into
7371 pursuant to subsection (3) of this section.

7372 (3) (a) Contracts by the authority for excavation, fill
7373 dirt and compaction for the preparation of the site of a project
7374 defined in Section 57-75-5(f) (iv)1 shall be exempt from the
7375 provisions of Section 31-7-13 and the following procedure shall be
7376 followed in the award of such contracts:

7377 (i) The authority shall advertise for a period of
7378 time to be set by the authority, but in no event less than one (1)
7379 business day, the date, time and place of a meeting with the
7380 authority to receive specifications on a request for proposals on
7381 excavation, fill dirt and compaction for the preparation of the
7382 site of the project defined in Section 57-75-5(f) (iv)1.

7383 (ii) The authority shall set the minimum
7384 qualifications necessary to be considered for award of the
7385 contract and the advertisement shall set forth such minimum
7386 qualifications.

7387 (iii) Following the meeting the authority shall,
7388 in its discretion, select one or more of the qualified contractors
7389 with whom to negotiate or award the contract. The decision of the
7390 authority concerning the selection of the contractor shall be
7391 final.

7392 (b) Contracts by the authority or a public agency for
7393 site preparation, utilities, real estate improvements, wastewater
7394 or for public works for a project defined in Section

7395 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii) shall be exempt from
7396 the provisions of Section 31-7-13 and the following procedure
7397 shall be followed in the award of such contracts:

7398 (i) The authority or the public agency shall
7399 advertise for a period of time to be set by the authority or the
7400 public agency, but in no event less than one (1) nor more than
7401 five (5) calendar days, the date, time and place of a meeting with
7402 the authority or the public agency to receive specifications on
7403 the preparation of the site of the project defined in Section
7404 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii).

7405 (ii) The authority or the public agency shall set
7406 the minimum qualifications necessary to be considered for award of
7407 the contract and the advertisement shall set forth such minimum
7408 qualifications.

7409 (iii) Following the meeting the authority or the
7410 public agency shall, in its discretion, select one or more of the
7411 qualified contractors with whom to negotiate or award the
7412 contract. The decision of the authority or the public agency
7413 concerning the selection of the contractor shall be final.

7414 (c) Contracts by a public agency for site preparation,
7415 utilities, real estate improvements, infrastructure, roads or for
7416 public works for a project defined in Section 57-75-5(f) (xxiii),
7417 Section 57-75-5(f) (xxix), Section 57-75-5(f) (xxx), Section
7418 57-75-5(f) (xxxi), Section 57-75-5(f) (xxxii) or Section
7419 57-75-5(f) (xxxiii) may be exempt from the provisions of Section

7420 31-7-13 and the following procedure shall be followed in the award
7421 of contracts:

7422 (i) The public agency shall advertise for a period
7423 of time to be set by the public agency, but in no event less than
7424 one (1) nor more than five (5) calendar days, the date, time and
7425 place of a meeting with the public agency to receive
7426 specifications on site preparation, utilities, real estate
7427 improvements, infrastructure, roads or for public works related to
7428 the project defined in Section 57-75-5(f) (xxiii), Section
7429 57-75-5(f) (xxix), Section 57-75-5(f) (xxx), Section
7430 57-75-5(f) (xxxi), Section 57-75-5(f) (xxxii) or Section
7431 57-75-5(f) (xxxiii).

7432 (ii) The public agency shall set the minimum
7433 qualifications necessary to be considered for award of the
7434 contract and the advertisement shall set forth such minimum
7435 qualifications.

7436 (iii) Following the meeting the public agency
7437 shall, in its discretion, which discretion may include
7438 participation by an enterprise involved in the project, select one
7439 or more of the qualified contractors with whom to negotiate or
7440 award the contract. The decision of the public agency concerning
7441 selection of the contractor shall be final.

7442 (4) (a) Contracts, by the authority or a public agency,
7443 including, but not limited to, design and construction contracts,
7444 for the acquisition, purchase, construction or installation of a

7445 project defined in Section 57-75-5(f) (xxvi), Section
7446 57-75-5(f) (xxvii), Section 57-75-5(f) (xxviii), Section
7447 57-75-5(f) (xxix), Section 57-75-5(f) (xxx), Section
7448 57-75-5(f) (xxxii), Section 57-75-5(f) (xxxii) or Section
7449 57-75-5(f) (xxxiii), and any contracts by the authority or a public
7450 agency for site preparation, utilities, real estate improvements,
7451 infrastructure, roads or for other public facilities related to
7452 any such project shall be exempt from the provisions of Section
7453 31-7-13 if:

7454 (i) The authority finds and records such finding
7455 on its minutes, that because of availability or the particular
7456 nature of a project, it would not be in the public interest or
7457 would less effectively achieve the purposes of this chapter to
7458 enter into such contracts on the basis of Section 31-7-13; and

7459 (ii) The enterprise that is involved in the
7460 project concurs in such finding.

7461 (b) When the requirements of paragraph (a) of this
7462 subsection are met:

7463 (i) The requirements of Section 31-7-13 shall not
7464 apply to such contracts; and

7465 (ii) The contracts may be entered into on the
7466 basis of negotiation with the authority or such public agency, and
7467 the authority or such public agency may, as part of such
7468 negotiations, further negotiate and require the level of

7469 participation by the enterprise involved in the project in the
7470 negotiation of such contracts.

7471 (c) Contracts by the authority or a public agency for
7472 site preparation, utilities, real estate improvements,
7473 infrastructure, roads or for other public facilities related to a
7474 project defined in Section 57-75-5(f)(xxxii), shall be exempt from
7475 the provisions of Section 65-1-85, and the authority or public
7476 agency is authorized to use any method for design and/or
7477 construction procurement and contracting. With respect to any
7478 such contract that is anticipated to be federally funded, in whole
7479 or in part, the authority or public agency may nonetheless comply
7480 with the provisions of Section 65-1-85 for purposes of compliance
7481 with any applicable federal funding requirements.

7482 (d) The decision of the authority or the public agency
7483 concerning selection of the contractor shall be final.

7484 (e) The company shall make commercially reasonable
7485 efforts to place out for bid, such that Mississippi Contractors
7486 and Mississippi Disadvantaged Business Enterprises ("DBEs") shall
7487 have an equal opportunity to respond to such bid, any contract by
7488 the company which (i) is subject to tax pursuant to Mississippi
7489 Code Section 27-65-21 (i.e., contracts for constructing, building,
7490 erecting, grading, excavating, etc.), and (ii) will be paid, or
7491 payment thereunder by the company will be reimbursed, using any
7492 portion of the grant proceeds or funds provided by the authority
7493 to the company in accordance with this agreement. In carrying out

7494 such efforts, in order to increase the pool of qualified DBE
7495 bidders, the company will request that successful prime contract
7496 bidders include in their response a commitment to (a) participate
7497 in and/or host forums that highlight subcontract bidding
7498 opportunities for DBEs; and (b) work with various trade
7499 associations and the Mississippi Development Authority to promote
7500 increased participation from DBEs. With respect to awarding any
7501 contract placed out for bid, the company shall be allowed to award
7502 such contract in the company's sole discretion (e.g., based upon
7503 optimization of quality, cost and efficiency or on any other basis
7504 as the company may see fit). MDA agrees that it will offer to
7505 eligible contractor DBEs that have an opportunity to work on the
7506 project assistance through its Minority Surety Bond Guaranty
7507 Program.

7508 (5) The Department of Employment Security is authorized to
7509 provide to the authority any information received, obtained or
7510 produced, or findings or determinations made thereby, with respect
7511 to any jobs created or maintained for a project that has been
7512 certified by the authority as a project as defined in Section
7513 57-75-5(f).

7514 **SECTION 79.** Section 57-75-11, Mississippi Code of 1972, is
7515 brought forward as follows:

7516 57-75-11. The authority, in addition to any and all powers
7517 now or hereafter granted to it, is empowered and shall exercise

7518 discretion and the use of these powers depending on the
7519 circumstances of the project or projects:

7520 (a) To maintain an office at a place or places within
7521 the state.

7522 (b) To employ or contract with architects, engineers,
7523 attorneys, accountants, construction and financial experts and
7524 such other advisors, consultants and agents as may be necessary in
7525 its judgment and to fix and pay their compensation.

7526 (c) To make such applications and enter into such
7527 contracts for financial assistance as may be appropriate under
7528 applicable federal or state law.

7529 (d) To apply for, accept and utilize grants, gifts and
7530 other funds or aid from any source for any purpose contemplated by
7531 the act, and to comply, subject to the provisions of this act,
7532 with the terms and conditions thereof.

7533 (e) (i) To acquire by purchase, lease, gift, or in
7534 other manner, including quick-take eminent domain, or obtain
7535 options to acquire, and to own, maintain, use, operate and convey
7536 any and all property of any kind, real, personal, or mixed, or any
7537 interest or estate therein, within the project area, necessary for
7538 the project or any facility related to the project. The
7539 provisions of this paragraph that allow the acquisition of
7540 property by quick-take eminent domain shall be repealed by
7541 operation of law on July 1, 1994; and

7542 (ii) Notwithstanding any other provision of this
7543 paragraph (e), from and after November 6, 2000, to exercise the
7544 right of immediate possession pursuant to the provisions of
7545 Sections 11-27-81 through 11-27-89 for the purpose of acquiring
7546 land, property and/or rights-of-way in the county in which a
7547 project as defined in Section 57-75-5(f)(iv)1 is located, that are
7548 necessary for such project or any facility related to the project.

7549 (f) To acquire by purchase or lease any public lands
7550 and public property, including sixteenth section lands and lieu
7551 lands, within the project area, which are necessary for the
7552 project. Sixteenth section lands or lieu lands acquired under
7553 this act shall be deemed to be acquired for the purposes of
7554 industrial development thereon and such acquisition will serve a
7555 higher public interest in accordance with the purposes of this
7556 act.

7557 (g) If the authority identifies any land owned by the
7558 state as being necessary, for the location or use of the project,
7559 or any facility related to the project, to recommend to the
7560 Legislature the conveyance of such land or any interest therein,
7561 as the Legislature deems appropriate.

7562 (h) To make or cause to be made such examinations and
7563 surveys as may be necessary to the planning, design, construction
7564 and operation of the project.

7565 (i) From and after the date of notification to the
7566 authority by the enterprise that the state has been finally

7567 selected as the site of the project, to acquire by condemnation
7568 and to own, maintain, use, operate and convey or otherwise dispose
7569 of any and all property of any kind, real, personal or mixed, or
7570 any interest or estate therein, within the project area, necessary
7571 for the project or any facility related to the project, with the
7572 concurrence of the affected public agency, and the exercise of the
7573 powers granted by this act, according to the procedures provided
7574 by Chapter 27, Title 11, Mississippi Code of 1972, except as
7575 modified by this act.

7576 (i) Except as otherwise provided in subparagraph
7577 (iii) of this paragraph (i), in acquiring lands by condemnation,
7578 the authority shall not acquire minerals or royalties in minerals
7579 unless a competent registered professional engineer shall have
7580 certified that the acquisition of such minerals and royalties in
7581 minerals is necessary for purposes of the project; provided that
7582 limestone, clay, chalk, sand and gravel shall not be considered as
7583 minerals for the purposes of subparagraphs (i) and (ii) of this
7584 paragraph (i);

7585 (ii) Unless minerals or royalties in minerals have
7586 been acquired by condemnation or otherwise, no person or persons
7587 owning the drilling rights or the right to share in production of
7588 minerals shall be prevented from exploring, developing, or
7589 producing oil or gas with necessary rights-of-way for ingress and
7590 egress, pipelines and other means of transporting interests on any
7591 land or interest therein of the authority held or used for the

7592 purposes of this act; but any such activities shall be under such
7593 reasonable regulation by the authority as will adequately protect
7594 the project contemplated by this act as provided in paragraph (r)
7595 of this section; and

7596 (iii) In acquiring lands by condemnation,
7597 including the exercise of immediate possession, for a project, as
7598 defined in Section 57-75-5(f)(iv)1, the authority may acquire
7599 minerals or royalties in minerals.

7600 (j) To negotiate the necessary relocation or rerouting
7601 of roads and highways, railroad, telephone and telegraph lines and
7602 properties, electric power lines, pipelines and related
7603 facilities, or to require the anchoring or other protection of any
7604 of these, provided due compensation is paid to the owners thereof
7605 or agreement is had with such owners regarding the payment of the
7606 cost of such relocation, and to acquire by condemnation or
7607 otherwise easements or rights-of-way for such relocation or
7608 rerouting and to convey the same to the owners of the facilities
7609 being relocated or rerouted in connection with the purposes of
7610 this act.

7611 (k) To negotiate the necessary relocation of graves and
7612 cemeteries and to pay all reasonable costs thereof.

7613 (l) To perform or have performed any and all acts and
7614 make all payments necessary to comply with all applicable federal
7615 laws, rules or regulations including, but not limited to, the
7616 Uniform Relocation Assistance and Real Property Acquisition

7617 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
7618 to 4655) and relocation rules and regulations promulgated by any
7619 agency or department of the federal government.

7620 (m) To construct, extend, improve, maintain, and
7621 reconstruct, to cause to be constructed, extended, improved,
7622 maintained, and reconstructed, and to use and operate any and all
7623 components of the project or any facility related to the project,
7624 with the concurrence of the affected public agency, within the
7625 project area, necessary to the project and to the exercise of such
7626 powers, rights, and privileges granted the authority.

7627 (n) To incur or defray any designated portion of the
7628 cost of any component of the project or any facility related to
7629 the project acquired or constructed by any public agency.

7630 (o) (i) To lease, sell or convey any or all property
7631 acquired by the authority under the provisions of this act to the
7632 enterprise, its successors or assigns, and/or any entity for
7633 purposes in furtherance of economic development as determined by
7634 the authority, and in connection therewith to pay the costs of
7635 title search, perfection of title, title insurance and recording
7636 fees as may be required. The authority may provide in the
7637 instrument conveying such property a provision that such property
7638 shall revert to the authority if, as and when the property is
7639 declared by the transferee to be no longer needed.

7640 (ii) To lease, sell, transfer or convey on any
7641 terms agreed upon by the authority any or all real and personal

7642 property, improvements, leases, funds and contractual obligations
7643 of a project as defined in Section 57-75-5(f) (vi) and conveyed to
7644 the State of Mississippi by a Quitclaim Deed from the United
7645 States of America dated February 23, 1996, filed of record at
7646 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
7647 Tishomingo County, Mississippi, to any governmental authority
7648 located within the geographic boundaries of the county wherein
7649 such project exists upon agreement of such governmental authority
7650 to undertake and assume from the State of Mississippi all
7651 obligations and responsibilities in connection with ownership and
7652 operation of the project. Property leased, sold, transferred or
7653 otherwise conveyed by the authority under this paragraph (o) shall
7654 be used only for economic development purposes.

7655 (p) To enter into contracts with any person or public
7656 agency, including, but not limited to, contracts authorized by
7657 Section 57-75-17, in furtherance of any of the purposes authorized
7658 by this act upon such consideration as the authority and such
7659 person or public agency may agree. Any such contract may extend
7660 over any period of time, notwithstanding any rule of law to the
7661 contrary, may be upon such terms as the parties thereto shall
7662 agree, and may provide that it shall continue in effect until
7663 bonds specified therein, refunding bonds issued in lieu of such
7664 bonds, and all other obligations specified therein are paid or
7665 terminated. Any such contract shall be binding upon the parties
7666 thereto according to its terms. Such contracts may include an

7667 agreement to reimburse the enterprise, its successors and assigns
7668 for any assistance provided by the enterprise in the acquisition
7669 of real property for the project or any facility related to the
7670 project.

7671 (q) To establish and maintain reasonable rates and
7672 charges for the use of any facility within the project area owned
7673 or operated by the authority, and from time to time, to adjust
7674 such rates and to impose penalties for failure to pay such rates
7675 and charges when due.

7676 (r) To adopt and enforce with the concurrence of the
7677 affected public agency all necessary and reasonable rules and
7678 regulations to carry out and effectuate the implementation of the
7679 project and any land use plan or zoning classification adopted for
7680 the project area, including, but not limited to, rules,
7681 regulations, and restrictions concerning mining, construction,
7682 excavation or any other activity the occurrence of which may
7683 endanger the structure or operation of the project. Such rules
7684 may be enforced within the project area and without the project
7685 area as necessary to protect the structure and operation of the
7686 project. The authority is authorized to plan or replan, zone or
7687 rezone, and make exceptions to any regulations, whether local or
7688 state, with the concurrence of the affected public agency which
7689 are inconsistent with the design, planning, construction or
7690 operation of the project and facilities related to the project.

7691 (s) To plan, design, coordinate and implement measures
7692 and programs to mitigate impacts on the natural environment caused
7693 by the project or any facility related to the project.

7694 (t) To develop plans for technology transfer activities
7695 to ensure private sector conduits for exchange of information,
7696 technology and expertise related to the project to generate
7697 opportunities for commercial development within the state.

7698 (u) To consult with the State Department of Education
7699 and other public agencies for the purpose of improving public
7700 schools and curricula within the project area.

7701 (v) To consult with the State Board of Health and other
7702 public agencies for the purpose of improving medical centers,
7703 hospitals and public health centers in order to provide
7704 appropriate health care facilities within the project area.

7705 (w) To consult with the Office of Minority Business
7706 Enterprise Development and other public agencies for the purpose
7707 of developing plans for technical assistance and loan programs to
7708 maximize the economic impact related to the project for minority
7709 business enterprises within the State of Mississippi.

7710 (x) To deposit into the "Yellow Creek Project Area
7711 Fund" created pursuant to Section 57-75-31:

7712 (i) Any funds or aid received as authorized in
7713 this section for the project described in Section 57-75-5(f)(vi),
7714 and

7715 (ii) Any funds received from the sale or lease of
7716 property from the project described in Section 57-75-5(f) (vi)
7717 pursuant to the powers exercised under this section.

7718 (y) To manage and develop the project described in
7719 Section 57-75-5(f) (vi) .

7720 (z) To promulgate rules and regulations necessary to
7721 effectuate the purposes of this act.

7722 (aa) To negotiate a fee-in-lieu with the owners of the
7723 project.

7724 (bb) To enter into contractual agreements to warrant
7725 any site work for a project defined in Section 57-75-5(f) (iv)1;
7726 provided, however, that the aggregate amount of such warranties
7727 shall not exceed Fifteen Million Dollars (\$15,000,000.00) .

7728 (cc) To provide grant funds to an enterprise operating
7729 a project defined in Section 57-75-5(f) (iv)1 in an amount not to
7730 exceed Thirty-nine Million Dollars (\$39,000,000.00) .

7731 (dd) (i) To own surface water transmission lines
7732 constructed with the proceeds of bonds issued pursuant to this act
7733 and in connection therewith to purchase and provide water to any
7734 project defined in Section 57-75-5(f) (iv) and to certificated
7735 water providers; and

7736 (ii) To lease such surface water transmission
7737 lines to a public agency or public utility to provide water to
7738 such project and to certificated water providers.

7739 (ee) To provide grant funds to an enterprise operating
7740 a project defined in Section 57-75-5(f)(v) or, in connection with
7741 a facility related to such a project, for job training, recruiting
7742 and infrastructure.

7743 (ff) To enter into negotiations with persons proposing
7744 projects defined in Section 57-75-5(f)(xi) and execute acquisition
7745 options and conduct planning, design and environmental impact
7746 studies with regard to such project.

7747 (gg) To establish such guidelines, rules and
7748 regulations as the authority may deem necessary and appropriate
7749 from time to time in its sole discretion, to promote the purposes
7750 of this act.

7751 (hh) In connection with projects defined in Section
7752 57-75-5(f)(ii):

7753 (i) To provide grant funds or loans to a public
7754 agency or an enterprise owning, leasing or operating a project
7755 defined in Section 57-75-5(f)(ii) in amounts not to exceed the
7756 amount authorized in Section 57-75-15(3)(b);

7757 (ii) To supervise the use of all such grant funds
7758 or loans; and

7759 (iii) To requisition money in the Mississippi
7760 Major Economic Impact Authority Revolving Loan Fund in connection
7761 with such loans.

7762 (ii) In connection with projects defined under Section
7763 57-75-5(f)(xiv):

7764 (i) To provide grant funds or loans to an
7765 enterprise owning, leasing or operating a project defined in
7766 Section 57-75-5(f)(xiv); however, the aggregate amount of any such
7767 loans under this paragraph (ii) shall not exceed Eighteen Million
7768 Dollars (\$18,000,000.00) and the aggregate amount of any such
7769 grants under this paragraph (ii) shall not exceed Six Million
7770 Dollars (\$6,000,000.00);

7771 (ii) To supervise the use of all such grant funds
7772 or loans; and

7773 (iii) Notwithstanding any provision of this act to
7774 the contrary, such loans shall be for a term not to exceed twenty
7775 (20) years as may be determined by the authority, shall bear
7776 interest at such rates as may be determined by the authority,
7777 shall, in the sole discretion of the authority, be secured in an
7778 amount and a manner as may be determined by the authority.

7779 (jj) In connection with projects defined under Section
7780 57-75-5(f)(xviii):

7781 (i) To provide grant funds of Twenty-five Million
7782 Dollars (\$25,000,000.00) to an enterprise owning or operating a
7783 project defined in Section 57-75-5(f)(xviii) to be used for real
7784 estate improvements and which may be disbursed as determined by
7785 the authority;

7786 (ii) To provide loans to an enterprise owning or
7787 operating a project defined in Section 57-75-5(f)(xviii) or make

7788 payments to a lender providing financing to the enterprise;
7789 subject to the following provisions:

7790 1. Not more than Ten Million Dollars
7791 (\$10,000,000.00) may be loaned to such an enterprise for the
7792 purpose of defraying costs incurred by the enterprise for site
7793 preparation and real property improvements during the construction
7794 of the project in excess of budgeted costs; however, the amount of
7795 any such loan shall not exceed fifty percent (50%) of such excess
7796 costs;

7797 2. Not more than Sixty Million Dollars
7798 (\$60,000,000.00) may be loaned to such an enterprise or paid to a
7799 lender providing financing to the enterprise for purposes
7800 determined appropriate by the authority, and the enterprise shall
7801 be obligated to repay the amount of the loan or payment plus any
7802 expenses incurred by the state as a result of the issuance of
7803 bonds pursuant to Section 57-75-15(3) (p); however, no such loan or
7804 payment may be made before the beginning of the fifth year after
7805 issuance by the enterprise of debt in like amount the proceeds of
7806 which are to be used in connection with the project;

7807 (iii) To supervise the use of all such loan funds;

7808 (iv) Loans under this paragraph (jj) may be for
7809 any term determined appropriate by the authority provided that the
7810 payments on any loan must be in an amount sufficient to pay the
7811 state's debt service on bonds issued for the purpose of providing
7812 funds for such a loan; and

7813 (v) The repayment obligation of the enterprise for
7814 any loan or payment authorized under this paragraph (jj) shall, in
7815 the discretion of the authority, be secured in an amount and a
7816 manner as may be determined by the authority.

7817 (kk) In connection with projects defined in Section
7818 57-75-5(f) (xxi) or a facility related to such a project:

7819 (i) To provide grant funds to reimburse public
7820 agencies, Itawamba Community College, Northeast Mississippi
7821 Community College, and/or East Mississippi Community College,
7822 public or private nonprofits or an enterprise owning or operating
7823 a project as defined in Section 57-75-5(f) (xxi) for site
7824 preparation, real estate improvements, utilities, railroads,
7825 roads, infrastructure, job training, recruiting and any other
7826 expenses approved by the authority in amounts not to exceed the
7827 amount authorized in Section 57-75-15(3) (s);

7828 (ii) To supervise the use of all such grant funds
7829 so reimbursed; and

7830 (iii) To enter into contractual agreements to
7831 warrant site preparation and availability for a project defined in
7832 Section 57-75-5(f) (xxi).

7833 (ll) In connection with a project related to a Tier One
7834 supplier:

7835 (i) To provide grant funds to reimburse public
7836 agencies, public or private nonprofits and Tier One suppliers for
7837 site preparation, real estate improvements, utilities, railroads,

7838 roads, infrastructure, job training, recruiting and any other
7839 expenses approved by the authority in amounts not to exceed the
7840 amount authorized in Section 57-75-15(3) (t);

7841 (ii) To supervise the use of all such grant funds
7842 so reimbursed.

7843 (mm) In connection with projects defined in Section
7844 57-75-5(f) (xxii) or a facility related to such a project:

7845 (i) To provide grant funds to reimburse public
7846 agencies or an enterprise owning or operating a project as defined
7847 in Section 57-75-5(f) (xxii) for site preparation, real estate
7848 improvements, utilities, fire protection, wastewater, railroads,
7849 roads, infrastructure, job training, recruiting and any other
7850 expenses approved by the authority in amounts not to exceed the
7851 amount authorized in Section 57-75-15(3) (u); and

7852 (ii) To supervise the use of all such grant funds
7853 so reimbursed.

7854 (nn) It is the policy of the authority and the
7855 authority is authorized to accommodate and support any enterprise
7856 owning or operating a project defined in Section
7857 57-75-5(f) (xviii), 57-75-5(f) (xxi), 57-75-5(f) (xxii),
7858 57-75-5(f) (xxvi), 57-75-5(f) (xxvii), 57-75-5(f) (xxviii),
7859 57-75-5(f) (xxix), 57-75-5(f) (xxx), 57-75-5(f) (xxxi),
7860 57-75-5(f) (xxxii) or 57-75-5(f) (xxxiii), or an enterprise
7861 developing or owning a project defined in Section 57-75-5(f) (xx),
7862 that wishes to have a program of diversity in contracting, and/or

7863 that wishes to do business with or cause its prime contractor to
7864 do business with Mississippi companies, including those companies
7865 that are small business concerns owned and controlled by socially
7866 and economically disadvantaged individuals. The term "socially
7867 and economically disadvantaged individuals" shall have the meaning
7868 ascribed to such term under Section 8(d) of the Small Business Act
7869 (15 USCS 637(d)) and relevant subcontracting regulations
7870 promulgated pursuant thereto; except that women shall be presumed
7871 to be socially and economically disadvantaged individuals for the
7872 purposes of this paragraph.

7873 (oo) To provide grant funds to an enterprise developing
7874 or owning a project defined in Section 57-75-5(f)(xx) for
7875 reimbursement of costs incurred by such enterprise for
7876 infrastructure improvements in the initial phase of development of
7877 the project, upon dedication of such improvements to the
7878 appropriate public agency.

7879 (pp) In connection with projects defined in Section
7880 57-75-5(f)(xxiii):

7881 (i) To provide grant funds to reimburse public
7882 agencies or an enterprise operating a project as defined in
7883 Section 57-75-5(f)(xxiii) for site preparation, utilities, real
7884 estate improvements, infrastructure, roads, public works, job
7885 training and any other expenses approved by the authority in
7886 amounts not to exceed the amount authorized in Section
7887 57-75-15(3)(v); and

7888 (ii) To supervise the use of all such grant funds
7889 so reimbursed.

7890 (qq) (i) To provide grant funds for the expansion of a
7891 publicly owned building for the project defined in Section
7892 57-75-5(f) (xxiv) or loans to an enterprise owning, leasing or
7893 operating a project defined in Section 57-75-5(f) (xxiv) for the
7894 purchase and/or relocation of equipment, or for any other purpose
7895 related to the project as approved by the authority; however, the
7896 aggregate amount of any such loans under this paragraph (qq) shall
7897 not exceed Six Million Dollars (\$6,000,000.00) and the aggregate
7898 amount of any such grants under this paragraph (qq) shall not
7899 exceed Seven Million Dollars (\$7,000,000.00);

7900 (ii) To supervise the use of all such grant funds
7901 or loans; and

7902 (iii) Notwithstanding any provision of this act to
7903 the contrary, such loans shall be for a term not to exceed ten
7904 (10) years as may be determined by the authority, shall bear a
7905 rate of interest to be determined by the authority, and shall be
7906 secured in an amount and a manner as may be determined by the
7907 authority.

7908 (rr) (i) To provide grant funds to an enterprise
7909 owning or operating a project defined in Section 57-75-5(f) (xxv)
7910 for reimbursement of costs incurred by the enterprise in
7911 reconfiguring the manufacturing plant and for the purchase of

7912 equipment, or for any other purpose related to the project as
7913 approved by the authority;

7914 (ii) To supervise the use of all such grant funds.

7915 (ss) In connection with projects defined under Section
7916 57-75-5(f) (xxvi):

7917 (i) To provide grant funds and/or loans to a
7918 public agency in an amount not to exceed Fifteen Million Dollars
7919 (\$15,000,000.00) for the construction of a publicly owned building
7920 to be leased by the enterprise owning or operating the project;

7921 (ii) To provide loan guarantees in an amount not
7922 to exceed the total cost of the project for which financing is
7923 sought or Twenty Million Dollars (\$20,000,000.00), whichever is
7924 less, for the purpose of encouraging the extension of conventional
7925 financing and the issuance of letters of credit to the enterprise
7926 owning or operating the project;

7927 (iii) In connection with any loan guarantee made
7928 pursuant to this paragraph, to make payments to lenders providing
7929 financing to the enterprise owning or operating the project and
7930 the enterprise shall be obligated to repay the amount of the
7931 payment plus any expenses incurred by the state as a result of the
7932 issuance of bonds pursuant to Section 57-75-15(3) (y);

7933 (iv) To supervise the use of all such grant funds,
7934 loan funds or payments; and

7935 (v) To require the enterprise owning or operating
7936 the project to provide security for the repayment obligation for

7937 any loan guarantee authorized under this paragraph in an amount
7938 and in a manner as may be determined by the authority.

7939 (tt) In connection with projects defined under Section
7940 57-75-5(f) (xxvii):

7941 (i) To provide loans to a public agency in an
7942 amount not to exceed Fifty Million Dollars (\$50,000,000.00) for
7943 the construction of a publicly owned building and acquisition of
7944 equipment to be leased by the enterprise owning or operating the
7945 project; and

7946 (ii) To supervise the use of all such loan funds.

7947 (uu) In connection with projects defined under Section
7948 57-75-5(f) (xxviii):

7949 (i) To provide grant funds to reimburse public
7950 agencies or an enterprise operating a project for site
7951 preparation, utilities, real estate purchase and improvements,
7952 infrastructure, roads, rail improvements, public works, job
7953 training and any other expenses approved by the authority in
7954 amounts not to exceed the amount authorized in Section

7955 57-75-15(3) (aa);

7956 (ii) To supervise the use of all such grant funds
7957 so reimbursed.

7958 (vv) In connection with projects defined under Section
7959 57-75-5(f) (xxix):

7960 (i) To provide grant funds to reimburse or
7961 otherwise defray the costs incurred by public agencies or an

7962 enterprise operating a project for site preparation, utilities,
7963 real estate purchases, purchase options and improvements,
7964 infrastructure, roads, rail improvements, public works, buildings
7965 and fixtures, job recruitment and training, as well as planning,
7966 design, environmental mitigation and environmental impact studies
7967 with respect to a project, and any other purposes approved by the
7968 authority in amounts not to exceed the amount authorized in
7969 Section 57-75-15(3) (bb);

7970 (ii) To provide loans to public agencies for site
7971 preparation, utilities, real estate purchases, purchase options
7972 and improvements, infrastructure, roads, rail improvements, public
7973 works, buildings and fixtures, job recruiting and training, as
7974 well as planning, design, environmental mitigation and
7975 environmental impact studies with respect to a project, and any
7976 other purposes approved by the authority in amounts not to exceed
7977 the amount authorized in Section 57-75-15(3) (bb);

7978 (iii) To supervise the use of all such grant funds
7979 so reimbursed and/or loans so made; and

7980 (iv) To the extent that the authority enters into
7981 any construction or similar contract for site preparation work or
7982 for the construction of any improvements on a project site, to
7983 assign or otherwise transfer to an enterprise or affiliate thereof
7984 that owns or operates such a project on such project site any and
7985 all contractual, express or implied warranties of any kind arising
7986 from such contract or work performed or materials purchased in

7987 connection therewith, and cause any such contract to contain terms
7988 and provisions designating such enterprise as a third-party
7989 beneficiary under the contract.

7990 (ww) In connection with projects defined under Section
7991 57-75-5(f) (xxx):

7992 (i) To provide grant funds to reimburse or
7993 otherwise defray the costs incurred by public agencies or an
7994 enterprise operating a project for public infrastructure needs,
7995 site preparation, building improvements, purchase of launch
7996 systems, recruitment of employees to fill new full-time jobs,
7997 providing internal company training and train prospective, new and
7998 existing employees of the enterprise associated with the project,
7999 including training of company employees who will utilize such
8000 instruction to teach other prospective, new and existing employees
8001 of the company and other workforce expenses and any other expenses
8002 approved by the authority in amounts not to exceed the amount
8003 authorized in Section 57-75-15(3) (cc); and

8004 (ii) To supervise the use of all such grant funds
8005 so reimbursed.

8006 (xx) In connection with projects defined under Section
8007 57-75-5(f) (xxxi):

8008 (i) To provide grant funds to reimburse or
8009 otherwise defray the costs incurred by public agencies or any
8010 enterprise operating one or more such projects for site
8011 preparation, utilities, real estate purchases, purchase options

8012 and improvements, infrastructure, utilities, roads, rail
8013 improvements, public works, buildings and fixtures, job
8014 recruitment and training, as well as planning, design,
8015 environmental mitigation and environmental impact studies with
8016 respect to a project, and any other purposes approved by the
8017 authority in amounts not to exceed the amount authorized in
8018 Section 57-75-15(3) (dd);

8019 (ii) To provide loans to public agencies for site
8020 preparation, utilities, real estate purchases, purchase options
8021 and improvements, infrastructure, roads, rail improvements, public
8022 works, buildings and fixtures, job recruiting and training, as
8023 well as planning, design, environmental mitigation and
8024 environmental impact studies with respect to a project, and any
8025 other purposes approved by the authority in amounts not to exceed
8026 the amount authorized in Section 57-75-15(3) (dd).

8027 (yy) (i) In connection with projects defined under
8028 Section 57-75-5(f) (xxxi), the authority is further authorized to
8029 provide to the enterprises operating one or more of the projects,
8030 an annual grant in an amount not to exceed three and one-half
8031 percent (3.5%) of the additional payroll for a period of ten (10)
8032 consecutive years. Each such aggregate annual grant amount shall
8033 be remitted to one or more of the enterprises and/or one or more
8034 of their affiliates, in such sub-amounts as the enterprises shall
8035 collectively direct, or that their common direct or indirect
8036 parent company shall direct, in writing, to the authority each

8037 year during such ten-year period. The ten-year period for the
8038 series of ten (10) annual grants authorized by this paragraph (yy)
8039 shall commence no later than January 1, 2029.

8040 (ii) In the event that the annual number of
8041 full-time jobs maintained or caused to be maintained by the
8042 enterprises operating one or more projects and/or one or more
8043 affiliates thereof falls below the minimum annual number of
8044 full-time jobs required by the authority pursuant to a written
8045 agreement between the authority and the enterprises and/or any
8046 affiliate thereof for one or more years, the annual grant
8047 authorized by this paragraph (yy) may be reduced or suspended by
8048 the authority until the first calendar year during which the
8049 annual number of full-time jobs maintained or caused to be
8050 maintained by the enterprises and/or their affiliates reaches the
8051 minimum annual number of full-time jobs required by the authority
8052 pursuant to the written agreement.

8053 (iii) The annual grants authorized by this
8054 paragraph (yy) may be funded from the proceeds of bonds issued
8055 pursuant to Section 57-75-15(3) (dd); provided that the aggregate
8056 amount of the annual grants over the entire ten-year period shall
8057 not exceed Forty-five Million Dollars (\$45,000,000.00).

8058 (iv) For purposes of this paragraph (yy):

8059 1. "Additional payroll" shall mean the sum of
8060 the annual payroll amount (i.e., all annual employee income that
8061 is subject to State of Mississippi and/or federal income taxation)

8062 for any calendar year beginning January 1, 2023, which is
8063 associated with full-time jobs created and maintained by all
8064 enterprises that undertake any project and/or by any affiliates
8065 thereof, in excess of the amount the annualized payroll (i.e., all
8066 annual employee income that is subject to State of Mississippi
8067 and/or federal income taxation), which is associated with
8068 employees employed in the State of Mississippi by such enterprises
8069 or their affiliates as of September 30, 2022; and

8070 2. "Base payroll level" shall mean the
8071 annualized payroll amount (i.e., all annual employee income that
8072 is subject to State of Mississippi and/or federal income taxation)
8073 paid to employees employed in the State of Mississippi by all
8074 enterprises that undertake any project and/or by any affiliates
8075 thereof during the twelve-month period ending on September 30,
8076 2022.

8077 (v) The Mississippi Development Authority may
8078 promulgate rules and regulations necessary to administer the
8079 provisions of this paragraph (yy) and may otherwise administer and
8080 prescribe rules and restrictions with respect to the annual grant
8081 authorized by this paragraph (yy) pursuant to a written agreement
8082 between the authority and any enterprises operating one or more
8083 projects and/or any affiliate thereof.

8084 (zz) In connection with a project defined under Section
8085 57-75-5(f) (xxxii):

8086 (i) To provide grant funds to reimburse or
8087 otherwise defray the costs incurred by public agencies or any
8088 enterprise operating one or more such projects for site
8089 preparation, utilities, real estate purchases, purchase options
8090 and improvements, infrastructure, utilities, roads, rail
8091 improvements, public works, buildings and fixtures, job
8092 recruitment and training, as well as planning, design,
8093 environmental mitigation and environmental impact studies with
8094 respect to a project, and any other purposes approved by the
8095 authority in amounts not to exceed the amount authorized in
8096 Section 57-75-15(3) (ee);

8097 (ii) To provide loans, grants and other funds to
8098 public agencies for site preparation, utilities, real estate
8099 purchases, purchase options and improvements, infrastructure,
8100 roads, rail improvements, public works, buildings and fixtures,
8101 job recruiting and training, as well as planning, design,
8102 environmental mitigation and environmental impact studies with
8103 respect to a project, and any other purposes approved by the
8104 authority in amounts not to exceed the amount authorized in
8105 Section 57-75-15(3) (ee).

8106 (aaa) In connection with a project defined under
8107 Section 57-75-5(f) (xxxiii):

8108 (i) To provide grant funds to reimburse or
8109 otherwise defray the costs incurred by public agencies or any
8110 enterprise operating one or more such projects for site

8111 preparation, utilities, real estate purchases, purchase options
8112 and improvements, infrastructure, utilities, roads, rail
8113 improvements, public works, buildings and fixtures, job
8114 recruitment and training, as well as planning, design,
8115 environmental mitigation and environmental impact studies with
8116 respect to a project, and any other purposes approved by the
8117 authority in amounts not to exceed the amount authorized in
8118 Section 57-75-15(3) (ff); and

8119 (ii) To provide loans to public agencies for site
8120 preparation, utilities, real estate purchases, purchase options
8121 and improvements, infrastructure, roads, rail improvements, public
8122 works, buildings and fixtures, job recruiting and training, as
8123 well as planning, design, environmental mitigation and
8124 environmental impact studies with respect to a project, and any
8125 other purposes approved by the authority in amounts not to exceed
8126 the amount authorized in Section 57-75-15(3) (ff).

8127 (aab) (i) In addition to any other requirements or
8128 conditions under this chapter, the authority shall require that
8129 any application required by the authority for assistance regarding
8130 a project under this chapter include, at a minimum:

8131 1. A two-year business plan (which shall
8132 include pro forma balance sheets, income statements and monthly
8133 cash flow statements);

8134 2. Financial statements or tax returns for
8135 the three (3) years immediately prior to the application (if the

8136 project is a new company or enterprise, personal financial
8137 statements or tax returns will be required);

8138 3. Credit reports on all persons or entities
8139 with a twenty percent (20%) or greater interest in the project;

8140 4. Data supporting the expertise of the
8141 project's principals;

8142 5. A cost-benefit analysis of the project
8143 performed by a state institution of higher learning or other
8144 entity selected by the authority; and

8145 6. Any other information required by the
8146 authority.

8147 (ii) The authority shall require that binding
8148 commitments be entered into requiring that:

8149 1. The applicable minimum requirements of
8150 this chapter and such other requirements as the authority
8151 considers proper shall be met; and

8152 2. If the agreed upon commitments are not
8153 met, all or a portion of the funds provided under this chapter as
8154 determined by the authority shall be repaid.

8155 (iii) Where appropriate, in the discretion of the
8156 authority, the authority shall acquire a security interest in or
8157 other lien upon any applicable collateral.

8158 (iv) The provisions of this paragraph (xx) shall
8159 not apply to a project defined in Section 57-75-5(f) (xxiii).

8160 **SECTION 80.** Section 57-75-37, Mississippi Code of 1972, is
8161 brought forward as follows:

8162 57-75-37. (1) (a) (i) Any county in which there is to be
8163 constructed a project as defined in Section 57-75-5(f) (xviii) is
8164 authorized to assist in defraying the costs incurred or to be
8165 incurred by the enterprise establishing such project by:

8166 1. Contributing a sum of up to Five Million
8167 Dollars (\$5,000,000.00) to such enterprise for use in connection
8168 with the construction of the project; and/or

8169 2. Lending a sum of up to Five Million
8170 Dollars (\$5,000,000.00) upon such terms as the board of
8171 supervisors of such county and such enterprise may agree, the
8172 proceeds of which loan shall be used by such enterprise in
8173 connection with the construction or financing of the project.

8174 (ii) In order to provide the amounts set forth in
8175 paragraph (a)(i) of this subsection (1), any such county may
8176 appropriate monies from the county's general funds or provide such
8177 amounts from the proceeds of general obligation bonds, or any
8178 combination of the foregoing. Any such county may issue the bonds
8179 for such purpose pursuant to the procedures for the issuance of
8180 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or
8181 Section 19-5-99.

8182 (b) The board of supervisors of any county may donate
8183 real property for use in the location, construction and/or
8184 operation of a project as defined under Section 57-75-5(f) (xviii)

8185 to one or more economic development authorities, economic
8186 development districts, industrial development authorities or
8187 similar public agencies created pursuant to state law that engage
8188 in economic or industrial development in the county, and any such
8189 public agencies may accept such donation of real property from the
8190 county. Such public agencies also may transfer and convey among
8191 themselves, with or without consideration being paid or received,
8192 real property to be used in the location, construction and/or
8193 operation of such a project, and may accept such transfers or
8194 donations.

8195 (2) Any county or municipality in which there is to be
8196 constructed a project as defined in Section 57-75-5(f) (xxvi) or
8197 57-75-5(f) (xxvii) is authorized to:

8198 (a) Acquire the site for such project and contribute
8199 the site to the enterprise owning or operating the project;

8200 (b) Apply for grants and loans and utilize the proceeds
8201 of such grants and loans for infrastructure related to the
8202 project; and

8203 (c) Enter into a lease agreement with the enterprise
8204 owning or operating the project for a term not to exceed
8205 ninety-nine (99) years.

8206 (3) (a) As used in this subsection:

8207 (i) "Project" shall have the meaning ascribed to
8208 such term in Section 57-75-5(f) (xxviii).

8209 (ii) "Public agency" means the county in which the
8210 project is located, any municipality located in the county, and/or
8211 any economic development authority, economic development district,
8212 industrial development authority or similar public agency created
8213 pursuant to state law that engages in economic or industrial
8214 development in the county or a municipality in the county.

8215 (b) Any county in which there is to be located a
8216 project is authorized to assist as provided in this paragraph in
8217 defraying the costs incurred or to be incurred by the enterprise
8218 establishing the project and any public agency in connection with
8219 the location, construction and/or operation of the project or any
8220 facilities or public infrastructure related to the project. The
8221 county may provide such assistance by contributing or lending any
8222 sum approved for such purpose by the board of supervisors of the
8223 county, upon such terms as the board of supervisors may agree, to
8224 the entity that directly or indirectly incurs or will incur such
8225 costs or as otherwise provided in paragraph (c) of this
8226 subsection. The proceeds of the contribution or loan shall be
8227 used by the recipient in connection with the location,
8228 construction and/or operation of the project or any facilities or
8229 public infrastructure related to the project.

8230 (c) In order to provide the amounts set forth in
8231 paragraph (b) of this subsection, any such county may appropriate
8232 monies from the county's general funds or provide such amounts
8233 from the proceeds of general obligation bonds, or any combination

8234 of the foregoing. Any such county may issue the bonds for such
8235 purpose pursuant to the procedures for the issuance of bonds under
8236 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

8237 (d) In any county in which there is to be located a
8238 project, the governing authorities of any public agency may:

8239 (i) Transfer and convey to the authority or the
8240 Mississippi Development Authority, with or without consideration
8241 being paid or received, any real and/or personal property for use
8242 in connection with the location, construction and/or operation of
8243 the project or any facilities or public infrastructure related to
8244 the project, and the authority and the Mississippi Development
8245 Authority may accept such transfers or donations;

8246 (ii) Transfer and convey among themselves, with or
8247 without consideration being paid or received, any real and/or
8248 personal property for use in connection with the location,
8249 construction and/or operation of a project or any facilities or
8250 public infrastructure related to the project, and may accept such
8251 transfers or donations; and

8252 (iii) Make grants or other contributions of funds
8253 to one another for use in connection with the location,
8254 construction and/or operation of such a project or any facilities
8255 or public infrastructure related to the project, and may accept
8256 such grants or contributions of funds.

8257 (e) In any county in which there is to be located a
8258 project, the person, entity or other agency seeking to acquire any

8259 real property to be used in connection with the location,
8260 construction and/or operation of the project, shall be exempt with
8261 respect to such property from the requirements of Section
8262 43-37-3(1)(b) and (c) if the purchase price for such property
8263 equals the lowest price negotiated between the owner of the
8264 property and the person, agency or other entity seeking to acquire
8265 the property, and at which the owner of the property is willing to
8266 sell the property.

8267 (4) (a) As used in this subsection:

8268 (i) "Project" shall have the meaning ascribed to
8269 such term in Section 57-75-5(f)(xxix).

8270 (ii) "Public agency" means the county in which the
8271 project is located, any municipality located in the county, and/or
8272 any economic development authority, economic development district,
8273 industrial development authority or similar public agency created
8274 pursuant to state law that engages in economic or industrial
8275 development in the county or a municipality in the county.

8276 (iii) "Board of education" shall have the meaning
8277 ascribed to such term in Section 29-3-1.1.

8278 (iv) "Superintendent of education" shall have the
8279 meaning ascribed to such term in Section 29-3-1.1.

8280 (b) In any county in which there is to be located a
8281 project, any public agency is authorized to assist as provided in
8282 this paragraph in defraying the costs incurred or to be incurred
8283 by the enterprise establishing the project and/or any public

8284 agency in connection with the location, construction and/or
8285 operation of the project or any facilities or public
8286 infrastructure related to the project. Any such public agency may
8287 provide such assistance by contributing or lending any sum
8288 approved for such purpose by the governing authority of such
8289 public agency, upon such terms as the governing authority of such
8290 public agency may agree, to the entity or public agency that
8291 directly or indirectly incurs or will incur such costs or as
8292 otherwise provided in paragraph (c) of this subsection. The
8293 proceeds of the contribution or loan shall be used by the
8294 recipient in connection with the location, construction and/or
8295 operation of the project or any facilities or public
8296 infrastructure related to the project, including, without
8297 limitation, to defray the costs of site preparation, utilities,
8298 real estate purchases, purchase options and improvements,
8299 infrastructure, roads, rail improvements, public works, job
8300 training, as well as planning, design and environmental impact
8301 studies with respect to a project, and any other expenses approved
8302 by any such public agency.

8303 (c) In order to provide the amounts set forth in
8304 paragraph (b) of this subsection:

8305 (i) Any such county may appropriate monies from
8306 the county's general funds or provide such amounts from the
8307 proceeds of general obligation bonds. Any such county may issue
8308 the bonds for such purpose pursuant to the procedures for the

8309 issuance of bonds under Chapter 9, Title 19, Mississippi Code of
8310 1972, Section 19-5-99 or in any other manner permitted by any
8311 local and private law or other general laws; and

8312 (ii) Any public agency may borrow or accept grants
8313 of such amounts from the authority or the Mississippi Development
8314 Authority for such duration and upon such terms and conditions
8315 approved by the governing authority of such public agency and the
8316 authority or Mississippi Development Authority, as applicable.

8317 (d) In any county in which there is to be located a
8318 project, the governing authority of any public agency may:

8319 (i) Transfer and convey to the authority or the
8320 Mississippi Development Authority, with or without consideration
8321 being paid or received, any real and/or personal property for use
8322 in connection with the location, construction and/or operation of
8323 the project or any facilities or public infrastructure related to
8324 the project, and the authority and the Mississippi Development
8325 Authority may accept such transfers or donations;

8326 (ii) Transfer and convey among themselves, with or
8327 without consideration being paid or received, any real and/or
8328 personal property for use in connection with the location,
8329 construction and/or operation of a project or any facilities or
8330 public infrastructure related to the project, and may accept such
8331 transfers or donations;

8332 (iii) Make grants or other contributions of funds
8333 to:

8334 1. One another for use in connection with the
8335 location, construction and/or operation of such a project or any
8336 facilities or public infrastructure related to the project, and
8337 may accept such grants or contributions of funds; and/or

8338 2. A local water association incorporated as
8339 a nonprofit corporation and located within such county for the
8340 purpose of defraying the costs incurred or to be incurred thereby
8341 in connection with water or wastewater-related infrastructure
8342 improvements, including an elevated water tank, located within the
8343 project area; and

8344 (iv) Make one or more periodic grants or other
8345 contributions of funds to an enterprise or affiliate thereof
8346 owning and/or operating a project in such amount or amounts
8347 approved by such governing authority, and enter into an agreement
8348 with such enterprise to make such periodic grants or other
8349 contributions of funds; however, the duration of any such
8350 obligation of the public agency to make such grants or other
8351 contributions shall not exceed thirty (30) years.

8352 (e) In any county in which there is to be located a
8353 project, the public agency seeking to acquire any real property to
8354 be used in connection with the location, construction and/or
8355 operation of the project, shall be exempt with respect to such
8356 property from the requirements of Section 43-37-3(1)(b) and (c) if
8357 the purchase price for such property equals the lowest price
8358 negotiated between the owner of the property and the public agency

8359 seeking to acquire the property, and at which the owner of the
8360 property is willing to sell the property, and any such public
8361 agency is further authorized to procure an option to purchase any
8362 such real property for such purchase price authorized by this
8363 subsection for the lowest option payment at which the owner of the
8364 property is willing to grant such option.

8365 (f) In any county in which there is to be located a
8366 project, upon the sale of any sixteenth section lands for
8367 industrial purposes as provided by law for such project, the board
8368 of education controlling such lands, the superintendent of
8369 education and the Mississippi Development Authority, on behalf of
8370 the state, may sell and convey all minerals in, on and under any
8371 such lands for such consideration determined to be adequate by,
8372 and upon such terms and conditions prescribed by, such board of
8373 education, superintendent of education and the Mississippi
8374 Development Authority.

8375 (g) In any county in which there is to be located a
8376 project, the governing authority of the applicable public agency
8377 may enter into an agreement binding on future governing
8378 authorities, for any period not to exceed thirty (30) years to:

8379 (i) Waive any and all fees and expenses associated
8380 with building permits and privilege licenses required for the
8381 project;

8382 (ii) Establish and/or maintain a rate structure
8383 for water supplied to the project and wastewater received from the

8384 project, which shall be no higher than the lowest tariff prices
8385 for such water and wastewater charged to any customer of equal or
8386 lesser volume located within the boundaries of the public agency;

8387 (iii) Provide firefighting, hazardous materials
8388 emergency response, technical rescue and medical response
8389 assistance to the enterprise owning or operating the project; and

8390 (iv) Require any contractor hired by the public
8391 agency for purposes of entering onto the project site for such
8392 project to perform work-related to the provision of water supply
8393 or wastewater services, to procure customary liability insurance
8394 designating the enterprise owning or operating the project as an
8395 additional insured and to contractually indemnify such enterprise
8396 for any losses incurred by the enterprise as a result of such
8397 contractor's negligence and/or willful acts or omissions arising
8398 from the contractor's entry upon such project site.

8399 (5) (a) As used in this subsection:

8400 (i) "Project" shall have the meaning ascribed to
8401 such term in Section 57-75-5(f)(xxxi).

8402 (ii) "Public agency" means the county in which the
8403 project is located, any municipality located in the county, and/or
8404 any economic development authority, economic development district,
8405 industrial development authority, port authority or airport
8406 authority or similar public agency created pursuant to state law.

8407 (iii) "Board of education" shall have the meaning
8408 ascribed to such term in Section 29-3-1.1.

8409 (iv) "Superintendent of education" shall have the
8410 meaning ascribed to such term in Section 29-3-1.1.

8411 (b) In any county in which there is to be located a
8412 project, any public agency is authorized to assist as provided in
8413 this paragraph in defraying the costs incurred or to be incurred
8414 by the enterprise establishing the project and/or any public
8415 agency in connection with the location, construction and/or
8416 operation of the project or any facilities or public
8417 infrastructure related to the project. Any such public agency may
8418 provide such assistance by contributing or lending any sum
8419 approved for such purpose by the governing authority of such
8420 public agency, upon such terms as the governing authority of such
8421 public agency may agree, to the entity or public agency that
8422 directly or indirectly incurs or will incur such costs or as
8423 otherwise provided in paragraph (c) of this subsection. The
8424 proceeds of the contribution or loan shall be used by the
8425 recipient in connection with the location, construction and/or
8426 operation of the project or any facilities or public
8427 infrastructure related to the project, including, without
8428 limitation, to defray the costs of site preparation, utilities,
8429 real estate purchases, purchase options and improvements,
8430 infrastructure, roads, rail improvements, public works, job
8431 training, as well as planning, design and environmental impact
8432 studies with respect to a project, and any other expenses approved
8433 by any such public agency.

8434 (c) In order to provide the amounts set forth in
8435 paragraph (b) of this subsection:

8436 (i) Any such county may appropriate monies from
8437 the county's general funds or provide such amounts from the
8438 proceeds of general obligation bonds. Any such county may issue
8439 the bonds for such purpose pursuant to the procedures for the
8440 issuance of bonds under Chapter 9, Title 19, Mississippi Code of
8441 1972, Section 19-5-99 or in any other manner permitted by any
8442 local and private law or other general laws; and

8443 (ii) Any public agency may borrow or accept grants
8444 of such amounts from the authority or the Mississippi Development
8445 Authority for such duration and upon such terms and conditions
8446 approved by the governing authority of such public agency and the
8447 authority or Mississippi Development Authority, as applicable.

8448 (d) In any county in which there is to be located a
8449 project, the governing authorities of public agencies may:

8450 (i) Transfer and convey among themselves, with or
8451 without consideration being paid or received, any real and/or
8452 personal property for use in connection with the location,
8453 construction and/or operation of a project or any facilities or
8454 public infrastructure related to the project, and may accept such
8455 transfers or donations;

8456 (ii) Make grants or other contributions of funds
8457 to one another for use in connection with the location,
8458 construction and/or operation of such a project or any facilities

8459 or public infrastructure related to the project, and may accept
8460 such grants or contributions of funds; and

8461 (iii) Make one or more grants or other
8462 contributions of funds to an enterprise or affiliate thereof
8463 owning and/or operating a project in such amount or amounts
8464 approved by such governing authority, and enter into an agreement
8465 with such enterprise to make such grants or other contributions of
8466 funds; however, the duration of any such obligation of the public
8467 agency to make such grants or other contributions shall not exceed
8468 thirty (30) years.

8469 (e) In any county in which there is to be located a
8470 project, the public agency seeking to acquire any real property to
8471 be used in connection with the location, construction and/or
8472 operation of the project, shall be exempt with respect to such
8473 property from the requirements of Section 43-37-3(1)(b) and (c) if
8474 the purchase price for such property equals the lowest price
8475 negotiated between the owner of the property and the public agency
8476 seeking to acquire the property, and at which the owner of the
8477 property is willing to sell the property, and any such public
8478 agency is further authorized to procure an option to purchase any
8479 such real property for such purchase price authorized by this
8480 subsection for the lowest option payment at which the owner of the
8481 property is willing to grant such option.

8482 (f) In any county in which there is to be located a
8483 project, upon the sale of land owned by an industrial development

8484 authority, port authority or airport authority for industrial
8485 purposes as provided by law for such project, the governing
8486 authorities controlling such lands may sell and convey all
8487 minerals in, on and under any such lands for such consideration
8488 determined to be adequate by, and upon such terms and conditions
8489 prescribed by, such governing authority or may otherwise enter
8490 into a written agreement with the enterprise owning and/or
8491 operating such project pursuant to which such governing authority
8492 of the industrial development authority, port authority or airport
8493 authority, as the case may be, may agree to perpetually refrain
8494 from using the surface of such land upon which the project is
8495 located to access any minerals located thereunder in which such
8496 public agency has a retained ownership interest. Any such written
8497 agreement shall be binding upon future governing authorities.

8498 (g) In any county in which there is to be located a
8499 project, the governing authority of the applicable public agency
8500 may enter into an agreement binding on future governing
8501 authorities, for any period not to exceed thirty (30) years to:

8502 (i) Waive any and all fees and expenses associated
8503 with building permits and privilege licenses required for the
8504 project;

8505 (ii) Establish and/or maintain a rate structure
8506 for water supplied to the project and wastewater received from the
8507 project, which shall be no higher than the lowest tariff prices
8508 for such water and wastewater charged to any customer of equal or

8509 lesser volume located within the boundaries of the public agency;
8510 and

8511 (iii) Require any contractor hired by the public
8512 agency for purposes of entering onto the project site for such
8513 project to perform work related to the provision of water supply
8514 or wastewater services, to procure customary liability insurance
8515 designating the enterprise owning or operating the project as an
8516 additional insured and to contractually indemnify such enterprise
8517 for any losses incurred by the enterprise as a result of such
8518 contractor's negligence and/or willful acts or omissions arising
8519 from the contractor's entry upon such project site.

8520 (6) (a) As used in this subsection:

8521 (i) "Project" shall have the meaning ascribed to
8522 such term in Section 57-75-5(f)(xxxii).

8523 (ii) "Public agency" means the county in which the
8524 project is located, any municipality located in the county, and/or
8525 any economic development authority, economic development district,
8526 industrial development authority, port authority, airport
8527 authority, public utility or similar public agency created
8528 pursuant to state law.

8529 (b) In any county in which there is to be located a
8530 project, any public agency is authorized to assist as provided in
8531 this paragraph in defraying the costs incurred or to be incurred
8532 by the enterprise establishing the project and/or any public
8533 agency in connection with the location, construction and/or

8534 operation of the project or any facilities or public
8535 infrastructure related to the project. Any such public agency may
8536 provide such assistance by contributing or lending any sum
8537 approved for such purpose by the governing authority of such
8538 public agency, upon such terms as the governing authority of such
8539 public agency may agree, to the entity or public agency that
8540 directly or indirectly incurs or will incur such costs or as
8541 otherwise provided in paragraph (c) of this subsection. The
8542 proceeds of the contribution or loan shall be used by the
8543 recipient in connection with the location, construction and/or
8544 operation of the project or any facilities or public
8545 infrastructure related to the project, including, without
8546 limitation, to defray the costs of site preparation, utilities,
8547 real estate purchases, purchase options and improvements,
8548 infrastructure, roads, rail improvements, public works, job
8549 training, as well as planning, design and environmental impact
8550 studies with respect to a project, and any other expenses approved
8551 by any such public agency. Any such public agency may
8552 alternatively provide such assistance by undertaking the
8553 acquisition of real and/or personal property, or interests
8554 therein, with respect to, and the design, engineering,
8555 construction and installation of, any facilities or public
8556 infrastructure related to the project regardless of whether it is
8557 authorized by applicable statutes to operate such facilities or
8558 public infrastructure and/or provide any utility services

8559 therefrom following the completion thereof; provided that, if the
8560 public agency is authorized by applicable statutes to operate such
8561 facilities or public infrastructure following the completion
8562 thereof, such public agency may transfer, and if the public agency
8563 is not authorized by applicable statutes to operate such
8564 facilities or public infrastructure and/or provide any utility
8565 services therefrom following the completion thereof, the public
8566 agency shall transfer, such facilities or public infrastructure to
8567 another public agency that is authorized by applicable statutes to
8568 operate such facilities or public infrastructure and/or provide
8569 any utility services therefrom.

8570 (c) In order to provide the amounts or otherwise
8571 perform any permitted actions set forth in paragraph (b) of this
8572 subsection:

8573 (i) Any such county may appropriate monies from
8574 the county's general funds or provide such amounts from the
8575 proceeds of general obligation bonds or other indebtedness
8576 permitted by any local and private law or other general laws. Any
8577 such county may issue the bonds for such purpose pursuant to the
8578 procedures for the issuance of bonds under Chapter 9, Title 19,
8579 Mississippi Code of 1972, Section 19-5-99 or in any other manner
8580 permitted by any local and private law or other general laws; and

8581 (ii) Any public agency may borrow or accept grants
8582 or other funds of such amounts from the authority or the
8583 Mississippi Development Authority for such duration and upon such

8584 terms and conditions approved by the governing authority of such
8585 public agency and the authority or Mississippi Development
8586 Authority, as applicable.

8587 (iii) Any such county may enter into one or more
8588 agreements with the authority or Mississippi Development Authority
8589 approved by the board of supervisors of the county and, as
8590 applicable, to remit to the authority or Mississippi Development
8591 Authority, as applicable, on an annual or other periodic basis for
8592 a duration up to thirty (30) years, a portion of any fee-in-lieu
8593 of ad valorem taxes, together with a portion of any county ad
8594 valorem taxes, derived from the project. Any such written
8595 agreement shall be binding upon future boards of supervisors of
8596 the county.

8597 (d) In any county in which there is to be located a
8598 project, the governing authorities of public agencies may:

8599 (i) Transfer and convey among themselves, or to
8600 the authority, the Mississippi Development Authority, the
8601 Mississippi Department of Transportation or any other state
8602 agency, with or without consideration being paid or received, any
8603 real and/or personal property for use in connection with the
8604 location, construction and/or operation of a project or any
8605 facilities or public infrastructure related to the project, and
8606 may accept such transfers or donations;

8607 (ii) Make grants or other contributions of funds
8608 to any public agency and/or any local water association

8609 incorporated as a nonprofit corporation and located within such
8610 county for the purpose of defraying the costs incurred or to be
8611 incurred thereby in connection with water or wastewater-related
8612 infrastructure improvements, including one or more water tanks,
8613 related to the project, and/or undertake the acquisition of real
8614 and/or personal property, or interests therein, with respect to,
8615 and the design, engineering, construction and installation of, any
8616 water or wastewater-related infrastructure, including one or more
8617 water tanks, related to the project, and thereafter transfer and
8618 convey to any other public agency and/or any local water
8619 association any real and/or personal property for use in
8620 connection with water or wastewater-related infrastructure
8621 improvements, including one or more water tanks, related to the
8622 project, in consideration solely of the acceptance by the public
8623 agency and/or the local water association, as applicable, of such
8624 improvements and its agreement to operate the improvements to
8625 provide water or wastewater-related services to the project;

8626 (iii) Make grants or other contributions of funds
8627 to a municipality located within such county for the purpose of
8628 defraying the costs incurred or to be incurred thereby in
8629 connection with natural gas-related infrastructure improvements
8630 related to the project, and/or undertake the acquisition of real
8631 and/or personal property, or interests therein, with respect to,
8632 and the design, engineering, construction and installation of, any
8633 natural gas-related infrastructure improvements related to the

8634 project, and thereafter transfer and convey to any such
8635 municipality any real and/or personal property for use in
8636 connection with natural gas-related infrastructure improvements
8637 related to the project, in consideration solely of the acceptance
8638 by the municipality of such improvements and its agreement to
8639 operate the improvements to provide natural gas-related services
8640 to the project;

8641 (iv) Make grants or other contributions of funds
8642 to one another, or to the authority, the Mississippi Development
8643 Authority, the Mississippi Department of Transportation or any
8644 other state agency, for use in connection with the location,
8645 construction and/or operation of such a project or any facilities
8646 or public infrastructure related to the project, and may accept
8647 such grants or contributions of funds;

8648 (v) Make one or more grants or other contributions
8649 of funds to an enterprise or affiliate thereof owning and/or
8650 operating a project in such amount or amounts approved by such
8651 governing authority, and enter into an agreement with such
8652 enterprise that is binding on future governing authorities to make
8653 such grants or other contributions of funds; however, the duration
8654 of any such obligation of the public agency to make such grants or
8655 other contributions shall not exceed thirty (30) years; and

8656 (vi) Provide firefighting, hazardous materials
8657 emergency response, technical rescue and medical response
8658 assistance to the enterprise owning or operating the project, and

8659 enter into an agreement binding on future governing authorities
8660 with such enterprise to provide such firefighting, hazardous
8661 materials emergency response, technical rescue and medical
8662 response assistance for a term not to exceed thirty (30) years, to
8663 be determined by the governing authority of the public agency
8664 entering into such agreement.

8665 (e) In any county in which there is to be located a
8666 project, the public agency seeking to acquire any real property to
8667 be used in connection with the location, construction and/or
8668 operation of the project or any facilities or public
8669 infrastructure related to the project, shall be exempt with
8670 respect to such property from the requirements of Section
8671 43-37-3(1)(b) and (c) if the purchase price for such property
8672 equals the lowest price negotiated between the owner of the
8673 property and the public agency seeking to acquire the property,
8674 and at which the owner of the property is willing to sell the
8675 property, and any such public agency is further authorized to
8676 procure an option to purchase any such real property for such
8677 purchase price authorized by this subsection for the lowest option
8678 payment at which the owner of the property is willing to grant
8679 such option.

8680 (f) In any county in which there is to be located a
8681 project, upon the conveyance or other disposition of land owned by
8682 a public agency for industrial purposes as provided by law for
8683 such project, the governing authority of the public agency

8684 controlling such lands may enter into a written agreement with the
8685 enterprise owning and/or operating such project pursuant to which
8686 such governing authority may agree to perpetually refrain from
8687 using the surface of such land upon which the project is located
8688 to access any minerals located thereunder in which such public
8689 agency has a retained ownership interest. Any such written
8690 agreement shall be binding upon future governing authorities.

8691 (g) In any county in which there is to be located a
8692 project, the governing authority of the applicable public agency
8693 may enter into an agreement binding on future governing
8694 authorities, for any period not to exceed thirty (30) years to:

8695 (i) Waive any and all fees and expenses associated
8696 with building permits and privilege licenses required for the
8697 project;

8698 (ii) Establish and/or maintain a rate structure
8699 for water and natural gas supplied to the project and wastewater
8700 received from the project, which shall be no higher than the
8701 lowest tariff prices for such water, natural gas and wastewater
8702 charged to any customer of equal or lesser volume located within
8703 the boundaries of the public agency; and

8704 (iii) Require any contractor hired by the public
8705 agency for purposes of entering onto the project site for such
8706 project to perform work related to the provision of water or
8707 natural gas supply or wastewater services, to procure customary
8708 liability insurance designating the enterprise owning or operating

8709 the project as an additional insured and to contractually
8710 indemnify such enterprise for any losses incurred by the
8711 enterprise as a result of such contractor's negligence and/or
8712 willful acts or omissions arising from the contractor's entry upon
8713 such project site.

8714 (7) (a) As used in this subsection:

8715 (i) "Project" shall have the meaning ascribed to
8716 such term in Section 57-75-5(f) (xxxiii).

8717 (ii) "Public agency" means the county in which the
8718 project is located, any municipality located in the county, and/or
8719 any economic development authority, economic development district,
8720 industrial development authority, port authority, airport
8721 authority, public utility or similar public agency created
8722 pursuant to state law.

8723 (b) In any county in which there is to be located a
8724 project, any public agency is authorized to assist as provided in
8725 this paragraph in defraying the costs incurred or to be incurred
8726 by the enterprise establishing the project and/or any public
8727 agency in connection with the location, construction and/or
8728 operation of the project or any facilities or public
8729 infrastructure related to the project. Any such public agency may
8730 provide such assistance by contributing or lending any sum
8731 approved for such purpose by the governing authority of such
8732 public agency, upon such terms as the governing authority of such
8733 public agency may agree, to the entity or public agency that

8734 directly or indirectly incurs or will incur such costs or as
8735 otherwise provided in paragraph (c) of this subsection. The
8736 proceeds of the contribution or loan shall be used by the
8737 recipient in connection with the location, construction and/or
8738 operation of the project or any facilities or public
8739 infrastructure related to the project, including, without
8740 limitation, to defray the costs of site preparation, utilities,
8741 real estate purchases, purchase options and improvements,
8742 infrastructure, roads, rail improvements, public works, job
8743 training, as well as planning, design and environmental impact
8744 studies with respect to a project, and any other expenses approved
8745 by any such public agency. Any such public agency may
8746 alternatively provide such assistance by undertaking the
8747 acquisition of real and/or personal property, or interests
8748 therein, with respect to, and the design, engineering,
8749 construction and installation of, any facilities or public
8750 infrastructure related to the project regardless of whether it is
8751 the public agency authorized by applicable statutes to operate
8752 such facilities or public infrastructure and/or provide any
8753 utility services therefrom following the completion thereof;
8754 provided that, if the public agency is authorized by applicable
8755 statutes to operate such facilities or public infrastructure
8756 following the completion thereof, such public agency may transfer,
8757 and if the public agency is not authorized by applicable statutes
8758 to operate such facilities or public infrastructure and/or provide

8759 any utility services therefrom following the completion thereof,
8760 the public agency shall transfer such facilities or public
8761 infrastructure to another public agency that is authorized by
8762 applicable statutes to operate such facilities or public
8763 infrastructure and/or provide any utility services therefrom.

8764 (c) In order to provide the amounts or otherwise
8765 perform any permitted actions set forth in paragraph (b) of this
8766 subsection:

8767 (i) Any such county may appropriate monies from
8768 the county's general fund or provide such amounts from the
8769 proceeds of general obligation bonds or other indebtedness
8770 permitted by any local and private law or other general laws. Any
8771 such county may issue the bonds for such purpose pursuant to the
8772 procedures for the issuance of bonds under Title 19, Chapter 9,
8773 Mississippi Code of 1972, Section 19-5-99 or in any other manner
8774 permitted by any local and private law or other general laws;

8775 (ii) Any public agency may borrow or accept grants
8776 or other funds of such amounts from the authority or the
8777 Mississippi Development Authority for such duration and upon such
8778 terms and conditions approved by the governing authority of such
8779 public agency and the authority or Mississippi Development
8780 Authority, as applicable; and

8781 (iii) Any such county and/or municipality may
8782 enter into one or more agreements with the authority or
8783 Mississippi Development Authority approved by the board of

8784 supervisors of such county and/or the governing authority of such
8785 municipality, as applicable, to remit to the authority or
8786 Mississippi Development Authority, as applicable, on an annual or
8787 other periodic basis for a duration up to thirty (30) years, a
8788 portion of any fee-in-lieu of ad valorem taxes, together with a
8789 portion of any ad valorem taxes that the county and/or
8790 municipality derives from the project. Any such written agreement
8791 shall be binding upon future governing authorities of the county
8792 and/or municipality, as applicable.

8793 (d) In any county in which there is to be located a
8794 project, the governing authorities of public agencies may:

8795 (i) Transfer and convey among themselves, or to
8796 the authority, the Mississippi Development Authority, the
8797 Mississippi Department of Transportation or any other state
8798 agency, with or without consideration being paid or received, any
8799 real and/or personal property for use in connection with the
8800 location, construction and/or operation of a project or any
8801 facilities or public infrastructure related to the project, and
8802 may accept such transfers or donations;

8803 (ii) Make grants or other contributions of funds
8804 to any public agency and/or any local water association
8805 incorporated as a nonprofit corporation and located within such
8806 county for the purpose of defraying the costs incurred or to be
8807 incurred thereby in connection with water or wastewater-related
8808 infrastructure improvements, including one or more water tanks,

8809 related to the project, and/or undertake the acquisition of real
8810 and/or personal property, or interests therein, with respect to,
8811 and the design, engineering, construction and installation of, any
8812 water or wastewater-related infrastructure, including one or more
8813 water tanks, related to the project, and thereafter transfer and
8814 convey to any other public agency and/or any local water
8815 association any real and/or personal property for use in
8816 connection with water or wastewater-related infrastructure
8817 improvements, including one or more water tanks, related to the
8818 project, in consideration solely of the acceptance by the public
8819 agency and/or the local water association, as applicable, of such
8820 improvements and its agreement to operate the improvements to
8821 provide water or wastewater-related services to the project;

8822 (iii) Make grants or other contributions of funds
8823 to one another, or to the authority, the Mississippi Development
8824 Authority, the Mississippi Department of Transportation or any
8825 other state agency, for use in connection with the location,
8826 construction and/or operation of such a project or any facilities
8827 or public infrastructure related to the project, and may accept
8828 such grants or contributions of funds;

8829 (iv) Make one or more grants or other
8830 contributions of funds to an enterprise or affiliate thereof
8831 owning and/or operating a project in such amount or amounts
8832 approved by such governing authority, and enter into an agreement
8833 with such enterprise that is binding on future governing

8834 authorities to make such grants or other contributions of funds;
8835 however, the duration of any such obligation of the public agency
8836 to make such grants or other contributions shall not exceed thirty
8837 (30) years; and

8838 (v) Provide firefighting, hazardous materials
8839 emergency response, technical rescue and medical response
8840 assistance to the enterprise owning or operating the project, and
8841 enter into an agreement binding on future governing authorities
8842 with such enterprise to provide such firefighting, hazardous
8843 materials emergency response, technical rescue and medical
8844 response assistance for a term not to exceed thirty (30) years, to
8845 be determined by the governing authority of the public agency
8846 entering into such agreement.

8847 (e) In any county in which there is to be located a
8848 project, the public agency seeking to acquire any real property to
8849 be used in connection with the location, construction and/or
8850 operation of the project or any facilities or public
8851 infrastructure related to the project, shall be exempt with
8852 respect to such property from the requirements of Section
8853 43-37-3(1)(b) and (c) if the purchase price for such property
8854 equals the lowest price negotiated between the owner of the
8855 property and the public agency seeking to acquire the property,
8856 and at which the owner of the property is willing to sell the
8857 property, and any such public agency is further authorized to
8858 procure an option to purchase any such real property for such

8859 purchase price authorized by this subsection for the lowest option
8860 payment at which the owner of the property is willing to grant
8861 such option.

8862 (f) In any county in which there is to be located a
8863 project, upon the conveyance or other disposition of land owned by
8864 a public agency for industrial purposes as provided by law for
8865 such project, the governing authority of the public agency
8866 controlling such lands may enter into a written agreement with the
8867 enterprise owning and/or operating such project pursuant to which
8868 such governing authority may agree to perpetually refrain from
8869 using the surface of such land upon which the project is located
8870 to access any minerals located thereunder in which such public
8871 agency has a retained ownership interest. Any such written
8872 agreement shall be binding upon future governing authorities.

8873 (g) In any county in which there is to be located a
8874 project, the governing authority of the applicable public agency
8875 may enter into an agreement binding on future governing
8876 authorities, for any period not to exceed thirty (30) years, to:

8877 (i) Waive or reduce any fees and expenses
8878 associated with building permits and privilege licenses required
8879 for the project;

8880 (ii) Establish and/or maintain a rate structure
8881 for potable water to the project, nonpotable and treated,
8882 reclaimed wastewater supplied to the project for nonpotable
8883 purposes, and wastewater received from the project, which rates

8884 shall be established and/or maintained, as applicable, in the
8885 manner prescribed by state law and the local tariffs of the public
8886 agency providing such water and accepting such wastewater; and

8887 (iii) Require any contractor hired by the public
8888 agency for purposes of entering onto the project site for such
8889 project to perform work related to the provision of water or
8890 wastewater services, to procure customary liability insurance
8891 designating the enterprise owning or operating the project as an
8892 additional insured and to contractually indemnify such enterprise
8893 for any losses incurred by the enterprise as a result of such
8894 contractor's negligence and/or willful acts or omissions arising
8895 from the contractor's entry upon such project site.

8896 (h) In any county in which there is to be located a
8897 project, the governing authority of any public agency accepting
8898 and treating wastewater from the project may provide and sell to
8899 any public agency providing water to the project treated,
8900 reclaimed wastewater supplied for nonpotable purposes for resale
8901 by such public agency providing water to the project to any
8902 enterprise or affiliate thereof owning and/or operating the
8903 project or any portion thereof for use in the operation of the
8904 project for cooling or other exclusively nonpotable purposes.
8905 Such public agencies may enter into an agreement binding on future
8906 governing authorities thereof, for any period designated thereby,
8907 to memorialize the terms and conditions of the provision, sale and
8908 use of treated, reclaimed wastewater supplied for nonpotable

8909 purposes to the project, including, but not limited to, the rates
8910 applicable for such reclaimed wastewater supplied for nonpotable
8911 purposes.

8912 (8) The powers and authority granted in this section are an
8913 additional, alternative and supplemental method for doing the
8914 things authorized by this section and are additional and
8915 supplemental to, and not in derogation of, any other powers
8916 conferred by law.

8917 **SECTION 81.** Section 63-3-809, Mississippi Code of 1972, is
8918 brought forward as follows:

8919 63-3-809. (1) Upon the immediate approach of an authorized
8920 emergency vehicle, when the driver is giving audible signal by
8921 siren, exhaust whistle, or bell, the driver of every other vehicle
8922 shall yield the right-of-way and shall immediately drive to a
8923 position parallel to, and as close as possible to, the right-hand
8924 edge or curb of the roadway clear of any intersection and shall
8925 stop and remain in such position until the authorized emergency
8926 vehicle has passed, except when otherwise directed by a law
8927 enforcement officer.

8928 (2) Upon approaching a stationary authorized emergency
8929 vehicle, when such vehicle is giving a signal by use of flashing,
8930 blinking, oscillating or rotating lights, as authorized under
8931 Section 63-7-19, a person who drives an approaching vehicle shall:

8932 (a) Proceeding with due caution, yield the right-of-way
8933 by making a lane change into a lane not adjacent to that of the

8934 authorized emergency vehicle, if possible with due regard to
8935 safety and traffic conditions, if on a roadway having at least
8936 four (4) lanes with not less than two (2) lanes proceeding in the
8937 same direction as the approaching vehicle; or

8938 (b) Proceeding with due caution, reduce the speed of
8939 the vehicle, maintaining a safe speed for road conditions and
8940 being prepared to stop, if changing lanes would be impossible or
8941 unsafe.

8942 (3) Upon approaching a stationary recovery vehicle, utility
8943 service vehicle, sanitation vehicle, or highway maintenance
8944 vehicle, when the stationary vehicle is giving a signal by use of
8945 authorized flashing lights, a person who drives an approaching
8946 vehicle shall:

8947 (a) Proceeding with due caution, yield the right-of-way
8948 by making a lane change into a lane not adjacent to the stationary
8949 vehicle, if possible, with due regard to safety and traffic
8950 conditions, if on a roadway having at least four (4) lanes with
8951 not less than two (2) lanes proceeding in the same direction as
8952 the approaching vehicle; or

8953 (b) Proceeding with due caution, reduce the speed of
8954 the vehicle, maintaining a safe speed for road conditions and
8955 being prepared to stop, if changing lanes would be impossible or
8956 unsafe.

8957 (4) For purposes of this section, unless the context
8958 otherwise clearly requires:

8959 (a) "Highway maintenance vehicle" means a vehicle used
8960 for the maintenance of highways and roadways in this state and is:

8961 (i) Owned or operated by the Department of
8962 Transportation, a county, a municipality or other political
8963 subdivision of this state; or

8964 (ii) Owned or operated by a contractor under
8965 contract with the Department of Transportation, a county, a
8966 municipality or other political subdivision of this state.

8967 (b) "Recovery vehicle" means a truck that is
8968 specifically designed for towing a disabled vehicle or a
8969 combination of vehicles.

8970 (c) "Utility service vehicle" means a vehicle used by
8971 any person, municipality, county, electric cooperative,
8972 corporation, board, commission, district or any entity created or
8973 authorized by public act, private act or general law to provide
8974 electricity, natural gas, water, wastewater services,
8975 telecommunications services or any combination thereof, for sale
8976 to consumers in any particular service area, or by any contractor
8977 under contract with any such entity.

8978 (d) "Sanitation vehicle" means a vehicle used to
8979 collect solid waste, refuse or recyclable material that is:

8980 (i) Owned or operated by a county, a municipality
8981 or other political subdivision of this state; or

8982 (ii) Owned or operated by a contractor under
8983 contract with a county, a municipality or other political
8984 subdivision of this state.

8985 (5) Upon approaching a vehicle that is marked with some
8986 combination of white flashing strobe or amber and red lights, as
8987 provided in Section 63-7-19, that is operated by a United States
8988 rural mail carrier for the purpose of delivering United States
8989 mail, and that is stationary, including when the vehicle is
8990 signaling the intention to enter the roadway, a person who drives
8991 an approaching vehicle shall:

8992 (a) Proceeding with due caution, yield the right-of-way
8993 by making a lane change into a lane not adjacent to the stationary
8994 vehicle, if possible, with due regard to safety and traffic
8995 conditions, if on a roadway having at least four (4) lanes with
8996 not less than two (2) lanes proceeding in the same direction as
8997 the approaching vehicle; or

8998 (b) Proceeding with due caution, reduce the speed of
8999 the vehicle, maintaining a safe speed for road conditions and
9000 being prepared to stop, if changing lanes would be impossible or
9001 unsafe.

9002 (6) A violation of this section is a misdemeanor punishable
9003 by a fine:

9004 (a) Of not more than Two Hundred Fifty Dollars
9005 (\$250.00); or

9006 (b) Of not more than One Thousand Dollars (\$1,000.00)
9007 if violation of this section results in:

9008 (i) Property damage to the emergency vehicle,
9009 sanitation vehicle, highway maintenance vehicle, utility service
9010 vehicle, recovery vehicle or rural mail carrier vehicle; or

9011 (ii) Bodily injury to the driver or a passenger of
9012 any such vehicle.

9013 (7) This section shall not operate to relieve the driver of
9014 an authorized emergency vehicle, a sanitation vehicle, a recovery
9015 vehicle, a utility service vehicle, a highway maintenance vehicle
9016 or a rural mail carrier vehicle from the duty to drive with due
9017 regard for the safety of all persons using the roadway.

9018 **SECTION 82.** Section 77-1-11, Mississippi Code of 1972, is
9019 brought forward as follows:

9020 77-1-11. (1) It shall be unlawful for any public service
9021 commissioner, any candidate for public service commissioner, or
9022 any employee of the Public Service Commission or Public Utilities
9023 Staff to knowingly accept any gift, pass, money, campaign
9024 contribution or any emolument or other pecuniary benefit
9025 whatsoever, either directly or indirectly, from a covered person.
9026 Any person found guilty of violating the provisions of this
9027 subsection shall immediately forfeit his or her office or position
9028 and shall be fined not less than Five Thousand Dollars
9029 (\$5,000.00), imprisoned in the State Penitentiary for not less
9030 than one (1) year, or both.

9031 (2) It shall be unlawful for a covered person to offer any
9032 gift, pass, money, campaign contribution or any emolument or other
9033 pecuniary benefit whatsoever to any public service commissioner,
9034 any candidate for public service commissioner or any employee of
9035 the Public Service Commission or Public Utilities Staff. Any
9036 party found guilty of violating the provisions of this subsection
9037 shall be fined not less than Five Thousand Dollars (\$5,000.00), or
9038 imprisoned in the State Penitentiary for not less than one (1)
9039 year, or both.

9040 (3) For purposes of this section, the term "emolument" shall
9041 include salary, donations, contributions, loans, stock tips,
9042 vacations, trips, honorarium, directorships or consulting posts.
9043 Expenses associated with social occasions afforded public servants
9044 shall not be deemed a gift, emolument or other pecuniary benefit
9045 as defined in Section 25-4-103(k), Mississippi Code of 1972.

9046 (4) For purposes of this section, the term "Covered Person"
9047 shall include (i) any person interested as owner, agent or legal
9048 representative of any telephone, gas, water, wastewater or
9049 electric public utility as defined in Section 77-3-3(d); (ii) any
9050 person acting at the request or direction of an owner, agent or
9051 legal representative of any telephone, gas, water, wastewater or
9052 electric public utility as defined in Section 77-3-3(d); (iii) any
9053 person, entity or any owner, agent or legal representative of such
9054 person or entity that submits any filing in a Public Service
9055 Commission proceeding in the forty-eight (48) months preceding the

9056 date of the gift, pass, money, campaign contribution or any
9057 emolument or other pecuniary benefit; or (iv) any person acting at
9058 the request or direction of any person, entity or any owner, agent
9059 or legal representative of such person or entity that submits any
9060 filing in a Public Service Commission proceeding in the
9061 forty-eight (48) months preceding the date of the gift, pass,
9062 money, campaign contribution or any emolument or other pecuniary
9063 benefit. Notwithstanding anything to the contrary, a person shall
9064 not be considered a "Covered Person" under this section based
9065 solely on such person submitting a customer complaint or other
9066 inquiry, formal or informal, to the Public Service Commission or
9067 Public Utilities Staff concerning service, billing or any other
9068 aspect of the service provided by a public utility to such person.

9069 (5) For purposes of this section, a person who is a member
9070 of a water, gas, electric or other cooperative association
9071 regulated by the Public Service Commission shall not, by virtue of
9072 such membership, be deemed an owner, agent or representative of
9073 such association unless such person is acting in any respect for
9074 or as an owner, agent or representative of such association; nor
9075 shall a person who owns less than one-half of one percent (1/2 of
9076 1%) in stock, the value thereof not to exceed Ten Thousand Dollars
9077 (\$10,000.00), of any public utility that is regulated by the
9078 Public Service Commission, or of any holding company of such
9079 public utility, by virtue of such ownership, be deemed an owner,
9080 agent or representative of such public utility unless such person

9081 is acting in any respect for or as an owner, agent or
9082 representative of such public utility.

9083 (6) This section shall stand repealed on December 31, 2027.

9084 **SECTION 83.** Section 77-3-97, Mississippi Code of 1972, is
9085 brought forward as follows:

9086 77-3-97. (1) The Legislature finds that the conservation of
9087 water resources is vitally important to the future of our state,
9088 and that in order to enhance the conservation of water resources,
9089 it is necessary to grant specific authority for the provision of
9090 submetering of water and wastewater disposal service.

9091 (2) As used in this section, the following words and phrases
9092 have the meanings ascribed in this subsection, unless the context
9093 clearly indicates otherwise:

9094 (a) "Apartment house" means one or more buildings
9095 containing four (4) or more dwelling units that are occupied
9096 primarily for nontransient use, including a residential
9097 condominium whether rented or owner occupied, and if a dwelling
9098 unit is rented, having rental paid at intervals of one (1) month
9099 or longer.

9100 (b) "Dwelling unit" means one or more rooms in an
9101 apartment house or condominium, suitable for occupancy as a
9102 residence, and containing kitchen and bathroom facilities, or a
9103 manufactured home in a manufactured home community.

9104 (c) "Customer" means the individual, firm or
9105 corporation in whose name a master meter has been connected by a
9106 public utility.

9107 (d) "Owner" means the legal titleholder of an apartment
9108 house or manufactured home community and any individual, firm or
9109 corporation that purports to be the landlord of tenants in the
9110 apartment house or manufactured home community.

9111 (e) "Tenant" means a person who is entitled to occupy a
9112 dwelling unit to the exclusion of others and who is obligated to
9113 pay for the occupancy under a written or oral rental agreement.

9114 (f) "Manufactured home community" means a property on
9115 which spaces are rented for the occupancy of: (i) manufactured
9116 homes for nontransient residential use and for which rental is
9117 paid at intervals of one (1) month or longer; or (ii) recreational
9118 vehicles for nontransient residential use for a time period of
9119 three (3) months or longer.

9120 (g) "Submetering" means the use of a metering device by
9121 a customer who receives water and wastewater service from a public
9122 utility, which metering device measures water supplied to a tenant
9123 for the purpose of the customer's charging the tenant of a
9124 dwelling unit separately for water and wastewater usage.

9125 (3) (a) An apartment house owner, manufactured home
9126 community owner or condominium manager may provide for submetering
9127 of each dwelling unit or rental unit for the measurement of the
9128 quantity of water consumed by the occupants of the unit. If

9129 submetering is utilized, tenants may be charged separately for
9130 water and wastewater services on a pass through allocated basis
9131 for charges incurred by the customer. The charges for a tenant
9132 may not exceed the tenant's pro rata share of all water and
9133 wastewater services used by all of the tenants in that apartment
9134 house, manufactured home community or condominium.

9135 (b) Any apartment house owner, manufactured home
9136 community owner or condominium manager utilizing submetering
9137 pursuant to this section shall disclose the submetering to each
9138 tenant and obtain from the tenant an acknowledgment of the
9139 submetering in a written document.

9140 (c) Submeters installed pursuant to this section must
9141 meet the American Water Works Association standards for accuracy.

9142 (d) In rendering charges to tenants pursuant to this
9143 section, the customer shall provide:

9144 (i) Beginning and ending meter reads;

9145 (ii) A statement that the bill is not from the
9146 public utility; and

9147 (iii) A telephone number for tenant inquiries on
9148 the bill.

9149 (e) Water and wastewater services utilized by the
9150 tenant may not be disconnected for nonpayment of submetered bills.

9151 **SECTION 84.** This act shall take effect and be in force from
9152 and after July 1, 2025.