

By: Representative Creekmore IV

To: Public Health and Human Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1447

1 AN ACT TO AMEND SECTION 41-26-23, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO INCREASE THE AMOUNT  
3 OF FEES FOR WATER QUALITY ANALYSIS AND RELATED ACTIVITIES AS  
4 REQUIRED BY THE FEDERAL SAFE DRINKING WATER ACT; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 41-26-23, Mississippi Code of 1972, is  
8 amended as follows:

9 41-26-23. (1) There is created in the State Treasury a fund  
10 to be designated as the "Drinking Water Quality Analysis Fund."  
11 The fund shall be treated as a special trust fund. Interest  
12 earned on the principal in the fund shall be credited by the  
13 Treasurer to the fund. The fund may receive monies from any  
14 available public or private source, including fees, proceeds and  
15 grants. The department shall expend or utilize monies in the fund  
16 to pay all reasonable direct and indirect costs of water quality  
17 analysis and related activities as required by the federal Safe  
18 Drinking Water Act, as amended. Monies in the fund at the end of  
19 the fiscal year shall be retained in the fund for use in the



20 succeeding fiscal year. Except as provided in subsection (5) of  
21 this section, if the annual fees collected exceed the cost of  
22 administering the water quality analysis program in that fiscal  
23 year, the excess shall be applied to the cost of administering the  
24 program in the succeeding fiscal year. In the succeeding fiscal  
25 year, the total to be collected from fees shall be reduced by the  
26 excess retained in the fund and the assessment rates shall be  
27 adjusted proportionately.

28 (2) The department annually shall assess and collect fees  
29 for water quality analysis and related activities as required by  
30 the federal Safe Drinking Water Act, as amended, which shall not  
31 exceed \* \* \* Three Dollars and Seventy-five Cents per connection  
32 or \* \* \* Fifty Thousand Dollars (\$50,000.00) per system, whichever  
33 is less. Except as otherwise provided by law, the fee may be  
34 increased no more than one (1) time during the period from July 1,  
35 2025, through June 30, 2026, and any such increase shall be based  
36 on the most recent increase in the Producer Price Index. The  
37 department annually shall adopt by rule, in accordance with the  
38 Administrative Procedures Law and following a public hearing, a  
39 fee schedule to cover all reasonable direct and indirect costs of  
40 water quality analysis and related activities as required by the  
41 federal Safe Drinking Water Act, as amended. In adopting a fee  
42 schedule, the department shall consider the recommendations of the  
43 advisory committee created in this section, if those  
44 recommendations are made in a timely manner as provided.



45 (3) An advisory committee is created to study the program  
46 needs and costs for the implementation of the water quality  
47 analysis program and to conduct an annual review of the needs and  
48 costs of administering that program. The annual review shall  
49 include an independent recommendation on an equitable fee schedule  
50 for the succeeding fiscal year. Each annual review report shall  
51 be due to the department by May 1. The advisory committee shall  
52 consist of one (1) member appointed by the Mississippi Rural Water  
53 Association, one (1) member appointed by the Mississippi Municipal  
54 Association, one (1) member appointed by the Mississippi  
55 Association of Supervisors and one (1) member appointed by the  
56 Mississippi Water and Pollution Control Operators Association,  
57 Inc.

58 (4) All suppliers of water for which water quality analysis  
59 and related activities as required by the federal Safe Drinking  
60 Water Act, as amended, are performed by the State Department of  
61 Health shall pay the water quality analysis fee within forty-five  
62 (45) days following receipt of an invoice from the department. In  
63 the discretion of the department, any supplier of water required  
64 to pay the fee shall be liable for a penalty equal to a maximum of  
65 two (2) times the amount of fees due and payable plus an amount  
66 necessary to reimburse the costs of delinquent fee collection for  
67 failure to pay the fee within ninety (90) days following the  
68 receipt of the invoice. Any person making sales to customers of  
69 water for residential, noncommercial or nonagricultural use and



70 who recovers the fee required by this section or any portion  
71 thereof from any customer shall indicate on each statement  
72 rendered to customers that these fees are for water quality  
73 analyses required by the federal government under the Safe  
74 Drinking Water Act, as amended.

75 (5) There is created within the Drinking Water Quality  
76 Analysis Fund an equipment capital expenditure account,  
77 hereinafter referred to as the "account." The department may  
78 transfer any excess fees, not exceeding ten percent (10%) of the  
79 total fees assessed under this section, to the account. The  
80 balance in the account shall not exceed Five Hundred Thousand  
81 Dollars (\$500,000.00). Funds in the account shall be used by the  
82 department, as appropriated by the Legislature, to defray the  
83 costs of purchasing new equipment or repairing existing equipment  
84 for the analysis of drinking water.

85 **SECTION 2.** This act shall take effect and be in force from  
86 and after July 1, 2025.

