

4/23 10:07a

Chapter No. 513
13/HR40/R812CS.1
See 1st

HOUSE BILL NO. 719

Originated in House  Clerk

HOUSE BILL NO. 719

AN ACT TO REENACT SECTIONS 41-67-1 THROUGH 41-67-29 AND 41-67-33 THROUGH 41-67-39, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL LAW; TO AMEND REENACTED SECTION 41-67-2, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND REENACTED SECTION 41-67-3, MISSISSIPPI CODE OF 1972, TO REVISE THE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF HEALTH AND THE STATE DEPARTMENT OF HEALTH REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO AMEND REENACTED SECTION 41-67-4, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE DEPARTMENT FOR DETERMINING THE FEASIBILITY OF ESTABLISHING CENTRALIZED WASTEWATER TREATMENT SYSTEMS; TO AMEND REENACTED SECTION 41-67-5, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE PROHIBITING PUBLIC UTILITIES SUPPLYING WATER FROM MAKING CONNECTION TO ANY RESIDENCE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DEPARTMENT CERTIFYING THAT THE PLAN FOR THE SEWAGE TREATMENT AND DISPOSAL SYSTEM AT THE LOCATION OF THE PROPERTY COMPLIES WITH THIS LAW; TO AMEND REENACTED SECTION 41-67-6, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE THAT THIS LAW DOES NOT PRECLUDE A CERTIFIED PROFESSIONAL EVALUATOR OR LICENSED PROFESSIONAL ENGINEER FROM PROVIDING SERVICES RELATING TO THE DESIGN OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM TO COMPLY WITH THIS LAW; TO INCLUDE THE CURRENT LANGUAGE REQUIRING THAT ALL REGULATIONS SHALL BE APPLIED UNIFORMLY IN ALL AREAS OF THE STATE AND SHALL TAKE INTO CONSIDERATION AND MAKE PROVISION FOR DIFFERENT TYPES OF SOIL IN THE STATE WHEN PERFORMING SOIL AND SITE EVALUATIONS; TO AMEND REENACTED SECTION 41-67-7, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE THAT APPROVAL OF THE DESIGN, CONSTRUCTION OR INSTALLATION OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM BY THE DEPARTMENT IS REQUIRED, AND THE CURRENT LANGUAGE SPECIFYING

THE PROCEDURE FOR OBTAINING DEPARTMENT APPROVAL; TO REVISE THE REQUIREMENTS FOR WHEN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS WILL BE CONSIDERED ACCEPTABLE; TO INCLUDE THE CURRENT LANGUAGE ON THE PROCEDURE FOR A FINAL APPROVAL REQUEST BY THE PROPERTY OWNER AFTER CONSTRUCTION OR INSTALLATION OF AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM; TO INCLUDE THE CURRENT LANGUAGE AUTHORIZING THE BOARD TO LEVY AN ADMINISTRATIVE FINE IF A PERSON OR CERTIFIED INSTALLER FAILS TO OBTAIN FINAL APPROVAL OR SUBMIT AN AFFIDAVIT OF PROPER INSTALLATION TO THE DEPARTMENT IN THE INSTALLATION OF THE SYSTEM; TO INCLUDE THE CURRENT LANGUAGE THAT REQUIRES THE PROPERTY OWNER TO KEEP A CONTINUING MAINTENANCE AGREEMENT WITH A CERTIFIED INSTALLER OR QUALIFIED HOMEOWNER MAINTENANCE PROVIDER ON ALL ADVANCED TREATMENT SYSTEMS IN PERPETUITY; TO AMEND REENACTED SECTION 41-67-9, MISSISSIPPI CODE OF 1972, TO GRANDFATHER IN ALL EXISTING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS ON JULY 1, 2014, UNTIL A VALID COMPLAINT IS REGISTERED OR UNTIL A PROPERTY OWNER REQUESTS AN INSPECTION BY THE DEPARTMENT; TO REVISE THE REQUIREMENTS FOR EXISTING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS TO BE CONSIDERED ACCEPTABLE; TO AMEND REENACTED SECTION 41-67-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ADVANCED TREATMENT SYSTEMS MAY BE INSTALLED ONLY IF THEY HAVE BEEN TESTED AND ARE LISTED BY AN AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) THIRD-PARTY CERTIFYING PROGRAM AT THE TIME OF INSTALLATION; TO AMEND REENACTED SECTION 41-67-11, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS GOVERNING WHEN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS MAY BE APPROVED IN AN AREA WHERE INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS OTHERWISE WOULD NOT BE APPROVED BECAUSE OF THE AVAILABILITY OR FEASIBILITY OF CONNECTION TO A CENTRALIZED WASTEWATER TREATMENT SYSTEM; TO AMEND REENACTED SECTION 41-67-12, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A FEE FOR ANNUAL CERTIFICATION OF PUMPERS; TO AMEND REENACTED SECTION 41-67-21, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE REGARDING THE REQUIREMENTS FOR REPAIRING AN EXISTING RESIDENTIAL INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM THAT IS MALFUNCTIONING AND DELETE THE CURRENT LANGUAGE REQUIRING REPLACEMENT OF THE SYSTEM; TO CONFORM THE MAXIMUM AMOUNT OF THE CIVIL PENALTIES AUTHORIZED FOR MALFUNCTIONING SYSTEMS; TO AMEND REENACTED SECTION 41-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE REGISTRATION OF MANUFACTURERS OF COMPONENTS USED IN AN INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM; TO AMEND REENACTED SECTION 41-67-33, MISSISSIPPI CODE OF 1972, TO INCLUDE THE CURRENT LANGUAGE REGARDING THE PROCEDURE BY WHICH HOMEOWNERS MAY OBTAIN A VARIANCE FOR A PROPOSED WASTEWATER TREATMENT SYSTEM FROM THE DEPARTMENT BY SHOWING THAT THE PROPOSED SYSTEM WILL PROPERLY TREAT

AND MAINTAIN WASTEWATER ON THE PROPERTY; TO REPEAL SECTION 41-67-35, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS A PERSON FROM OPERATING AS A MAINTENANCE PROVIDER UNLESS THE PERSON IS CERTIFIED AS ONE BY THE DEPARTMENT OR IS A CERTIFIED INSTALLER; TO AMEND REENACTED SECTION 41-67-39, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS FOR CERTIFICATION AS A PUMPER; TO CREATE NEW SECTION 41-67-41, MISSISSIPPI CODE OF 1972, TO CREATE THE WASTEWATER ADVISORY COUNCIL FOR THE PURPOSE OF ADVISING THE DEPARTMENT REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO AMEND SECTION 41-67-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL LAW; TO AMEND REENACTED SECTIONS 41-67-1, 41-67-19, 41-67-23, 41-67-25, 41-67-28 AND 41-67-37, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 41-67-1, Mississippi Code of 1972, is reenacted and amended as follows:

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

(2) It is the purpose of the Legislature through this chapter to protect human health and the environment while providing for reasonable use of individual on-site wastewater disposal systems. The Legislature finds that continued installation and operation of individual on-site wastewater disposal systems in a faulty or improper manner, in a manner that lacks essential maintenance for the system, or in areas where unsuitable soil and population density adversely affect the efficiency and functioning of these systems, has a detrimental effect on the public health and welfare and the environment through contamination of land, groundwater and surface waters.

The Legislature, therefore, expresses a general preference for the installation and operation of centralized * * * wastewater treatment systems in Mississippi, where feasible. The Legislature recognizes, however, that individual on-site wastewater treatment and disposal systems help meet the needs of the state's citizens, especially in rural locations, and can be rendered ecologically safe and protective of the public health if the systems are designed, installed, constructed, maintained and operated properly. It is the intent of the Legislature to allow the continued installation, use and maintenance of individual on-site wastewater disposal systems in a manner that will not jeopardize public health and welfare or the environment.

SECTION 2. Section 41-67-2, Mississippi Code of 1972, is reenacted and amended as follows:

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

(a) "Advanced treatment * * * system" means an individual on-site wastewater treatment * * * system that * * * complies with Section 47-67-10.

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

(* * * c) "Centralized * * * wastewater treatment system" means * * * a wastewater collection and treatment system that consists of collection sewers and a centralized treatment

facility other than an individual on-site wastewater disposal system.

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

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

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

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

(h) "Cluster system" means a wastewater collection and treatment system under some form of common or private ownership and management that provides treatment and dispersal/discharge of wastewater from two (2) or more homes or buildings but less than a subdivision.

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

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

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

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

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

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

(* * *o) "Individual on-site wastewater disposal system" means a sewage treatment and effluent disposal system that does not discharge into waters of the state, that serves only one (1) legal tract, that accepts only residential waste and similar waste streams maintained on the property of the generator, and that is designed and installed in accordance with this law and regulations of the board.

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

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

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

(* * *s) "Person" means any individual, trust, firm, joint-stock company, public or private corporation (including a government corporation), partnership, association, state, or any agency or institution thereof, municipality, commission, political subdivision of a state or any interstate body, and includes any officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof.

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

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

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

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

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

(* * *y) "Subdivision" means any tract or combination of adjacent tracts of land that is subdivided into ten (10) or more tracts, sites or parcels for the purpose of commercial or residential development.

SECTION 3. Section 41-67-3, Mississippi Code of 1972, is reenacted and amended as follows:

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

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

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

(c) To provide or deny certification for persons engaging in the business for hire of the * * * installation, operation or maintenance of individual on-site wastewater disposal systems and persons engaging in the removal and disposal of the sludge and liquid waste from those systems;

(d) To suspend or revoke certifications issued to persons engaging in the business for hire of the * * * installation, operation or maintenance of individual on-site

wastewater disposal systems or persons engaging in the removal and disposal of the sludge and liquid waste from those systems, when it is determined the person has violated this chapter or applicable rules and regulations;

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

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

* * *

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

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

(b) Certification of installers * * *;

(c) * * * Certification of pumpers;

(d) Certification of manufacturers;

(* * *e) Certification of * * * professional evaluators; and

(* * *f) Creation of regulations that authorize the original and any subsequent homeowner to be trained by * * * certified installers as defined in Section 41-67-25(2) or other factory representatives in order to educate the homeowner with the necessary knowledge to provide maintenance to the homeowner's system; no fees shall be charged to the homeowner for such training, thus allowing the homeowner to meet the requirements of Section * * * 41-67-7(5).

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

(a) A standard application form and requirements for supporting documentation;

(b) Application review;

(c) Approval or denial of authorization for proposed systems;

(d) Requirements, as deemed appropriate by the board, for annual renewal of authorization;

(e) Enforcement of the requirements and conditions of authorization; and

(f) Inspection, monitoring, sampling and reporting on the performance of the system.

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

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

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

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

* * *

SECTION 4. Section 41-67-4, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-4. (1) The * * * department shall determine the feasibility of establishing * * * centralized wastewater treatment systems upon the submission by the developer of a preliminary design and feasibility study prepared by a licensed professional engineer. The developer may request and obtain a hearing before the board if the developer is dissatisfied with the board's determination of feasibility. The determination that a * * * centralized wastewater treatment system must be established shall be made without regard to whether the establishment of a * * * centralized wastewater treatment system is authorized by law or is subject to approval by one or more state or local government or public bodies. Whenever a developer requests a determination of feasibility, the * * * department must make the determination within * * * thirty (30) days after receipt of the preliminary design and feasibility study from the developer. The * * * department shall state in writing the reasons for its determination. If the * * * department does not make a determination within * * * thirty (30) days, all sites within the subdivision shall be approved, if a certified installer attests or a department environmentalist determines that each site can be

adequately served by an individual on-site wastewater disposal system.

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

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

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

SECTION 5. Section 41-67-5, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-5. (1) No owner, lessee or developer shall construct or place any mobile, modular or permanently constructed residence, building or facility, which may require the installation of an individual on-site wastewater disposal system, without having first submitted a notice of intent to the department. Upon receipt of a notice of intent, the department shall provide the owner, lessee or developer with complete information on individual on-site wastewater disposal systems, including, but not limited to, applicable rules and regulations regarding the design, * * * installation, operation and maintenance of individual on-site wastewater disposal systems and known requirements of lending institutions for approval of the systems.

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

(3) The department shall furnish to the county tax assessor or collector, upon request, the name and address of the person submitting a notice of intent and the section, township and range

of the lot or tract of land on which the individual on-site wastewater disposal system will be installed.

SECTION 6. Section 41-67-6, Mississippi Code of 1972, is reenacted and amended as follows:

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

(* * *2) Within five (5) working days following receipt of the notice of intent and plot plan by an owner, lessee or developer of any lot or tract of land, the department shall conduct a soil and site evaluation, except in cases where a certified professional evaluator or * * * licensed professional engineer provides services relating to the design, construction or installation of an individual on-site wastewater disposal system

to comply with this chapter. All regulations shall be applied uniformly in all areas of the state and shall take into consideration and make provision for different types of soil in the state when performing soil and site evaluations. Within ten (10) additional working days, the department shall make recommendations to the owner, lessee or developer of the type or types of individual on-site wastewater disposal systems suitable for installation on the lot or tract, unless there are conditions requiring further investigation that are revealed in the initial evaluation. In making recommendations on the type or types of individual on-site wastewater disposal systems suitable for installation on a lot or tract, personnel of the department shall use best professional judgment based on rules and regulations adopted by the board, considering the type or types of systems which are installed and functioning on lots or tracts near the subject lot or tract. To the extent practicable, the recommendations shall give the owner, lessee or developer maximum flexibility and * * * all options consistent with the federal Clean Water Act, consistent with maintaining the wastes on the property of the generator and consistent with protection of the public health. The system or systems recommended shall be environmentally sound and cost-effective. The department, a licensed professional engineer or a certified professional evaluator shall provide complete information, including all applicable requirements and regulations on all systems

recommended. The owner, lessee or developer shall have the right to choose among systems. The department shall provide the owner, lessee or developer with a * * * permit/recommendation that specifies all types of individual on-site wastewater disposal systems that are suitable for installation on the lot or tract * * *. * * *

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

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

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

(b) * * * A certified installer, or designated agent thereof, shall not cover his work with soil or other surface material unless the installer has received authorization to cover the system after an inspection by a * * * department * * * environmentalist, or unless a * * * department environmentalist does not arrive for inspection * * * within thirty (30) minutes of the designated and agreed upon time, in which case * * * a certified installer, or designated agent thereof, may submit an affidavit of proper installation to the department for final approval.

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

* * *

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

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

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

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

SECTION 7. Section 41-67-7, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-7. (1) Approval of the design, construction or installation of an individual on-site wastewater disposal system by the department is required, except as otherwise provided in Section 41-67-6(7). Upon completion of installation of the system, the department shall approve the design, construction or installation of that system, as requested, if the system is designed, constructed and installed, as the case may be, in accordance with the rules and regulations of the board. Whenever a person requests approval of an individual on-site wastewater disposal system and has met the requirements in subsection (3) of this section, the department must approve or disapprove the request within five (5) working days. If the department disapproves the request, the department shall state in writing the reasons for the disapproval. If the department does not respond to the request within ten (10) calendar days, the request for approval of the individual on-site wastewater disposal system shall be deemed approved.

* * *

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

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

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

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

(d) Any private water supply is located at a higher elevation or it must be properly protected and at least fifty (50) feet from the individual on-site wastewater disposal system and at least one hundred (100) feet from the disposal field of the system * * *; and

* * *

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

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

(a) A signed affidavit from the installer that the system was installed in compliance with all requirements,

regulations and permit conditions applicable to the system installed; and

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

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

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

SECTION 8. Section 41-67-9, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-9. (1) * * * All existing individual on-site wastewater disposal systems on July 1, 2014, shall be grandfathered in until a valid complaint is registered with a

county department of health or until a property owner requests an inspection by the department.

* * *

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

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

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

(c) Centralized wastewater treatment systems are not available;

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

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

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

SECTION 9. Section 41-67-10, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-10. (1) Advanced * * * treatment systems may be installed only if they have been tested and are listed by * * * an American National Standards Institute (ANSI) third-party certifying program at the time of installation. Advanced * * * treatment systems shall be in compliance with standards for a Class I system as defined by the most current revision of American National Standards Institute/National Sanitation Foundation (ANSI/NSF) International Standard Number 40, which are incorporated by reference. An approved ANSI third-party certifying program shall comply with the following provisions for systems which it has certified to be installed in Mississippi:

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

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

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

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

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

SECTION 10. Section 41-67-11, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-11. (1) * * * Individual on-site wastewater disposal systems may be approved in an area where individual on-site wastewater disposal systems otherwise would not be approved because of the availability or feasibility of connection to a centralized * * * wastewater treatment system only after a contract has been awarded or other definite commitments as are deemed sufficient to the department are formalized for the construction of * * * a centralized wastewater treatment system that upon completion will adequately serve the property. * * * Individual on-site wastewater disposal systems shall only be approved when the * * * centralized wastewater treatment system will be completed and available for use within thirty-six (36) months. The department may approve the installation of a * * * system under these circumstances only if the system will comply with the requirements of Section 41-67-5(1) and comply with all

construction requirements of the * * * department. The * * * system may be installed only after the developer has signed a written agreement with the centralized * * * wastewater treatment provider stating that the developer will connect to the centralized * * * wastewater treatment system when it becomes available, and the provider of the centralized * * * wastewater treatment system being constructed certifies that the centralized * * * wastewater treatment system will have adequate capacity to accept the sewage to be produced by the * * * individual on-site wastewater disposal systems. The developer shall install an internal sewage collection system from each lot to the connection point to the * * * centralized wastewater treatment system as he develops the streets of the subdivision. Upon completion of the * * * construction of the centralized wastewater treatment system, all individual on-site wastewater disposal systems shall be abandoned and all residences, buildings or facilities connected to the * * * centralized wastewater treatment system.

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

SECTION 11. Section 41-67-12, Mississippi Code of 1972, is reenacted and amended as follows:

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

(a) A fee of Fifty Dollars (\$50.00) shall be levied for soil and site evaluation and recommendation of individual on-site wastewater disposal systems.

(b) A fee of Fifty Dollars (\$50.00) shall be levied annually for the certification of installers and * * * pumpers.

(c) A fee of One Hundred Dollars (\$100.00) shall be levied annually for the registration of manufacturers.

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

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

SECTION 12. Section 41-67-15, Mississippi Code of 1972, is reenacted as follows:

41-67-15. Nothing in this chapter shall limit the authority of a municipality or board of supervisors to adopt similar ordinances which may be, in whole or in part, more restrictive

than this chapter, and in those cases the more restrictive ordinances will govern. The department shall not approve any system that does not comply with an ordinance adopted by a municipality or board of supervisors under the authority of this section.

SECTION 13. Section 41-67-19, Mississippi Code of 1972, is reenacted and amended as follows:

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

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

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

SECTION 14. Section 41-67-21, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-21. (1) The * * * department * * * shall require a property owner and/or lessee to repair a malfunctioning individual on-site wastewater disposal system on the owner's or lessee's

property before the thirtieth day after the date on which the owner or lessee is notified by the department of the malfunctioning system.

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

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

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

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

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

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

SECTION 15. Section 41-67-23, Mississippi Code of 1972, is reenacted and amended as follows:

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

SECTION 16. Section 41-67-25, Mississippi Code of 1972, is reenacted and amended as follows:

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

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

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

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

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

(c) Pays the annual certification fee which shall be an amount not greater than Fifty Dollars (\$50.00); and

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

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

(5) The department shall provide for annual renewal of certifications.

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

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

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

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

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

SECTION 17. Section 41-67-27, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-27. * * * A person may not operate a business in or do business in the State of Mississippi as a manufacturer of components used in an individual on-site wastewater disposal system without holding a valid manufacturer's registration issued by the department. If any person is operating in the state as a manufacturer without certification by the department, the

department, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

SECTION 18. Section 41-67-28, Mississippi Code of 1972, is reenacted and amended as follows:

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

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

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

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

(ii) Failure of an individual on-site wastewater disposal system to operate properly due to failure to install the

system in accordance with any requirements of the manufacturer or in compliance with any rules and regulations of the board; or

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

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

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

(5) (a) Any person who violates Section * * * 41-67-7(5) or 41-67-11(2) may be assessed an administrative fine in the amount of Five Hundred Dollars (\$500.00) and the public water system may discontinue service to that property owner until the failure to

comply with Section * * * 41-67-7(5) or 41-67-11(2) has been corrected.

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

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

SECTION 19. Section 41-67-29, Mississippi Code of 1972, is reenacted as follows:

41-67-29. Any person who is aggrieved by any final decision of the board may appeal that final decision to the chancery court of the county of the situs in whole or in part of the subject matter. The appellant shall give a cost bond with sufficient sureties, payable to the state in a sum to be fixed by the board or the court and to be filed with and approved by the clerk of the court. The aggrieved party may, within thirty (30) days following a final decision of the board, petition the chancery court for an appeal with supersedeas and the chancellor shall grant a hearing on the petition. Upon good cause shown the chancellor may grant the appeal with supersedeas. The appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the chancellor. The chancery court shall always be deemed open for hearing of appeals and the chancellor may hear the appeal in termtime or in vacation at any place in his district. The appeal shall have precedence over all civil cases,

except election contests. The chancery court shall review all questions of law and of fact and may enter a final order or remand the matter to the board for appropriate action as may be indicated or necessary under the circumstances. Appeals may be taken from the chancery court to the Supreme Court in the manner as now required by law, but if a supersedeas is desired by the party appealing to the chancery court, that party may apply therefor to the chancellor, who shall award a writ of supersedeas, without additional bond, if in the chancellor's judgment material damage is not likely to result. If material damage is likely to result, the chancellor shall require a supersedeas bond as deemed proper, which shall be liable to the state for any damage.

SECTION 20. Section 41-67-33, Mississippi Code of 1972, is reenacted and amended as follows:

41-67-33. (1) The department shall adopt and use procedures for conducting reviews requested by any person aggrieved by the disapproval or requirements for an on-site wastewater disposal system as provided by the department in written form under Section 41-67-6. The procedures shall include that the person may request review by submitting a written request of review to the Director of the Office of Environmental Health. The request for review shall identify the matter contested and state the person's name, mailing address and home and daytime phone numbers. Within ten (10) business days of the receipt of the request for review, the department shall issue in writing a ruling and determination to

the person and if any corrections are necessary to any form previously issued by the department, then new forms shall be submitted to the person.

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

(* * *3) Any person aggrieved by the ruling issued by the Director of the Office of Environmental Health may apply for a hearing. Any hearing shall be conducted by a hearing officer designated by the department. At the hearing, the hearing officer may conduct reasonable questioning of persons who make relevant factual allegations concerning the proposal. The hearing officer shall require that all persons be sworn before they may offer any testimony at the hearing, and the hearing officer is authorized to administer oaths. Any person so choosing may be represented by counsel at the hearing. A record of the hearing shall be made, which shall consist of a transcript of all testimony received, all documents and other material introduced, the staff report and

recommendation, and any other material as the hearing officer considers relevant. He shall make a recommendation within a reasonable period of time after the hearing is closed and after he has had an opportunity to review, study and analyze the evidence presented during the hearing. The completed record shall be certified to the State Health Officer, who shall consider only the record in making his decision, and shall not consider any evidence or material that is not included. All final decisions regarding the disapproval or requirements for an on-site wastewater disposal system shall be made by the State Health Officer. The State Health Officer shall make his written findings and issue his order after reviewing the record, not to exceed thirty (30) days following his receipt of the record.

SECTION 21. Section 41-67-35, Mississippi Code of 1972, which prohibits a person from operating as a maintenance provider unless the person is certified as one by the department or is a certified installer, is repealed.

SECTION 22. Section 41-67-37, Mississippi Code of 1972, is reenacted and amended as follows:

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

(2) A person must meet one (1) of the following requirements, in addition to the additional requirements set forth

in other sections of this chapter and rules and regulations of the board, in order to be eligible to become a certified professional evaluator:

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

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

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

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

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

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

(c) Pays the annual certification fee; and

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

(4) Each certified professional evaluator shall furnish proof of certification to a property owner or the owner's representative of the property before performing a site evaluation

of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by the certified professional evaluator and to the department or its authorized representative, if requested.

(5) The department shall provide for annual renewal of certifications.

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

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

SECTION 23. Section 41-67-39, Mississippi Code of 1972, is reenacted and amended as follows:

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

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

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

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

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

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

(* * *e) Pays the annual license fee; and

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

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

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

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

(6) The department may suspend or revoke a pumper certification if the pumper * * * disposes of septage or other liquid waste in an unpermitted or unapproved site and/or violates this chapter or rules and regulations under this chapter.

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

(8) The department shall provide for annual renewal of certifications.

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

SECTION 24. The following shall be codified as Section 41-67-41, Mississippi Code of 1972:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 25. Section 41-67-31, Mississippi Code of 1972, is amended as follows:

41-67-31. Sections 41-67-1 through 41-67-29 and Sections

41-67-33 through * * * 41-67-41 shall stand repealed on July 1, * * * 2018.

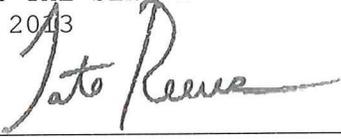
SECTION 26. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 29, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 2, 2013



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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