

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1037
93RD GENERAL ASSEMBLY

Reported from the Committee on Utilities May 3, 2006 with recommendation that House Committee Substitute for Senate Bill No. 1037 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4950L.04C

AN ACT

To repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to the public drinking water primacy fee.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 640.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 640.100, to read as follows:

640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9,
16 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any
17 rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo,
18 apply, the provisions of this section are nonseverable and if any of the powers vested with the
19 general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or
20 to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the
21 purported grant of rulemaking authority and any rule so proposed and contained in the order of
22 rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo,
23 shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

24 3. The commission shall promulgate rules and regulations for the certification of public
25 water system operators, backflow prevention assembly testers and laboratories conducting tests
26 pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow
27 prevention assembly tester shall satisfactorily complete standard, nationally recognized written
28 and performance examinations designed to ensure that the person is competent to determine if
29 the assembly is functioning within its design specifications. Any such state certification shall
30 satisfy any need for local certification as a backflow prevention assembly tester. However,
31 political subdivisions may set additional testing standards for individuals who are seeking to be
32 certified as backflow prevention assembly testers. Notwithstanding any other provision of law
33 to the contrary, agencies of the state or its political subdivisions shall only require carbonated
34 beverage dispensers to conform to the backflow protection requirements established in the
35 National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an
36 independent testing laboratory. The commission shall promulgate rules and regulations for
37 collection of samples and analysis of water furnished by municipalities, corporations, companies,
38 state establishments, federal establishments or individuals to the public. The department of
39 natural resources or the department of health and senior services shall, at the request of any
40 supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo,
41 and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost
42 of laboratory services, both within the department of natural resources and the department of
43 health and senior services, laboratory certification and program administration as required by
44 sections 640.100 to 640.140. The laboratory services and program administration fees pursuant
45 to this subsection shall not exceed two hundred dollars for a supplier supplying less than four
46 thousand one hundred service connections, three hundred dollars for supplying less than seven
47 thousand six hundred service connections, five hundred dollars for supplying seven thousand six
48 hundred or more service connections, and five hundred dollars for testing surface water. Such
49 fees shall be deposited in the safe drinking water fund as specified in section 640.110. The
50 analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to

51 640.140 shall be made by the department of natural resources laboratories, department of health
52 and senior services laboratories or laboratories certified by the department of natural resources.

53 4. The department of natural resources shall establish and maintain an inventory of
54 public water supplies and conduct sanitary surveys of public water systems. Such records shall
55 be available for public inspection during regular business hours.

56 5. (1) For the purpose of complying with federal requirements for maintaining the
57 primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby
58 directed to request appropriations from the general revenue fund and all other appropriate
59 sources to fund the activities of the public drinking water program and in addition to the fees
60 authorized pursuant to subsection 3 of this section, an annual fee for each customer service
61 connection with a public water system is hereby authorized to be imposed upon all customers
62 of public water systems in this state. The fees collected shall not exceed the amounts specified
63 in this subsection and the commission may set the fees, by rule, in a lower amount by
64 proportionally reducing all fees charged pursuant to this subsection from the specified maximum
65 amounts. Each customer of a public water system shall pay an annual fee for each customer
66 service connection.

67 (2) The annual fee per customer service connection for unmetered customers and
68 customers with meters not greater than one inch in size shall be based upon the number of
69 service connections in the water system serving that customer, and shall not exceed:

70	1 to 1,000 connections	\$ 2.00
71	1,001 to 4,000 connections	1.84
72	4,001 to 7,000 connections	1.67
73	7,001 to 10,000 connections	1.50
74	10,001 to 20,000 connections	1.34
75	20,001 to 35,000 connections	1.17
76	35,001 to 50,000 connections	1.00
77	50,001 to 100,000 connections84
78	More than 100,000 connections66.

79 (3) The annual user fee for customers having meters greater than one inch but less than
80 or equal to two inches in size shall not exceed five dollars; for customers with meters greater
81 than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars;
82 and for customers with meters greater than four inches in size shall not exceed fifty dollars.

83 (4) Customers served by multiple connections shall pay an annual user fee based on the
84 above rates for each connection, except that no single facility served by multiple connections
85 shall pay a total of more than five hundred dollars per year.

86 6. Fees imposed pursuant to subsection 5 of this section shall become effective on
87 August 28, 1992, and shall be collected by the public water system serving the customer. The
88 commission shall promulgate rules and regulations on the procedures for billing, collection and
89 delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this
90 section are state fees. The annual fee shall be enumerated separately from all other charges, and
91 shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to
92 the director of the department of revenue at frequencies not less than quarterly. Two percent of
93 the revenue arising from the fees shall be retained by the public water system for the purpose of
94 reimbursing its expenses for billing and collection of such fees.

95 7. Imposition and collection of the fees authorized in subsection 5 of this section shall
96 be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the
97 federally delegated authority granted to the safe drinking water program within the department
98 of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn.
99 The fee shall not be reinstated until the first day of the calendar quarter following the quarter
100 during which such delegated authority is reinstated.

101 8. Fees imposed pursuant to subsection 5 of this section shall expire on September 1,
102 [2007] **2011**.

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