

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 160
100TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, April 25, 2019, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

0304S.03C

AN ACT

To amend chapters 386, 640, and 701, RSMo, by adding thereto eight new sections relating to the regulation of water usage.

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

Section A. Chapters 386, 640, and 701, RSMo, are amended by adding
2 thereto eight new sections, to be known as sections 386.264, 640.141, 640.142,
3 640.144, 640.145, 640.146, 640.147, and 701.200, to read as follows:

**386.264. 1. In any general rate proceeding for a water
2 corporation or sewer corporation, the commission shall have authority
3 to set a separate, lower fixed charge or customer charge for low-income
4 customers of such water corporation or sewer corporation upon a
5 determination that the charge is in the public interest, provided that
6 rates are not designed to be financially detrimental to the water
7 corporation or sewer corporation.**

8 **2. The aggregate impact of any special low-income rate shall be
9 limited to no more than one-half of one percent of the total revenue
10 requirement allocated to the residential customer class used to set
11 rates. The commission shall permit water and sewer corporations to
12 rely on a third party or community agency to verify any eligibility
13 requirements approved by the commission in order for a residential
14 customer to qualify for a low-income program or rate approved under
15 this section.**

16 **3. For purposes of this section, "low-income customer" means a
17 residential customer who meets the criteria for assistance for the**

18 **utilicare program under sections 660.100 to 660.136.**

19 **4. The commission may promulgate rules to implement the**
20 **provisions of this section. Any rule or portion of a rule, as that term is**
21 **defined in section 536.010 that is created under the authority delegated**
22 **in this section shall become effective only if it complies with and is**
23 **subject to all of the provisions of chapter 536, and, if applicable, section**
24 **536.028. This section and chapter 536 are nonseverable and if any of**
25 **the powers vested with the general assembly pursuant to chapter 536,**
26 **to review, to delay the effective date, or to disapprove and annul a rule**
27 **are subsequently held unconstitutional, then the grant of rulemaking**
28 **authority and any rule proposed or adopted after August 28, 2019, shall**
29 **be invalid and void.**

640.141. 1. Sections 640.141 to 640.145 shall be known and may
2 **be cited as the "Missouri Water Safety and Security Act".**

3 **2. By January 1, 2021, each public water system, as defined in**
4 **section 640.102, that serves less than fifty thousand customers in the**
5 **state shall create a plan or assessment to identify risk and resilience**
6 **of the system.**

7 **3. Each plan or assessment shall contain the following:**

8 **(1) A water main renewal plan; and**

9 **(2) A water supply and treatment plan designed to inspect,**
10 **maintain, repair, renew, and upgrade wells, intakes, pumps, and**
11 **treatment facilities in accordance with all federal and state regulations.**

12 **4. The public water system shall make a summary of its plan or**
13 **assessment available upon request. The summary of the plan or**
14 **assessment shall not include any information that could compromise**
15 **the physical or cyber security of the system.**

640.142. 1. Within three years of the effective date of this
2 **section, each public water system shall create a plan that establishes**
3 **policies and procedures for identifying and mitigating cyber risk. The**
4 **plan shall include risk assessments and implementation of appropriate**
5 **controls to mitigate identified cyber risks.**

6 **2. Public water systems that do not use an internet-connected**
7 **control system are exempt from the provisions of this section.**

640.144. 1. All public water systems shall be required to create
2 **an isolation and control valve inspection plan that includes:**

3 **(1) An inspection plan of all isolation and control valves every**

4 ten years;

5 (2) Planned scheduled repair or replacement of broken isolation
6 and control valves; and

7 (3) Identification of each isolation and control valve location
8 using a geographic information system or metes and bounds, with the
9 geographic information system locations to be completed by 2029.

10 2. All public water systems shall be required to create a hydrant
11 inspection plan that includes:

12 (1) Testing of every hydrant in the public water system every
13 two years;

14 (2) A schedule for repair or replacement of broken hydrants;

15 (3) A plan to flush every hydrant and dead-end main;

16 (4) Maintenance of records of inspections, tests, and flushings for
17 six years; and

18 (5) Identification of each hydrant location using a geographic
19 information system or metes and bounds, with the geographic
20 information system locations to be completed by 2029.

640.145. Public water systems operated by the department of
2 natural resources are exempt from the provisions of sections 640.141 to
3 640.147.

640.146. Nothing in sections 640.140 to 640.146 shall be construed
2 to establish a private civil cause of action against an individual in
3 violation of sections 640.140 to 640.146.

640.147. An annual statement of compliance shall be signed by
2 the operator or engineer of the public water system certifying
3 compliance with the provisions of sections 640.140 to 640.144 and made
4 available upon request by the applicable authority.

701.200. 1. Subject to appropriations, each school district, as
2 such term is defined in section 160.011, shall test each source of potable
3 water in a public school building in that district serving students under
4 first grade and constructed before 1996 for lead contamination in
5 accordance with guidance provided by the department of health and
6 senior services. The school district shall submit the samples to a
7 department-approved laboratory for analysis for lead and provide the
8 written sampling results to the department within seven days of
9 receipt. Sampling and analysis under this subsection shall be
10 completed by December 31, 2021.

11 2. The department shall develop guidance for schools in
12 collecting and testing first-draw samples of potable water. The
13 department shall develop and make publicly available a list of
14 approved laboratories for lead analysis.

15 3. If any of the samples taken in the building exceed five parts
16 per billion, the school district shall promptly provide individual
17 notification of the sampling results, by written or electronic
18 communication, to the parents or legal guardians of all enrolled
19 students and include the following information: the corresponding
20 sampling location within the building and the U.S. Environmental
21 Protection Agency's website for information about lead in drinking
22 water. If any of the samples taken in the building are at or below five
23 parts per billion, notification may be made as provided in this
24 subsection or by posting on the school's website.

25 4. A school district may seek a waiver of the requirements of this
26 section from the department if the district collected a sample of water
27 from each source of potable water in accordance with the procedures
28 established under subsection 2 of this section or comparable
29 procedures, a department-approved laboratory analyzed the samples,
30 test results were obtained prior to August 28, 2019, and test results are
31 submitted to the department by December 31, 2020.

32 5. The department may promulgate rules and regulations
33 necessary to implement the provisions of this section. Any rule or
34 portion of a rule, as that term is defined in section 536.010 that is
35 created under the authority delegated in this section shall become
36 effective only if it complies with and is subject to all of the provisions
37 of chapter 536, and, if applicable, section 536.028. This section and
38 chapter 536 are nonseverable and if any of the powers vested with the
39 general assembly pursuant to chapter 536, to review, to delay the
40 effective date, or to disapprove and annul a rule are subsequently held
41 unconstitutional, then the grant of rulemaking authority and any rule
42 proposed or adopted after August 28, 2019, shall be invalid and void.

43 6. As used in this section, the term "source of potable water" shall
44 mean the point at which nonbottled water that may be ingested by
45 children or used for food preparation exits any tap, faucet, drinking
46 fountain, wash basin in a classroom occupied by children or students
47 under first grade, or similar point of use; provided, that all bathroom

48 **sinks and wash basins used by janitorial staff are excluded from this**
49 **definition.**

✓