

1 A CONCURRENT RESOLUTION establishing the Small Community Public
2 Drinking Water System Failure Prevention Task Force.

3 WHEREAS, water is a critical natural resource for Kentucky; and

4 WHEREAS, Kentucky's water infrastructure, including drinking water treatment
5 plants and distribution systems, wastewater treatment plants and collection systems, and
6 dams, is critical to Kentucky's public health and safety, economic development,
7 environmental sustainability, and quality of life; and

8 WHEREAS, there are approximately 450 public drinking water systems in
9 Kentucky that serve more than 95 percent of the population, and the majority of
10 Kentucky's citizens are connected to regional wastewater service; and

11 WHEREAS, these systems include municipalities, boards, associations, districts,
12 and investor-owned companies whose structure of governance and regulatory control
13 varies; and

14 WHEREAS, Kentucky's water infrastructure is extensive, and the average age of
15 Kentucky's water systems often exceeds the system's design life; and

16 WHEREAS, Kentucky has made significant progress to preserve and improve
17 access to potable water and adequate wastewater services through regionalization and
18 consolidation of water and wastewater systems; and

19 WHEREAS, the challenges for Kentucky's water and wastewater infrastructure are
20 system age; ongoing use of deferred maintenance; insufficient planning and infrastructure
21 investment; and a lack of technical, managerial and financial capacity, all of which have
22 resulted in water infrastructure failures; and

23 WHEREAS, absent preventive measures and some level of intervention, a failing
24 community public drinking water system is likely to become insolvent and put the
25 citizens of the Commonwealth in jeopardy of not having potable water; and

26 WHEREAS, the General Assembly should determine when and how to prevent the
27 failure of community water and wastewater systems and should empower the proper

1 authorities to ensure appropriate oversight, effective enforcement measures, and strong,
2 capable governance of these systems;

3 NOW, THEREFORE,

4 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***
5 ***Kentucky, the House of Representatives concurring therein:***

6 ➔Section 1. The Legislative Research Commission is hereby directed to establish
7 the Public Water and Wastewater System Infrastructure Task Force to evaluate and
8 develop legislative recommendations and policy options on how to:

9 (1) Create an evaluation process that can identify community public drinking
10 water systems and wastewater systems that lack technical, managerial, and financial
11 capacity and that may be at risk of failure;

12 (2) Identify and assess the current regulatory and enforcement authority of the
13 oversight agencies and identify the policy and regulatory options to improve the
14 sustainability and the technical, managerial, and financial capacity of community water
15 and wastewater systems;

16 (3) Identify statutes that would need to be amended to implement policy options
17 and any legal impediments to implementing specific policy options;

18 (4) Develop recommendations regarding the authority, procedures, and resources
19 necessary to intervene and prevent technical, managerial, or financial failure of
20 community water and wastewater systems; and

21 (5) Identify options for generating state and local funds that may be used to
22 directly fund water infrastructure projects and leverage other public and private funds.

23 ➔Section 2. The task force shall have 21 members with the co-chairs of the
24 committee selected by the President of the Senate and the Speaker of the House of
25 Representatives from the appointed legislative membership of their respective chambers.
26 The final membership of the task force, subject to the consideration and approval of the
27 Legislative Research Commission, shall be as follows:

- 1 (1) One legislative member chosen by the Speaker of the House of
2 Representatives and one member chosen by the Minority Floor Leader of the House of
3 Representatives;
- 4 (2) One legislative member chosen by the President of the Senate and one
5 member chosen by the Minority Floor Leader of the Senate;
- 6 (3) One member representing the Kentucky League of Cities submitted by the
7 organization;
- 8 (4) One member representing Kentucky Area Development Districts submitted by
9 the organization;
- 10 (5) The director of the Division of Water within the Energy and Environment
11 Cabinet or his or her designee;
- 12 (6) The director of the Kentucky Public Service Commission or his or her
13 designee;
- 14 (7) The director of the Kentucky Infrastructure Authority or his or her designee;
- 15 (8) A representative from the Kentucky Association of Counties submitted by the
16 organization;
- 17 (9) A representative from the Kentucky Municipal Utilities Association submitted
18 by the organization;
- 19 (10) A representative from the Kentucky Rural Water Association submitted by the
20 organization;
- 21 (11) Two citizen members with experience in public drinking water systems with
22 one being appointed by the Senate President and one being appointed by the Speaker of
23 the House of Representatives;
- 24 (12) The director of the Kentucky Resources Council or his or her designee;
- 25 (13) A representative of the Kentucky Rural Community Assistance Partnership
26 submitted by the organization;
- 27 (14) A representative of the American Water Works Association submitted by the

1 organization;

2 (15) A representative of an investor-owned utility that delivers water or wastewater
3 services;

4 (16) The president of the American Council of Engineering Companies of
5 Kentucky or his or her designee;

6 (17) The president of the Kentucky Chamber of Commerce of his or her designee;
7 and

8 (18) An operator representative of the Kentucky Water and Wastewater Operators
9 Association submitted by the organization.

10 ➔Section 3. The task force shall meet when the General Assembly is not in
11 session between the effective date of this Resolution and the date that it submits
12 legislative recommendations to the Legislative Research Commission. The staff from the
13 Division of Water in the Energy and Environment Cabinet may assist staff of the
14 Legislative Research Commission in the performance of duties associated with the task
15 force.

16 ➔Section 4. The task force may submit findings, legislative recommendations, or
17 a memorandum to the Legislative Research Commission by December 15, 2019. If
18 legislative recommendations are submitted, the Legislative Research Commission may
19 refer the recommendations to the appropriate committee or committees of jurisdiction by
20 December 20, 2019, in advance of the 2020 Regular Session of the Kentucky General
21 Assembly.

22 ➔Section 5. Provisions of this Resolution to the contrary notwithstanding, the
23 Legislative Research Commission shall have the authority to alternatively assign the
24 issues identified herein to an interim joint committee or subcommittee thereof and to
25 designate a study completion date.