

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

3 WHEREAS, there are about 450 public drinking water systems in Kentucky that
4 include boards, associations, districts, and investor-owned companies whose structure of
5 governance and regulatory control varies; and

6 WHEREAS, the preponderance of those systems in Kentucky is characterized as
7 "small" defined by the United States Environmental Protection Agency as serving 10,000
8 or fewer customers; and

9 WHEREAS, compared to the rest of the nation, Kentucky has a very high number
10 of federal violations of public drinking water standards, many of which are due to
11 inadequate and failing infrastructure, mismanagement of utility resources, and inadequate
12 rates for the provision of service; and

13 WHEREAS, several systems have become glaring examples of the failure of small
14 community public drinking water systems that suffer from deteriorating infrastructure,
15 declining drinking water quality, unresponsive service, inadequate rates, and
16 inexperienced management; and

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

20 WHEREAS, the General Assembly should determine when and how to prevent the
21 failure of small community public drinking water systems and should empower the proper
22 authorities to ensure continuous oversight, effective enforcement measures, and strong,
23 capable governance of these systems; and

24 NOW, THEREFORE,

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

27 ➔Section 1. The Legislative Research Commission is hereby directed to establish

1 the Small Community Public Drinking Water System Failure Prevention Task Force to
2 study and develop policy options on how to:

3 (1) Create an oversight and feedback system that will identify small community
4 public drinking water systems that are at risk of failure;

5 (2) Develop ways to intervene and correct the problems leading to failure before
6 failure is imminent;

7 (3) Identify and assess existing regulatory enforcement resources of all agencies
8 and the policy options available for shoring up a system, including alternative service
9 providers if the system becomes insolvent or the water quality becomes unsafe; and

10 (4) Identify statutes that would need to be amended to implement policy options
11 and any legal impediments to implementing specific policy options.

12 ➔Section 2. The task force shall have 17 members with the co-chairs of the
13 committee selected by the President of the Senate and the Speaker of the House of
14 Representatives from the appointed legislative membership of their respective chamber.
15 The final membership of the task force being subject to the consideration and approval of
16 the Legislative Research Commission shall be as follows:

17 (1) One legislative member chosen by the Speaker of the House of
18 Representatives and one member chosen by the Minority Floor Leader of the House of
19 Representatives;

20 (2) One legislative member chosen by the President of the Senate and one
21 member chosen by the Minority Floor leader of the Senate;

22 (3) One member representing the League of Cities;

23 (4) One member representing Kentucky Area Development Districts;

24 (5) The director of the Division of Water within the Energy and Environment
25 Cabinet or his or her designee;

26 (6) The director of the Kentucky Public Service Commission or his or her
27 designee;

1 (7) The director of the Kentucky Infrastructure Authority or his or her designee;

2 (8) A representative from the Kentucky Association of Counties submitted by the
3 organization;

4 (9) A representative from the Kentucky Municipal Utilities Association submitted
5 by the organization;

6 (10) A representative from the Kentucky Rural Water Association submitted by the
7 organization;

8 (11) Two citizen members with experience in public drinking water systems with
9 one being appointed by the Senate President and one being appointed by the Speaker of
10 the House of Representatives;

11 (12) The director of the Kentucky Resources Council or his or her designee;

12 (13) A representative of the Kentucky Rural Community Assistance Partnership
13 submitted by the organization; and

14 (14) A representative of the Kentucky Water and Wastewater Operators
15 Association submitted by the organization.

16 ➔Section 3. The task force shall meet monthly when the General Assembly is not
17 in session between the effective date of this resolution and the date that it submits
18 legislative recommendations to the Legislative Research Commission.

19 ➔Section 4. The task force shall submit its legislative recommendations to the
20 Legislative Research Commission for referral to the appropriate committee or committees
21 by December 15, 2019, in advance of the 2020 session of the Kentucky General
22 Assembly.

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