

1 A CONCURRENT RESOLUTION reestablishing the Public Water and Wastewater
2 System Infrastructure Task Force.

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

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

3 WHEREAS, the Legislative Research Commission authorized the Public Water and
4 Wastewater System Infrastructure Task Force, by memorandum dated May 9, 2019, to
5 meet during the 2019 Interim to address the topics identified herein; and

6 WHEREAS, at the conclusion of their meetings, the membership of the task force
7 recommended that its work be continued by reauthorizing the task force to meet during
8 the 2020 Interim to continue to address the problems facing Kentucky's water and
9 wastewater infrastructure issues;

10 NOW, THEREFORE,

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

13 ➔Section 1. The Legislative Research Commission is hereby directed to
14 reestablish the Public Water and Wastewater System Infrastructure Task Force to
15 continue to evaluate policy options on how to:

16 (1) Implement the recommendations adopted by the task force during the 2019
17 Interim;

18 (2) Identify the appropriate state agencies to undertake the oversight, regulatory,
19 and enforcement responsibilities recommended by the task force during the 2019 Interim
20 relating to the development of best management practices, the evaluation and
21 identification of troubled water or wastewater utilities, and the development and
22 administration of initial and continuing training requirements for water and wastewater
23 utility officials;

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

26 (4) Identify federal, state, and local resources that may be used to accomplish the
27 implementation of the task force's recommendations and to otherwise fund water and

1 wastewater infrastructure projects.

2 ➔Section 2. The task force shall have the following 15 members, with the final
3 membership of the task force being subject to the consideration and approval of the
4 Legislative Research Commission:

5 (1) Two members of the House of Representatives chosen by the Speaker of the
6 House of Representatives, one of whom shall be designated as co-chair;

7 (2) One member of the House of Representatives chosen by the House Minority
8 Floor Leader;

9 (3) Two members of the Senate chosen by the President of the Senate, one of
10 whom shall be designated as co-chair;

11 (4) One member of the Senate chosen by the Senate Minority Floor Leader;

12 (5) The executive director of the Kentucky League of Cities, or designee;

13 (6) The executive director of the Kentucky Council of Area Development
14 Districts, or designee;

15 (7) The director of the Division of Water within the Energy and Environment
16 Cabinet, or designee;

17 (8) The president of Kentucky American Water, or designee;

18 (9) The executive director of the Kentucky County Judge/Executive Association,
19 or designee;

20 (10) The director of the Kentucky Infrastructure Authority, or designee;

21 (11) The executive director of the Kentucky Municipal Utilities Association, or
22 designee;

23 (12) The executive director of the Kentucky Rural Water Association, or designee;

24 and

25 (13) The executive director of the Kentucky Office of Homeland Security, or
26 designee.

27 ➔Section 3. The task force shall meet at least three times during the 2020 Interim

1 and shall submit its findings, legislative recommendations, or a memorandum to the
2 Legislative Research Commission by November 30, 2020. If legislative recommendations
3 are submitted, the Legislative Research Commission may refer the recommendations to
4 the appropriate committee or committees of jurisdiction in advance of the 2021 Regular
5 Session of the Kentucky General Assembly.

6 ➔Section 4. Provisions of this Resolution to the contrary notwithstanding, the
7 Legislative Research Commission shall have the authority to alternatively assign the
8 issues identified herein to an interim joint committee or subcommittee thereof and to
9 designate a study completion date.