

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1748

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RANSDALL, MAYER, MYERS, PHILLIPS, TOWNLEY,  
LAWSON, HAMPTON (Co-sponsors), HEGEMAN, MARBLE AND BARNITZ.

Read 1<sup>st</sup> time January 31, 2002, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time February 4, 2002, and referred to the Committee on Environment and Energy, February 14, 2002.

Reported from the Committee on Environment and Energy March 7, 2002, with recommendation that the bill Do Pass.

Taken up for Perfection March 19, 2002. Bill ordered Perfected and printed.

TED WEDEL, Chief Clerk

4224L.01P

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### AN ACT

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

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Section A. Section 640.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 640.100, to read as follows: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

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 if the agency has fully complied with all of the requirements of chapter 536, RSMo, including  
14 but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking  
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 connections . . . . .	.84
78	More than 100,000 connections . . . . .	.66.

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 [2002] **2007**.