

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1395, Page 1, In the title, Lines 2 and 3,
2 by deleting the words, “the land survey program” and inserting in lieu thereof the words, “the
3 department of natural resources”; and

4
5 Further amend said bill, Page 6, Section 60.620, Line 34, by inserting after all of said line the
6 following:

7 “640.100. 1. The safe drinking water commission created in section 640.105 shall
8 promulgate rules necessary for the implementation, administration and enforcement of sections
9 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

10 2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted
11 except after a public hearing to be held by the commission after at least thirty days' prior notice in
12 the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given to
13 the public to be heard; the commission may solicit the views, in writing, of persons who may be
14 affected by, knowledgeable about, or interested in proposed rules and regulations, or standards.

15 Any person heard or registered at the hearing, or making written request for notice, shall be given
16 written notice of the action of the commission with respect to the subject thereof. Any rule or
17 portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and
18 enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied
19 with all of the requirements of chapter 536, including but not limited to section 536.028, if
20 applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no
21 force and effect and repealed as of June 9, 1998, however, nothing in this section shall be
22 interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9,

1 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable
2 and if any of the powers vested with the general assembly pursuant to section 536.028 to review,
3 to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
4 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
5 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
6 chapter or chapter 644 shall affect the validity of any rule adopted and promulgated prior to June
7 9, 1998.

8 3. The commission shall promulgate rules and regulations for the certification of public
9 water system operators, backflow prevention assembly testers and laboratories conducting tests
10 pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow
11 prevention assembly tester shall satisfactorily complete standard, nationally recognized written
12 and performance examinations designed to ensure that the person is competent to determine if the
13 assembly is functioning within its design specifications. Any such state certification shall satisfy
14 any need for local certification as a backflow prevention assembly tester. However, political
15 subdivisions may set additional testing standards for individuals who are seeking to be certified as
16 backflow prevention assembly testers. Notwithstanding any other provision of law to the
17 contrary, agencies of the state or its political subdivisions shall only require carbonated beverage
18 dispensers to conform to the backflow protection requirements established in the National
19 Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent
20 testing laboratory. The commission shall promulgate rules and regulations for collection of
21 samples and analysis of water furnished by municipalities, corporations, companies, state
22 establishments, federal establishments or individuals to the public. The department of natural
23 resources or the department of health and senior services shall, at the request of any supplier,
24 make any analyses or tests required pursuant to the terms of section 192.320 and sections 640.100
25 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services,
26 both within the department of natural resources and the department of health and senior services,

1 laboratory certification and program administration as required by sections 640.100 to 640.140.
2 The laboratory services and program administration fees pursuant to this subsection shall not
3 exceed two hundred dollars for a supplier supplying less than four thousand one hundred service
4 connections, three hundred dollars for supplying less than seven thousand six hundred service
5 connections, five hundred dollars for supplying seven thousand six hundred or more service
6 connections, and five hundred dollars for testing surface water. Such fees shall be deposited in
7 the safe drinking water fund as specified in section 640.110. The analysis of all drinking water
8 required by section 192.320 and sections 640.100 to 640.140 shall be made by the department of
9 natural resources laboratories, department of health and senior services laboratories or laboratories
10 certified by the department of natural resources.

11 4. The department of natural resources shall establish and maintain an inventory of public
12 water supplies and conduct sanitary surveys of public water systems. Such records shall be
13 available for public inspection during regular business hours.

14 5. (1) For the purpose of complying with federal requirements for maintaining the
15 primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby
16 directed to request appropriations from the general revenue fund and all other appropriate sources
17 to fund the activities of the public drinking water program and in addition to the fees authorized
18 pursuant to subsection 3 of this section, an annual fee for each customer service connection with a
19 public water system is hereby authorized to be imposed upon all customers of public water
20 systems in this state. The fees collected shall not exceed the amounts specified in this subsection
21 and the commission may set the fees, by rule, in a lower amount by proportionally reducing all
22 fees charged pursuant to this subsection from the specified maximum amounts. Reductions shall
23 be roughly proportional but in each case shall be divisible by twelve. Each customer of a public
24 water system shall pay an annual fee for each customer service connection.

25 (2) The annual fee per customer service connection for unmetered customers and
26 customers with meters not greater than one inch in size shall be based upon the number of service

connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$ 3.24
1,001 to 4,000 connections	3.00
4,001 to 7,000 connections	2.76
7,001 to 10,000 connections	2.40
10,001 to 20,000 connections	2.16
20,001 to 35,000 connections	1.92
35,001 to 50,000 connections	1.56
50,001 to 100,000 connections.	1.32
More than 100,000 connections	1.08.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size shall not exceed eighty-two dollars and forty-four cents.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 2006, and shall be collected by the public water system serving the customer beginning September 1, 2006, and continuing until such time that the safe drinking water commission, at its discretion, specifies a lower amount under subdivision (1) of subsection 5 of this section. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the

1 director of the department of revenue at frequencies not less than quarterly. Two percent of the
2 revenue arising from the fees shall be retained by the public water system for the purpose of
3 reimbursing its expenses for billing and collection of such fees.

4 7. Imposition and collection of the fees authorized in subsection 5 of this section shall be
5 suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the
6 federally delegated authority granted to the safe drinking water program within the department of
7 natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn.
8 The fee shall not be reinstated until the first day of the calendar quarter following the quarter
9 during which such delegated authority is reinstated.

10 8. Fees imposed pursuant to subsection 5 of this section shall expire on September 1,
11 [2012] 2017.”; and _____

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.