

AN ACT relating to plumbing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 318 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a Cross Connection Advisory Committee which shall be established within the Department of Housing, Buildings and Construction for administrative purposes. The Governor shall appoint the members of the Cross Connection Advisory Committee, which shall consist of ten (10) members as follows:

(a) One (1) member shall be the chair of the Kentucky State Plumbing Committee. This person shall also be chair of the Cross Connection Advisory Committee;

(b) One (1) member shall be the director of the Division of Plumbing, or his or her designee. This member shall be an ex officio and nonvoting member of the advisory committee;

(c) One (1) member shall be the director of the Division of Water, or his or her designee;

(d) One (1) member shall be a certified backflow tester, appointed by the Governor from a list of three (3) names submitted by the Kentucky Association of Master Contractors;

(e) One (1) member shall be a certified backflow tester, appointed by the Governor from a list of three (3) names submitted by the United Association of Plumbers and Pipefitters;

(f) One (1) member shall be a certified backflow tester, appointed by the Governor from a list of three (3) names submitted by the Kentucky Fire Sprinkler Contractors Association;

(g) One (1) member shall be a certified operator of a Class 3 Water Treatment

Plant, appointed from a list of three (3) names submitted by the Division of Water;

(h) One (1) member shall be a certified operator of a Class 4 Water Treatment Plant, appointed by the Governor from a list of three (3) names submitted by the Division of Water;

(i) One (1) member shall be a member of the Kentucky Rural Water Association, appointed by the Governor from a list of three (3) names submitted by the Kentucky Rural Water Association; and

(j) One (1) member shall be a member who represents the manufacturers of backflow devices, appointed by the Governor from a list of three (3) names submitted by the American Society of Sanitary Engineers.

(2) (a) Each member nominated by a nongovernmental group shall be appointed for a term of two (2) years, except that four (4) members nominated by a nongovernmental group of the initial appointments shall be for a term of one (1) year and three (3) members nominated by a nongovernmental group of the initial appointments shall be for a term of two (2) years; thereafter the Governor shall appoint successors for a full two (2) year term. No member nominated by a nongovernmental group shall be appointed for more than two (2) successive terms.

(b) Vacancies occurring on the advisory committee among those members appointed by the Governor shall be filled by seeking nominations as in subsection (1) of this section from the organization which originally nominated the member who is to be replaced. A replacement for an advisory committee member shall be appointed immediately upon the expiration of the departing advisory committee member's term of service. Should an advisory committee member vacate his or her position on the advisory committee prior to the expiration of the member's term, a replacement

member shall be appointed for the period of the unexpired term.

(c) Members may be removed from the advisory committee by the Governor for unethical conduct or for failure to attend three (3) or more successive meetings of the advisory committee without reasonable cause.

(3) Those members of the advisory committee who are not salaried governmental employees shall be compensated for expenses incurred in the conduct of advisory committee business.

(4) The advisory committee shall meet at least quarterly. Before assuming their duties, members of the advisory committee shall take an oath as specified in Section 228 of the Constitution of Kentucky.

(5) The advisory committee may adopt such rules, regulations, and bylaws as are necessary to conduct its internal business.

(6) No member of the advisory committee may vote on any matter which will result in his or her direct or indirect financial gain.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 318 IS CREATED TO READ AS FOLLOWS:

The Cross Connection Advisory Committee shall have only the power to make recommendations for the promulgation of administrative regulations to the Kentucky Board of Housing, Buildings and Construction concerning the following matters:

(1) Establishing reporting criteria for all isolation and containment devices installed in a public potable water system;

(2) Establishing a statewide certification for all isolation and containment devices installed in a public potable water systems;

(3) Establishing the criteria for the creation of a certification program for backflow testers, to include:

(a) The education experience and testing for those seeking certification as backflow testers;

- (b) The criteria for certifying existing backflow testers;
- (c) The criteria for continuing education;
- (d) The criteria for suspension or revocation of certification as a backflow tester; and
- (e) The criteria for the recertification of suspended or revoked certifications as a backflow tester;
- (4) Establishing the requirements for the installation and testing of backflow devices;
- (5) Establishing a program to allow the certification of water purveyors as installers of backflow devices; and
- (6) Establishing a reasonable fee schedule for the creation and maintenance of the backflow device and backflow tester program.

➔Section 3. KRS 198B.040 is amended to read as follows:

The Kentucky Board of Housing, Buildings and Construction shall have the following general powers and duties:

- (1) To conduct or cause to be conducted studies to determine the needs of the building industry of Kentucky;
- (2) To conduct or cause to be conducted or participate in studies of the costs of the various factors of building construction and use of buildings and to recommend programs and procedures which will minimize the cost of buildings, including the use of energy, while maintaining safety, durability, and comfort;
- (3) To administer regulatory legislation relating to buildings and construction;
- (4) To assume administrative coordination of the various state construction review programs and to cooperate with various federal, state, and local agencies in the programs as they relate to buildings and construction;
- (5) To assume administration and coordination of various state housing programs to include:
 - (a) Devising and implementing procedures, in conjunction with the Department

- for Local Government, for attaining and maintaining an accurate count of the housing inventory in Kentucky, including information on the age, physical condition, size, facilities, and amenities of this housing, and housing constructed and demolished each year;
- (b) Designing programs coordinating the elements of housing finance, production, maintenance, and rehabilitation for the purpose of assuring the availability of safe, adequate housing in a healthful environment for all Kentucky citizens;
 - (c) Establishing or causing to be established public information and educational programs relating to housing, to include informing Kentucky citizens about housing and housing related programs that are available on all levels of government;
 - (d) Designing and administering, or participating in the design and administration of educational programs to prepare low income families for home ownership, and counseling them during their early years as homeowners;
 - (e) Promoting educational programs to assist sponsors in the development and management of low and moderate income housing for sale or rental;
 - (f) Cooperating with various federal, state, and local agencies in their programs as they relate to housing; and
 - (g) Conducting or causing to be conducted studies to determine the housing preferences of Kentucky citizens and the present and future housing requirements of the state;
- (6) To recommend state building industry policies and goals to the Kentucky General Assembly;
 - (7) To adopt and promulgate a mandatory uniform state building code, and parts thereof, which shall establish standards for the construction of all buildings, as defined in KRS 198B.010, in the state;
 - (8) To promulgate administrative regulations providing for the proper construction of

public water purification plants, other than the water treatment equipment and systems in such plants; provided, however, that any such regulations must require that applications for permits to build public water purification plants will be submitted by the department to the Energy and Environment Cabinet for that cabinet's comments. Any such regulations shall require the Energy and Environment Cabinet's comments to be completed and submitted to the department within sixty (60) days;

- (9) To promulgate administrative regulations providing for the proper construction of sewage treatment plants, other than the sewage treatment equipment and systems in such plants; provided, however, that any such regulations must require that applications for permits to build public sewage treatment plants will be submitted by the department to the Energy and Environment Cabinet for that cabinet's comments. Any such regulations shall require the Energy and Environment Cabinet's comments to be completed and submitted to the department within sixty (60) days; and
- (10) To promulgate administrative regulations for the safe installation and operation of plumbing and plumbing fixtures, *and those administrative regulations deemed necessary to institute the backflow device and backflow device tester program established in accordance with Sections 1 and 2 of this Act.*
- (11) (a) As used in this subsection, "main board" means the Kentucky Board of Housing, Buildings and Construction.
- (b) If the main board has proposed a new or amended administrative regulation that directly and clearly relates to the work of a profession, class of workers, or industry that is under the authority of any board or advisory committee that is created by statute and is controlled, superseded, administratively attached, or affiliated with the main board, the main board shall not promulgate the proposed administrative regulation without first receiving comments from the

affected board or advisory committee, subject to the restrictions of paragraph (c) of this subsection.

- (c) 1. If a proposed administrative regulation affects a board or advisory committee that qualifies under paragraph (b) of this subsection, the main board shall distribute the proposed administrative regulation to the board or advisory committee.
 2. The affected board or advisory committee shall be granted a maximum of sixty (60) days to submit its comments on the proposed regulatory change. If the administrative regulation is a new emergency regulation, the affected board or advisory committee shall be granted a maximum of thirty (30) days to submit its comments on the proposed regulatory change.
 3. The time limits in this paragraph shall begin from the day the main board submits the regulatory change and sets a date for a proposed hearing for the comments of the affected board or advisory committee. If the board or advisory committee is already scheduled to meet at a time that will give it an adequate opportunity to review the regulation and respond, the hearing may be held at that meeting.
 4. If a board or advisory committee is not scheduled to meet or meets only at the call of the main board, the main board shall arrange for the board or advisory committee to meet at a time that will allow the board or advisory committee an adequate opportunity to review and comment on the regulation within the time limit. If the affected board or advisory committee fails to comment within the time limit, the main board may proceed with the administrative changes at its discretion.
- (d) To the extent that any other statute relating to the main board's authority to promulgate administrative regulations conflicts with this section, this section

shall take precedence.

- (e) If a board or advisory committee chooses to produce written comments, those comments shall be attached to any public submission of the administrative regulation, including any filing under KRS Chapter 13A.
- (12) Any power or limitation relating to administrative regulations promulgated by the Kentucky Board of Housing, Buildings and Construction that are subject to subsection (11) of this section shall also apply to the department and commissioner as described in KRS 198B.030(8) and (9).

➔Section 4. Only for the purposes of initial appointment to the Cross Connection Advisory Committee created pursuant to Section 1 of this Act, "certified backflow tester" means any person certified in accordance with the American Society of Sanitary Engineers standards for cross connection control.